


THIS IS A TWO-SIDED DOCUMENT
Staff Draft – For Review Purposes Only

 <p style="margin-left: 150px;">NEW YORK STATE OF OPPORTUNITY.</p> <p style="margin-left: 150px;">Adirondack Park Agency</p> <p style="text-align: center; margin-top: 20px;">P.O. Box 99, 1133 NYS Route 86 Ray Brook, New York 12977 Tel: (518) 891-4050 Fax: (518) 891-3938 www.apa.ny.gov</p>	<p style="text-align: center; margin-top: 10px;">APA Project Permit 2015-0159</p>
<p>In the Matter of the Application of</p> <p>FAWN RIDGE, LLC Permittee</p> <p>for a permit pursuant to §809 of the Adirondack Park Agency Act and 9 NYCRR Part 578</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:</p> <p>1. Fawn Ridge, LLC</p>

SUMMARY AND AUTHORIZATION

This permit authorizes a 43-lot subdivision and construction of 40 single family dwellings in an area classified Hamlet, Moderate Intensity Use and Rural Use on the Adirondack Park Land Use and Development Plan Map in the Town of North Elba, Essex County.

This permit shall expire unless recorded in the Essex County Clerk's Office on or before _____, in the names of all persons listed above and in the names of all owners of record of any portion of the project site on the recordation date.

The 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 an authorized lot has been conveyed to an outside party.

The project shall be undertaken in compliance with all conditions stated herein. Failure to comply with this permit is a violation and may subject the permittee, successors, and assigns to civil penalties and other legal proceedings.

This permit does not convey any right to trespass upon the lands or interfere with the riparian rights 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. Nothing contained in this permit shall be construed to satisfy any legal

obligations of the permittee to comply with all applicable laws and regulations or to obtain any governmental approval or permit from any entity other than the Agency, whether federal, State, regional or local.

PROJECT SITE

The project site is a 192.31-acre parcel of land located in the Town of North Elba, Essex County, in an area classified Hamlet, Moderate Intensity Use, and Rural Use on the Adirondack Park Land Use and Development Plan Map. A 32±-acre portion of the project site contains road frontage on Algonquin Drive, Fawn Ridge Road and State Route 86; these 32± acres are separated from the remainder of the project site by intervening ownerships. The remainder of the project site is accessed via Algonquin Drive, Carolyn Road, Old Military Road (Essex County Route 35) and Wesvalley Road. The project site contains 3,524 feet of shoreline on Outlet Brook (Cold Brook) and an approximately 3-mile publicly accessible recreational trail system.

The site is identified as Tax Map Section 42.010, Block 1, Parcels 2, 20, 21, 22, 23, and 73.1 and 100 and Section 42.032, Block 3, Parcels 11.1 and 14 and Section 42.0EJ, Block 1, Parcels 1 and 2.1., and is described in a deed from Patricia Jones Edgerton as trustee of the Nettie Marie Jones Trust to Fawn Ridge, LLC, dated June 3, 2006, and recorded June 13, 2006 in the Essex County Clerk's Office at Book 1492, Page 176.

PROJECT DESCRIPTION

The project as conditionally approved herein involves a 43-lot residential subdivision of 192.3 acres partially located within the Village of Lake Placid creating 40 building lots and 3 vacant lots.

The project is shown on the following maps and plans:

- 41 sheets of plans titled "Trailside at Fawn Ridge," prepared by CLA Site, Landscape Architecture, Engineering, Planning, P.C. dated April 10, 2015 and revised August 7, 2017 ("Final Plans") including;
- Sheet L-003 titled "Overall Site Plan," with a final revision date of November 4, 2016 ("Site Plan").
- "Stormwater Pollution Prevention Plan," prepared by CLA Site, Landscape Architecture, Engineering, Planning, P.C. dated April, 2015 ("Stormwater Plans")

The 40 building lots will range in size from 1± acre to 8± acres with one single family dwelling on each lot. Of the building locations, 35 (Lots 6-40 on the Site Plan) are located within an area classified as Moderate Intensity Use, and 5 (Lots 1-5 on the Site Plan) are located within an area classified as Rural Use on the Adirondack Park Land Use and Development Plan Map. All of the Moderate Intensity Use lots will connect to the municipal wastewater system. All of the Rural Use lots will be served by individual on-site wastewater treatment systems. Thirty-nine of the lots will be served by the municipal water system and approximately 1.35 miles of new subdivision roads. One

building lot in Rural Use (Lot 1) will be served by an individual well water supply and be accessed directly from Carolyn Road. The project also includes storm water infrastructure, underground utility installations, and creation of a Homeowner's Association. One lot, consisting of Lots 41A, B, C, and D as depicted on the Site Plan (the Common Lot), contains approximately 48 acres in both Moderate Intensity Use and Rural Use land use areas, and will be managed by a Homeowner's Association for aesthetic and recreational purposes. Two other vacant lots will be created, but will not be subject to the Homeowner's Association: Lot 42 contains 25± acres bounded by Outlet Brook on the west and Wesvalley Road and private parcels to the east, while Lot 43 is comprised of the 32± acre non-adjacent portion of the project site. The Common Lot and Lots 42 and 43 contain a combined 3,524 feet of shoreline on Outlet Brook. The existing recreational trail system on the Common Lot and Lot 42 will remain open to the public.

A reduced-scale copy of the Site Plan for the project, shown on Sheet L-003 of the Final Plans, is attached as a part of this permit for easy reference. The original, full-scale maps and plans described in this paragraph are the official plans for the project, with copies available upon request from Adirondack Park Agency headquarters in Ray Brook, New York.

AGENCY JURISDICTION

The project requires an Agency permit pursuant to §§ 809(2)(a) and 810(1)(a)(1) and (1)(b)(1)(b) of the Adirondack Park Agency Act [Executive Law, Article 27], because the subdivision involves wetlands on Hamlet and Moderate Intensity Use lands. The project also requires an Agency permit pursuant to § 810(2)(a)(1) and (2)(c)(1) because the subdivision involves 15 or more lots on Moderate Intensity Use lands and 5 or more lots on Rural Use lands.

The project is a regulated activity requiring a wetlands permit pursuant to § 578.2 and § 578.3(n)(3)(i) of Agency regulations implementing the Freshwater Wetlands Act [Article 24 of the Environmental Conservation Law], because the subdivision involves wetlands.

CONDITIONS

THE PROJECT IS APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. The project shall not be undertaken until this permit has been recorded in the Essex County Clerk's Office.
2. This permit is binding on the permittee, all present and future owners or lessees of the project site, and all persons undertaking all or a portion of the project. Copies of this permit, Final Plans and Stormwater Plans shall be furnished by the permittee to all subsequent owners or lessees of the project site prior to sale or lease, and by the permittee and/or any subsequent owner or lessee to all persons undertaking any development activities authorized herein.

3. In addition to complying with all terms and conditions of this permit, all future activities on the project site shall be undertaken in compliance with the requirements of New York State's Adirondack Park Agency Act, Freshwater Wetlands Act, and the Adirondack Park Agency's implementing regulations [9 NYCRR §§ 570-588].

Deeds

Recordation

4. 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 P2015-0159, issued _____, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."

Subdivision

5. Subject to the conditions stated herein, this permit authorizes a 43-lot subdivision as depicted on the Site Plan. Any further subdivision of any of the 40 residential lots or the Common Lot shall require a new or amended Agency permit.
6. Any subdivision of Lot 42 or Lot 43 shall require prior written Agency authorization.

Deed Covenant

7. Any deed of conveyance for the Common Lot shall contain a covenant restricting the property against the construction of any single family dwelling, mobile home, or other principal building. The deed shall state that the covenant shall run with, touch, and concern the land, and that the covenant shall be enforceable by the Adirondack Park Agency and the State of New York.

Easement

8. Any deed of conveyance for the Common Lot shall include easement language to allow for access to and maintenance of the stormwater management controls by the Town of North Elba Highway Department.

Development

Construction Location and Size

10. Subject to the conditions stated herein, this permit authorizes the construction of one single family dwelling and accessory structures on Lots 1 - 40 in the location,

footprint, and height shown and as described on Sheets L-001, L-101, L-102, and L-103 of the Final Plans. Any change to the location or dimensions of any authorized structure shall require prior written Agency authorization.

11. On Lots 1 – 5, no structure shall be more than 30 feet in height, as measured from the highest point on the structure, not including the chimney, to the lower of either existing or finished grade.
12. On Lots 6 – 40 no structure shall be more than 35 feet in height, as measured from the highest point on the structure, not including the chimney, to the lower of either existing or finished grade.
13. There shall be no construction of any dwelling or other principal building on the Common Lot. The construction of any accessory structure on the Common Lot shall require prior written Agency authorization.
14. The construction of any principal building or accessory structure on Lot 42 or 43 shall require prior written Agency authorization.

Guest Cottages

15. Construction of any guest cottage on Lots 1 - 5 shall require prior written Agency approval.

Any guest cottage on Lots 1 - 40 shall be used only on an occasional basis and shall not be offered or used for rent or hire separately from the primary dwelling on the property. Any guest cottage on Lots 1 - 40 shall also be no larger than one-half of the enclosed floor space of the single family dwelling or 2,000 square feet in footprint, whichever is less. Any structure that does not meet these parameters and contains permanent facilities for water supply, wastewater, eating, and sleeping will be considered a principal building.

Shoreline Structure Setbacks

16. Pursuant to the Adirondack Park Agency Act, new structures greater than 100 square feet in size are prohibited within 50 feet, measured horizontally, of the mean high water mark of Outlet Brook.

Boathouses

17. There shall be no boathouses on the project site.

Docks

18. Prior to undertaking construction of any dock on the project site, plans for the dock, including all attached upland structures, shall be submitted to the Agency for prior written authorization.

Outdoor Lighting

19. Any new free-standing or building-mounted outdoor lights shall employ full cut-off fixtures that are fully shielded to direct light downward and not into the sky or adjoining property.

Building Color

20. All exterior building materials, including roof, siding and trim, of any structure on Lots 1 – 40, shall be a dark shade of green, grey, brown, or of a color that blends with the existing vegetation.

Vegetation Removal/Wetlands

21. A 100-foot wetland and riparian vegetated buffer shall be maintained on the project site. No trees, shrubs or other woody-stemmed vegetation may be cut or otherwise disturbed within 100 feet of all wetland boundaries and the mean high water mark of Outlet Brook as shown on the Final Plans without prior written Agency authorization, except for the removal of an area up to 6 feet in width for trail maintenance or dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
22. Outside of the Development Envelopes and roadways shown on the Final Plans, no trees, shrubs or other woody-stemmed vegetation may be cut or otherwise removed on the Common Lot or on Lots 1 - 40 without prior written Agency authorization, except: 1) as necessary for access to the stormwater management areas on the Common Lot; 2) the removal of an area up to 6 feet in width for trail maintenance on the Common Lot; 3) the removal of an area up to 30 feet in width for driveway construction and utility installation on Lots 1-40; and 4) dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
23. Within the limits of all wetlands shown on the Final Plans and within 100 feet of all wetland boundaries and the mean high water mark of Outlet Brook as shown on the Final Plans, no trees, shrubs or other woody-stemmed vegetation may be cut or otherwise disturbed on Lots 42 and 43 without prior written Agency authorization, except for the removal of an area up to 6 feet in width for trail maintenance or dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.

Invasive Species Control/Sanitizing Equipment

24. When brought from off-site, all equipment, including but not limited to trucks, excavators, tractors, etc., and hand excavation tools such as shovels, rakes, and picks, to be used on the project site shall be clean and free of soil, mud, or other similar material. If washed on the project site, equipment shall be washed in one location to prevent the distribution of propagules among different wash sites. All construction equipment and vehicles operating in areas that may contain existing invasive species shall be thoroughly cleaned prior to moving to other areas.

Density

25. There shall be no more than 69 principal buildings located within the Moderate Intensity Use portion of the project site at any time. The 35 single family dwellings authorized herein for construction on Lots 6-40 constitute principal buildings. The Agency makes no assurances that the maximum development mathematically allowed can be approved.
26. There shall be no principal buildings located on Lots 1 - 5 other than the dwellings authorized herein.
27. There shall be no principal building located on the Common Lot at any time.

Infrastructure

Wastewater

28. Any on-site wastewater treatment systems on Lots 1 - 5 installed within five years of the date of issuance of this permit shall be constructed in conformance with the location and design shown on Sheets L-100 and L-450 of the Final Plans. Construction of the system shall be supervised by a New York State design professional (licensed engineer or registered architect). Within 30 days of system installation completion and prior to its utilization, the design professional shall provide written certification to the Agency that the system was built in compliance with the approved plans.

No on-site wastewater treatment system shall be installed on the project site more than five years after the date of issuance of this permit except pursuant to written authorization from the Agency.

29. All wastewater treatment infrastructure on Lots 6 - 40 shall be connected to and served by the municipal wastewater treatment system.
30. There shall be no on-site wastewater treatment system(s) located on the Common Lot.

Stormwater Management

31. The project shall be undertaken in compliance with the Stormwater Pollution Prevention Plan. Prior to undertaking any land disturbance activities for infrastructure construction including on any of Lots 1 – 40, the lot owner shall implement the individual stormwater management practices as described in the Stormwater Pollution Prevention Plan and as depicted in the Stormwater Details shown on Sheets L-703 and L-704 of the Final Plans.

Erosion and Sediment Control

32. The project shall be undertaken in compliance with the Erosion and Sediment Control Plan. Prior to undertaking any land disturbance activities for infrastructure construction including on any of Lots 1 – 40, the respective lot owner shall implement the required Erosion and Sediment Control Plans as described and depicted on Sheets L-210, L-211 and L-212 of the Final Plans.

Infrastructure Construction

33. Prior to the conveyance of any of Lots 6 - 40, all wastewater treatment infrastructure, potable water supply infrastructure, stormwater management practices and electric utilities for the respective lot to be conveyed shall be completed according to the Final Plans.

Reports

34. At the request of the Agency, the permittee or the permittee's successor shall report in writing the status of the project, including details of compliance with any terms and conditions of this permit.

FINDINGS OF FACT

Background/Prior History

1. Agency Permit P87-28 authorized the original Fawn Ridge subdivision, which created the properties that separate Lot 43 from the remainder of the project site.

Project Site

Water Resources

2. The project site contains 3,524 feet of shoreline on Lake Placid Outlet Brook, a NYSDEC Class B stream. Outlet Brook flows from Lake Placid, located north of the project site, to the Chub River, located south of the project site.

3. A portion of Outlet Brook forms the boundary between the Common Lot and Lot 42, and between Lot 43 and adjacent developed private land. The development authorized herein will be located a minimum of 100 feet from the mean high water mark Outlet Brook. All stormwater infrastructure has been designed to adequately treat stormwater runoff to prevent potential impacts to any surface water or groundwater resources.

Wetlands

4. There are approximately 20.6 acres of value 2 wetlands on the project site associated with Outlet Brook and located on the Common Lot and Lots 42 and 43. The wetlands in this location are forested with needle-leaved evergreen tree species. Any potential future development of Lot 42 or 43 will be limited due to the presence of wetlands on these lots and the general proximity of these resources. Additional wetlands not described herein or depicted on the Site Plan or Final Plans may be located on or adjacent to the project site.

Wildlife/Habitat

5. The application included an update to a 1992 qualitative biological inventory. The updated inventory is titled "Qualitative Biological Survey, Trailside at Fawn Ridge Residential Subdivision," and was prepared by North Country Ecological Services, Inc., and dated December 22, 2015. In addition to general habitat type and covertype descriptions, the report includes a comprehensive list of plant and animal species recorded on the site and anticipated to occur on the site.
6. At full build-out, more than two-thirds of the portion of the project site comprised of Lots 1-40 and the Common Lot will remain forested. Vegetative cutting will also be prohibited within and within 100 feet of all wetlands and Outlet Brook on Lots 42 and 43.
7. Pursuant to a letter, dated February 8, 2010, from the New York State Natural Heritage Program ("NHP"), there are no known occurrences of rare plants, rare animals, or natural communities currently being tracked by the NHP on the project site.

Vegetation

8. The project site is heavily forested and contains an existing access road and trail system. In addition to the forested wetland areas associated with Outlet Brook, the forest is primarily comprised of mature coniferous tree species including Balsam Fir, Red Spruce and White Pine. The eastern-facing slope of the project site west of Outlet brook is characterized by a band of northern hardwood species including Maple, Birch, Beech, and Cherry.

Soils

9. Soils on the project site are generally well-drained and consist of very bouldery sandy loams. Deep-hole test pits were performed on Lots 1 – 5, as they will be served by individual on-site wastewater treatment systems. No evidence of groundwater was observed within 48 inches of the surface and no bedrock was encountered to a depth of 72 inches.

Slopes

10. Slopes on the project site range from less than 3 percent to greater than 25 percent along the eastern facing slope west of Outlet Brook and between Jack Rabbit Run and Macintyre Loop. On Lots 1 – 40, which will be developed by single family dwellings, slopes are generally 8 percent or less.

Historic Sites or Structures

11. The application included a Phase 1 cultural resource investigation titled “Cultural Resources Survey, Fawn Ridge Subdivision Project,” prepared by Birchwood Archaeological Services and dated January 2009.
12. By letter dated January 4, 2010 and updated July 6, 2016, the New York State Office of Parks, Recreation and Historic Preservation determined that the project will have no impact upon the cultural resources in or eligible for inclusion in the State and National Registers of Historic Places.

Nearby Land Uses

13. The project site is located partially within the Village of Lake Placid between West Valley Road and Old Military Road (Essex County 35). Moderate to dense residential and commercial development exist within the Village adjacent to the project site. Mixed residential and municipal development exists along Old Military Road south of the project site, and this route is heavily used as a bypass of the Village of Lake Placid for vehicles travelling on NYS Routes 86 and 73 between Saranac Lake and Keene.
14. The western portion of the project site, located within the Rural Use land use area, is characterized by larger residential lots and undeveloped land. This portion of the project site also adjoins the Saranac Lakes Wild Forest.

Access

15. Existing access to the project site is from Algonquin Drive, Fawn Ridge Road, Wesvalley Road, Carolyn Road, and Old Military Road. One new residential driveway will be constructed from Carolyn Road, and improvement to an existing access road to create Sugar Run Way will allow for access from Old Military

Road. The subdivision will also be served by a new dead-end road (Jack Rabbit Run) and a new loop road (Macintyre Loop), both accessed from Algonquin Drive within the existing Fawn Ridge subdivision.

16. The application included a traffic impact analysis titled “Fawn Ridge Development Phase II, Traffic Impact Study,” prepared by Jacobs, Edwards and Kelcey dated May 2008. This study included an analysis of impacts to the intersections of Algonquin Drive and NYS Route 86 and the access via Sugar Run Way from Old Military Road. The study concluded that construction of the proposed development will not significantly impact the adjacent roadway network.
17. Ownership of the three new subdivision roads (Sugar Run Way, Jack Rabbit Run, and Macintyre Loop) have been designed to comply with the Town of North Elba Subdivision Standards, and ownership and maintenance of the roadways will be transferred to the Town of North Elba after construction has been completed. By letter dated January 21, 2010 the Town of North Elba confirmed that the new roadways have been designed to comply with the Town of North Elba Subdivision Standards.

Existing Trail Network and Open Space

18. The Common Lot contains an existing network of recreational trails. The open space area and approximately 3 miles of existing trails are open to the public by private agreement and include a short section used as part of the Jack Rabbit Trail. Some portions of the existing trail network will be relocated to avoid crossing individual subdivision lots.
19. An approximately half-mile section of The Jack Rabbit Trail is also located on Lot 42 and includes an existing crossing over Outlet Brook. The Jack Rabbit (Ski) Trail is a 25-mile marked route between Saranac Lake, Lake Placid, and Keene on an interconnected network of state Forest Preserve lands, North Elba Parks District lands, and privately-owned parcels.

Density

20. The remaining available density on the Moderate Intensity Use portion of the project site has not been allocated.
21. This project uses all of the available density within the Rural Use portion of the project site.

Infrastructure

Wastewater

22. On-site wastewater treatment systems constructed as located and depicted on the Sheets L-100 and L-450 of the Final Plans will comply with all applicable New York State Department of Health and Agency standards.
23. Use of the municipal system for wastewater by the development on Lots 6 - 40 will ensure proper treatment under all New York State Department of Environmental Conservation standards. This permit does not authorize the construction of an on-site wastewater treatment system on Lots 6 – 40, The Common Lot, 42 or 43.
24. By letter dated January 10, 2018, the Village of Lake Placid advised that the Village of Lake Placid's existing municipal sewage collection system and treatment infrastructure will be able to adequately serve the subdivision and that upon completion of construction, the Village of Lake Placid will take ownership of the sewer improvements and take over the long-term maintenance and operation of the system.

Stormwater Management and Erosion and Sediment Control

25. Clearing, grading, and new impervious areas can result in erosion and sedimentation and increased stormwater runoff. The impacts associated with untreated stormwater runoff and erosion and sedimentation include declining water quality, diminished groundwater recharge and quality, stream channel and wetland impacts, increased flooding, floodplain expansion and impacts to aquatic organisms.
26. The Stormwater Details and Erosion and Sediment Control Plan depicted on the Final Plans and the Stormwater Pollution Prevention Plan were designed to incorporate all development including the new roadways and the Maximum Allowable Disturbance/Clearing and Maximum Allowable Impervious Cover for each building lot as described in the Final Plans.

Infrastructure Maintenance

27. As described in a letter dated January 10, 2018, the Village of Lake Placid has confirmed that the existing municipal water supply infrastructure will be able to adequately serve the development and that, upon completion of construction, the Village of Lake Placid will take ownership of the water supply system improvements and take over the long-term maintenance and operation of the system.

28. The electrical utilities plan shown on Sheets L-410, L-411, and L-412 were designed in consultation with the Village of Lake Placid Electrical Department.
29. A homeowner's association will be created to maintain the Common Lot, as well as the new subdivision roads until the roads have been completed and dedicated to the Town of North Elba.

Public Notice and Comment

30. The Agency notified all adjoining landowners and other parties when the application was received in September 2015. Following this notice, five comment letters were received, citing concerns regarding public and private access, subdivision design, and the then-proposed future development of multi-family residential units on Lots 42 and 43. After consultation with Agency staff, the applicant redesigned the proposal to address these concerns.
31. On June 20, 2018 the Agency notified all adjoining landowners and other parties and published a Notice of Complete Permit Application in the Environmental Notice Bulletin, as required by the Adirondack Park Agency Act. One telephone call was received requesting confirmation that the future development of multi-family residential units on Lots 42 and 43 had been removed from the proposal. One additional comments was received that raised concerns regarding potential impacts to Outlet Brook and area wildlife.

Town of North Elba/Village of Lake Placid Local Government Review Board

32. The Town of North Elba/Village of Lake Placid Local Government Review Board issued a Decision of approval for the project on August 2, 2017. The project site is located within the Town of North Elba Planned Residential, Town Residential, and Gateway Corridor Zoning Districts.

NYS Departments of Health and Environmental Conservation

33. The proposal requires approval from the New York State Department of Health (NYSDOH) as a Realty Subdivision. The NYSDOH has indicated that it will approve the subdivision once the required Adirondack Park Agency permit has been issued.
34. The proposal requires a State Pollution Discharge Elimination System (SPDES) permit from the NYSDEC. A Notice of Intent will need to be submitted prior to construction.

PROJECT IMPACTS

Visual

35. Restricting the location, color and overall height of the authorized dwellings will help to mitigate any adverse visual impacts. Limiting vegetation removal and lighting associated with the project will further reduce visibility from off-site locations.
36. Restricting development on the Common Lot and on the residential lots outside of the authorized building locations will reduce impacts to adjoining landowners adjacent to and within the subdivision.

Open Space/Habitat/Wetlands

38. Restricting vegetation removal on sensitive portions of the project site to maintain an undisturbed vegetative buffer between development, individual lots, wetlands and surface water resources will minimize impacts to area wildlife. More than two-thirds of the site will remain forested.
39. Provided all development is undertaken in the location depicted on the Final Plans and in accordance with the conditions of the permit, the entire wetland will be preserved.
40. Requiring written authorization prior to any change in the authorized location of development will allow the Agency to ensure that the location and manner of construction will not adversely impact wetlands or other resources. A new or amended permit will be required for any future activity that involves wetlands pursuant to 9 NYCRR § 578.
41. Requiring that written authorization of plans for any dock, including all attached upland structures, be obtained from the Agency prior to undertaking construction of any dock will ensure that impacts to wetlands are avoided.
42. Any future development of Lot 42 or Lot 43 could impact wetlands and the riparian communities associated with Outlet Brook. Requiring prior written Agency authorization for the construction of any principal building or accessory structure on or subdivision of Lot 42 or Lot 43 will prevent any adverse impacts to these resources.

Soils/Surface Waters/Groundwater

43. The stormwater management and erosion control practices for the authorized development activities will prevent surface drainage toward Outlet Brook. Requiring stormwater management, erosion and sediment control, and grading to be undertaken in compliance with the Stormwater Pollution Prevention Plan and

as depicted in the Stormwater Details shown on Sheets L-703 and L-704 of the Final Plans will serve to protect groundwater and surface water resources.

44. Construction of new on-site wastewater treatment systems on Lots 1 – 5 in accordance with the Final Plans will protect groundwater and surface water resources. Requiring written Agency approval for the installation of any on-site wastewater treatment system after 5 years or for the construction of any Guest Cottage on Lots 1 -5 will ensure protection of groundwater resources.
45. Connection to the existing municipal wastewater services by dwellings located on Lots 6 – 40 will protect against erosion, sedimentation, water quality degradation, and other potential adverse impacts.
46. The use of the existing municipal water supply system to serve 39 of the 40 dwellings will mitigate adverse impacts to groundwater resources.
47. Preventing the construction of boathouses along the shoreline of Outlet Book will protect against adverse impacts to the character and quality of the waterbody.

Infrastructure

48. Requiring that all wastewater treatment infrastructure, water supply infrastructure, stormwater management features and electric utilities for the lot being conveyed be completed according to the Final Plans prior to conveyance will ensure that development of the individual lots will be undertaken as authorized herein. Sewer and water fees are anticipated to cover the cost of maintenance and service provision.

Invasive Species

49. Requiring inspection and cleaning of construction vehicles and tools prior to use on the project site or after use in an area with invasive plant species will reduce the likelihood of spreading invasive plants to the project site and adjoining properties.

Historic Sites or Structures

50. The project will not cause any change in the quality of "registered," "eligible," or "inventoried" property as those terms are defined in 9 NYCRR §426.2 for the purposes of implementing §14.09 of the New York State Historic Preservation Act of 1980.

Nearby Land Uses

51. Use and improvement of the existing access road (Sugar Run Way), where it intersects with Old Military Road will avoid the need for any new driveways along this heavily traveled route.
52. The subdivision design and location ensures that the new residential development will remain near the existing uses and infrastructure of the Village of Lake Placid.

CONCLUSIONS OF LAW

The Agency has considered all statutory and regulatory criteria for project approval set forth in the Adirondack Park Agency Act, the Freshwater Wetlands Act and 9 NYCRR Part 578, and 9 NYCRR Part 574. The Agency hereby finds that the subdivision authorized as conditioned herein:

- a. will be consistent with the land use and development plan;
- b. will be compatible with the character description and purposes, policies, and objectives of the Rural Use, Moderate Intensity Use and Hamlet land use areas;
- c. will be consistent with the overall intensity guidelines for the Rural Use, Moderate Intensity Use and Hamlet land use areas;
- d. will comply with the shoreline restrictions of § 806 of the Adirondack Park Agency Act;
- e. will not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the Park or upon the ability of the public to provide supporting facilities and services made necessary by the project;
- f. will secure the natural benefits of wetlands associated with the project, consistent with the general welfare and beneficial economic, social, and agricultural development of the state; and
- g. will result in minimal degradation or destruction of the wetland or its associated values.

PERMIT issued this day
of , .

ADIRONDACK PARK AGENCY

BY: _____
Richard E. Weber III
Deputy Director, Regulatory Programs

STATE OF NEW YORK
COUNTY OF ESSEX

On the day of in the year , 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:DFK:lb