

Overall Intensity Guidelines

Overall Intensity Guidelines

Findings

Issue 12: How many principal buildings are proposed to be located on Moderate Intensity and Resource Management land use areas?

203. The proposed breakdown of acreage and principal building opportunities is reflected as follows:

<u>Land Use Area</u>	<u>Acreage*</u>	<u>Potential</u>	<u>Proposed</u>	<u>Remaining</u>
RM	4739.5	111	83	28
MIU	1228.2	942	606	336
LIU	180.3	N/A	0	56.4
Hamlet	10.7	N/A	0	N/A

*This does not include open water

Proposed Construction

- **Proposed Residential Construction (659 PB's)**
 - 206 Single Family Dwellings, including
 - 1 dwelling per 39 Great Camp Lots
 - 8 Artist Cabin Dwellings
 - 453 Townhouse Units
- **Proposed Non-Residential Construction (29 PB's)**
 - 1 sixty-room Inn (22 PB's)
 - Restaurant in Inn
 - 2 Warming Huts
 - Clubhouse/Spa
 - Ski Learning Center
 - Recreation Center/Gym
 - Equestrian Center
- **Total = 688 Principal Buildings (606 MIU/82 RM)**

Colleen Parker Pre-file Testimony (March 23, 2011, Transcript, Attachment E) and “Stipulation on Issue 12”

Overall Intensity Guidelines

Findings

Issue 12: How many principal buildings are proposed to be located on Moderate Intensity and Resource Management land use areas?

195. There are 1,228.2 net acres of MIU lands on the project site.
196. There is a maximum potential for approximately 942 principal buildings that could be constructed on the MIU portion of the project site based on the overall intensity guideline (Executive Law Section 805(3)(d)(3)) of approximately five hundred principal buildings per square mile (or an average lot size of about 1.3 acres per principal building).
197. The Project Sponsor proposes to construct 606 principal buildings on the MIU lands. After that construction, 336 additional principal buildings could potentially be built on the MIU lands in compliance with the overall intensity guidelines.

Overall Intensity Guidelines

Findings

Issue 12: How many principal buildings are proposed to be located on Moderate Intensity and Resource Management land use areas?

198. There are 4,739.5 net acres of RM lands on the project site.
199. There is a maximum potential for approximately 111 principal buildings that could be constructed on the RM portion of the project site based on the overall intensity guideline (Executive Law Section 805(3)(g)(3)) of approximately fifteen principal buildings per square mile (or an average lot size of about 42.7 acres per principal building).
200. The Project Sponsor proposes to construct 82 principal buildings on the RM lands, including: 35 Great Camps, 44 single family dwellings in West Face Expansion, 1 single family dwelling in Lake Simond View and 2 warming huts.

Overall Intensity Guidelines

Findings

201. The Project Sponsor proposes to associate one principal building opportunity in RM to the “Lot to be Transferred for Access Purposes” shown on Drawing MP-O of Exhibit 83, but does not propose to construct a principal building on that lot at this time.
202. After the proposed construction and transfer of one principal building opportunity, 28 additional principal buildings could potentially be built on RM lands in compliance with the overall intensity guidelines.

- LEGEND**
- PROJECT BOUNDARY** - - - - -
- LAKE BOUNDARY** - - - - -
- BOUNDARY**
STATE AND FEDERAL - - - - -
- WATER**
PERMANENT WATER - - - - -
- WATER BODIES**
LAKE - - - - -
- WATER BODIES**
LAKE - - - - -
- WATER BODIES**
LAKE - - - - -
- WATER BODIES**
LAKE - - - - -
- WATER BODIES**
LAKE - - - - -



Project No. 1002
 Date: 10/20/10
 Drawn: MJD
 Checked: MJD

Prepared For:
 Preserve Associates, LLC
 4272 Chesapeake Road
 Elmerston, PA 15550

THE ADIRONDACK CLUB AND RESORT
 TUPPER LAKE, NY
 FRANKLIN COUNTY
 ■ Overall Site Development Plan



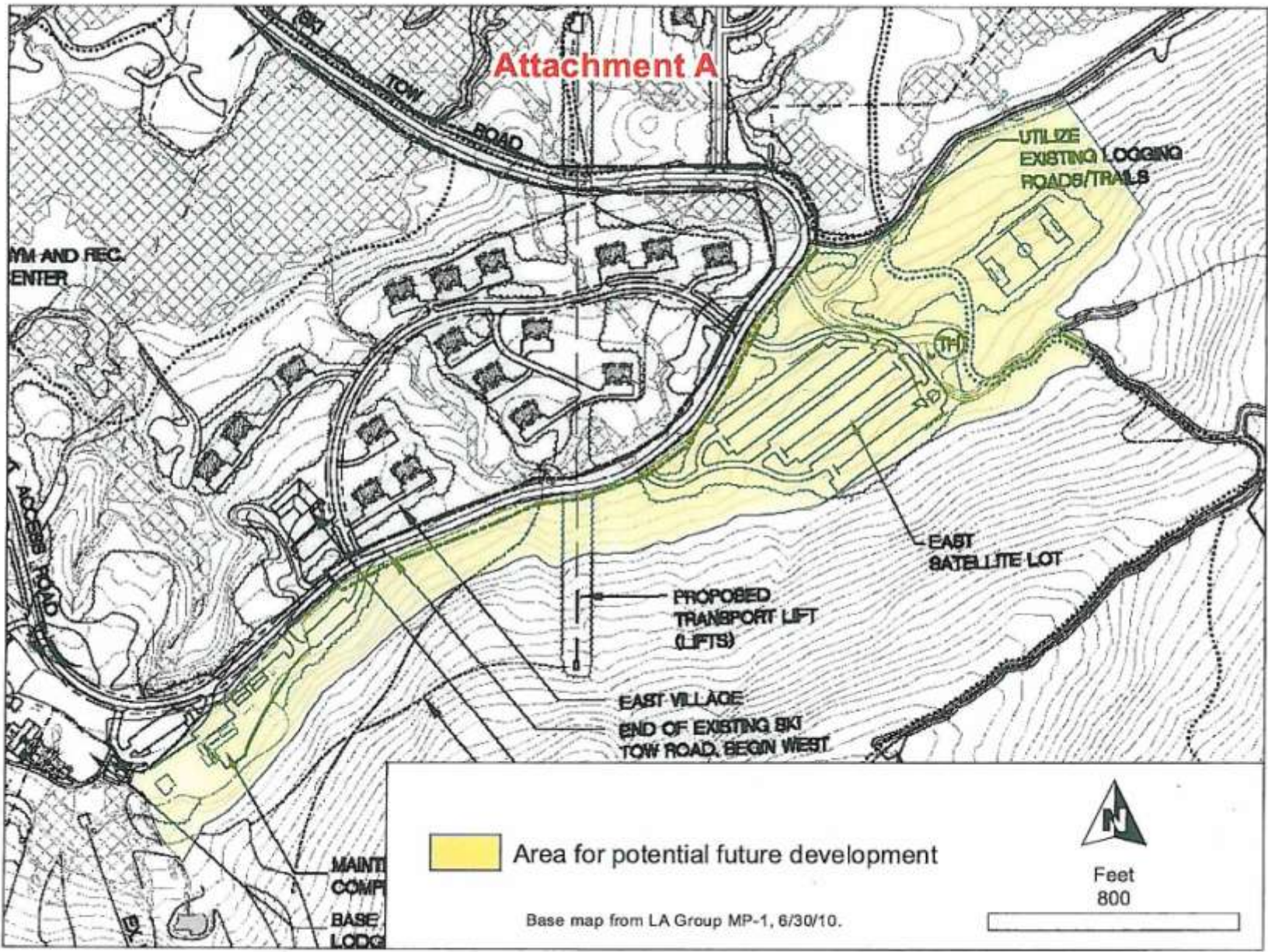
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 Date: 10/20/10
 Drawing: MF-0




Overall Intensity Guidelines Conditions

123. The 28 remaining Resource Management principal building opportunities shall be associated with those Resource Management lands as depicted on Exhibit A attached hereto.

Attachment A

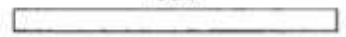


 Area for potential future development



Feet
800

Base map from LA Group MP-1, 6/30/10.



Overall Intensity Guidelines Conditions

124. The 336 remaining Moderate Intensity Use principal building opportunities shall be associated with the Moderate Intensity Use lands to be retained by the Project Sponsor as shown on Drawing R-1 of Exhibit 83.

Recreation and Open Space Plan:

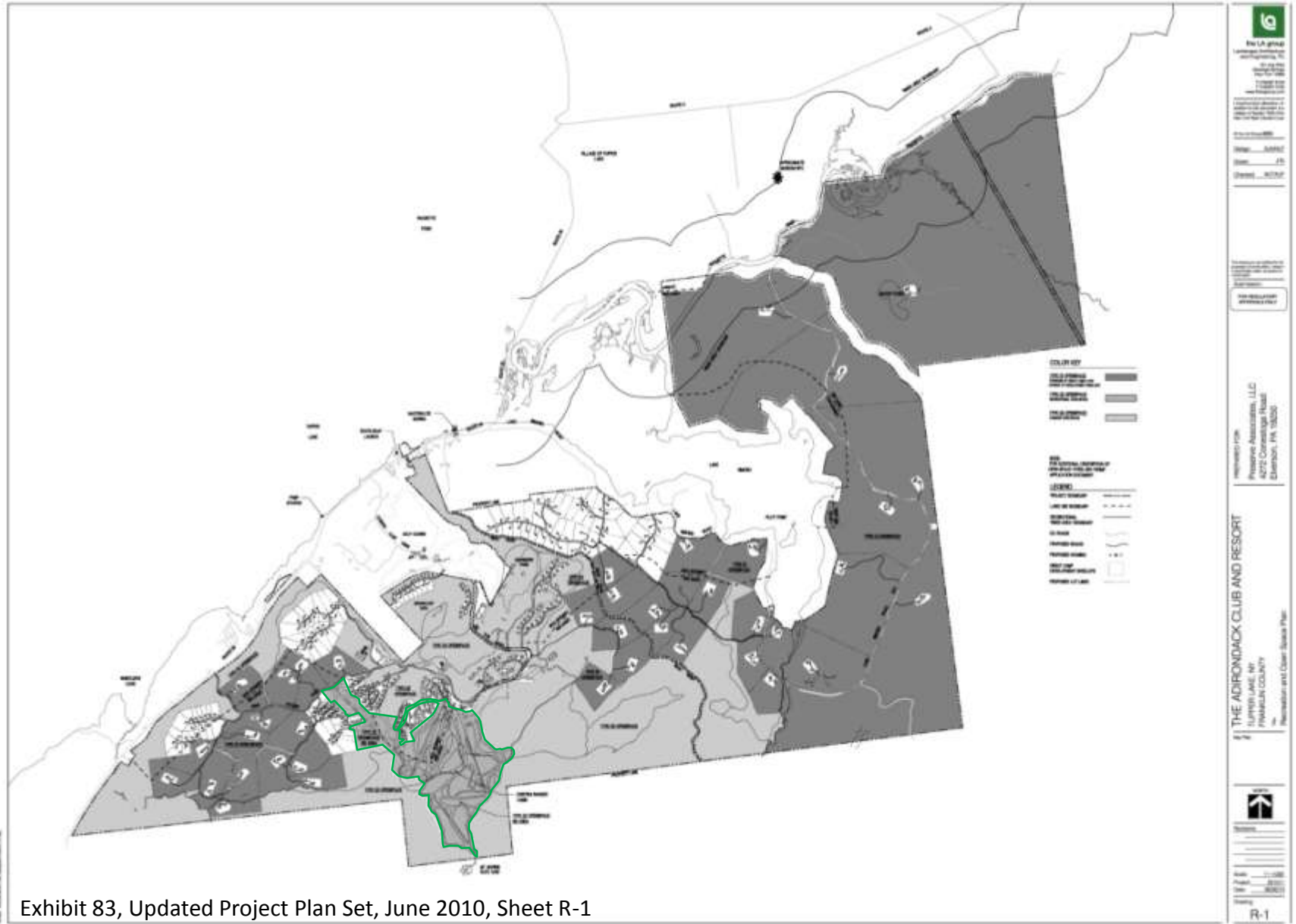


Exhibit 83, Updated Project Plan Set, June 2010, Sheet R-1

Residential Structure Locations, Footprints, and Heights

Residential Structure Locations, Footprints, and Heights

Findings

3. Overall, the Project Sponsor proposes subdivisions of land into lots and sites and the construction of 206 single family dwellings and 125 multiple family dwellings. The multiple family dwellings comprise 453 units made up of 2-family dwellings (“Duplexes”), 3-family dwellings (“Triplexes”) and 4-family dwellings (“Quadplexes”). Also proposed is a tourist accommodation with 60 rooms, including 20 standard bedrooms, 20 two-bedroom suites and a restaurant. The overall development proposal is shown on Drawing MP-0 of Exhibit 83. Lots A and I on Sheet MP-O are now proposed to be combined into Lot “A”. June 21, 2011 Transcript, Attachment A.

Residential Structure Locations, Footprints, and Heights

Findings

4. In the Tupper Lake View South Neighborhood, the Project Sponsor proposes to create eighteen 1-5 acre lots and to construct one single family dwelling on Moderate Intensity Use (MIU) lands on each of those lots.
5. In the Tupper Lake View North Neighborhood, the Project Sponsor proposes to create twenty-five 1-5 acre lots and to construct one single family dwelling on MIU lands on each of those lots.

Residential Structure Locations, Footprints, and Heights

Findings

6. To the east and south of the Tupper Lake View neighborhoods, the Project Sponsor proposes to **create fifteen 20-30 acre “Great Camp” lots** and to construct one single family dwelling on each of those lots. Collectively, these lots are **referred to as the “Western Great Camp Lots”**. The proposed lots are numbered 1-15 on Drawing MP-0 of Exhibit 83. On **Lots 11 and 15**, the single family dwellings are proposed to be constructed **on MIU lands**. For the **other 13** Western Great Camp Lots, the Project Sponsor proposes to construct the single family dwellings **on Resource Management (RM) lands**.

Residential Structure Locations, Footprints, and Heights Findings

7. To the east of the Western Great Camp Lots, the Project Sponsor proposes the **West Face Expansion** Neighborhood. In the West Face Expansion Neighborhood, the Project Sponsor proposes to create **forty-six lots ranging in size from 0.3± to 4.9± acres** and to construct one single family dwelling on each of those lots. **Forty-four** of the single family dwellings are proposed to be located **on RM lands**. **Two** are proposed to be located **on MIU lands**. **In addition**, the Project Sponsor proposes a subdivision into sites and the construction **on MIU lands** of **eighteen quadplexes**.

Residential Structure Locations, Footprints, and Heights

Findings

8. Directly north of the West Face Expansion Neighborhood, the Project Sponsor proposes to construct **West Face Inn, a tourist accommodation with 60 rooms**, (including 20 standard bedrooms, and 20 two-bedroom suites) **and a restaurant on MIU lands**. The proposed West Face Inn is **greater than 40' in height**.

Residential Structure Locations, Footprints, and Heights

Findings

9. Southeast of the West Face Inn, the Project Sponsor proposes the **West Slopeside Neighborhood on MIU lands**. In the West Slopeside Neighborhood, the Project Sponsor proposes to create **seventeen lots ranging in size from 0.32± to 1.62± acres** and to construct one single family dwelling on each of those lots. In addition, the Project Sponsor proposes a subdivision into sites and construction of thirty-nine multiple family dwellings as part of the West Slopeside Neighborhood, including **twenty-three triplexes and sixteen quadplexes**.

Residential Structure Locations, Footprints, and Heights Findings

10. Directly north of the West Slopeside Neighborhood, the Project Sponsor proposes the **Sugarloaf North Neighborhood on MIU lands**. Specifically, the Project Sponsor proposes to create **nine lots of 1-1 ½ acres in size** and to construct a single family dwelling on each lot. In addition, the Project Sponsor proposes a subdivision into sites and construction of **twelve duplexes** as part of the Sugarloaf North Neighborhood.

Residential Structure Locations, Footprints, and Heights Findings

11. East of the Sugarloaf North Neighborhood, the Project Sponsor proposes a subdivision into sites and the construction of **eight quadplexes on MIU lands in the Sugarloaf East Neighborhood.**

Residential Structure Locations, Footprints, and Heights Findings

12. South of the Sugarloaf East Neighborhood, the Project Sponsor proposes to construct **eight** single family dwellings referred to as **“artist cabins”** on MIU lands as part of the Ski Mountain Base Area and Lodge Complex.

Residential Structure Locations, Footprints, and Heights

Findings

13. East of the Ski Mountain Base Area and Lodge Complex, the Project Sponsor proposes a subdivision into sites and the construction of **seventeen quadplexes on MIU lands in the East Village** Neighborhood.
14. North and slightly east of the East Village Neighborhood, the Project Sponsor proposes a subdivision into sites and the construction of **thirty-one quadplexes on MIU lands in the Cranberry Village** Neighborhood.

Residential Structure Locations, Footprints, and Heights Findings

15. North of the Cranberry Village Neighborhood, the Project Sponsor proposes to create **forty-four lots ranging in size from 2 to 5 acres** and to construct one single family dwelling on each lot **in the Lake Simond View Neighborhood. Forty-three** of the proposed Lake Simond View single family dwellings are located **on MIU lands** and **one** is located **on RM lands**.

Residential Structure Locations, Footprints, and Heights

Findings

16. South and east of the Lake Simond View Neighborhood, the Project Sponsor proposes to create **sixteen lots ranging in size from 20± to 30± acres** and to construct one single family dwelling on each of those lots. Collectively, these lots are **referred to as the “Small Eastern Great Camp Lots”**. The proposed lots are numbered 16-31 on Drawing MP-0 of Exhibit 83. On Great Camp **Lots 27 and 28**, the single family dwellings are proposed to be constructed **on MIU lands**. For **all** of the **other small Eastern Great Camp Lots**, the single family dwellings are proposed to be constructed **on RM lands**.

Residential Structure Locations, Footprints, and Heights

Findings

17. East and north of the Small Eastern Great Camp Lots, the Project Sponsor proposes to **create eight lots** and to construct one single family dwellings on each of those lots as follows: Lots A and I combined = **1211 acres**; Lot B = 311 acres; Lot C = 248 acres; Lot D = **111 acres**; Lot E = 143 acres; Lot F = 240 acres; Lot G = 170 acres; Lot H = 250 acres. Collectively, these lots are referred to as the **“Large Eastern Great Camp Lots”**. The proposed lots are numbered A-I on Drawing MP-0 of Exhibit 83. **All** of the single family dwellings proposed to be constructed on these Large Eastern Great Camp Lots will be **on RM lands**.

Residential Structure Locations, Footprints, and Heights

Findings

18. The Project Sponsor proposes the following with respect to wastewater treatment and water supply for the proposed residential development:

- Great Camp Lots A-H and 20-31 (except 27 and 28) are proposed to be served by individual wastewater treatment systems and on-site wells.
- Lake Simond View Neighborhood and Great Camp Lots 27 and 28 are proposed to be served by the Village of Tupper Lake sewage treatment plant and water supply.
- All other residential development (including Great Camp Lots 1-19) is proposed to be served by a community wastewater treatment plant and the Village of Tupper Lake water supply.

Residential Structure Locations, Footprints, and Heights Findings

19. The Project Sponsor proposes to limit all 39 Great Camp Lots to a three acre building envelope, one single family dwelling and one guest cottage, and to no further subdivision or additional principal buildings. The Project Sponsor proposes to execute and file deed restrictions on each of the Great Camp Lots imposing these limitations.

Residential Structure Locations, Footprints, and Heights

Findings

20. The Project Sponsor proposes the following structure footprint and height limitations for residential development on the project site:

<u>Type of Structure</u>	<u>Structure Footprint</u>	<u>Structure Height</u>
Great Camp Lots - Single Family Dwellings	4200 square feet	40 feet
Great Camp Lots - Accessory Dwellings		
1. Guest Cottage	1500 square feet	35 feet
2. Main Garage	1500 square feet	35 feet
3. Cottage Garage	650 square feet	25 feet
4. Woodsheds	250 square feet	15 feet

Residential Structure Locations, Footprints, and Heights

Findings

20. The Project Sponsor proposes the following structure footprint and height limitations for residential development on the project site:

<u>Type of Structure</u>	<u>Structure Footprint</u>	<u>Structure Height</u>
Other Single Family Dwellings (including artist cabins)	2500 square feet	35 feet
Duplexes	2400 square feet	40 feet
Triplexes	3375 square feet	40 feet
Quadplexes	4500 square feet	40 feet

Residential Structure Locations, Footprints, and Heights Findings

21. The Project Sponsor proposes that vegetative clearing for all residential development, including accessory structures, shall not exceed twenty-five feet from exterior walls of structures or ten feet from the outside edge of grading, whichever is less.

22. The Project Sponsor proposes to construct all residential structures on the project site in compliance with proposed “Property Design, Architectural Guidelines and Maintenance Standards”. Exhibit 82, Attachment 23.

Residential Structure Locations, Footprints, and Heights Conditions

17. The Permit **authorizes** the construction of single family dwellings, multiple family dwellings and accessory **structures in the locations shown on the approved plans** referenced in the Order, unless otherwise authorized by a new or amended Agency permit or letter of permit compliance. “Multiple family dwellings” shall include 2-family (“Duplexes”), 3-family (“Triplexes”) and 4-family (“Quadplexes”). Such **structures shall not exceed the footprints or heights specified** in condition 20 below without a new Agency permit, amended permit, or letter of permit compliance. **No additional principal buildings** or accessory structures may be constructed on the residential lots authorized hereby absent a new or amended Agency permit, or letter of permit compliance.

Residential Structure Locations, Footprints, and Heights **Conditions**

18. The maximum footprint measurement of such structures shall include all covered and uncovered attached porches, decks, exterior stairs and attached accessory components (such as an attached garage or shed), except that the measurement of the maximum building footprint for any multiple family dwelling shall not include the front door entry stair.
19. Structure height shall be measured from the highest point on the structure, including the chimney, to the lowest point of existing grade or finished grade, whichever of existing or finished grade is at a lower elevation.

Residential Structure Locations, Footprints, and Heights

Conditions

20. Absent a new or amended Agency permit or letter of permit compliance, structures shall not exceed the footprints or heights specified below:

<u>Type of Structure</u>	<u>Structure Footprint</u>	<u>Structure Height</u>
Great Camp Lots - Single Family Dwellings	4200 square feet	40 feet
Great Camp Lots - Accessory Dwellings		
1. Guest Cottage	1500 square feet	35 feet
2. Main Garage	1500 square feet	35 feet
3. Cottage Garage	650 square feet	25 feet
4. Woodsheds	250 square feet	15 feet
Other Single Family Dwellings (including artist cabins)	2500 square feet	35 feet
Duplexes	2400 square feet	40 feet
Triplexes	3375 square feet	40 feet
Quadplexes	4500 square feet	40 feet

Non-Residential Structure Locations, Footprints, and Heights

Findings

23. **The Project Sponsor proposes to re-develop the pre-existing ski area on the project site.** Existing conditions are depicted on Drawings EX-1 through EX-5 of Exhibit 83. Existing structures at the ski area include a ski lodge, garage, accessory buildings and pumphouse, and are depicted on Drawing EX-4 of Exhibit 83. **The existing ski area has been operated pursuant to Agency Permit 2009-0224 since 2009 under a lease arrangement** between the Project Sponsor and ARISE. While improvements have been made to the existing structures at the ski area under Permit 2009-0224, the general condition of the existing structures is poor and **all existing structures, with the exception of the existing pumphouse** depicted on Drawing EX-4 of Exhibit 83, **are proposed to be removed or replaced** by the Project Sponsor. The **re-development** of the ski area **includes vegetative management on existing trails, creation of new trails and lifts to service residential development adjacent to trails and the public, and the replacement of existing chairlifts and most of the snowmaking equipment.** The Project Sponsor further proposes to **construct four ski bridges** on an existing ski trail to take skiers over proposed roads that are part of the West Slopeside Neighborhood. The Project Sponsor **proposes to use Cranberry Pond** on the project site **as the source of water for snowmaking.**

Non-Residential Structure Locations, Footprints, and Heights

Findings

24. The **layout plan for the base lodge amenities for the ski area**, which includes the base lodge, artist cabins, a ski service building, a gym and recreation center, a clubhouse with spa/health club and pool, a maintenance complex, and an amphitheater **is depicted on Drawing LA-7 of Exhibit 83**. The Project Sponsor proposes to construct a **new base lodge** for the ski area that **will be over 40'** in height. The proposed 3-story base lodge will include an area for recreation and large gatherings, a coffee shop/snack bar, a living room/library, a bar/lounge, and a restaurant. The uses will share an interior corridor as well as outdoor walkways, decks, porches and terraces. During the winter months, the upper floors will function as the ski lodge. On the south side of the base lodge, there will be an adjoining common terrace that will serve large gatherings (150 to 200 people) for outdoor dining and recreation.

Non-Residential Structure Locations, Footprints, and Heights

Findings

25. As described above in the description of residential development, the Project Sponsor proposes to construct **eight artist cabins** in the vicinity of the base lodge. These **will be leased** and will include gallery spaces for display and sale of art work created on site.

Residential Structure Locations, Footprints, and Heights

Findings

26. The Project Sponsor proposes a **multi-purpose ski services building** to include a ski rental pick-up area, lockers and a ski school office.
27. The Project Sponsor proposes to construct a **gym, spa and recreation center** as an amenity that will only be open to owners and their guests and will include a spa, fitness club with weights, tennis courts, a gymnasium, swimming pool, and basketball court.

Residential Structure Locations, Footprints, and Heights

Findings

28. The Project Sponsor proposes to construct an **owner's clubhouse** with a grillroom, a lounge, card rooms, exercise areas, locker rooms, a spa, a sauna, jacuzzis, pool and other amenities.
29. The Project Sponsor proposes to construct a **maintenance complex of three buildings** to be used to store equipment and materials for the operation and maintenance of the base lodge complex and the ski mountain and associated facilities and equipment.

Residential Structure Locations, Footprints, and Heights Findings

30. The Project Sponsor proposes to construct an **amphitheater/bandstand** for open air music and plays.
- .

Residential Structure Locations, Footprints, and Heights

Findings

31. The Project Sponsor proposes to **construct two, one-story, warming huts** as stand-alone buildings for skier use. **One** will be **located over 2,500 feet in elevation near the top of Chair Lift 1** and **one near the bottom of proposed new West Face Chair Lift 4**, as depicted on Drawings LA-8 and LA-4 of Exhibit 83, respectively. **No commercial or retail services are proposed to be provided** in these structures. As shown in Exhibit #23, Attachment 27, each warming hut **will exceed 1250 square feet and include amenities such as bathrooms, beverage areas and with serving counters and seating**; as such for the purposes of Agency jurisdiction the **warming huts are considered principal buildings**. **Wastewater treatment** for the warming huts **is described** in the June 21, 2011 Transcript, Attachment A, Supplemental Pre-filed, p.6, lines 1-9.

Residential Structure Locations, Footprints, and Heights

Findings

Equestrian Facility

32. Northeast of the base lodge and as depicted on Drawings LA-6 and LA-10 of Exhibit 83, the Project Sponsor **proposes to construct a small equestrian facility for owners** across from the Sugarloaf East neighborhood on the east side of Ski Tow Road. The proposed facility **will include a gravel parking area, a 10-stall horse barn, a 25-foot by 25-foot maintenance building, manure-storage facility, a 150-foot by 225-foot jumping area, a 55-foot by 155-foot dressage ring and a meadow, pasture area of about 5 acres.**

Residential Structure Locations, Footprints, and Heights

Findings

Recreation Trails

33. Recreation (hiking and Nordic ski) **trails are proposed for use by owners and their guests.** As depicted on Drawing MP-0 of Exhibit 83, trails have been located **so users can access specific areas of the property**, including the top of Sugarloaf Mountain, the top of Mount Morris, around Cranberry Pond, along Hemlock Brook in the southwest of the property, and along the brook and waterfall to the east of the ski area.

Non-Residential Structure Locations, Footprints, and Heights Findings

Marina

34. As depicted on Drawing EX-5 of Exhibit 83, the **former McDonald's Marina** with nine existing structures, including a single family dwelling, is located on NYS Route 30 just east of the State boat launch. The current structures and dock system are **proposed to be demolished and the site redeveloped.**

Non-Residential Structure Locations, Footprints, and Heights

Findings

Marina

35. The proposed marina **layout is depicted on Drawing LA-21** of Exhibit 83. The Project Sponsor proposes to **construct a new 3-story structure as part of the marina**. The bottom floor will include **storage and office space** for the **Orvis Company** which will manage or **operate a fly-fishing school and a retail shop** offering outdoor gear and guided hunting and fishing tours. Sale of boating items will also take place on the lower floor. The middle floor will be at ground level on the Route 30 side, and will house **marina office space and retail sales of fishing and boating supplies**. The top floor includes a **private clubroom for owners** and a storage area for the retail store. As shown on Drawing LA-21, this new structure will be **set back 50 feet from the mean high water mark of Tupper Lake**.

Non-Residential Structure Locations, Footprints, and Heights Findings

Marina

36. An **accessory structure dock master shed** is proposed to be rebuilt in the same location **as an in-kind replacement** of an existing shed. This dock master shed will be the **point of contact for people using the marina docks and buying fuel or renting boats**. According to the Project Sponsor, the marina is proposed to generally **operate 7 a.m. to 8 p.m., 7 days per week during the boating season**.

Non-Residential Structure Locations, Footprints, and Heights Findings

Marina

37. The existing docks are proposed to be removed and new docks are proposed to be installed to create a total of 40 boat slips. Rental boats and gasoline sales will be available to the public. The marina will not include a boat/motor repair shop. No boat launch is proposed for the marina site.

Non-Residential Structure Locations, Footprints, and Heights

Findings

Marina

38. **Boat launching for owners** is proposed **to occur at** the existing New York **State boat launch** operated by NYS Department of Environmental Conservation to the west of the marina. The Project **Sponsor will offer a “valet” service to owners and guests** whereby employees will trailer an owner’s or guest’s boat to the State boat launch and a shuttle will bring owners or guests to the launch. The boat will be launched and the owners or guests dropped off at the launch, and the empty trailer will be brought back onto the project site for storage. The **East Satellite Parking Area will be used in the summer as a boat storage yard**. Later in the day, the process would be reversed and the boat brought back to the project site and the guests to their home(s).

Non-Residential Structure Locations, Footprints, and Heights Conditions

21. The **location, footprint and height of all other structures** on the Project site **shall be constructed in accordance with the approved plans** referenced in the Order, unless otherwise authorized by a new or amended Agency permit or letter of permit compliance. The **footprint** of such structures **shall include all covered and uncovered attached porches, decks, exterior stairs and attached accessory components** (such as an attached garage or shed). Structure **height shall be measured from the highest point** on the structure, including the chimney, **to the lowest point of existing grade or finished grade** associated with the structure itself, whichever of existing or finished grade is at a lower elevation.

Building Color

Building Color Findings

Property Design, Architectural and Maintenance Standards

87. The Adirondack Club and Resort “Property Design, Architectural and Maintenance Standards” (the “Standards”) are established to **guide and control the design and construction of the residential development.** Exhibit 82, Attachment 23. Taken together, these Standards **provide a design review process** that each property owner must go through that includes choosing an architectural design firm, participating in a pre-design meeting, preparing a preliminary plan, submitting contract documents, obtaining a building permit, undergoing inspections, and dealing with changes in plans and schedules.

Building Color Findings

Property Design, Architectural and Maintenance Standards

88. The proposed Standards specify that all proposed development must be approved by an Architectural Review Committee and must be **consistent with the vernacular architectural style of Adirondack Great Camps and be compatible with the surrounding natural environment.** The proposed Standards emphasize the relationship of proposed development to existing grades, preservation of natural site features and the relationship of neighboring sites and views.

Building Color Findings

Property Design, Architectural and Maintenance Standards

89. **The proposed Standards contain architectural standards that,** among other purposes, limit the mass and scale of the residential buildings, establishes structure footprint and height limits, **establishes exterior surface materials (siding, roofs and trim),** defines allowable roof designs (e.g., pitches, overhangs, dormers, skylights) and **roof and chimney materials.** Except for the Great Camp Lots, all garages must be integrated within the single or multiple family dwelling. Only single family dwellings may have wood-burning stoves. Fireplaces in multi-family homes must be fueled by liquid propane gas.

Building Color Conditions

79. All exterior building materials, such as roof, siding and trim, used to surface the exterior of the structures authorized herein and all accessory use structures on the Project site shall comply with the color conditions contained in the “Property Design, Architectural Guidelines and Maintenance Standards” referenced in the Order.

Lighting

Lighting Findings

57. Proposed lighting associated with the project is described in Exhibit #11, Section 5, Part 5.2.2(A), pp. 5-28; Exhibit #21, Tab 23, pages 118 and 119; Exhibit #82, Attachment 23; and Exhibit #83, Drawings LA1-LA22 and D-5.
58. The Project Sponsor proposes area lighting to employ metal halide, full cut-off fixtures with house shields, which the Project Sponsor claims will reduce the amount of light pollution beyond the edges of the areas intended to be lighted and to limit night glow. Poles are proposed to be set at a maximum height of 20 feet which will limit the amount of light trespass and enable the use of 250-watt fixtures.

Lighting Findings

59. The Project Sponsor proposes that each road intersection will be lit with one or two, 20-foot high sharp cut-off fixtures and to locate low level 70-watt six foot lamp posts at each residential unit driveway for safety and security.
60. The proposed ski hill lighting plan is based on guidelines developed by the National Ski Areas Association in association with the Illuminating Engineering Society of North America. 400-watt Metal Halide lamps are proposed to light the ski trails with a maximum pole height of 35 feet. Lighting of the ski slope will occur for night skiing events, currently proposed for Friday and Saturday nights and weekday nights between Christmas and New Years, and for trail maintenance.

Proposed Site Lighting:

Exhibit #11, Section 5, Part 5.2.2(A), pp. 5-28; Exhibit #21, Tab 23, pages 118 and 119; Exhibit #82, Attachment 23; and Exhibit #83, Drawings LA1-LA22 and D-5

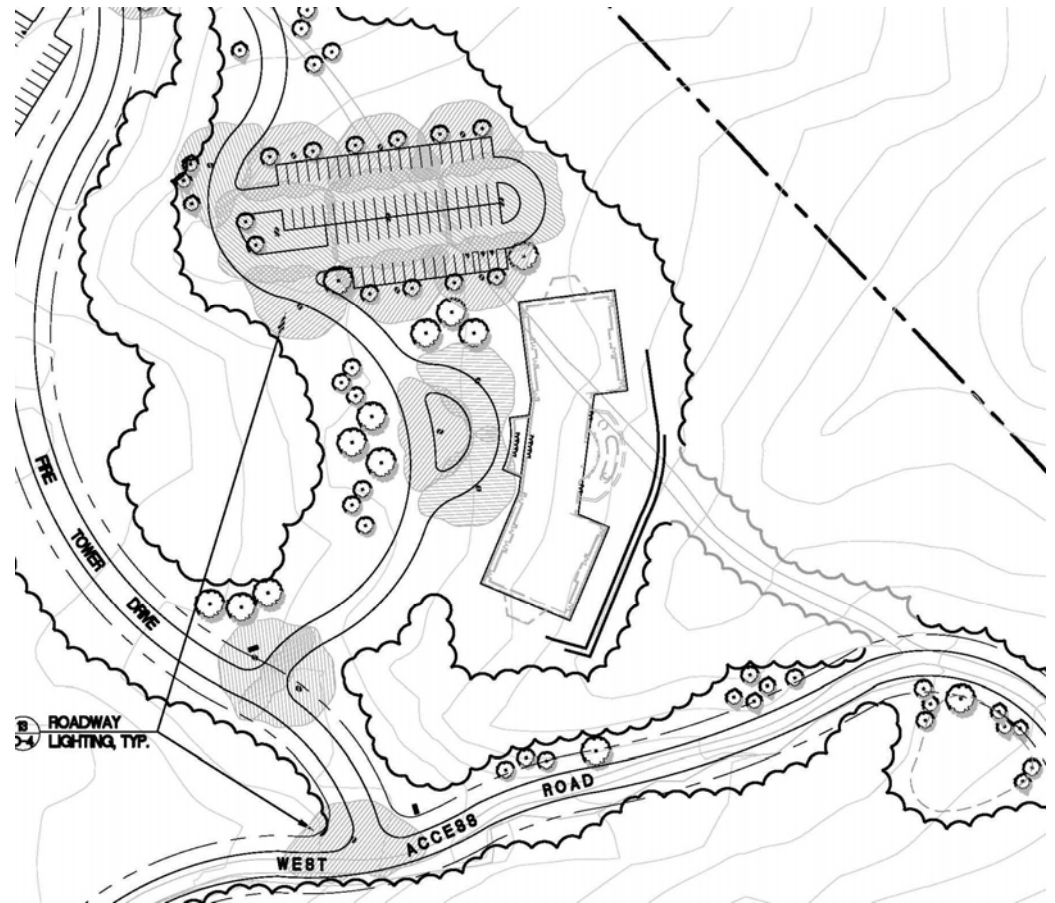
Area lighting to employ metal halide, full cut-off fixtures with house shields,

Poles to be set at a maximum height of 20 feet and use 250-watt fixtures.

Project Sponsor claims will reduce the amount of light pollution beyond the edges of the areas intended to be lighted and to limit night glow.

Each road intersection will be lit with one or two, 20-foot high sharp cut-off fixtures and

Low level 70-watt lamp on six foot posts located at each lodging unit driveway for safety and security.



Detail of Exhibit 83, Updated Project Plan Set, June 2010, Sheet PL-7

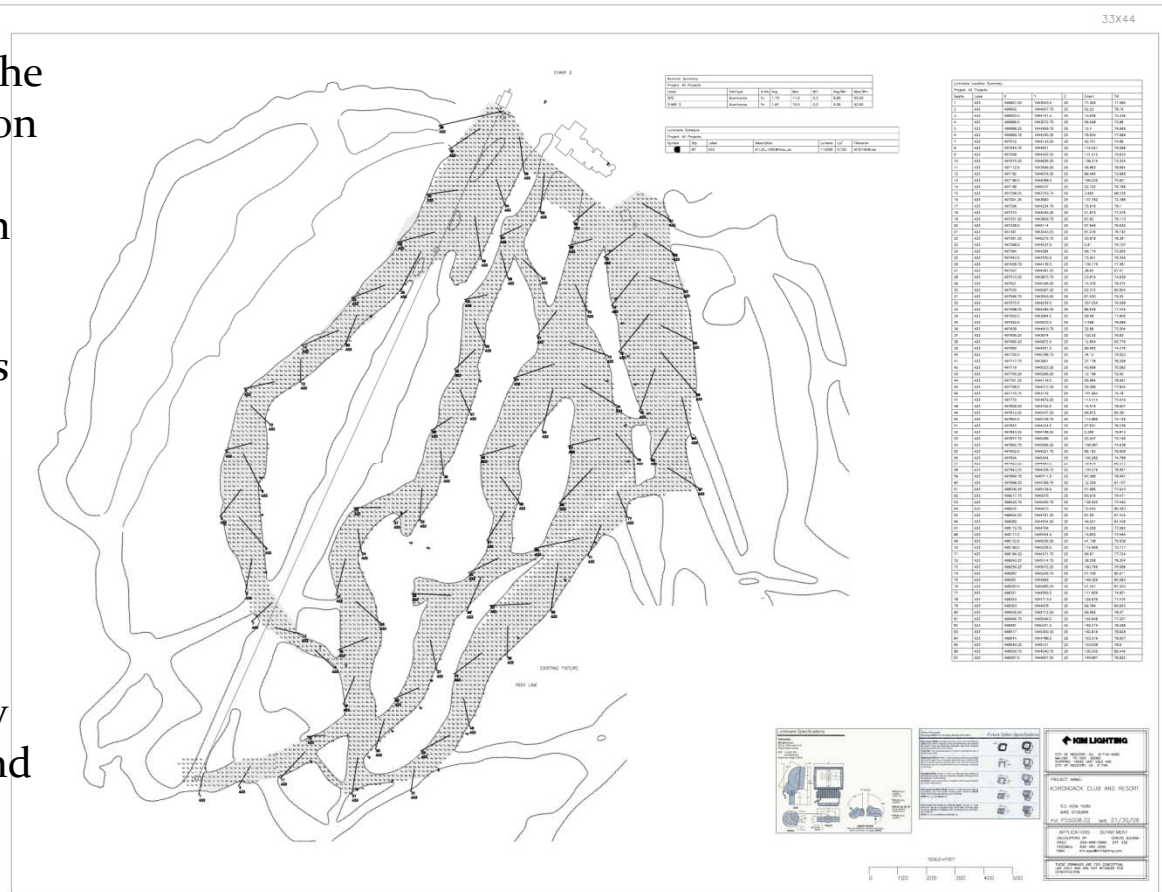
Proposed Ski Area Lighting:

Exhibit #11, Section 5, Part 5.2.2(A), pp. 5-28; Exhibit #21, Tab 23, pages 118 and 119; Exhibit #82, Attachment 23; and Exhibit #83, Drawings LA1-LA22 and D-5

The proposed lighting based on guidelines developed by the National Ski Areas Association and the Illuminating Engineering Society of North America.

400-watt Metal Halide lamps are proposed to light the ski trails with a maximum pole height of 35 feet.

Lighting... currently proposed for Friday and Saturday nights and weekday nights between Christmas and New years.



—Exhibit 83, Updated Project Plan Set, June 2010, Sheet PL-7B

Lighting Conditions

80. All building and street lighting on the project site shall comply with the Project plans referenced in the Order and the “Property Design, Architectural Guidelines and Maintenance Standards”. In addition, any new free-standing and building mounted outdoor lights shall employ full cut-off fixtures, that is, they shall be fully shielded to direct light downward and not into the sky. The fixtures shall be oriented so as to not cast light toward NYS Route 30, Tupper Lake, Lake Simond, or adjoining property. No outdoor lights, including free standing and building mounted, shall be placed more than 20 feet in height above finished grade.

Lighting Conditions

81. All ski hill lighting shall be of the types and locations as shown on the project plans. Ski hill lighting shall only be on during periods of active skiing or maintenance.

Resort Signage

Resort Signage

Findings

55. Proposed signage associated with the project is described in Exhibit #39, Section 4.0 Signs, pages 22 and 23, and on Exhibit #83, Drawing D-9 (June 2010 Updated plan sheets).

Resort Signage

Findings

56. Proposed signage is divided into two categories: Primary Signage and Secondary Signage. **Primary Signage will be used to mark the primary entrances to the project site** and includes 2 signs: one 40 sq ft main entrance sign located at the intersection of NYS Route 30 and West Access Road (and located outside the NYSDOT right-of-way; and one 20 sq ft sign located on the east side of Ski Tow Road just past the golf course. **Secondary signage will include signs associated with a specific activity** (i.e. “The Main Lodge”, “The Marina”, “The West Face Warming Hut”, etc.) and/or a specific neighborhood, (i.e. “West Face Expansion”, “Cranberry Village”, “Lake Simond View”, “Tupper Lake View North/South”). **Directional signage and traffic control signage**, such as stop signs, intersection signs, and parking signs **is also proposed throughout the project site.** Street signage will be provided to identify the different residential areas within the project site.

Proposed Infrastructure (continued):

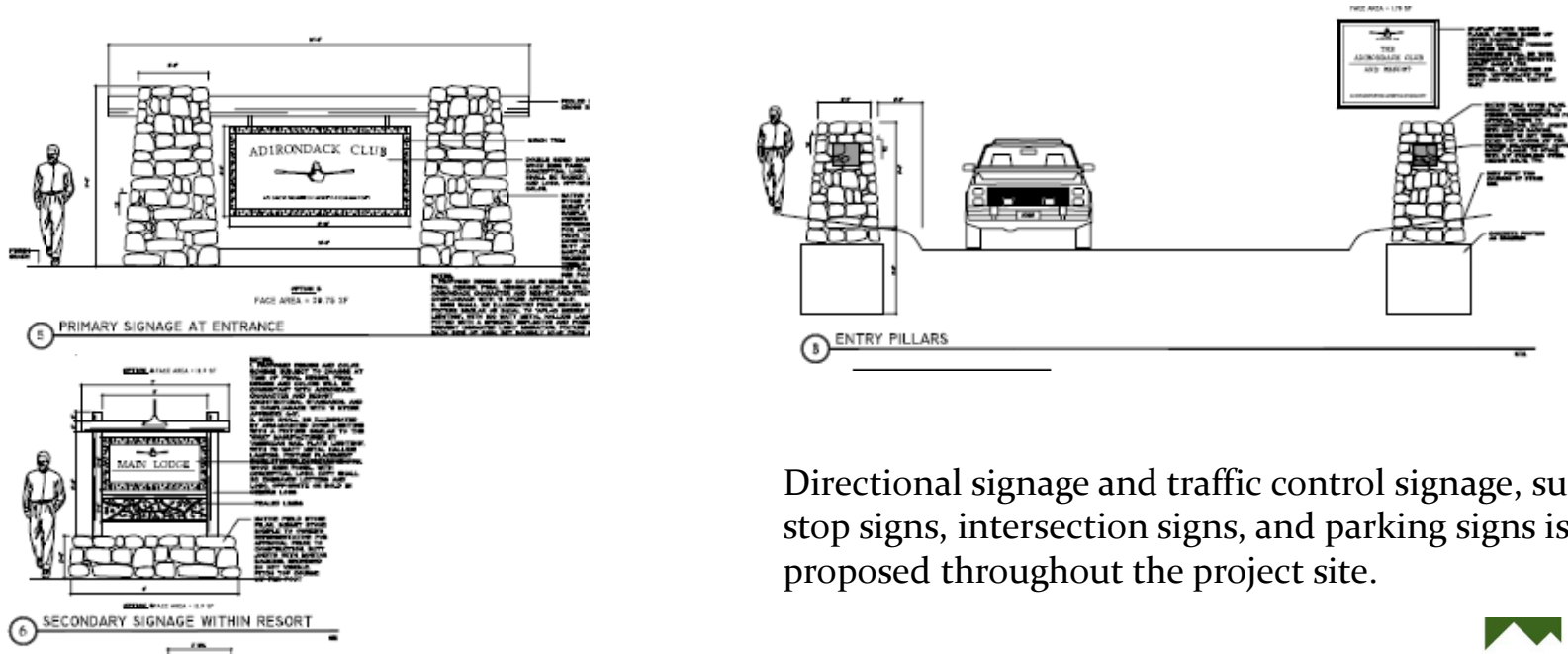
Signage:

Exhibit #39, Section 4.0 Signs, pages 22 and 23, and on Exhibit #83, Drawing D-9 (June 2010 Updated plan sheets)

Two Categories:

Primary Signage used to mark the primary entrances to the project site and include:
40 sq ft main entrance sign at intersection of NYS Route 30 and West Access Road
20 sq ft sign located on the east side of Ski Tow Road just past the golf course.

Secondary signage includes signs associated with a specific activity such as:
“The Main Lodge”;
“The Marina”;
and specific neighborhood names.



Directional signage and traffic control signage, such as stop signs, intersection signs, and parking signs is also proposed throughout the project site.

Resort Signage Conditions

82. Signage for the project will be themed to be consistent with the project's Adirondack character and shall meet the requirements of 9 NYCRR Subtitle Q, Appendix 3 and Section 5.6 of the Town and Village of Tupper Lake Land Use Code. Traffic control signage, such as stop signs, intersection signs, and parking signs shall be selected and installed to meet the NYS Manual of Uniform Traffic Control Devices (MUTCD) and NYS Department of Transportation (NYSDOT) standards.
83. Off-premise directional signing for the project within the NYSDOT right-of-way shall require NYSDOT approval.

Planting Plans

Planting Plans

Findings

Soils/Surface Waters/Groundwater

123. On RM lands, implementation of proposed grading, drainage, site layout, erosion and sediment control, on-site wastewater treatment, road and stormwater plans will serve to protect soil, surface water and groundwater resources. **Conditions addressing grading, vegetative cutting, and clearing limits; wetland protection; planting plans; building footprints; erosion and sediment control; stormwater management; wastewater treatment and the need for independent environmental monitors are warranted and contribute to this finding.**

Planting Plans Conditions

103. **The planting plan for the base lodge complex, public entrance drives and neighborhood entrances shall be undertaken as shown on the Landscaping & Lighting Plans (PL1-PL13) referenced in the Order, unless otherwise authorized by a new or amended Agency permit or letter of permit compliance. 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.**

Planting Plans Conditions

104. The Project Sponsor or other Responsible Party **shall submit a detailed landscaping plan** for Agency review and approval at least **60 days prior to the start of any vegetative cutting or earthwork for** utilities, driveways/parking areas or structures for **any residential neighborhood involving multiple family dwellings**. The landscaping plan shall be prepared by a NYS registered landscape architect. The **plan shall show the size**(at time of planting), **species, and proposed locations of all proposed trees, shrubs and groundcovers** on a revised scaled site plan **for all common areas in the general neighborhood and around the proposed multiple family dwellings, sidewalks and parking areas**. If approvable, Agency approval of the landscaping plan will be given in the form of a letter of permit compliance.

Planting Plans Conditions

105. The trees and shrubs required to be planted in conformance with the above landscaping plans shall be **planted no later than the first spring or fall planting season after final grading** related to the construction of the associated buildings. Trees and shrubs that do not survive **shall be replaced annually until** all are **established** in a healthy growing condition.

Planting Plans Conditions

106. **Implementation** of the landscaping plans **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.

Energy Use and Conservation

Energy Use and Conservation Findings

233. The proposed project will be operated on a year-round basis and will have significant energy and water demands and potential for adverse impacts. Compliance with the project design and conditions herein will limit those impacts.

Energy Use and Conservation

Findings

Issue No. 6: Section 805(4) requires the consideration of the burden on and benefits to the public. What are the positive and negative impacts of the project (including fiscal impacts) to the governmental units? What are the impacts of the project on the **municipalities' electric system's ability to meet future demand? To what extent will energy conservation mitigate demand impacts?** What are the assumptions and guarantees that the Big Tupper ski area can be renovated and retained as a community resource; what are the current and expected market conditions relating to available housing for the project's workforce; what are the impacts of the proposed project on the local housing market?

Energy Use and Conservation Findings

- 153.** The Village of Tupper Lake is capable of providing electric service to all of the AC&R project amenity facilities and housing, including construction power during the building of the project.
- 154.** The Project Sponsor has proposed energy conservation measures in the permit application and supports all of the proposed permit conditions suggested by Agency staff relating to energy conservation. As proposed and conditioned, the energy demands of the proposed project will be satisfactorily minimized.

Energy Use and Conservation Findings

Property Design, Architectural and Maintenance Standards

93. The Restrictions **require compliance with the Energy Star Program** guidelines **for all structures within the Resort**, including appliances, heating and cooling systems, building envelope materials and lighting fixtures. For commercial structures, this would also include appliances related to food service, vending machines and office equipment.

Energy Use and Conservation Findings

Property Design, Architectural and Maintenance Standards

94. The Restrictions also require that:

- The project shall **maximize the use of green building principles and the best energy, water and material efficiency techniques** and sustainable building practices that are available at the start of each project phase.
- Project building and facilities **shall comply with the Energy Conservation Construction Code of New York State, 2007** or whatever subsequent version is in effect at the start of the project phase in which those buildings will be constructed.

Energy Use and Conservation

Findings

Property Design, Architectural and Maintenance Standards

94. The Restrictions also require that:

- To the extent practical the project **should be constructed with local labor and materials to minimize fuel consumption** associated with worker travel and materials shipping.
- **Assistance shall be sought from** the New York State Research and Energy Development Authority (**NYSERDA**) **for design and construction technical assistance and financial incentives** relating to green buildings, Energy Star labeled homes, commercial new construction and other building efficiency programs.
- New construction for the **West Face Inn, base lodge and gym and recreation center buildings** shall meet the criteria for the “certified” level of **LEED Green Building Rating System.**”

Energy Use and Conservation Conditions

108. Electric heat shall not be the primary source of heat in any residential, commercial or amenity building.

109. All residential buildings on the project site **shall be designed and constructed to be ENERGY STAR Labeled Homes** that meet or exceed guidelines for energy efficiency set by the US Environmental Protection Agency. This will include adherence to properly installed and inspected building envelope materials (insulation, high performance windows, doors, roof products, tight building envelope construction and duct work), efficient heating and cooling systems, and lighting fixtures, and use of ENERGY STAR products.

Energy Use and Conservation Conditions

110. All residential structures on the project site **shall** also be designed and constructed to **exceed by at least 20% the minimum standards of the Energy Conservation Construction Code of New York State (ECCCNYS)** in effect at the start of construction of the project phase in which those buildings will be constructed.

Energy Use and Conservation Conditions

111. **All residential construction shall be inspected and tested by Independent Home Energy Raters (HERS Raters).** Responsible Parties **shall submit to the Agency annually**, by December 1, **certification** that all residential structures constructed during the previous 12 month period had been inspected and rated by HERS Raters. The Responsible Parties **shall maintain copies on-site of the completed Home Energy Ratings and HERS NY Energy Code Compliance Reports** prepared by an appropriately trained and experienced professional demonstrating compliance with this condition.

Energy Use and Conservation Conditions

112. Heating, ventilating, air conditioning, lighting, and domestic hot water **systems for all residential structures and the inn shall be designed, constructed, and operated to minimize energy consumption when they are not occupied**, including use of on-site programmable controls.
113. **To the maximum extent practicable**, in undertaking the project, Responsible Parties **shall employ labor and materials obtained from within a 100-mile radius of the project** site in order to minimize the carbon footprint associated with worker travel and materials shipping.

Energy Use and Conservation Conditions

114. **The lodge/restaurant, spa/clubhouse, ski center maintenance buildings, 60-room West Face Inn, marina, 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.

Energy Use and Conservation Conditions

115. The lodge/restaurant, spa/clubhouse, ski center maintenance buildings, 60-room West Face Inn, marina, 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. New York State Energy Research and Development Authority’s “New Construction” program representatives can provide guidance on this and help offset the cost of going LEED Green Building.** Responsible Parties shall provide the Agency with a copy of documentation from LEED-accredited professionals confirming all the above listed buildings are LEED certifiable.

Energy Use and Conservation Conditions

116. **Prior to any earthwork activities relating to the ski slope improvements or construction of the new base lodge, Responsible Parties shall have an energy audit conducted by an appropriately trained professional of the existing and proposed ski operation.** Based on the audit, a Responsible Party 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.

Grading and Limits of Vegetative Clearing

Grading and Limits of Vegetative Clearing

Findings

Property Design, Architectural and Maintenance Standards

87. The Adirondack Club and Resort “Property Design, Architectural and Maintenance Standards” (the “Standards”) are established to guide and control the design and construction of the residential development. Exhibit 82, Attachment 23. Taken together, these Standards provide a design review process that each property owner must go through that includes choosing an architectural design firm, participating in a pre-design meeting, preparing a preliminary plan, submitting contract documents, obtaining a building permit, undergoing inspections, and dealing with changes in plans and schedules.

Grading and Limits of Vegetative Clearing

Findings

Property Design, Architectural and Maintenance Standards

90. The Standards provide proposed Tree/Vegetation Cutting Restrictions (the “Restrictions”) that establish the limit of clearing at 25 feet from the foundation of all residential structures. The cutting of trees to create panoramic views is prohibited. No forestry management tree cutting (under any 480-a program) is allowed within 200 feet of the foundation of the Great Camp Lot single family dwellings or guest cottages.

Grading and Limits of Vegetative Clearing

Findings

Property Design, Architectural and Maintenance Standards (continued)

91. The proposed Restrictions address the **potential for additional tree cutting beyond the limits of clearing for “filtered views”** and **require approval from** both the board of the **ACR-HOA** and the **Agency**. The proposed Restrictions provide that a “filtered view means that each building will have a partial, limited, distant view from each floor that is framed by the trunks and branches of existing trees and shrubs.” **Plans must be prepared by a NYS registered landscape architect**, and must contain specified detailed information. Pruning is the preferred method of achieving the filtered view. The proposed Restrictions require the registered **landscape architect to be present while any cutting is in progress.**

Grading and Limits of Vegetative Clearing Findings

Property Design, Architectural and Maintenance Standards (continued)

92. The Project Sponsor has proposed that the Tree/Vegetation Cutting **Restrictions would not apply to certain components of the project that do not have off-site views** as they would not have distant views from locations off the project site because of their location low in the landscape or location behind existing topography.

Grading and Limits of Vegetative Clearing Conditions

22. Vegetative **clearing for driveways, parking areas and, where applicable, wastewater treatment systems, shall not exceed the limits shown on the approved plans** referenced in the Order unless otherwise authorized by a new or amended Agency permit or letter of permit compliance.
23. Vegetative **clearing** for all single family dwellings, multiple family dwellings and structures accessory to such dwellings **shall not exceed 25 feet from exterior walls or 10 feet from the outside edge of grading, whichever is less.**

Grading and Limits of Vegetative Clearing Conditions

24. **Except for a lean-to or gazebo or similar structure not to exceed 100 square feet** in size, **no** construction of buildings, accessory structures, **clearing or grading shall occur outside the limits of clearing as shown on the approved plans** referenced in the Order, unless otherwise authorized by a new or amended Agency permit or letter of permit compliance. **After construction completion, any future clearing or grading proposed outside the previously established limits of clearing shall require prior Agency review and approval, in the form of a new or amended permit or letter of permit compliance, at the discretion of the Agency.**

Ownership/Organizational Arrangements

Ownership/Organizational Arrangements

Findings

71. Several entities are proposed to own, construct and operate the various components of the project as updated in Section 7 (page 27) of Exhibit 39, and depicted on the Organizational Chart which is Attachment 5 thereto.
72. Tupper Lake Preserve, LLC is the controlling entity of the three LLCs that will own portions of the site - Preserve Associates, LLC; Big Tupper LLC; and Tupper Lake Boat Club LLC. Caldera Big Tupper, LLC, and Oxbow Preserve, LLC are the managing members of Tupper Lake Preserve, LLC.

Ownership/Organizational Arrangements

Findings

73. Preserve Associates, LLC is a limited liability company (LLC) organized under the laws of the State of New York; Michael D. Foxman, President, and is wholly owned by Tupper Lake Preserve, LLC. Preserve Associates is the Project Sponsor for the proposed project. Preserve Associates, LLC proposes to own the undeveloped land, the Ski Lodge, the Clubhouse, the Spa, the Gym and Recreation Center, the Equestrian Center, the private road segments (Bypass Road and Lake Simond Road Extension), the hiking and cross-country ski trails, and the West Face Inn. Preserve Associates, LLC intends to lease or sell many of the development areas (neighborhoods) to other developers who will build and sell the single family dwelling and townhouse units.
74. Big Tupper, LLC is wholly owned by Tupper Lake Preserve, LLC and currently owns the former Big Tupper Ski Area. Big Tupper, LLC will own and operate the ski area facilities, including buildings, lifts, trails, warming huts and two satellite parking areas.

Ownership/Organizational Arrangements

Findings

75. Tupper Lake Boat Club, LLC is wholly owned by Tupper Lake Preserve, LLC and owns the former McDonald's Marina property and will operate the reconstructed marina at that site.
76. Knotbill, LLC is wholly owned by Tupper Lake Preserve, LLC for the potential purpose of operating food service and/or bar facilities at the Base Lodge.
77. Hotelsite, LLC is wholly owned by Tupper Lake Preserve, LLC for the potential purpose of operating the tourist accommodation function of the quarter share residential units.

Property Owners Association/Declaration of Protective Covenants

Property Owners Association/Declaration of Protective Covenants **Findings**

Organizational Arrangements – Homeowners’ Associations

78. **Master Homeowners Association** A proposed Master Homeowners Association to be known as the Adirondack Club and Resort Homeowners’ Association (ACR-HOA) would be a New York not-for-profit corporation to be responsible for ownership and maintenance of any common area lands and structures, but its primary purpose is to administer the Architectural Guidelines and to collect annual fees for use of the amenities, especially for access to the ski area. It would also be responsible for collection and remittance to the Town an amount sufficient to cover annual road maintenance costs, including storm water devices (See p.51-52 of Exhibit 85). The proposed ACR-HOA would be the grantee of a permanent non-exclusive easement providing access rights to cross country skiing and any private roads on the undeveloped areas of the site owned by Preserve Associates, LLC. The easements would provide for maintenance of those areas by the ACR-HOA and will bill its members for related charges. The controls and restrictions for ACR-HOA Members are described in the Declaration of Covenants and Restrictions outlined below in more detail.

Property Owners Association/Declaration of Protective Covenants

Findings

Organizational Arrangements – Homeowners’ Associations (CONTINUED)

79. The proposed ACR-HOA would have a Board which will includes members of the Neighborhood HOA Boards (see below), other voluntary members and the Project Sponsor. The ACR-HOA Board would oversee issues related to the ACR-HOA and work in conjunction with the Neighborhood HOA Boards.

80. Enforcement of the “Property Design, Architectural and Maintenance Standards” is proposed to be overseen by an Architectural Review Committee reporting to the proposed ACR-HOA Board.

Property Owners Association/Declaration of Protective Covenants

Findings

Organizational Arrangements – Homeowners' Associations (continued)

81. **Non-HOA.** The purchasers of the Great Camp Lots and the single family dwellings in the Lake Simond View Neighborhood would have the right, but not the obligation, to join the ACR-HOA. Regardless of membership in the ACR-HOA, these properties would also have access to the hiking and cross-country ski trails and private roads via an easement to be filed by the developer. A draft of the proposed easement for access to project lands benefiting the Non-HOA lots was included in the application (Exhibit 36, Attachment 4).

Property Owners Association/Declaration of Protective Covenants

Findings

Organizational Arrangements – Homeowners’ Associations (continued)

- 82. Neighborhood Homeowners’ Associations (NHOA):** The remaining single and multiple family dwelling owners would belong to one of the six or more proposed NHOAs. Each NHOA would own and maintain include common property and amenities, as appropriate to the type of development, such as common roof structures and walls, picnic and gazebo areas, landscaping elements, open space, driveways, parking areas, signage and storm drainage system components, including stormwater runoff containment areas that are not part of the public roads.

Property Owners Association/Declaration of Protective Covenants

Findings

Organizational Arrangements – Homeowners’ Associations (continued)

83. Association responsibilities include collecting NHOA dues and common area maintenance fees. Individual NHOAs might also encounter individual property tax and insurance common costs dependent on the structure of the units within the NHOA. Each proposed NHOA will have a Board which would oversee issues related to the NHOA and work in conjunction with the ACR-HOA Board. A NHOA is proposed to be formed for any single or multiple family dwellings and units to be marketed as fractional shares. ***HOA Declaration of Covenants, Restrictions, Easements and Liens***

Property Owners Association/Declaration of Protective Covenants Findings

Organizational Arrangements – Homeowners’ Associations (continued)

84. The Project Sponsor has proposed three similar Declarations of Covenants and Restrictions to cover the residential developments—for the Master HOA areas, the Neighborhood HOA areas, and the Non-HOA areas. The propose Master HOA Declaration is contained in the Offering Plan in Attachment 5 of Exhibit 36, Volume 2. Its major elements include architectural restrictions, architectural approvals (through an Architectural Review Committee), association property rights or agreements, assessments, association structure and membership, insurance, and compliance with the APA permit.

Property Owners Association/Declaration of Protective Covenants Findings

Organizational Arrangements – Homeowners’ Associations (continued)

85. The proposed Neighborhood HOA Declaration is contained in Volume 3, Appendix 10 of Exhibit 13, and has similar provisions to the Master HOA Declaration, with a focus on maintaining common property. Details could vary among the neighborhoods, e.g. the existence of party walls.
86. The Non-HOA Declaration is found in Volume 3, Attachment 29 of Exhibit 23. It does not create a HOA for the properties but does require compliance with the Architectural Guidelines and the APA permit and imposes other property restrictions.

Property Owners Association/Declaration of Protective Covenants **Conditions**

33. The Adirondack Club and Resort Master Homeowner's Association (ACR-HOA) shall be formed prior to the conveyance of any lot subject to the ACR-HOA or any construction thereon, and shall retain or appoint a "compliance officer" to insure compliance with the Declaration of Protective Covenants, rules of the ACR-HOA, and the various governmental permits.

Property Owners Association/Declaration of Protective Covenants **Conditions**

34. The ACR-HOA compliance officer shall file a report with the Agency annually, by December 1 of each year, listing (i) the lots that have been sold that are subject to the ACR-HOA; (ii) all residential structures under construction (by name and location); and (iii) those residential structures that have been completed and received certificates of occupancy. The report shall identify all instances of non-compliance with the Declaration of Protective Covenants and “Property Design, Architectural Guidelines and Maintenance Standards” and how those matters were resolved. The report shall also address the status of compliance with all applicable governmental permits. Compliance with ACR-HOA requirements shall not be construed in any way to be compliance by Responsible Parties with the Permit as enforced by the Agency.

Property Owners Association/Declaration of Protective Covenants **Conditions**

35. The Declaration of Protective Covenants shall be amended to specify that all residential structures and other structures accessory to such residential structures on the Project site shall be constructed in compliance with the “Property Design, Architectural Guidelines and Maintenance Standards”.
36. The Declaration of Protective Covenants shall be amended to specify that, in the absence of a new or amended Agency permit or letter of permit compliance, the maximum building footprint includes all covered and uncovered attached porches, decks, exterior stairs and attached accessory components (such as an attached garage or shed), except that the measurement of the maximum building footprint for any townhome shall not include the front door entry stair in the measurement.

Non-Homeowner Association Lots

Findings

Organizational Arrangements – Homeowners’ Associations

81. **Non-HOA.** The purchasers of the Great Camp Lots and the single family dwellings in the Lake Simond View Neighborhood would have the right, but not the obligation, to join the ACR-HOA. Regardless of membership in the ACR-HOA, these properties would also have access to the hiking and cross-country ski trails and private roads via an easement to be filed by the developer. A draft of the proposed easement for access to project lands benefiting the Non-HOA lots was included in the application (Exhibit 36, Attachment 4).

Non-Homeowner Association Lots

Findings

Organizational Arrangements – Homeowners’ Associations

84. The Project Sponsor has proposed three similar Declarations of Covenants and Restrictions to cover the residential developments—for the Master HOA areas, the Neighborhood HOA areas, and the Non-HOA areas. The propose Master HOA Declaration is contained in the Offering Plan in Attachment 5 of Exhibit 36, Volume 2. Its major elements include architectural restrictions, architectural approvals (through an Architectural Review Committee), association property rights or agreements, assessments, association structure and membership, insurance, and compliance with the APA permit.

Non-Homeowner Association Lots

Findings

Organizational Arrangements – Homeowners' Associations

86. The Non-HOA Declaration is found in Volume 3, Attachment 29 of Exhibit 23. It does not create a HOA for the properties but does require compliance with the Architectural Guidelines and the APA permit and imposes other property restrictions.

Non-Homeowner Association Lots Conditions

37. Prior to any earthwork or construction on any of the Great Camp Lots or any of the 44 single family dwelling lots located in the Lake Simond View subdivision, the Project Sponsor shall employ a certified design professional to review the proposed lot layout, site development and building plans for such lot to ensure compliance with the requirements of the project plans referenced herein and the “Property Design, Architectural Guidelines and Maintenance Standards”.

Non-Homeowner Association Lots

Conditions

38. Prior to any earthwork or construction on any of the Great Camp Lots or any of the 44 single family dwelling lots located in the Lake Simond View subdivision, the Project Sponsor shall submit a report to the lot owner and the Agency certifying that the lot layout, building plans, grading plans, stormwater management and erosion control plans, wastewater treatment, road construction, water supply, electric, energy conservation and efficiency measures, landscaping plans, and exterior lighting are compliant as conditioned herein. If approvable, Agency approval will be given in a letter of permit compliance within 30 days of receipt of the above described report. No earthwork or construction shall occur on such lots except in accordance with the Permit and a letter of permit compliance.

Non-Homeowner Association Lots Conditions

39. The Project Sponsor shall file a report with the Agency annually, by December 1, listing all of the Great Camp Lots or single family dwelling lots located in the Lake Simond View subdivision that have been sold, all single family dwellings and accessory structures on said lots under construction (by name/number and location), and those structures that have been completed and received certificates of occupancy.

Great Camp Lots

Great Camp Lots

Findings

Proposed Project - Residential Development

6. To the east and south of the Tupper Lake View neighborhoods, the Project Sponsor proposes to create fifteen 20-30 acre “Great Camp” lots and to construct one single family dwelling on each of those lots. Collectively, these lots are referred to as the “Western Great Camp Lots”. The proposed lots are numbered 1-15 on Drawing MP-0 of Exhibit 83. On Lots 11 and 15, the single family dwellings are proposed to be constructed on MIU lands. For the other 13 Western Great Camp Lots, the Project Sponsor proposes to construct the single family dwellings on Resource Management (RM) lands.

Great Camp Lots

Findings

Proposed Project - Residential Development (continued)

16. South and east of the Lake Simond View Neighborhood, the Project Sponsor proposes to create sixteen lots ranging in size from 20± to 30± acres and to construct one single family dwelling on each of those lots. Collectively, these lots are referred to as the “Small Eastern Great Camp Lots”. The proposed lots are numbered 16-31 on Drawing MP-0 of Exhibit 83. On Great Camp Lots 27 and 28, the single family dwellings are proposed to be constructed on MIU lands. For all of the other small Eastern Great Camp Lots, the single family dwellings are proposed to be constructed on RM lands.

Great Camp Lots

Findings

Proposed Project - Residential Development (continued)

17. East and north of the Small Eastern Great Camp Lots, the Project Sponsor proposes to create eight lots and to construct one single family dwellings on each of those lots as follows: Lots A and I combined = 1211 acres; Lot B = 311 acres; Lot C = 248 acres; Lot D = 111 acres; Lot E = 143 acres; Lot F = 240 acres; Lot G = 170 acres; Lot H = 250 acres. Collectively, these lots are referred to as the “Large Eastern Great Camp Lots”. The proposed lots are numbered A-I on Drawing MP-0 of Exhibit 83. All of the single family dwellings proposed to be constructed on these Large Eastern Great Camp Lots will be on RM lands.

Great Camp Lots Conditions

40. No transfer deed shall be recorded for any Great Camp Lot unless the deed of conveyance contains the following deed language:

“Development on this parcel shall be restricted to one principal building as defined by Executive Law § 802(50) No further subdivision of this property, either by fee, gift, or lease, shall occur, except for an Agency-approved subdivision involving this parcel and an adjoining parcel for the sole purpose of reconfiguring parcel boundaries.”

Any such deed of conveyance shall also specifically state that the above covenants shall “run with, touch and concern the land” and that “these deed restrictions only shall be enforceable by the Adirondack Park Agency in its sole discretion.”

Great Camp Lots Conditions

41. **Absent a new or amended Agency permit or letter of permit compliance, all Great Camp Lots as described in the Order shall be limited to one single family dwelling, one guest cottage, two garages, two wood sheds and one lean-to less than 100 square feet in size. No further subdivision of individual Great Camp lots, either by fee, gift, or lease, shall occur, except for an Agency-approved subdivision involving this parcel and an adjoining parcel for the sole purpose of reconfiguring parcel boundaries.**

Great Camp Lots Conditions

42. **Except for accessory structures no more than 100 square feet in size, all construction of structures and other development and associated land-clearing and grading activities on Great Camp Lots shall be limited to the designated development envelopes, exclusive of the driveway.**

Great Camp Lots Conditions

43. Prior to the conveyance of any Great Camp Lot, the Project Sponsor shall provide the Agency with updated plans for Great Camp Lots 21-26, 29-31 and A-H. The plans shall limit the development envelopes, including the area for the on-site wastewater treatment absorption field, to no more than 3 acres. In addition, the development envelopes for Great Camp Lots A, 6 and 21 shall be reconfigured to include a 50-foot stream buffer.

Great Camp Lots Conditions

44. Concurrent with the construction of the Bypass Road, the Project Sponsor shall install the wastewater lines from the proposed absorption fields to the building envelopes on Great Camp Lots 22, 23 and 24. The Project Sponsor shall be responsible for protecting the existing municipal water line that will be crossed by the new wastewater lines and shall be responsible for fixing any damages to the municipal water line **that occurs during construction.**

Great Camp Lots Conditions

45. Prior to conveyance of Great Camp Lots E, 20, 23, 26, 29, 30 or 31, the Project Sponsor shall obtain Agency approval of an engineered plan for a septic system on the lot that complies with NYSDOH and Agency requirements. Agency approval shall be in the form of a letter of permit compliance. If a septic system cannot be designed to comply with these requirements, **any such lot shall be a non-building lot absent a new or amended Agency permit.**

Visual/Open Space Protection

Visual/Open Space Protection Findings

Visual Resources

108. Findings regarding the protection of visual resources on Resource Management lands are provided under Issue No. 11 below.

Visual/Open Space Protection

Findings

Issue No. 11: What will be the potential visual impacts of the project during the daylight and nighttime hours on the Resource Management and Moderate Intensity land use areas of the project site?

Moderate Intensity Use – Potential Daytime Impacts

179. There will be limited daytime potential views of approximately 29 of the 332 residential principal buildings proposed to be constructed in the MIU areas of the project site. These 29 principal buildings will be partially visible from up to six land or water public viewing points located within 5 miles of the project site.

Visual/Open Space Protection Findings

Moderate Intensity Use – Potential Daytime Impacts

180. The potential visibility includes limited views of the roof and eaves on MIU Great Camp on Lot 28 (which will be visible from certain locations on Lake Simond). There will also be potential limited views of the roofs and eaves of 7 residential buildings in West Face Expansion, 7 in West Slopeside, 12 in Sugarloaf North, and 2 in Sugar Loaf East.

Visual/Open Space Protection Findings

Moderate Intensity Use – Potential Daytime Impacts

181. Single family dwellings are classified as a primary compatible uses and multiple family dwellings as secondary compatible uses in MIU areas. MIU areas are designed to provide for residential expansion and growth. It is common for residential structures on MIU lands to be highly visible from public viewing points, as is the existing shoreline development along Tupper Lake, Lake Simond and Raquette Pond. The proposed residential development would be seen within the context of other existing residential and commercial development.

Visual/Open Space Protection Findings

Resource Management – Potential Daytime Impacts

182. In the RM areas of the project site, 82 principal buildings are proposed to be constructed, including 35 Great Camps, 44 single family dwellings in West Face Expansion, 1 single family dwelling in Lake Simond View, and 2 ski area warming huts.

Visual/Open Space Protection

Findings

Resource Management – Potential Daytime Impacts

183. Of the 82 principal buildings proposed in RM, 9 will potentially be partially visible from up to 6 public land or water viewpoints located within ½ to 5 miles from the buildings. The limited potential visibility of the 9 residential structures includes: views of the roofs and eaves of Great Camps 17 and 25 and of 5 single family dwellings in West Face Expansion; and limited filtered views of Great Camps 26 and 29.

Visual/Open Space Protection

Findings

Resource Management – Potential Daytime Impacts

184. None of the 9 structures are sky-lighted and all are back-dropped by existing topography and mature trees. The views of the 5 single family dwellings in West Face Expansion will primarily be from viewpoints on Tupper Lake and these on-lake vantage points have existing shoreline development prominent in the foreground. The 5 single family dwellings in West Face Expansion would also be seen within the context of other residential buildings proposed to be constructed in West Face Expansion and West Slopeside in the immediately adjacent MIU lands.

Visual/Open Space Protection

Findings

Resource Management – Potential Daytime Impacts

185. Single family dwellings are a secondary compatible use in RM and it is not uncommon to have partial or full views of residential structures from public viewing points.
186. The 4 proposed Great Camps and 5 single family dwellings should have no direct impact on land uses outside of the project site given that they are well-buffered by existing vegetation on the project site.

Visual/Open Space Protection

Findings

Potential Nighttime Visual Impacts

187. At full development, it is likely that some nighttime lighting from the RM and MIU areas of the overall proposed project will be seen from offsite. This will likely be most noticeable in the winter months when there is reflective snow on the ground and leaf-off conditions. It may be possible to see the lighted windows of a limited number of buildings from on-lake viewing points. Nighttime downhill skiing and trail maintenance would also increase nighttime lighting impacts.

Visual/Open Space Protection

Findings

Overall Assessment of Potential Visual Impacts

191. Visual impacts are minimized by the careful siting of the neighborhoods which use the natural mountainous topography to screen the neighborhoods and the very limited clearing allowed by the “Property Design, Architectural and Maintenance Standards”.
192. Any lighting impacts associated with the Ski Area will be limited to those nights when the Ski Area is in operation. Currently, night skiing is only proposed for Friday and Saturday nights and possibly weekdays between Christmas and New Years as snow conditions allow.

Visual/Open Space Protection

Findings

Overall Assessment of Potential Visual Impacts

193. Significant retention of existing vegetation on the residential properties and allowing the early successional forest areas to mature will mean that the proposed buildings should be highly screened during both daytime and nighttime periods.
194. Strict clearing limits and retention of existing trees, use of dark green and brown exterior finish materials, limiting the maximum footprint size and height of structures on the project site, and requiring outdoor lighting to be shielded and angled downward will all help to minimize potential visual impacts to adjacent land uses and avoid adverse visual impacts from the proposed development. Conditions to address these subjects are necessary to ensure protection of aesthetic resources and minimize visual impacts from the project as seen from off-site locations.

Visual/Open Space Protection Findings

Overall Assessment of Potential Visual Impacts

188. Daytime and nighttime lighting impacts will be minimized to the greatest extent practicable by locating and designing structures as proposed in the application materials and by compliance with the conditions herein.

Visual/Open Space Protection

Findings

Overall Assessment of Potential Visual Impacts

189. The 6 public viewpoints from which the proposed development may potentially be visible during daytime include:
- On Tupper Lake between Birch and Bluff Islands – potentially see portions of 12 residential structures (3 RM/9 MIU) in West Slopeside and Westface Expansion;
 - Tupper Lake across from the public boat launch - potentially see portions of 23 residential structures (5 RM/18 MIU) in West Slopeside and Westface Expansion and Sugar Loaf North;
 - On Raquette Pond - potentially see portions of 24 MIU residential structures in West Slopeside and Westface Expansion and Sugar Loaf North & East;
 - On Lake Simond near North Shore - potentially see portions of Great Camp #17 in RM;
 - On Lake Simond North of Pilot Knob - potentially see portions of Great Camp #25 (RM) and Great Camp #28 (MIU); and
 - On Lake Simond next to Pilot Knob - potentially see portions of Great Camps #26 and #29 in RM.

Visual/Open Space Protection

Findings

Overall Assessment of Potential Visual Impacts

190. Many of the same buildings, particularly those structures in West Slopeside and West Face Expansion, will be visible from more than one viewpoint on Tupper Lake; the most significant visibility will be from viewpoints across from the boat launch and Raquette Pond. The potentially visible buildings are located from ½ mile to 5 miles from the public viewpoints. None of the potentially visible buildings are sky-lighted and all are back-dropped by existing topography and mature trees. Primarily, only the roofs and eaves of the buildings would be visible from off the project site during daytime periods.

Visual/Open Space Protection

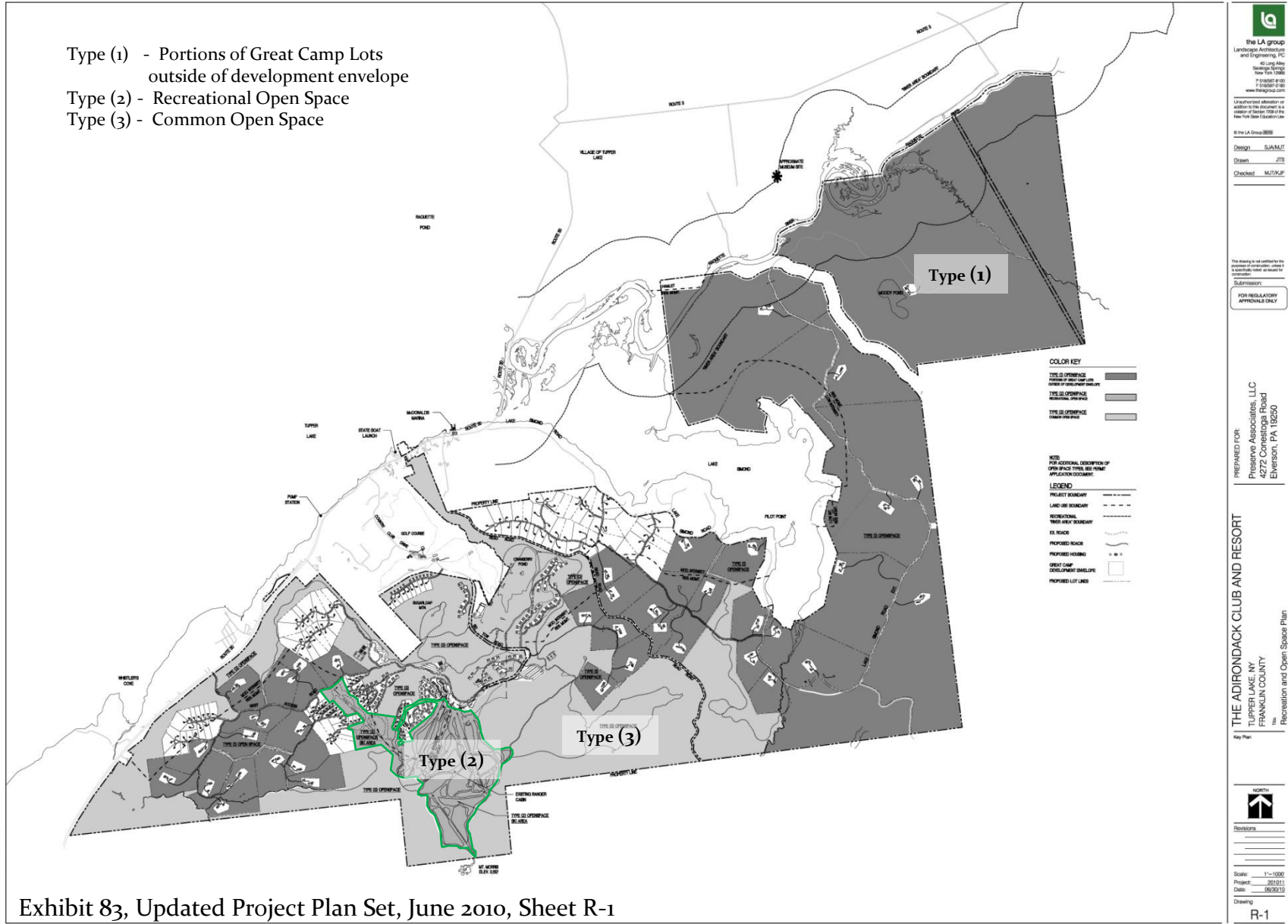
Findings

Open Space

109. The Project Sponsor has proposed to protect Type 1, Type 2 and Type 3 lands depicted on Exhibit 83, Drawing R-1 as open space. However, with respect to the Type 2 and Type 3 lands, **the Project Sponsor has not proposed deed restrictions to permanently preserve those lands from development.**
110. The Type 2 and Type 3 lands in Resource Management are generally characterized by steep slopes, shallow soils, and potential for high visibility, limiting their suitability for development. However there is an approximately 34-acre portion of those lands that is potentially suitable for development. See Exhibit A hereto.

Recreation and Open Space Plan:

- Type (1) - Portions of Great Camp Lots outside of development envelope
- Type (2) - Recreational Open Space
- Type (3) - Common Open Space



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THE ADIRONDACK CLUB AND RESORT
TUPPER LAKE, NY
FRANKLIN COUNTY
The Adirondack Club and Resort
Recreation and Open Space Plan



Scale: 1"=1000'
Project: 001011
Date: 09/30/10
Drawing: R-1

Exhibit 83, Updated Project Plan Set, June 2010, Sheet R-1

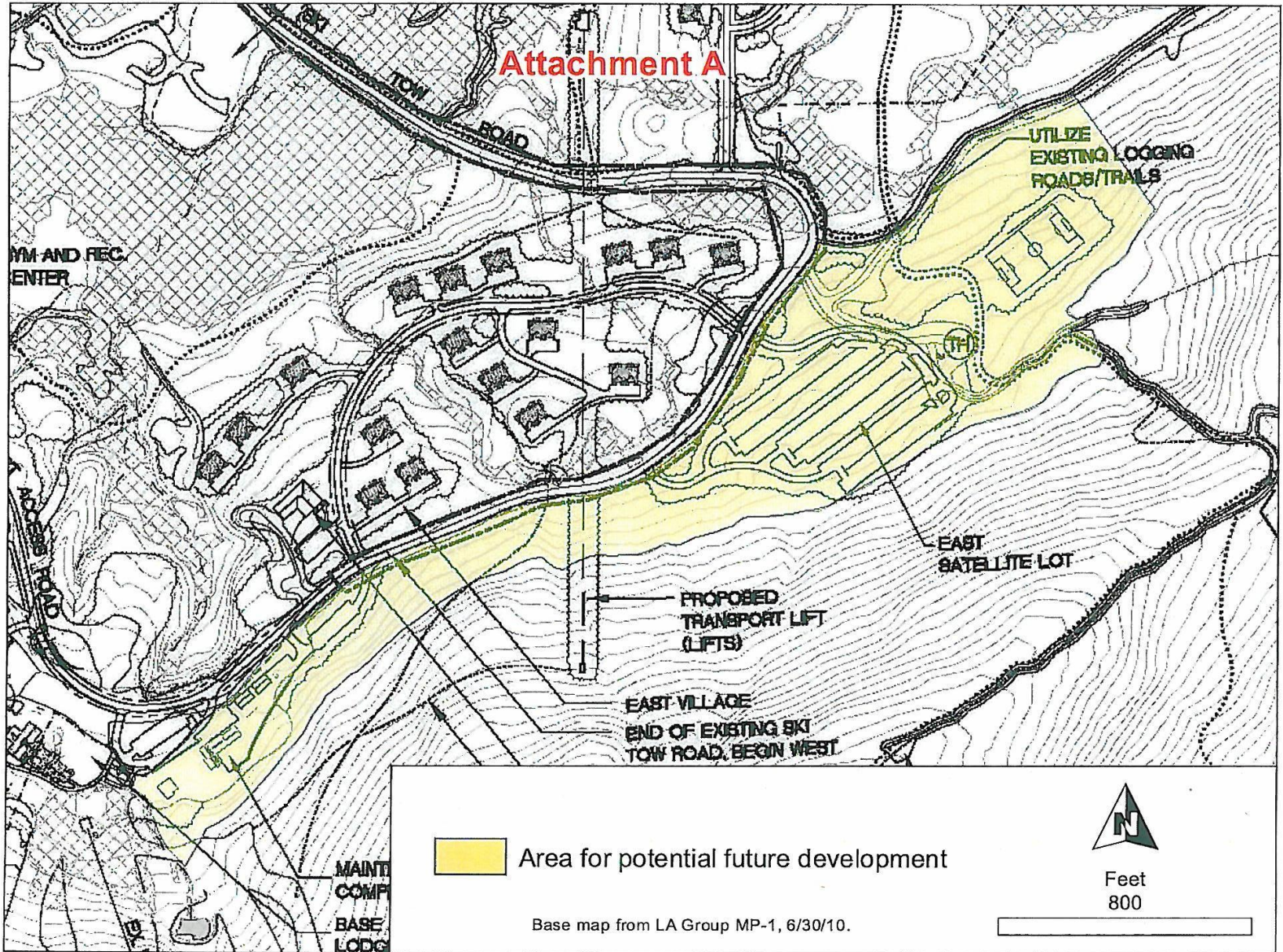
Visual/Open Space Protection

Findings

Open Space

111. The Resource Management portion of the Type 2 and Type 3 lands will only be adequately preserved as open space consistent with Executive Law § 805(3)(g) if they are permanently restricted from development.
112. The 34-acre portion of those lands (Exhibit A hereto) that is potentially suitable for development should be excepted from those restrictions. Development on those lands should be allowed subject to an Agency permit or permit amendment.

Attachment A



Visual/Open Space Protection Conditions

25. Clearing of vegetation for roadways, ditches, stormwater facilities, street lighting poles, and all associated grading shall be limited to what is shown on the approved plans referenced in the Order, unless otherwise authorized by a new or amended Agency permit or letter of permit compliance.

26. All Responsible Parties shall comply with the “Property Design, Architectural Guidelines and Maintenance Standards” referenced in the Order when constructing residential structures or other structures accessory to such residential structures, or clearing vegetation, on the Project site, unless otherwise authorized by a new or amended Agency permit or letter of permit compliance.

Visual/Open Space Protection Conditions

27. **No Responsible Party shall clear vegetation for “filtered views”** as described in the “Property Design, Architectural Guidelines and Maintenance Standards” **unless** such clearing **receives prior approval by both the ACR-HOA** Architectural Review Committee (if applicable), **and** subsequently by **the Agency**. Such “filtered views” will not be allowed if there are any material adverse on- or off-site visual impacts as determined by the Agency. **No “filtered view” clearing option shall be allowed for any non-residential structure.**

Visual/Open Space Protection Conditions

28. In the event of any loss of vegetation resulting in material off-site visual impacts from structures authorized herein, as determined by the Agency, the **landowner shall replace the vegetation that provided such screening, to the extent practicable, within one year** to a tree density and species composition similar to prior existing vegetation. Any replacement **vegetation that does not survive shall be replanted annually, until** such time as healthy replacement vegetation is **established**. Deciduous replacement trees shall be a minimum of 1½” in caliper at the time of planting and coniferous trees shall be a minimum of 6-8 feet in height. This condition shall **not be deemed to prevent the removal of dead or diseased vegetation** or of rotten or damaged trees or of other vegetation that presents a safety or health hazard, but rather is intended to ensure that replanting of screening vegetation is accomplished.

Visual/Open Space Protection Conditions

29. **Prior to any undertaking of the proposed project on Resource Management lands**, the Project Sponsor shall file deed restrictions in the Franklin County Clerk's Office that permanently prohibit any **subdivision or** new land use or development on all of the retained Resource Management lands described as Type 3 Open Space on Drawing R-1 in the June 30, 2010 project plans referenced herein except for the portion of such lands described in Condition 31 below. **The deed restrictions shall run with the land and only shall be enforceable 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.**

Visual/Open Space Protection Conditions

30. **Prior to any undertaking of the proposed project on Resource Management lands**, the Project Sponsor shall file deed restrictions in the Franklin County Clerk's Office that permanently prohibit any **subdivision or** new land use or development (except for Agency-approved, non-residential land use or development) on all of the retained Resource Management lands described as Type 2 Open Space on Drawing R-1 in the June 30 2010 project plans referenced herein, except for the portion of such lands described in Condition 31 below. **The deed restrictions shall run with the land and only shall be enforceable 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.**

Visual/Open Space Protection Conditions

31. Subject to prior approval by the Agency pursuant to an amended permit, permit, letter of permit compliance or non-jurisdictional determination, the excepted lands where new land use and development may be proposed include an area approximately 34 acres in size beginning at the base lodge and extending in a southerly direction outside of wetlands to elevation 2030 and running easterly along contour 2030 to a point approximately 800 feet east of the proposed “East Satellite Lot” then running in a northerly direction approximately 400 feet to the proposed access road for Great Camp Lots 16 through 19.
32. These excepted lands are depicted on the excerpt from Drawing MP-0 of Exhibit 83 from the June 30, 2010 project plans attached hereto as Attachment A.

Forest Management Plan

Forest Management Plan

Findings

- 107.** The Project Sponsor has proposed to require the development of a forest management plan for Great Camp Lots A-H to be administered by a professional forester. The objectives for each lot could vary, but include general sustainable timber harvest, production of veneer quality hardwoods, sugar bush, protection of particular wildlife habitats, or long-term preservation with a goal of “old growth”.
113. Deciduous trees comprise the dominant forest cover in Resource Management lands on the project site and there is ongoing, fairly intensive timber harvesting occurring on major portions of these lands.

Forest Management Plan

Findings

114. **The Project Sponsor has proposed that Great Camp Lots A-H will be subject to a comprehensive forest management plan.** The plan is to be developed and administered by a Society of American Foresters certified professional forester.
115. While the proposed project will result in the elimination of the commercial timber harvesting activities that occur on these Resource Management lands, some forestry management may continue under the proposed forest management plan. The remainder of the forest resources on Resource Management lands on the project site will be allowed to re-grow into mature forest and remain relatively undisturbed.
116. Development and implementation of a forest management plan is important to help maintain local forestry jobs as well as to create the conditions that will lead to a healthy working forest.

Forest Management Plan Conditions

46. A Forest Management Plan (FMP) shall be developed by a professional forester certified by the Society of the American Foresters for Great Camp Lots A-H by January 1, 2015. **The FMP shall be subject to Agency review and approval pursuant to a letter of permit compliance**, and shall provide a silvicultural strategy for the entire block of lots that may include, but not be limited to, the following objectives: general sustainable timber harvest, production of veneer hardwoods, sugar bush, improvements for particular wildlife habitat(s), or long-term forest preservation with a goal of “old growth”. **The Agency shall be provided with a copy of the approved FMP within 30 days of its completion and submission to the lot owners.**

Recreation and Open Space Plan:

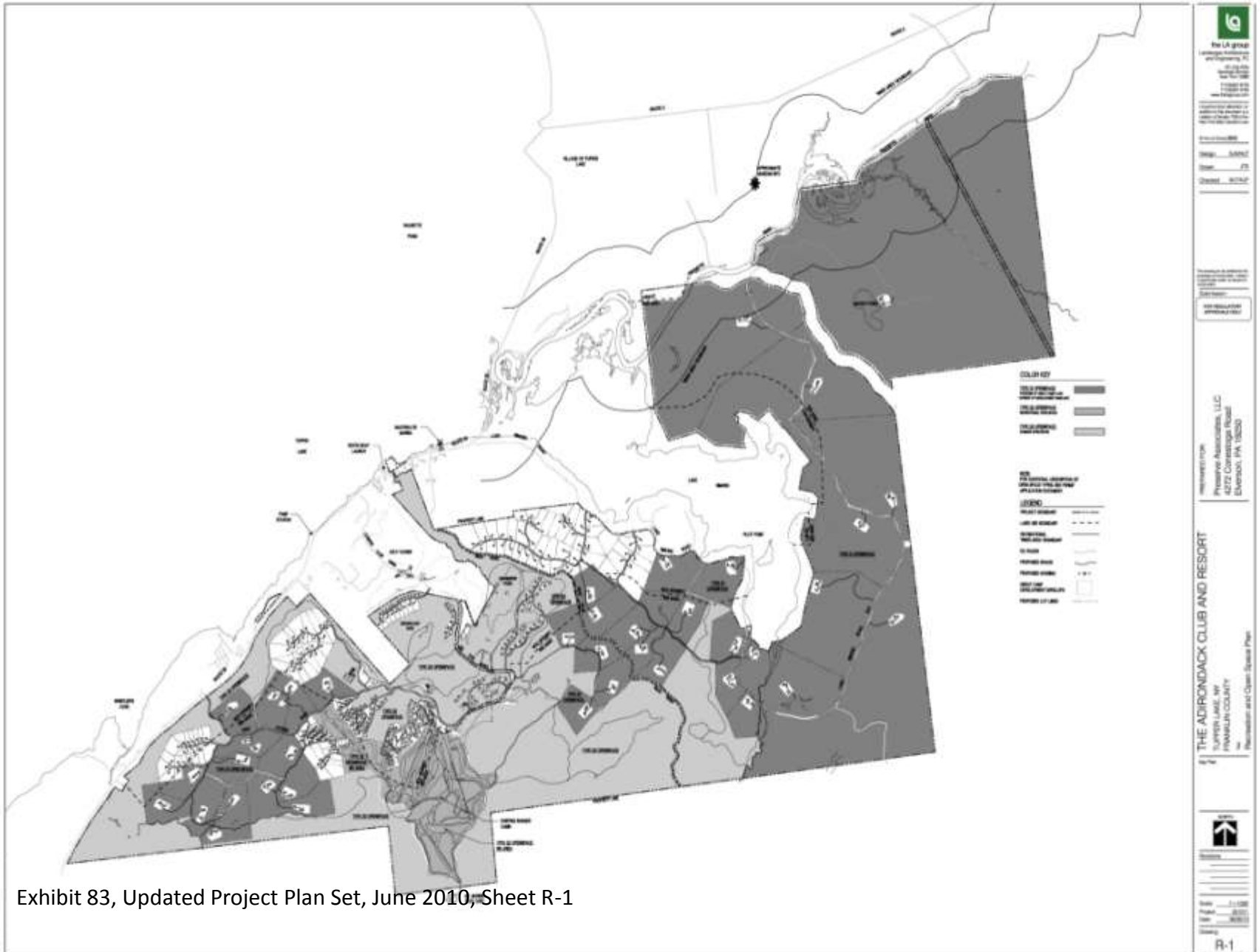


Exhibit 83, Updated Project Plan Set, June 2010, Sheet R-1