

 <p>P.O. Box 99 • Ray Brook, New York 12977 (518) 891-4050 www.apa.ny.gov</p>	<p>APA Project Permit 2012-199</p>
<p>In the Matter of the Application of LYDIAS PLACE, INC. and TIMOTHY S. SHARLOW</p> <p>for a permit pursuant to §809 of the Adirondack Park Agency Act</p>	<p>Date Issued:</p> <p>To the County Clerk: This permit must be recorded on or before _____. Please index this permit in the grantor index under the following names: 1. Lydia's Place, Inc.</p>

SUMMARY AND AUTHORIZATION

Lydia's Place, Inc. and Timothy S. Sharlow are granted a permit, on conditions, authorizing a 44-site campground in an area classified Resource Management by the Official Adirondack Park Land Use and Development Plan Map in the Town of Hopkinton, St. Lawrence County.

This project may not be undertaken, and no transfer deed shall be recorded, until this permit is recorded in the St. Lawrence County Clerk's Office. This permit shall expire unless so recorded on or before _____ 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 shall not be undertaken or continued unless the project authorized herein is in existence within two years from the date the permit is recorded. The Agency will consider the project in existence when the wastewater treatment systems have been installed and are operational.

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 project consists of a campground involving fewer than fifty sites in a Resource Management land use area, a Class B regional project requiring an Agency permit pursuant to Section 810(2)(d)(10) of the Adirondack Park Agency Act.

PROJECT SITE

The project site is a 52.28 acre parcel of land located on Lake Ozonia Road in the Town of Hopkinton, St. Lawrence County, in an area classified Resource Management on the Adirondack Park Land Use and Development Plan Map. It is identified on Town of Hopkinton Tax Map Section 67.004, Block 2 as Parcel 2. The project site is described in a deed from Carly Gravely to Lydia's Place, Inc. dated March 21, 2011 which was recorded March 28, 2011 in the St. Lawrence County Clerk's Office as Instrument No. R-2011-00004154.

PROJECT DESCRIPTION AS PROPOSED

The proposed project involves construction and operation of a campground with 44 campsites for tenting and RV/travel trailers. Seven small buildings will be constructed, each less than 1,250 square feet in size including: Open-air pavilion, two toilet buildings, a shower house, recycling/garbage sheds, and water supply treatment building. Community water supply and on-site wastewater treatment systems will be developed for the project. The applicants propose to allow campsites to be occupied from May 15 through October 15 each season, which is an approximately 154 day camping season. During the operating season the campground will be open 24 hours a day. Proposed campground rules include quiet hours from 10 PM to 8 AM, campfires to be limited to those firepits having a concrete base, and swimming to be prohibited in Lyd's Brook.

Twenty-four of the campsites are located on the upper plateau (all of the "B" and "C" sites), and twenty are located on the lower plateau (all of the "A" sites). Each is 25 feet by 50 feet. They are itemized below as detailed on the plans.

On the lower plateau:

- Sites A-1, A-2 and A-8 through A-13 will be for tent and will have no electrical or water services.
- Sites A-3 through A-7 are RV sites with electrical service, only.
- Sites A-14 & A-15 are RV sites with water service, only.

On the upper plateau:

- Sites B-1 through B-12 and C-1 through C-12 are designed for RV/travel trailer use and will have water, electric and sanitary hook-up services.

Sites A-1 through A-15 will be for transient occupancy, only. The remainder of the sites can be occupied either on a transient or on a seasonal basis. The community water system will consist of a drilled well with appropriate treatment and distribution system. Wastewater will be collected and treated in two in-ground systems on the upper plateau; these are designed to treat wastewater from a trailer dump station, rest room and shower facilities, and collection from the twenty-four "B" and "C" individual campground sites. Solid waste and recycling collection is also proposed. Storage of RV's over winter will be allowed in the "B" and "C" sites.

Signage

The sign plan submitted with the application shows an unlighted wooden sign to be installed at the campsite entrance having an overall height of approximately five (5) feet above grade and a sign area of approximately six (6) square feet.

The project site is shown on a map of a survey prepared by Kevin J Burnett, LS dated December 2012 and entitled, "Boundary Survey Map".

The proposal is illustrated by four sheets of plans entitled "Proposed Camping Sites" prepared by Thomas A.H. Pahler, P.E. and dated September, 2012 itemized as follows:

- Drawing 7153-01 "Site Plan" was last revised on March 19, 2013.
- Drawing 7153-02 "Stormwater Erosion & Control Plan"
- Drawing 7153-03 "Sanitary Details & Notes" was last revised on March 19, 2013.
- Drawing 7153-04 "Site Details" was last revised on March 19, 2013.

A reduced scale copy of the Pahler site plan is attached as a part of this permit for easy reference. The original, full-scale maps and plans referenced in this permit are the official plans for the project.

CONDITIONS

BASED UPON THE FINDINGS BELOW, THE PROJECT IS APPROVED WITH THE FOLLOWING CONDITIONS:

1. The project shall be undertaken as described in the completed application, the Project Description as Proposed and Conditions herein. In the case of conflict, the Conditions control. Failure to comply with the 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.
2. This permit is binding on the applicant(s), all present and future owners of the project site and all contractors undertaking all or a portion of the project. Copies of this permit and the site plan map(s) referred to herein shall be furnished by the applicant to all subsequent owners or lessees of the project site prior to sale or lease, and by the applicant or any subsequent owner or lessee undertaking construction to any contractors undertaking any portion of this project. All deeds conveying all or a portion of the lands subject to this permit shall contain references to this permit as follows: "The lands conveyed are subject to Adirondack Park Agency Permit 2012-199 issued _____, the terms and conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
3. The Agency may conduct such on-site investigations, examinations, tests and evaluations as it deems necessary to ensure compliance with the terms and conditions hereof. Such activities shall take place at reasonable times and upon advance notice where possible.

Agency Review of Future Subdivision and Development

4. No subdivision or land use and development not specifically authorized herein shall occur on the property without first obtaining a jurisdictional determination and, if necessary, a permit or permit amendment from the Agency.

Campground Operation

5. The owners of the campsite may rent campsites for temporary or seasonal overnight camping. In no instance shall a campsite rental be for longer than one year.

6. All RVs/travel trailers in the campground shall be readily moveable. This means that they must: (a) be designed for and capable of regular over-road travel and have a valid DMV registration; (b) have wheels on at all times; (c) not have any associated structural elements such as decks, roofs or fencing; (d) not require a DOT Special Hauling Permit for travel over State roads; and (e) not be permanently connected to water, sewer and electric hook-ups; and (f) be disconnected from all sewer, water and electric hook-ups for the winter months when the campground is not in operation.
7. Within one year of cessation of the campground use, all RVs/travel trailers shall be removed from the site.

Campsites and Building Location and Size

8. This permit authorizes the construction of roads, camp sites, pavilion, and other camp facilities as shown on the plans approved herein. No structure shall exceed 24 feet in height without a new or amended permit. The 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 is lower.

Building Color

9. All exterior building materials, including roof, siding and trim, used to surface the exterior of the pavilion authorized herein and all other accessory structures on the project site shall be of a color which blends with the existing vegetation. The Agency will, upon request, advise whether any particular proposal complies with this condition.

Outdoor Lighting

10. Any new 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. The fixtures shall be oriented so as to not cast light toward Lake Ozonia Road, Lyd's Brook, or adjoining property.

Erosion and Sediment Control

11. All proposed elements of the erosion and sediment control system as depicted on the Pahler plans shall be constructed as proposed and maintained in functional condition. In the event any element or portion of the system malfunctions or is damaged, it shall be repaired to functional condition within ten (10) days.

Wetlands

12. 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, clear-cutting more than three acres within, or dredging or filling of a wetland, or any other activity, whether or not occurring within the wetland, which pollutes it or substantially impairs its functions, benefits or values.
13. A minimum twenty-foot no-disturbance, no-cut buffer area between wetlands and camp sites, roads and facilities shall be maintained.

Docks and Boathouses

14. Due to the presence of wetlands along the shoreline of Lyd's Brook, there shall be no boathouses or docks without prior Agency approval.

Shoreline Cutting

15. With regard to the shoreline of Lyd's Brook, no trees, shrubs or other vegetation may be cut, culled, limbed or otherwise removed between the shoreline and the campsites as shown on the approved plans except as permitted by an Agency-approved shoreline vegetation management plan.

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.

Shoreline Access and Vegetation Management Plan

16. After the first season of operations, and no later than October 15, 2014, the applicant shall submit to the Agency a plan for shoreline access and vegetation management. This plan shall provide for foot access to Lyd's Brook which protects the values and functions of the wetlands and the water quality of Lyd's Brook. The plan shall not be implemented until the Agency has approved the plan.

Wastewater Treatment

17. The proposed on-site wastewater treatment systems shall be constructed in complete conformity with the location and design shown on the plans referenced herein. Installation of the systems shall be under the supervision of a licensed design

professional (licensed Professional Engineer, Registered Architect, or exempt Licensed Surveyor). Within 30 days of complete system installation and prior to utilization, the design professional shall provide the Agency with written certification that the system was built in compliance with the approved plans.

Visual/Open Space Protection

18. No trees, shrubs or other woody-stemmed vegetation may be cut, culled, trimmed, pruned or otherwise removed or disturbed within 100 feet of the edge of right-of-way of the Lake Ozonia Road except for that required for access road construction and utility installations as shown on the plans approved herein. 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.

Legal Interests of Others

19. This permit does not convey to the permittee any right to trespass upon the lands of others in order to undertake the authorized 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.

Permit Term

20. The campground shall be allowed to continue to operate as authorized herein so long as it is authorized by a valid New York State Department of Health permit to operate the campground. Copies of any and all permits issued by DOH for the project shall be provided to the Adirondack Park Agency within 30 days of issuance. The campground use authorized herein shall cease should the DOH permit expire and it shall not recommence until such permit has been renewed or reinstated.

Building Density

21. There are no existing or proposed structures on the project site which constitute a principal building pursuant to Section 802(50) of the Adirondack Park Agency Act. The proposed pavilion is 1,040 square feet in size; it constitutes an accessory structure due to its size and proposed use. A pre-existing single family dwelling was destroyed by fire in the 1980's and subsequently replaced by a mobile home which has also since been removed from the property. Including the potential for replacement of the pre-existing single family dwelling, a total of two (2) principal buildings may be associated with the 52.28±-acre project site,

unless the overall intensity guidelines of the Adirondack Park Agency Act or the Park Plan Map are amended or, pursuant to the adoption of an Agency-approved local land use program, refined so as to permit additional principal buildings.

FINDINGS OF FACT

Background/Prior History

1. Enforcement case E2008-123 involved development and uses of the site by a previous landowner. That case was settled by agreement and all illegal structures and uses have since been removed.

Existing Environmental Setting

2. The project site has approximately 2,000 feet of shoreline on both sides of Lyd's Brook. The site is bounded on the northeasterly side by approximately 1,500 feet of frontage on Lake Ozonia Road, a Town-maintained, paved public highway. The site is flat within 300 to 350 feet of Lake Ozonia Road, then drops down slightly in elevation to a lower plateau along Lyd's Brook.

Public Notice and Comment

3. The Agency notified all adjoining landowners and those parties as statutorily required by Section 809 of the Adirondack Park Agency Act and published a Notice of Complete Permit Application in the Environmental Notice Bulletin. No comments have been received.

Other Regulatory Permits and Approvals

4. The Town of Hopkinton has stated that it has no review jurisdiction over the project.
5. The Agency has coordinated its review of the project with the NYS Department of Health, which has approved the plans for onsite-wastewater treatment and a well water supply.

Economic/Fiscal Factors

6. It is anticipated that approximately two part-time seasonal jobs will be created by the project.
7. According to research performed for the Northern New York Travel and Tourism Research Center of SUNY Potsdam by the firm Davidson-Peterson Associates, the average North Country campground tenant spends \$62.24 per person per day in the local economy. According to the study, the average campground tenant brings 3.30 people to

stay at the campsite. If the proposed project's 44 campsites were to operate at 50% occupancy during the proposed 154 day season, total spending from campground visitors would be approximately \$695,686 in the North Country economy.

PROJECT IMPACTS

Wetlands

8. There are extensive wetlands on the site. Wetlands within 200 feet of proposed earth disturbance were delineated in the field by Agency staff. The areas delineated are shown on the Pahler plans, including wet meadow coverytype along the shoreline of Lyd's Brook. Wetlands shown on the plans and/or described herein are intended to alert landowners and others that wetlands are present on the project site. However, this may not identify all wetlands on or adjacent to the project site.
9. As proposed, the project will not involve loss of wetland acreage, function or benefits derived therefrom. However, strict adherence to the minimum 20-foot setbacks for clearing/earth disturbance for all campsites is necessary to protect wetlands from impacts.
10. As proposed, the campsite does not have a shoreline access or vegetation management plan. Such a plan is necessary to avoid or minimize damage to the wetlands along the shoreline, excessive removal or damage to the trees and shrubs between the campsite and Lyd's Brook, and to prevent soil erosion of the stream banks from establishment of numerous herd paths across the shoreline.

Navigable Shorelines

11. Lyd's Brook is a permanent watercourse which flows from south to north through the project site. The mean high water mark is shown accurately on the Pahler plans cited herein. All development of the site will be on the easterly side of Lyd's Brook, accessed by Lake Ozonia Road; no stream crossing, dock or swimming area is proposed or authorized. Pursuant to Section 806 (2) of the APA Act, all principal buildings and accessory structures in excess of 100 square feet must be set back a minimum of 100 feet, measured horizontally, from the closest point of the mean high water mark of Lyd's Brook.

Land and Open Space Resources

12. The site is not located in an area of designated agricultural soils. Soils in the area of the proposed on-site wastewater treatment systems consist of fine sandy loams with a seasonal high ground water table located more than 48 inches below grade. The twenty-four sites on the upper plateau will be somewhat visible from Lake Ozonia Road, but screened by scattered White Pine trees. The twenty sites on the lower plateau will not be visible from off-site.

Operational Issues Affecting Nearby Land Uses

13. The project site is located on a Town road which is sparsely developed. It is 1± mile south of NYS Route 11B and the small hamlet of Hopkinton. Parishville, Malone and Potsdam are the largest communities within approximately twenty miles of the site. In the area immediately surrounding the project site, uses include rural residences, forestry and open space. The nearest dwelling is located on the opposite side of Lake Ozonia Road from the site. While operation of the campsite will increase traffic seasonally on Lake Ozonia Road, it is anticipated that the majority of the traffic will be to and from NYS Route 11B.

Historic Sites or Structures

14. Based on available mapping resources, there are no known historic or archaeological resources. The project as proposed and authorized herein will not cause any change in the quality of "registered," "eligible," or "inventoried" property as those terms are defined in 9 NYCRR Section 426.2 for the purposes of implementing Section 14.09 of the New York State Historic Preservation Act of 1980.

CONCLUSIONS OF LAW

The Agency has considered all statutory and regulatory criteria for project approval as set forth in: Section 809(10) of the Adirondack Park Agency Act (Executive Law, Article 27) and 9 NYCRR Part 574. The Agency hereby finds that the project is approvable and complies with the above criteria, provided it is undertaken in compliance with the conditions herein.

PERMIT issued this day
of , 2013

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 2013, 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:SBM:SHR:mlr