


THIS IS A TWO SIDED DOCUMENT
THIS PERMIT IS A REISSUANCE OF UNRECORDED
PERMIT 2011-103 ISSUED OCTOBER 16, 2013.

 <p>NEW YORK STATE Adirondack parkagency P.O. Box 99 • Ray Brook, New York 12977 (518) 891-4050 • www.apa.ny.gov</p>	<p>APA Project Permit 2011-103</p>
<p>In the Matter of the Application of SHEILA WHITE for a permit pursuant to §809 of the Adirondack Park Agency Act</p>	<p>Date Issued: October 29, 2013</p>
	<p>To the County Clerk: This permit must be recorded on or before December 30, 2013. Please index this permit in the grantor index under the following names: 1. Sheila White</p>

SUMMARY AND AUTHORIZATION

Sheila White is granted a permit, on conditions, authorizing four lots and associated development in a seven lot subdivision in an area classified Rural Use by the Official Adirondack Park Land Use and Development Plan Map in the Town of Putnam, Washington County.

This project may not be undertaken, and no transfer deed shall be recorded, until this permit is recorded in the Washington County Clerk's Office. This permit shall expire unless so recorded on or before December 30, 2013 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 four years from the date the permit is recorded. The Agency will consider the project in existence when the common access road is constructed according to the plans and at least one of the authorized lots (1, 4, 5 or 7) has been conveyed.

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

AGENCY JURISDICTION

The project consists of a subdivision resulting in more than five lots in Rural Use since August 1, 1973, a Class B regional project requiring an Agency permit pursuant to Section 810(2)(c)(1) of the Adirondack Park Agency Act.

PROJECT SITE

The project site is a 46.26 acre portion of a 59.6 acre parcel of land located on Gull Bay Road Extension in the Town of Putnam, Washington County, in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map. The 59.6 acre contiguous landholding is identified on Town of Putnam Tax Map Section 17, Block 1 as Parcel 1.1. The project site is described in a deed dated April 28, 1998 and recorded in Liber 801 of Deeds, page 254 in the Washington County Clerk's Office.

PROJECT DESCRIPTION AS PROPOSED

The project as proposed is summarized as follows: A subdivision of 59.6 acres into seven lots, of which four lots (No. 1, 4, 5 & 7) are subject to Agency review. One new single family dwelling is proposed on each of the four lots subject of this permit. One boathouse is proposed for each of the three shoreline lots. The project site has 2,530± feet of shoreline on Lake George.

Lot 1 is 3.05 acres in size with 220± feet of shoreline on Lake George;
Lot 4 is 2.97 acres in size with 690± feet of shoreline;
Lot 5 is 2.44 acres in size with 300± feet of shoreline; and
Lot 7 is a 37.8 acre non-shoreline lot.

Each of these lots will be developed by a single family dwelling and attached garage having a footprint of up to 2,500 square feet, including attached decks, porches and staircases. Structure heights will be less than 40 feet. Each lot will also be developed by an accessory use shed up to 100 square feet in size located near the dwelling. The dwellings will be set back from Lake George between 180 to 230 feet on the shoreline lots. All exterior surfaces are proposed to be natural wood and stone surfaces in earth tone colors. Access to the shoreline will be afforded by one four foot wide footpath on each of the shoreline lots. The footpath on Lot 5 has two staircases, each less than 100 square feet in size, one located inside the 75 foot minimum structural shoreline setback.

At the shoreline, each of the three shoreline lots (1, 4 and 5) will be developed by an open-sided boathouse¹ on cribbing with rooftop deck, 40 feet by 40 feet in size, including attached staircase, and no more than 16 feet tall above the mean high water mark of Lake George.

Access to the lots will be afforded by a proposed 16 foot wide, ±1,850 foot long shared gravel access road contained within a 50 foot wide easement.

A homeowners' association will be formed to maintain the common access road and administer proposed Covenants, Restrictions and Easements.

The project is illustrated by the following drawings entitled "Proposed Subdivision of the Lands of Sheila White" prepared by Environmental Design Partnership LLP, Dennis MacElroy, P.E.:

- SD-1 entitled " Preliminary Subdivision Plan", dated July 29, 2010 and last revised August 29, 2013,;
- SD-2 entitled " Detailed Subdivision Plan, Section 1", dated July 29, 2010 and last revised August 29, 2013,;
- SD-3 entitled "Detailed Subdivision Plan, Section 2", dated July 29, 2010 and last revised August 29, 2013,;
- SD-4 entitled " Road Profile and Section", dated July 29, 2010 and last revised August 29, 2013,;
- SD-5 entitled " Details and Notes", dated January 31, 2013 and last revised August 29, 2013,;
- S-1 entitled "Lot 1 Site Plan ", dated May 19, 2011 and last revised September 23, 2013;
- S-4 entitled "Lot 4 Site Plan ", dated May 19, 2011 and last revised September 23, 2013;
- S-5 entitled "Lot 5 Site Plan", dated May 19, 2011 and last revised September 23, 2013;
- S-7 entitled "Lot 7 Site Plan", dated May 19, 2011 and last revised August 29, 2013;
- S-8 entitled " Site details and Notes: Wastewater and Water", dated May 19, 2011 and last revised August 29, 2013;
- S-9 entitled "Site details and Notes: Stormwater and Erosion Control", dated May 19, 2011 and last revised September 23, 2013;
- S-10 entitled "Boathouse and Stream Crossing Details", dated October 24, 2012 and last revised September 23, 2013.

¹ Under Lake George Park Commission rules, the proposed boathouses are described as "covered docks" and, in this case, are in an "E" configuration.

A visual impact analysis including photo simulations of the proposed development is depicted on five sheets of plans (VA-3 through VA-7) prepared by Environmental Design Partnership dated May 19, 2013, last revised July 2, 2013.

Reduced-scale copies of Sheets SD-2 and SD-3 are 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.

A "Stormwater Control Report" dated December 30, 2011; last revised July 1, 2013 was prepared by the Environmental Design Partnership (EDP).

A Stormwater Pollution Prevention Plan prepared by EDP is dated December, 2010 and last revised July, 2013.

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, 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 approved project plans 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 2011-103 issued October 16, 2013, and reissued October 29, 2013 the terms and conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."

3. The Declaration of Covenants, Restrictions and Easements for this Subdivision shall also provide that: "Lots 1, 4, 5 and 7 of the White Subdivision are subject to Adirondack Park Agency Permit 2011-103 issued October 16, 2013, the terms and conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
4. 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.

Projected Remaining Building Density

5. After the construction of one single family dwelling on each of Lots 1, 4, 5 and 7 as authorized herein, no additional principal buildings shall be allowed on each of Lots 1, 4 and 5, and not more than one (1) additional principal building shall be allowed on Lot 7 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 building(s). Due to site limitations, the Agency makes no assurances the maximum development mathematically allowed can be approved.

Building Location and Size

6. This permit authorizes the construction of one single family dwelling on each of Lots 1, 4, 5 and 7 in the locations shown on the project plans. The authorized single family dwelling(s) shall not exceed a height of 40 feet and a footprint of 2,500 square feet including all covered and uncovered attached porches, decks, exterior stairs and attached garage. 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.

Accessory Uses and Structures

7. Other than those shown on the approved plans referenced herein, no accessory structures greater than 400 square feet in footprint, greater than 16 feet in height, or more than 50 feet from the foundation of the single family dwelling shall be constructed or installed on the project site without prior Agency review and approval.

8. Each of the boathouse structures on Lots 1, 4 and 5 shall be no larger than 40 feet by 40 feet in footprint, including all attached elements, and no more than 16 feet in height above the mean high water mark (MHWM) of Lake George. No additional elements such as ramps, retaining walls, or other above-grade structures shall be constructed without prior Agency review and approval.
9. The proposed staircase on the footpath on Lot 5, located within 75 feet of the mean high water mark of Lake George, shall be no larger than 99 square feet.

Building Color

10. All exterior building materials, including roof, siding and trim, used to surface the exterior of the dwellings authorized herein and all accessory use structures on the project site shall be of a color which blends with the existing vegetation such as a dark shade of green or brown or other earth tone colors that blend with the surrounding environment. The Agency will, upon request, advise whether any particular proposal complies with this condition.

Outdoor Lighting

11. Any new free-standing or building-mounted outdoor lights shall employ full cut-off fixtures; 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 Lake George or adjoining property. The intent is to reduce nighttime light pollution (glare, light trespass and sky glow).

Wastewater Treatment

12. The proposed on-site wastewater treatment system(s) shall be constructed in complete conformity with the location(s) and design(s) shown on the project plans referenced herein. The construction of the system 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 its utilization, the design professional shall provide the Agency with written certification that the system was built in compliance with the approved plans.

13. The permittee(s) or successor(s) shall provide each purchaser of a lot at the time of purchase with a legible reproduction of the approved wastewater treatment system plans and shall notify the purchaser of the necessity of installing such facilities in accordance with the approved plans.

Stormwater Management

14. The stormwater management systems shall be installed in accordance with the approved engineering plans and Stormwater Pollution Prevention Plan (SWPPP) described herein. Any modifications to the approved plan must be submitted to the Agency for review and approval prior to any land disturbance on the project site.

Project Plans

15. The project plans cited herein are the final, approved plans illustrating the proposal. Any modifications to these plans shall be provided to the Agency for review and approval prior to implementation of any such changes on the project site.

Field Stakeout

16. No later than the 20 days prior to any land disturbance activities, the permittee shall notify the Agency in writing of the planned start of construction so that Agency staff can set a field meeting date with the permittee and/or representative. Prior to the site visit, the permittee and/or their representative shall have proposed structures, roads, infrastructure and limits of clearing and grading field staked and labeled.

Land clearing and earthmoving activities shall not begin until written approval has been issued by the Agency.

Architectural Plans

17. Prior to undertaking any earth disturbance on the project site including installation of the proposed driveways on Lots 1,4,5 and 7, final architectural plans of the proposed dwelling that include the location of the foundation on the site topography map shall be submitted to the Agency for review for compliance with the project as described and approved herein. The applicant shall also provide the Agency with a copy of the local building permit.

Visual/Open Space Protection

18. No construction of structures or grading and no trees, shrubs or woody-stemmed vegetation may be cut, culled, trimmed, pruned or otherwise removed or disturbed outside the limits of clearing and grading limits depicted on the approved plans referenced 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.
19. In the event of any natural causes such as blow-downs, ice storms, disease, or events that result in the loss of vegetation that provides screening of the structures authorized herein, the property owner shall replant the area(s) within one year to a tree density and species composition similar to prior existing vegetation. Only native species shall be planted. Additionally, should any dead, diseased, rotten or damaged or wind-thrown vegetation or any vegetation that presents a safety or health hazard be removed that results in the dwelling authorized herein becoming more visible, said vegetation must be replaced within one year of removal. 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 to ensure replanting of that vegetation is accomplished.

Shoreline Setbacks

20. All structures, except boathouses and docks, in excess of 100 square feet, including attached decks, shall be set back a minimum of seventy five (75) feet, measured horizontally, from the closest point of the mean high water mark of Lake George.

Shoreline Access

21. For each shoreline lot, a maximum of one access footpath to the shoreline not to exceed four (4) feet in width may be constructed. All footpaths shall be flush with the existing ground surface and no above ground elements such as stairs, landings or railings shall be allowed without prior Agency approval, except for those on Lot 5 approved herein. In no event shall any footpath to the shoreline be converted to a road or driveway, and automobiles,

trucks or ATVs shall not be used on them. The footpaths shall be located, to the greatest extent practicable, within existing non-treed areas on the proposed lots. The footpaths shall be curved or angled so that there is not a straight view up the footpaths from the lake to the dwellings.

Docks and Boathouses

22. This permit authorizes the installation of one boathouse structure on each of the three shoreline lots to be located and constructed as shown on the project plans described herein. There shall be no additional or expanded boathouses or docks without prior Agency review and approval.

The "Optional Ramp" element shown on Sheet S-10 of the approved plans shall not be installed without prior Agency review and approval of a shoreline setback variance if the ramp is greater than 100 square feet in size.

Timber Rattlesnakes

23. Prior to entering into a purchase agreement, notice regarding the presence of timber rattlesnakes on the site shall be provided to all prospective purchasers of any of the parcels authorized herein. A receipt acknowledging delivery of this notice shall be obtained. Within 30 days of sale of the lot this receipt shall be submitted to the Adirondack Park Agency. The language of this notice shall be as follows:

NOTICE TO POTENTIAL OWNERS OF LOTS APPROVED BY
ADIRONDACK PARK AGENCY SUBDIVISION PERMIT 2011-103

The purpose of this notice is to inform you that timber rattlesnakes (*Crotalus horridus*) are legally protected in New York State. Property in the afore-referenced subdivision does not include any wintering dens or gestation habitat for these rattlesnakes. However, because the property is located within the summer range and migratory routes of one of a small number of populations of timber rattlesnakes in the mountains on the east side of Lake George, rattlesnakes may occasionally move across the property. As an officially threatened species, it is against New York State law to take, import, transport, possess, sell or kill a timber rattlesnake without a permit from the Department of Environmental Conservation (DEC). A violation of this law can result in a fine of \$1000.00.

The potential for encountering a timber rattlesnake on this property is limited primarily from early June through August. Venomous, timber rattlesnakes, by nature, are tolerant of human activity. An unprovoked rattlesnake is not aggressive and does not present a threat to those who encounter it. If a rattlesnake is sighted on the property, the proper procedure is to leave the snake alone, avoid disturbing it so that it remains where it is, and call the DEC Endangered Species Unit.

The Adirondack Park Agency and the Endangered Species Unit of the Department of Environmental Conservation may periodically revise the language of the aforesaid notice as the ecologic or legal status of the species changes.

Access Road

24. Prior to occupancy of any of the dwellings authorized herein, the applicant shall submit certification by a New York State licensed Professional Engineer that the shared access road **on** the project site was constructed in accordance with the approved plans.

Review of Future Development

25. There shall be no further new land use and development, including expansion of any structures authorized herein or the construction or installation of accessory structures greater than 400 square feet in size (footprint) and sixteen (16) feet in height, without prior Agency review and approval.

Legal Interests of Others

26. This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to undertake the authorized project or subdivision, nor does it authorize the impairment of any easement, right, title or interest in real or personal property held or vested in any person.

FINDINGS OF FACT

Background/Prior History

1. The property as it existed on the August 1, 1973 effective date of the Adirondack Park Agency Act has been divided into a total of four lots, including tax parcels 17-1-1, 1.1, 1.2 and 1.3.

The four lots were owned as one undivided parcel in common by four successors of Virginia White on August 1, 1973. A third party (William Morgan) purchased an undivided three/fifths interest from two successors, and initiated a judicial partition action seeking to divide the property, which culminated in an amended judgment entered on October 12, 1988, recorded L. 585, P. 112. The judgment awarded ownership of current Tax Parcels 17-1-1 and 17-1-1.2 to William Morgan, and awarded an undivided interest in current Tax Parcels 1.1 and 1.3 to both Sheila White and her brother-in-law John Michael White, resulting in their ownership in common of 117.6 acres.

2. On April 28, 1998, John Michael White conveyed his interest in current Tax Parcel 1.1 (59.6 ± acres) to Sheila White, and she conveyed her interest in current Tax Parcel 1.3 (58 ± acres) to him.
3. The Adirondack Land Trust conveyed tax parcels 17-1-1 and 1.2 to the State of New York in 1994.
4. In 2000, the Lake George Basin Land Conservancy conveyed Tax Parcel 17-1-1.3, a 58±acre parcel, to the State of New York and Tax parcels 17-1-1, 1.2 and 1.3 are now owned by the State of New York and are now classified as Wild Forest. All of the project lands are south of the project site. The proposed common access road and easement from Gull Bay Road and across the project site is also intended to provide access to the State Lands as provided for in the deed conveyances to New York State.
5. The applicant claims an easement from Gull Bay Road (public) over Gull Bay Road Extension (private) dating back to 1905, by deed granting a right of way over property to the North (Great Lot 58) to the White property, "over existing roads if there be any."
6. Agency jurisdictional determination J96-309A dated May 24, 1996 (for project 96-86) advised that no Agency permit was required for the subdivision of the then 117 acre parcel which resulted in the creation of tax parcel 17-1-1.1, the parcel which is the project site for this permit. Therefore, it is a lawful lot under Agency regulations. Jurisdictional determination J2007-526 advised that a five lot subdivision proposed at that time would require an Agency permit, as a Class B regional project for creation of more than five lots. That project was never permitted or undertaken.
7. Agency jurisdictional determination J2010-616 determined that a proposal to convey proposed lots 3 and 6 as bona-fide gifts were not subject to Agency jurisdiction. A subsequent revision to

that proposal was the subject of Agency non-jurisdictional determination J2011-200 for conveyance of lots 2, 3 and 6 as gifts to the applicant's children.

Existing Environmental Setting

8. The project site is located on the easterly shoreline of Lake George, 9± miles south of the Village of Ticonderoga, at the southerly terminus of Gull Bay Road extension. The property is bounded on the south by land of NYS classified as Wild Forest and on the east and north by privately-owned lands of others.
9. The Lake is approximately one mile wide in this area. On the westerly shoreline, opposite the project site, is the Hamlet of Silver Bay which is surrounded by lands along the shoreline designated as Moderate Intensity Use land use area.
10. The project site is located in an area designated as a Rural Use land use area which extends approximately 400 feet to the north along the shoreline. From there to the north approximately 1.5 miles, the lands along the shoreline are within a Moderate Intensity Use land use area. Lands to the north are characterized by a densely developed shoreline with many of the dwellings located close to and highly visible from the lake.
11. The site is accessed by the Town-maintained Gull Bay Road, and by the privately-owned Gull Bay Road Extension. Gull Bay Road extension is a dead-end, gravel road approximately 3,500 feet (0.66± miles) long. It crosses 17 parcels of privately-owned lands.
12. There are no wetlands on the project site.
13. A perennial stream is located north of proposed building envelope for Lot 1. Potential impacts to drainages and streams were evaluated in the review.

Soils and Slopes

14. The high point of land on the project site is 1050± feet in elevation above mean sea level (MSL) and is located on Lot 7, more than 1000 feet easterly of the lakeshore. The first floor elevation of the single family dwelling on Lot 7 is 478.5 feet above MSL. The site drops down to the MHWM elevation of Lake George of 320.20 feet above MSL, a change in elevation of approximately 150 feet across the portion of the site subject to development. The property is generally rolling terrain with

some small flat areas contained between steep slopes, some in excess of 25%. Slopes within the proposed building locations are less than 25% overall, and generally less than 15%. Slopes in the locations of all shallow absorption trench on-site wastewater treatment systems were confirmed in the field to be 8% to 12%. The common access road will be located more than 300 feet from the lakeshore and running generally parallel to the shoreline at an elevation of 400 to 450 feet above MSL.

15. Site analysis of soils was conducted by Agency staff and contracting engineers. Soils of the Hollis and Charlton series were identified. Generally, these soils are well-drained, are located on hills and ridges with slopes of 15 to 25%. Within areas identified as potential building sites, soils conditions vary widely with some areas having exposed bedrock, shallow soils to bedrock and a perched water table and other areas having deep, well-drained soils with no evidence of bedrock to more than 72 inches below grade. Percolation rates ranged from four to 47 minutes per inch of infiltration. The soils at each proposed absorption field location meet Agency minimum standards of at least 24 inches to seasonal high groundwater and 48 inches to bedrock. As a result, suitable locations for conventional wastewater treatment systems were found for each residential lot. A conventional absorption trench on-site wastewater treatment system has been designed by a New York State licensed Professional Engineer to serve each dwelling.
16. The property is densely wooded with an uneven aged stand of oak, maple, hemlock and White Pine. An old logging road also traverses the site, generally in the area of the proposed shared access road. Some large white pines, in excess of 60 feet tall, are located on the property.

Timber Rattlesnakes

17. A report entitled "Timber Rattlesnake Survey of Lands of Sheila White, Final Report", dated June 13, 2012, prepared by William S. Brown and Jed Merrow describes the characteristics of the site as including features suitable for timber rattlesnake habitat, especially during the summer months. While the report predicts that the occurrence of timber rattlesnakes on the property is likely to be rare, the NYS DEC states, "Timber Rattlesnakes are known to occur near your project location..."² and there is a known denning area approximately 1.7 miles to the south of the project site. Timber Rattlesnakes are a listed threatened species in NYS.

Public Notice and Comment

18. The Agency notified all adjoining landowners and those parties as statutorily required by §809 of the Adirondack Park Agency Act and published a Notice of Complete Permit Application in the Environmental Notice Bulletin. Comments have been received from the Lake George Waterkeeper and several neighboring landowners represented by attorneys. Comments include concerns about impacts to the water quality of Lake George, visual impacts resulting from new boathouses and dwellings, increased use of Gull Bay Road and Gull Bay Road Extension, and the applicant's easement to access the project site via Gull Bay Road Extension.

Other Regulatory Permits and Approvals

19. The Agency has conducted a coordinated review of the proposal with the New York State Department of Environmental Conservation (NYSDEC), the Lake George Park Commission and the Town of Putnam.
20. The subdivision is before the Town Planning Board for approval. On October 9, 2013, the Planning Board extended the time for the SEQRA review and approval for 6 months.
21. The Town of Putnam Code Enforcement Officer issued a memo dated May 29, 2013 which stated that the Gull Bay Road Extension is adequate for emergency vehicles.
22. The NYSDEC is requiring an Individual Construction Stormwater SPDES permit for the project. NYSDEC issued a Second Notice of Incomplete Permit Application on August 21, 2013 which the applicant responded to in correspondence dated September 12, 2013.
23. The Lake George Park Commission (LGPC) administers stormwater management regulations and issues permits for individual boathouses, referred to as "covered docks" in the LGPC regulations.² A LGPC permit does not, however, affect the Agency's project review jurisdiction over boathouses and docks as part of the subdivision under Section 809/810 of the APA Act. Pursuant to a September 18, 2013 letter from LGPC, the dock and stormwater management applications remain technically incomplete.

³ The APA regulation defining "boathouse" refers to the LGPC regulations: "The dimensional requirements specified herein shall not apply to a covered structure for berthing boats located within the Lake George Park, provided the structure is built or modified in accordance with a permit from the LGPC and is located fully lakeward of the mean high-water mark of Lake George." 9 NYCRR 570.3(c).

24. The project as authorized herein is not subject to review by the NYS Department of Health under their Realty Subdivision Regulations.

PROJECT IMPACTS

Water Quality

25. Agency staff reviewed the proposed development to assess the potential impact of the project on the water quality of Lake George and adjacent water resources including streams and drainages. Agency staff have concluded that the proposed project will not have an adverse impact on the water quality of Lake George because of the strict limits to vegetative clearing on each lot, siting of structures, the careful design of the proposed wastewater treatment systems in compliance with Agency guidelines, setbacks of structures, and limitations of earth disturbances near the shoreline. The development has the potential to result in impacts to the water quality of Lake George. Strict adherence to the approved plans is necessary.

Wastewater Treatment Systems

26. Given the wide variability with depth to seasonal high groundwater and bedrock on the project site, it is important that each wastewater treatment system installed on the new building lots be located and constructed specifically as shown on the plans. Supervision of the construction and certification of compliance with the plans should be done by a licensed professional engineer. The location of each system was carefully field selected to consider Agency's guidelines including slope, depth to seasonal high groundwater and bedrock and horizontal setbacks from water features. The project sponsor should provide each lot purchaser with a copy of the approved site plan showing the location for the leaching facility and the approved wastewater treatment system plans. Prior to occupancy of the authorized dwellings on each lot, the design engineer should certify to the Agency that the system was located as shown on the plans and installed according to the approved plans.

Erosion and Sediment Control **Stormwater Management**

27. Given the steep slopes adjacent to Lake George, it is important that the stormwater management and erosion and sediment control measures depicted on the approved plans and reports be implemented. Provided the proposed sedimentation and erosion

control measures to be utilized during construction of the new subdivision roads and structures pursuant to the approved plans are implemented, and because of restrictions on vegetative cutting and setbacks of development from Lake George, the project will not result in any significant erosion or sedimentation impacts to the water resources of the Park.

Site Development

28. In order to ensure that the permit is implemented and adverse impacts to resources are avoided, staff is recommending conditions requiring final architectural plans and field evaluation prior to land disturbance.

Potential Visual Impacts

29. The proposal involves clearing of vegetation at each building site necessary to install the on-site wastewater treatment system, driveway, parking areas and the stormwater management systems. Access to the shoreline will be afforded by footpaths, only, and should be in a curved alignment so as to reduce views of the structures from the Lake. Except for one boathouse on each lot, the proposed structures on the four jurisdictional lots will not be significantly visible from Lake George provided existing vegetation located between Lake George and the development areas will be retained and replacing any vegetation lost as a result of storms or disease will serve to assure that the buildings are well screened from the Lake George. Furthermore, visibility of the structures from the Lake will be mitigated by the exterior color of structures and roofing materials.

Open Space/Aesthetics

30. The project will result in development of a currently vacant, forested tract of land adjoining state forest preserve to the south and dense residential development to the north.

Wildlife Resources

31. Notification to potential landowners of the existence of timber rattlesnake habitat on the property, their status as a threatened species, and proper handling of any migrants on the site will serve to protect the snakes should they be encountered on the project site.

Land Resources

32. New development including roads, on-site wastewater treatment systems and buildings have been carefully sited to avoid steep slopes and shallow soils.

Gull Bay Road Extension Affecting Nearby Land Uses

33. The proposal is for residential development and occupancy. Construction of new structures will occur over a period of years as lots are conveyed and developed by individuals. Construction-phase activities will temporarily result in increased heavy-equipment traffic on Gull Bay Road and Gull Bay Road Extension which are very rural and quiet in character. Long-term residential occupancy of the property will result in a modest increase of traffic.

Historic Sites or Structures

34. There are no known historic or archaeological resources on or near the project site, therefore, 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 §14.09 of the New York State Historic Preservation Act of 1980.

Permit Reissuance

35. This permit replaces unrecorded permit 2011-103 issued October 16, 2013 to correct an error on page 2 that referenced the square footage of the accessory use sheds on each lot.

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:EAP:SEL:slp:mlr