

 <p>P.O. Box 99 • Ray Brook, New York 12977 • (518) 891-4050</p>	<p><b>APA Project Permit 2005-100 Ski Area and Resort</b></p>
<p>In the Matter of the Application of <b>PRESERVE ASSOCIATES, LLC</b></p> <p>for a permit pursuant to §809 of the Adirondack Park Agency Act and 9 NYCRR Parts 577 and 578</p>	<p>Date Issued: <b>DATE</b></p> <p>To the County Clerk: This permit must be recorded on or before <b>DATE</b>. Please index this permit in the grantor index under the following names:</p> <ol style="list-style-type: none"><li><b>1. Preserve Associates, LLC</b></li><li><b>2. Big Tupper, LLC</b></li><li><b>3. Tupper Lake Marina, LLC</b></li><li><b>4. Oval Wood Dish Liquidating Trust</b></li></ol>

**SUMMARY AND AUTHORIZATION**

Pursuant to Adirondack Park Agency Findings and Order 2005-100 ("Agency Order 2005-100"), Preserve Associates, LLC (the "Project Sponsor") is granted a Permit, on conditions, authorizing the subdivision and development of a ski area and resort, as described in Agency Order 2005-100.

This project may not be undertaken until this Permit and its attachments are recorded in the Franklin County Clerk's Office. This Permit shall expire unless so recorded on or before DATE in the names of all persons listed on the first page hereof and in the names of all owners of record of any portion of the project site on the recordation date.

This project may not be undertaken or continued unless the project authorized herein is in existence within 10 years from the date of issuance of Agency Order 2005-100. The Agency will

consider this project in existence when the first lot authorized herein has been conveyed.

Nothing contained in this permit shall be construed to satisfy any legal obligations of the applicant to obtain any governmental approval or permit from any entity other than the Agency, whether federal, State, regional or local.

#### **AGENCY JURISDICTION**

The Adirondack Club and Resort project is a Class A regional project requiring an Adirondack Park Agency permit pursuant to § 810(1)(b)(1)(b), (3), (5), (7), (14), & (15) of the Adirondack Park Agency Act because it involves wetlands, subdivisions creating more than 75 lots and sites, commercial uses, tourist accommodations, major public utility uses, structures over 40 feet in height, and construction of a ski center in Moderate Intensity Use. The project is a Class A regional project requiring an Agency permit pursuant to § 810(1)(e)(1)(a), (b) and (c), (3), (6), and (16) of the Adirondack Park Agency Act because it involves wetlands, subdivisions, major public utility uses, land use and development above 2,500 feet, and a ski center in Resource Management. The project is a regulated activity requiring a wetlands permit pursuant to 9 NYCRR §§ 578.2 and 578.3(n)(1)(i) and (2)(i) and (ii) because of proposed activities within and impacting wetlands. The project is a rivers project requiring an Agency permit pursuant to 9 NYCRR § 577.4(a) and § 577.5(c)(1) because a portion of the property is located in the designated Raquette River Recreational River area within the New York State Wild, Scenic and Recreational River System.

#### **PROJECT SITE**

1. The project site for this Permit ??? is a portion of the Adirondack Club and Resort project site described in Agency Order 2005-100. The Project site is comprised of the ski area and resort amenities, Type 2 and 3 Open Space areas, community wastewater treatment plant, and other on-site project infrastructure lands as described in Adirondack Park Agency Findings and Order 2005-100. The project site is located on lands classified Moderate Intensity Use and Resource Management on the Adirondack Park Land Use and Development Plan Map.

As described in Agency Order 2005-100, the Project Sponsor proposes to develop the project site as part of Phases I through IV within the overall Adirondack Club and Resort Development.

**PROJECT DESCRIPTION AS PROPOSED**

2. The complete Adirondack Club and Resort project description is provided in Agency Order 2005-100. The complete project is shown on the latest revised Master Plan, a copy of which is attached to this permit as Attachment A. The charts of maps, plans, and reports attached to this permit as Attachment B comprise the official plans for the project site.

**CONDITIONS**

1. The project shall be undertaken as conditioned herein and as described in the latest authorized maps attached hereto as Attachment A and the maps, plans, and reports referenced in the chart attached hereto as Attachment B. Failure to comply with this permit is a violation and may subject the applicant, successors and assigns to civil penalties and other legal proceedings, including modification, suspension or revocation of the permit.
  
6. Prior to the construction of any structure or infrastructure on the project site, the Project Sponsor shall provide to all persons undertaking all or a portion of the project copies of Agency Order 2005-100 and this permit and its attachments, and copies of each and all of the latest approved maps and plans that contain on them the lot or structure being built. Prior to sale or lease of any lot or structure on the project site, the Project Sponsor shall provide to the prospective future owners or lessees of any portion of the Project site copies of Agency Order 2005-100 and this permit and its attachments, and copies of each and all of the latest approved maps and plans that contain on them the lot or structure being conveyed or leased. Where a lot has been conveyed by the Project Sponsor to another entity who will be responsible for construction of a structure thereon, the successor shall be responsible for provision of Agency Order 2005-100 and this permit and its attachments, and the applicable maps and plans as described above to the contractor.

7. All deeds conveying all or a portion of the lands subject to this Permit shall contain the following language: "The lands conveyed are subject to Adirondack Park Agency Findings and Order 2005-100, issued \_\_\_\_\_, and Adirondack Park Agency Permit \_\_\_\_\_, issued \_\_\_\_\_, the terms and conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
8. The Agency will conduct such on-site investigations, examinations, tests and evaluations on the Project site as it deems necessary during the undertaking of the project to ensure compliance with the terms and conditions herein. Such activities shall take place at reasonable times and upon advance notice where possible.
10. The Project shall be undertaken in compliance with all other applicable federal, state, county, and local requirements, permits and approvals.

**Legal Interests of Others**

16. This permit does not convey any rights to trespass upon the lands or interfere with the riparian rights of other persons in order to undertake any land use or development permitted as a result of the project, nor does it authorize the impairment of any easement, right, title or interest in real or personal property held or vested in any person.

**Structure Footprints and Heights**

21. The location, footprint and height of all structures on the project site shall be constructed in accordance with the latest approved plans referenced in the chart attached to this permit as Attachment B. The height of any structure shall be measured from the highest point of the structure, not including the chimney, to the lowest point of existing grade or finished grade, whichever is lower.

**Building Color**

11. All exterior building materials, such as roof, siding, and trim, of any structure authorized herein shall be maintained in an earth tone color.

**Outdoor Lighting**

80. All building and street lighting on the project site shall comply with the latest approved lighting plans referenced in Attachment B to this permit. All free-standing and building-mounted outdoor lights shall employ full cut-off fixtures that are fully shielded to direct light downward and not into the sky or toward any road or neighboring lot. No outdoor light shall be located more than 20 feet above finished grade.
81. Lighting of the ski hill shall only occur during periods of active skiing or maintenance.

**Resort Signage**

82. Signage for the project shall comply with the signage plan referenced in Attachment B to this permit. Traffic control signage, such as stop signs, intersection signs, and parking signs shall meet the NYS Manual of Uniform Traffic Control Devices and NYS Department of Transportation standards.

**Energy Use and Conservation**

112. Heating, ventilating, air conditioning, lighting, and domestic hot water systems for the West Face Inn shall be designed, constructed, and operated to minimize energy consumption when it is not occupied.
113. All employment opportunities related to the construction, maintenance, and operation of the Project shall be listed on the New York State Job Bank. Employment opportunities must be listed concurrently with the Project Sponsor's use of any other recruitment source or effort.
114. The lodge/restaurant, spa/clubhouse, ski center maintenance buildings, West Face Inn, and gym and recreation center shall all be designed and constructed to achieve a U.S. EPA Energy Performance rating of 75% or higher at the time of construction. This means that the energy usage, greenhouse gas emissions, and costs-to-operate are lower than 75% of comparable buildings nationwide.

115. The lodge/restaurant, spa/clubhouse, ski center maintenance buildings, 60-room West Face Inn, and gym and recreation center shall also meet the criteria for the "Certified" level of the Leadership In Energy and Environmental Design (LEED) Green Building Rating System for New Construction. The Project Sponsor or its successor shall provide the Agency with a copy of documentation from LEED-accredited professionals confirming all the above listed buildings are LEED certifiable.
116. Prior to any earthwork activities relating to the ski slope improvements or construction of the new base lodge, the Project Sponsor or its successor shall have an energy audit conducted by an appropriately trained professional of the existing and proposed ski operation. Based on the audit, the Project Sponsor or its successor shall submit to the Agency for review and approval a final, detailed plan describing the proposed pumps, snowmaking equipment, lighting fixtures, and other practices to be used to conform with the energy efficiency guidelines of the National Ski Area Association's "Sustainable Slopes" Environmental Chapter. If approvable, the plan shall be approved by the Agency with a letter of permit compliance within 21 days of its receipt.

**Limits of Vegetative Clearing**

22. All vegetative clearing on the project site shall comply with the limits shown on the plans referenced in Attachment B to this permit.
103. The planting plan for the base lodge complex, public entrance drives and neighborhood entrances shall be undertaken as shown on the plans referenced in Attachment B to this permit. Implementation of the landscaping plan shall be under the field supervision of an independent third-party NYS registered landscape architect. Within 30 days of completing the plantings, the involved landscape architect shall provide the Agency with representative photographs showing that the planting has been completed.

107. Plant species native to the Adirondack Mountains should be used to the greatest extent practical. No invasive species as determined through consultation with the Adirondack Park Invasive Plant Program ("APIPP") shall be planted on the Project site.

**Grading**

- xxx. No construction or grading shall occur outside the limits of clearing shown on the latest maps and plans referenced in Attachment B hereto.

**Deed Restrictions**

30. Prior to any undertaking on the project site, the Project Sponsor shall provide proof to the Agency that deed restrictions have been filed in the Franklin County Clerk's Office that i) permanently prohibit any new land use or development on all of the Resource Management lands depicted on the map entitled ??? and referenced in Attachment B hereto as Type 2 Open Space, except for the approximately 34-acre area depicted on the map entitled ??? and referenced in Attachment B hereto; and ii) permanently prohibit any subdivision of the Resource Management lands depicted on the map entitled ??? and referenced in Attachment B hereto as Type 2 Open Space, except for the approximately 34-acre area depicted on the map entitled ??? and referenced in Attachment B hereto, and except to allow for an Adirondack Park Agency-approved subdivision for the sole purpose of reconfiguring parcel boundaries. The deed restrictions shall specifically state that the covenants shall "run with, touch and concern the land and may only be enforced by the Adirondack Park Agency in its sole discretion or, upon the request of the owner of such lands, may be amended as prescribed by the Agency."
29. Prior to any undertaking on the project site, the Project Sponsor shall provide proof to the Agency the deed restrictions have been filed in the Franklin County Clerk's Office that i) permanently prohibit any new land use or development on all of the Resource Management lands depicted on the map entitled ??? and referenced in Attachment B hereto as Type 3 Open Space, except for the approximately 34-acre area depicted on the map entitled ???

and referenced in Attachment B hereto; and ii) permanently prohibit any subdivision of the Resource Management lands depicted on the map entitled ??? and referenced in Attachment B hereto as Type 3 Open Space, except for the approximately 34-acre area depicted on the map entitled ??? and referenced in Attachment B hereto, and except to allow for an Adirondack Park Agency-approved subdivision for the sole purpose of reconfiguring parcel boundaries. The deed restrictions shall specifically state that the covenants shall "run with, touch and concern the land and may only be enforced by the Adirondack Park Agency in its sole discretion or, upon the request of the owner of such lands, may be amended as prescribed by the Agency."

#### Wetlands

13. Beyond that authorized herein, there shall be no cutting of vegetation in wetlands. Further, no "regulated activity", as defined in the Agency's Freshwater Wetland Regulations (9 NYCRR Part 578), shall occur on the project site without prior Agency approval. Such activities include, but are not limited to, new land use or development in, subdivision of, or dredging or filling of a wetland, or any other activity, whether or not occurring within the wetland, that pollutes it or substantially impairs its functions, benefits or values.

#### Wetland Mitigation

86. The Project Sponsor or its successor shall undertake compensatory wetland mitigation in compliance with the plans found on sheets WI-1 and WM-1 and WM-2 as referenced in Attachment B hereto. Construction of the mitigation wetlands shall commence within 60 days of the initial commencement of land-clearing or other construction activities impacting wetlands on the project site as identified on sheet WI-1. The Project Sponsor shall notify the Agency upon commencement of the compensatory wetland mitigation. The compensatory mitigation wetlands shall be completed within 18 months of the mitigation wetlands construction commencement unless an extension of such date is authorized in writing by the Agency.



87. The Project Sponsor or its successor shall monitor the compensatory wetland mitigation and shall submit a report to the Agency no later than 18 months after implementation of the approved compensatory mitigation plans. The report shall be prepared in compliance with the Agency's wetland mitigation guidelines and shall include at a minimum a narrative description and quantification of vegetation covertype and percent areal cover, plant species present and percent cover by species, evidence of seasonal wildlife use (direct observation, calls or sign), and hydrological data including above and below ground water levels. The report shall include permanent photographic points for illustration purposes.
88. After review of the monitoring report and a site investigation, if necessary, the Agency will determine whether the compensatory wetland mitigation is successful. If not, corrective action shall be undertaken by the Project Sponsor or its successor as directed by the Agency until the wetland mitigation plan goals are met. After the initial report, the Project Sponsor or its successor shall submit annual monitoring reports to the Agency for four years. The Agency may determine at any time that the compensatory wetland mitigation effort is successful and suspend the monitoring requirement. If additional monitoring is determined by the Agency to be necessary, it shall be submitted to the Agency as directed until the mitigation is deemed successful.

**Invasive Species Control/Sanitizing Equipment**

96. Except for paving equipment and dump trucks used to transport hot asphalt, all equipment used for earth moving, grading or excavating on the project site shall be washed with high pressure hoses and hot water, or other similar methods approved by the designated IEM, in a location approved by the designated Independent Environmental Monitor, in order to ensure that all equipment is clean and free of soil, mud, and other material that may contain invasive plants, seeds, or other propagules. All contractors shall make every effort to prevent invasive plant species from being introduced to the construction sites.

**Shoreline**

117. No docks or boathouses shall be constructed along the shoreline of the Project site without a new or amended Agency permit or letter of permit compliance. No structure shall be constructed or other new land use or development undertaken within 100 feet of any shoreline without a new or amended permit or letter of permit compliance.

**Temporary Use of Cranberry Pond For Snowmaking**

100. Prior to any withdrawal of water from Cranberry Pond for snowmaking, the Project Sponsor or its successor shall prepare an Agency-approved wetland and quantitative biological survey and impact analysis plan for Cranberry Pond and its associated wetlands complex. Agency approval of the plan shall be in the form of a letter of permit compliance and shall establish the initial date upon which water withdrawals for snowmaking will be allowed. The authorized withdrawal of water from Cranberry Pond for snowmaking shall be limited to five consecutive years from such initial date unless otherwise approved by a new or amended Agency permit. At any time after two consecutive years from such initial date, the Agency may require cessation of water withdrawal from Cranberry Pond, or impose limits on water withdrawal, if it determines that such withdrawal is substantially impairing wetland functions including but not limited to impacts related to wildlife.
101. The quantitative biological survey and impact analysis shall include a pre-drawdown and post-drawdown inventory of wetland vegetation, fish, amphibians, furbearers and other biota in and within 200 feet of the Cranberry Pond and its associated wetland complex. The post-drawdown biological survey and impact analysis shall be multi-season, occurring over a minimum of two years. It shall detail the proposed method for assessing the impact of water withdrawals for snowmaking on the pond and associated wetlands, wildlife, and other biota. It shall also include a description of the pumping system, and the method to be used to collect water usage and pond level fluctuation data during pumping and recovery.

102. On or before June 30 of each year following the initial withdrawal of water from Cranberry Pond for snowmaking purposes, the Project Sponsor or its successor shall submit to the Agency two copies of a detailed monitoring report based on the approved plan.

**Use of the Existing Base Lodge**

125. Any lease or operation of the existing base lodge and ski mountain by persons or parties other than the Project Sponsor or Big Tupper, LLC hereunder shall require prior written Agency review and approval.

**Independent Environmental Monitors**

35. The Project Sponsor shall engage an independent environmental monitor during all construction on the project site. The IEM who oversees the installation of water, sewer, roads, and utility infrastructure shall be a licensed professional engineer. The IEM who oversees implementation of the stormwater plans shall be either a licensed professional engineer, registered landscape architect, or certified erosion control specialist. The IEM who monitors the remainder of any construction activities on the site shall be an appropriately qualified professional.
77. All IEMs shall be fully familiar with the findings and conditions contained in the Order and Permit, other municipal and state approvals and permits, and with all of the approved plans and drawings, specifications, and technical reports. The Agency reserves the right to disqualify an IEM based on non-compliance with the terms and conditions of this permit.
78. The IEM shall notify the Agency within 24 hours of any deviation from the approved final plans.

**Town and Village Joint Planning Board Subdivision Plats**

51. If approval of a subdivision plat is required by the Town and Village Joint Planning Board for undertaking of the project authorized herein, prior to construction on or conveyance of any lot within the Phase 1 portion of the project site, as depicted on the phasing plan referenced in

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Ski Area and Resort**

Attachment B to this permit, the Project Sponsor or its successor shall submit to the Agency a preliminary subdivision plat for the Phase 1 portion of the site. Upon receipt of written approval from the Agency that this preliminary plat complies with the Master Plan attached hereto as Attachment A, and prior to construction on or conveyance of any lot depicted on the plat, the Project Sponsor or its successor shall record in the Office of the Franklin County Clerk a fully stamped final subdivision plat that matches the Master Plan shown as Attachment A. Within 30 days of recording this final plat, the Project Sponsor or its successor shall submit a copy of the final plat to the Agency.

51. If approval of a subdivision plat is required by the Town and Village Joint Planning Board for undertaking of the project authorized herein, prior to construction on or conveyance of any lot within the Phase 2 portion of the project site, as depicted on the phasing plan referenced in Attachment B to this permit, the Project Sponsor or its successor shall submit to the Agency a preliminary subdivision plat for the Phase 2 portion of the site. Upon receipt of written approval from the Agency that this preliminary plat complies with the Master Plan attached hereto as Attachment A, and prior to construction on or conveyance of any lot depicted on the plat, the Project Sponsor or its successor shall record in the Office of the Franklin County Clerk a fully stamped final subdivision plat that matches the Master Plan shown as Attachment A. Within 30 days of recording this final plat, the Project Sponsor or its successor shall submit a copy of the final plat to the Agency.

51. If approval of a subdivision plat is required by the Town and Village Joint Planning Board for undertaking of the project authorized herein, prior to construction on or conveyance of any lot within the Phase 3 portion of the project site, as depicted on the phasing plan referenced in Attachment B to this permit, the Project Sponsor or its successor shall submit to the Agency a preliminary subdivision plat for the Phase 3 portion of the site. Upon receipt of written approval from the Agency that this preliminary plat complies with the Master Plan attached hereto as Attachment A, and prior to construction on or conveyance of any lot depicted on the plat, the Project

Sponsor or its successor shall record in the Office of the Franklin County Clerk a fully stamped final subdivision plat that matches the Master Plan shown as Attachment A. Within 30 days of recording this final plat, the Project Sponsor or its successor shall submit a copy of the final plat to the Agency.

51. If approval of a subdivision plat is required by the Town and Village Joint Planning Board for undertaking of the project authorized herein, prior to construction on or conveyance of any lot within the Phase 4 portion of the project site, as depicted on the phasing plan referenced in Attachment B to this permit, the Project Sponsor or its successor shall submit to the Agency a preliminary subdivision plat for the Phase 4 portion of the site. Upon receipt of written approval from the Agency that this preliminary plat complies with the Master Plan attached hereto as Attachment A, and prior to construction on or conveyance of any lot depicted on the plat, the Project Sponsor or its successor shall record in the Office of the Franklin County Clerk a fully stamped final subdivision plat that matches the Master Plan shown as Attachment A. Within 30 days of recording this final plat, the Project Sponsor or its successor shall submit a copy of the final plat to the Agency.
  
15. All plats for the project site shall note that the lands are subject to the terms and conditions of this permit and Adirondack Park Agency Findings and Order 2005-100, and shall depict any wetlands and waterbodies on the project site as shown on the latest approved plans referenced in Attachment B hereto. At the request of the Agency, other relevant conditions from this Permit and its approved plans shall also be noted on the final plat.

**Water Supply**

65. Prior to construction on or conveyance of any lot within the Phase 1 portion of the project site, as depicted on the phasing plan referenced in Attachment B to this permit, the Project Sponsor or its successor shall submit to the Agency plans for water supply for all structures to be constructed on the Phase 1 portion of the site. Upon receipt of written approval from the Agency that these plans comply with the maps and plans referenced in Attachment B hereto,

and prior to construction of any structure or conveyance of any lot depicted on these plans, the Project Sponsor or its successor shall obtain written approval of these water supply plans from the Town of Tupper Lake, the New York State Department of Environmental Conservation, and the New York State Department of Health, as necessary.

65. Prior to construction on or conveyance of any lot within the Phase 2 portion of the project site, as depicted on the phasing plan referenced in Attachment B to this permit, the Project Sponsor or its successor shall submit to the Agency plans for water supply for all structures to be constructed on the Phase 2 portion of the site. Upon receipt of written approval from the Agency that these plans comply with the maps and plans referenced in Attachment B hereto, and prior to construction of any structure or conveyance of any lot depicted on these plans, the Project Sponsor or its successor shall obtain written approval of these water supply plans from the Town of Tupper Lake, the New York State Department of Environmental Conservation, and the New York State Department of Health, as necessary.

65. Prior to construction on or conveyance of any lot within the Phase 3 portion of the project site, as depicted on the phasing plan referenced in Attachment B to this permit, the Project Sponsor or its successor shall submit to the Agency plans for water supply for all structures to be constructed on the Phase 3 portion of the site. Upon receipt of written approval from the Agency that these plans comply with the maps and plans referenced in Attachment B hereto, and prior to construction of any structure or conveyance of any lot depicted on these plans, the Project Sponsor or its successor shall obtain written approval of these water supply plans from the Town of Tupper Lake, the New York State Department of Environmental Conservation, and the New York State Department of Health, as necessary.

65. Prior to construction on or conveyance of any lot within the Phase 4 portion of the project site, as depicted on the phasing plan referenced in Attachment B to this permit, the Project Sponsor or its successor shall submit to the Agency plans for water supply for all structures to be constructed on the Phase 4 portion of the site. Upon receipt of written approval from the Agency that these plans comply with the maps and plans referenced in Attachment B hereto,

and prior to construction of any structure or conveyance of any lot depicted on these plans, the Project Sponsor or its successor shall obtain written approval of these water supply plans from the Town of Tupper Lake, the New York State Department of Environmental Conservation, and the New York State Department of Health, as necessary.

**Wastewater Treatment**

70. Prior to construction on or conveyance of any lot within the Phase 1 portion of the project site, as depicted on the phasing plan referenced in Attachment B to this permit, the Project Sponsor or its successor shall submit to the Agency conceptual plans for construction of the community wastewater treatment plant described in the plans referenced in Attachment B hereto. Upon receipt of written approval from the Agency that these conceptual plans comply with the maps and plans referenced in Attachment B hereto, and prior to construction of any structure or conveyance of any lot depicted on these plans, the Project Sponsor or its successor shall obtain approval from the DEC, DOH, and Town and Village of Tupper Lake for these wastewater treatment plans.
70. Prior to construction on or conveyance of any lot within the Phase 2 portion of the project site, as depicted on the phasing plan referenced in Attachment B to this permit, the Project Sponsor or its successor shall submit to the Agency conceptual plans for construction of the community wastewater treatment plant described in the plans referenced in Attachment B hereto. Upon receipt of written approval from the Agency that these conceptual plans comply with the maps and plans referenced in Attachment B hereto, and prior to construction of any structure or conveyance of any lot depicted on these plans, the Project Sponsor or its successor shall obtain approval from the DEC, DOH, and Town and Village of Tupper Lake for these wastewater treatment plans.
70. Prior to construction on or conveyance of any lot within the Phase 3 portion of the project site, as depicted on the phasing plan referenced in Attachment B to this permit, the Project Sponsor or its successor shall submit to the Agency conceptual plans for construction of the community wastewater treatment plant described in the plans

referenced in Attachment B hereto. Upon receipt of written approval from the Agency that these conceptual plans comply with the maps and plans referenced in Attachment B hereto, and prior to construction of any structure or conveyance of any lot depicted on these plans, the Project Sponsor or its successor shall obtain approval from the DEC, DOH, and Town and Village of Tupper Lake for these wastewater treatment plans.

70. Prior to construction on or conveyance of any lot within the Phase 4 portion of the project site, as depicted on the phasing plan referenced in Attachment B to this permit, the Project Sponsor or its successor shall submit to the Agency conceptual plans for construction of the community wastewater treatment plant described in the plans referenced in Attachment B hereto. Upon receipt of written approval from the Agency that these conceptual plans comply with the maps and plans referenced in Attachment B hereto, and prior to construction of any structure or conveyance of any lot depicted on these plans, the Project Sponsor or its successor shall obtain approval from the DEC, DOH, and Town and Village of Tupper Lake for these wastewater treatment plans.

**Erosion and Sediment Control/Stormwater Management**

55. Prior to construction on or conveyance of any lot within the Phase 1 portion of the project site, as depicted on the phasing plan referenced in Attachment B to this permit, the Project Sponsor or its successor shall submit to the Agency plans depicting stormwater management for the Phase 1 portion of the site. Upon receipt of written approval from the Agency that these plans comply with the maps and plans referenced in Attachment B hereto, and prior to construction of any structure or conveyance of any lot depicted on these plans, the Project Sponsor or its successor shall obtain approval from the DEC and Town and Village of Tupper Lake, as necessary, for these stormwater management plans.
55. Prior to construction on or conveyance of any lot within the Phase 2 portion of the project site, as depicted on the phasing plan referenced in Attachment B to this permit, the Project Sponsor or its successor shall submit to the Agency plans depicting stormwater management for the Phase 2



portion of the site. Upon receipt of written approval from the Agency that these plans comply with the maps and plans referenced in Attachment B hereto, and prior to construction of any structure or conveyance of any lot depicted on these plans, the Project Sponsor or its successor shall obtain approval from the DEC and Town and Village of Tupper Lake, as necessary, for these stormwater management plans.

55. Prior to construction on or conveyance of any lot within the Phase 3 portion of the project site, as depicted on the phasing plan referenced in Attachment B to this permit, the Project Sponsor or its successor shall submit to the Agency plans depicting stormwater management for the Phase 3 portion of the site. Upon receipt of written approval from the Agency that these plans comply with the maps and plans referenced in Attachment B hereto, and prior to construction of any structure or conveyance of any lot depicted on these plans, the Project Sponsor or its successor shall obtain approval from the DEC and Town and Village of Tupper Lake, as necessary, for these stormwater management plans.
55. Prior to construction on or conveyance of any lot within the Phase 4 portion of the project site, as depicted on the phasing plan referenced in Attachment B to this permit, the Project Sponsor or its successor shall submit to the Agency plans depicting stormwater management for the Phase 4 portion of the site. Upon receipt of written approval from the Agency that these plans comply with the maps and plans referenced in Attachment B hereto, and prior to construction of any structure or conveyance of any lot depicted on these plans, the Project Sponsor or its successor shall obtain approval from the DEC and Town and Village of Tupper Lake, as necessary, for these stormwater management plans.
59. Any areas of disturbed soils or soil stockpiles that are not subject to active construction or other Project activity for a period of 14 consecutive days, unless a shorter number of consecutive days are specified in the approved plans, shall be temporarily stabilized by hydroseeding with ryegrass and mulch.

61. At the time of any initial water, sewer or road infrastructure improvements located on or adjacent to Ski Tow Road and required to serve the project, the Project Sponsor or its successor shall, in consultation with the Town of Tupper Lake, design and install appropriately sized replacement culvert(s) at the Ski Tow Road crossing adjacent to Cranberry Pond. In addition to appropriate engineering standards, the culvert design shall take into account the hydrology at full build-out and properly address fish, amphibian, and wildlife migration.

**Infrastructure**

52. Prior to the conveyance of any lot, unit, or structure within the Phase 1 portion of the project site, as depicted on the phasing plan referenced in Attachment B to this permit, the Project Sponsor or its successor shall submit to the Agency for review and written approval documentation from the Independent Environmental Monitor who oversaw installation that all wastewater treatment and water supply infrastructure, stormwater management, roads, electric and cable systems, grading, and landscaping for the Phase 1 portion of the site have been completed according to the approved plans. Alternatively, a performance guarantee in the amount of the total estimated cost of completion of any unfinished infrastructure, plus a 20 percent contingency, may be authorized by permit amendment or letter of permit compliance. Any authorized performance guarantee must specify the Town of Tupper Lake as primary beneficiary or obligee.

52. Prior to the conveyance of any lot, unit, or structure within the Phase 2 portion of the project site, as depicted on the phasing plan referenced in Attachment B to this permit, the Project Sponsor or its successor shall submit to the Agency for review and written approval documentation from the Independent Environmental Monitor who oversaw installation that all wastewater treatment and water supply infrastructure, stormwater management, roads, electric and cable systems, grading, and landscaping for the Phase 2 portion of the site have been completed according to the approved plans. Alternatively, a performance guarantee in the amount of the total estimated cost of completion of any unfinished infrastructure, plus a 20 percent contingency, may be authorized by permit amendment or letter of permit

compliance. Any authorized performance guarantee must specify the Town of Tupper Lake as primary beneficiary or obligee.

52. Prior to the conveyance of any lot, unit, or structure within the Phase 3 portion of the project site, as depicted on the phasing plan referenced in Attachment B to this permit, the Project Sponsor or its successor shall submit to the Agency for review and written approval documentation from the Independent Environmental Monitor who oversaw installation that all wastewater treatment and water supply infrastructure, stormwater management, roads, electric and cable systems, grading, and landscaping for the Phase 3 portion of the site have been completed according to the approved plans. Alternatively, a performance guarantee in the amount of the total estimated cost of completion of any unfinished infrastructure, plus a 20 percent contingency, may be authorized by permit amendment or letter of permit compliance. Any authorized performance guarantee must specify the Town of Tupper Lake as primary beneficiary or obligee.
52. Prior to the conveyance of any lot, unit, or structure within the Phase 4 portion of the project site, as depicted on the phasing plan referenced in Attachment B to this permit, the Project Sponsor or its successor shall submit to the Agency for review and written approval documentation from the Independent Environmental Monitor who oversaw installation that all wastewater treatment and water supply infrastructure, stormwater management, roads, electric and cable systems, grading, and landscaping for the Phase 4 portion of the site have been completed according to the approved plans. Alternatively, a performance guarantee in the amount of the total estimated cost of completion of any unfinished infrastructure, plus a 20 percent contingency, may be authorized by permit amendment or letter of permit compliance. Any authorized performance guarantee must specify the Town of Tupper Lake as primary beneficiary or obligee.
- xxx. The Project Sponsor or its successor shall be responsible for construction of project infrastructure for the Adirondack Club and Resort project site as described in

Agency Order 2005-100 pursuant to the approved plans referenced in Attachment B hereto.

54. No structure shall have wastewater treatment or water supply infrastructure except as authorized by this Permit.

**Agency Review of Future Subdivision and Development**

126. Beyond the development authorized by the Permit, no further new land use and development or subdivision shall be undertaken on the Project site without a new or amended permit, or letter of permit compliance.

**Other Approvals**

44. All required Federal, State and local approvals shall be obtained.

**FINDINGS OF FACT**

*The complete project description, findings of fact, and impact findings for this project are located in Agency Findings and Order 2005-100.*

**CONCLUSIONS OF LAW**

This permit is issued pursuant to the terms of Agency Order 2005-100.

Project Permit  
No. 2005-100  
Ski Area and Resort

PERMIT issued this            day  
of                           , 2012

ADIRONDACK PARK AGENCY

BY: \_\_\_\_\_  
Richard E. Weber III  
Deputy Director (Regulatory Programs)

STATE OF NEW YORK)  
                          ) ss.:  
COUNTY OF ESSEX )

On the            day of                            in the year 2012, before me,  
the undersigned, a Notary Public in and for said State,  
personally appeared Richard E. Weber III, personally known to me  
or proved to me on the basis of satisfactory evidence to be the  
individual whose name is subscribed to the within instrument and  
acknowledged to me that they executed the same in their  
capacity, and that by their signature on the instrument, the  
individual, or the person upon behalf of which the individual  
acted, executed the instrument.

\_\_\_\_\_  
Notary Public

REW:

Attachment A

Latest Master Plan

Attachment B

The following maps and plans are the official plans for the project site.

**Maps and Plans**

Map No.	Map Title	Prepared By	Last Revision Date

The following are the official reports for the project site.

**Reports**

Report Title	Prepared By	Date of Report