


**THIS IS A TWO-SIDED DOCUMENT**

 <p><b>NEW YORK</b> STATE OF OPPORTUNITY.</p> <p><b>Adirondack Park Agency</b></p> <p>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>APA Project Permit <b>2014-0013</b></p>
<p>In the Matter of the Application of</p> <p><b>LAKE GEORGE RIVERVIEW RV PARK, LLC</b></p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 577</p>	<p>Date Issued: August 14, 2018</p> <p>To the County Clerk: This permit must be recorded on or before October 15, 2018. Please index this permit in the grantor index under the following names:</p> <p><b>1. Lake George Riverview RV Park, LLC</b></p>

**SUMMARY AND AUTHORIZATION**

This permit authorizes an expansion of an existing campground in an area classified Resource Management on the Adirondack Park Land Use and Development Plan Map in the Town of Lake George, Warren County.

This permit shall expire unless recorded in the Warren County Clerk's Office on or before October 15, 2018, 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 this permit has been recorded in the County Clerk's Office.

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 16.45±-acre parcel of land located on NYS Route 9 (Route 9) in the Town of Lake George, Warren County, in an area classified Resource Management on the Adirondack Park Land Use and Development Plan Map. The project site contains approximately 2,450 feet of shoreline on the Schroon River, and is located entirely within the designated Schroon River Recreational River area; a portion of the site is also located within 300 feet of Route 9. The project site contains two pre-existing dwellings, both of which are currently used as part of the existing campground. A third pre-existing single-family dwelling was removed from the site in 1990.

The site is identified as the Resource Management portion of Tax Map Section 211.03, Block 1, Parcel 19. The site is described in a deed from Letizia Petruzzo to Lake George Riverview RV Park, LLC dated and recorded December 20, 2012 in the Warren County Clerk's Office under Document 00009914 at Volume 4647, Page 21.

## **PROJECT DESCRIPTION**

The project as conditionally approved herein involves an expansion of a pre-existing campground on Resource Management lands. There are 94 pre-existing campsites on the project site and additional sites will be constructed for a total build out of 167 campsites. All sites will be designed to accommodate recreational vehicles. One new structure, a bathhouse/pavilion/gameroom identified as Central Facility #3 on the Site Plan, will be constructed. Access to the site will be off Route 9 at an existing access point, which will be modified to accommodate increased traffic. The campground expansion will be served by municipal water supply, underground utilities and community on-site wastewater treatment systems.

The project is shown on the following maps, plans, and reports:

- a. Twelve sheets of plans titled "Lake George Riverview RV Park, Campground Expansion," prepared by Hutchins Engineering, dated February 12, 2013, and last revised July 24, 2018 (Project Plans). These drawings include the following:
  1. Sheet 29645-01-S1, titled "Existing Campground Site Plan" shows the existing campground. (Existing Campground Plan);
  2. Sheet 29645-01-S2, titled "Proposed Campground Site Plan" (Site Plan);
  3. Sheet 29645-01-S4, titled "Clearing and Vegetation Plan" (Vegetation Plan);
  4. Sheet 29645-01-S5, titled "Lighting Plan" (Lighting Plan);
  5. Sheet 29645-01-S8, titled "Erosion and Sediment Control Plan" (Erosion and Sediment Control Plan); and
  6. Sheet 29645-01-SG1, titled "Wastewater Sewer Groups and Design" and sheets 29645-01-D1 and D2 titled "Wastewater Detail Sheet (Wastewater Plans).
- b. A report titled "Stormwater Management Report and Stormwater Pollution Prevention Plan Narrative, NYSDEC GP-015-0-002," prepared by Hutchins Engineering, dated as last revised December 11, 2017 (SWPPP).

- c. A report titled "Visual Resource Assessment, Proposed Expansion of Lake George Riverview RV Park," prepared by studioA, and dated August 2, 2017 (VRA). The VRA includes an 11 sheet set of plans titled "Lake George Riverview RV Park," prepared by studioA, and dated June 30, 2017.
- d. A report titled "Response to Comments, Riverview Campground," prepared by Creighton Manning Engineering, LLP, and dated April 29, 2014 (Engineering Report).

A reduced-scale copy of the Site Plan for the project 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), 810(1)(e)(4), 810(1)(e)(17) and 810(1)(e)(1)(e) of the Adirondack Park Agency Act [Executive Law, Article 27], as an expansion by more than 25% of an existing campground involving more than 50 sites and as new land use or development within 300 feet of NYS Route 9. The project is a rivers project requiring an Agency permit pursuant to § 577.4(a) and § 577.5(c)(1) of Agency regulations implementing the Wild, Scenic and Recreational Rivers System Act [Article 15, Title 27 of the Environmental Conservation Law], because the campground expansion involves new land use and development on Resource Management lands within the Schroon River Recreational River area.

### **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 Warren 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, for as long as the campground remains on the site. Copies of this permit and Site Plan 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 and Wild, Scenic and Recreational Rivers System Act, and the Adirondack Park Agency's implementing regulations [9 NYCRR §§ 570-588].

## **Development**

### **Construction Location and Size**

4. This permit authorizes the expansion of an existing campground to 167 sites, construction of campground roads, underground utilities, retaining walls, stormwater controls, wastewater treatment systems, and other campground amenities in the location shown and as depicted on the Project Plans. Any change to the location, dimensions, or other aspect of the campground, including the construction of any structures not authorized herein, shall require prior written Agency authorization.
5. Pursuant to 9 NYCRR § 577.4, the undertaking of any new land use or development not authorized herein on the project site will require a new or amended permit.

### **Shoreline Structure Setbacks**

6. Pursuant to the Adirondack Park Agency Act and Agency regulations implementing the Wild, Scenic and Recreational Rivers System Act, new structures are prohibited within 150 feet, measured horizontally, of the mean high water mark of the Schroon River.

Docks, boathouses, fences, poles, lean-tos, and bridges are excepted from this requirement.

### **Building Color**

7. All exterior building materials, including roof, siding and trim, used to surface the exterior of the bathhouse/pavilion/gameroom (Central Facility #3) authorized herein shall be of a dark shade of green, grey, or brown.

### **Outdoor Lighting**

8. Any new free-standing or building-mounted outdoor lights associated with the campground on the project site shall be installed as shown on the Lighting Plan and shall employ full cut-off fixtures that are fully shielded to direct light downward and not into the sky, the Schroon River, or toward adjoining property.

### **Vegetation**

9. Outside of the limits of clearing shown on the Vegetation Plan and Lighting Plan, no trees, shrubs, or other woody stemmed vegetation/trees may be cut, culled, trimmed, pruned or otherwise removed or disturbed on the project site without prior written Agency authorization, except for the removal of dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.

### **Plantings**

10. All trees and shrubs depicted on the Vegetation Plan and as specified on the Lighting Plan shall be planted no later than the first spring or fall planting season after final grading related to the campground expansion. Trees and shrubs that do not survive shall be replaced annually until established in a healthy growing condition.

### **Campground Operations**

11. The campground shall only operate from May 1 to October 30 each year. Any change to the days of operation shall require prior written Agency authorization.
12. All RVs/travel trailers in the campground, including any rentals, shall at all times: (a) have wheels on; (b) not have any attached structural additions, such as a porch, deck, or stairs; (c) be either currently registered and inspected by the Department of Motor Vehicles or be designed for regular over-the-road travel; and (d) be disconnected from all sewer, water, and electric hook-ups from November 1st to April 30th and at any other time that the campground is not in operation.
13. Within one year of cessation of the campground use, all RVs/travel trailers shall be removed from the site.

### **Signage**

14. All signs associated with the campground on the project site shall comply with the Agency's "Standards for Signs Associated with Projects" [9 NYCRR Part 570, Appendix Q-3]. Written approval shall be obtained from the Agency prior to installation of any new signs.

### **Noise**

15. There shall be no propane or gasoline-powered generators operated within the campground except during a power outage in the utility provider's service area or in an emergency.
16. There shall be no outdoor sound amplification or intercom systems associated with the campground.

### **Invasive Species Control/Sanitizing Equipment**

17. 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.

**Infrastructure**

**Wastewater**

18. If installed within five years of the date of issuance of this permit, the on-site wastewater treatment system shall be constructed in conformance with the location and design shown on the Wastewater Plans and the Site Plan. Immediately following completion of the wastewater treatment systems, large boulders and retaining walls shall be installed as shown on the Site Plan to prevent vehicles from driving over the on-site wastewater treatment systems. Construction of the system shall be supervised by a design professional (NYS licensed engineer or registered architect). Within 30 days of complete system installation and prior to its use, 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.

**Stormwater Management/Erosion Control**

19. The project shall be undertaken in compliance with the Erosion and Sediment Control Plan.

**FINDINGS OF FACT**

**Background/Prior History**

1. The project site is a pre-existing campground with 94 pre-existing camp sites and is shown on the Existing Campground Plan.
2. There are two pre-existing dwellings on the project site. The main dwelling is used for registration and the other dwelling is a "camp" that is rented as part of the campground. The camp is located within the 150 feet structure setback of the recreational river area. There was a pre-existing single-family dwelling on the site that was demolished and removed from the site in 1990. The dwelling was located adjacent to the existing building used for registration.
3. There are four accessory structures on the project site, as shown on the Existing Campground Plan: a club house, a pavilion, and two restroom buildings. The club house will be demolished and removed from the site and replaced with the bathhouse/pavilion/gameroom (Central Facility #3) shown on the Site Plan. The three other structures will remain un-changed.

## **Project Site**

### **Water Resources**

4. The project site contains 2,450± feet of shoreline on the Schroon River. The Schroon River is a designated Recreational River in the NYS Wild, Scenic and Recreational River System.
5. There is a pre-existing sandy beach located along the northerly shoreline of the project site that is approximately 180 feet wide and cleared of vegetation.

### **Critical Environmental Areas/Other Sensitive Areas**

6. A small southwest portion of the project site is located within 300 feet of Route 9. No development will occur within this designated critical environmental area except for modifications to the access road and landscape plantings.

### **Vegetation**

7. Vegetation along the shoreline of the project site consists of mature coniferous trees with some deciduous trees, including White Pine trees greater than 60 feet in height. As shown on the Vegetation Plan and as specified on the Lighting Plan, 50 native coniferous trees will be planted between the access road and the river.

The area between the campground and Route 9 is cleared open space with a berm. There is some coniferous vegetation between the campground expansion area and the commercial uses adjoining the project site.

### **Soils**

8. Soils on the site consist of sand and gravel fill, sand and gravel, loamy fine sand, medium and coarse sands. The percolation rates in the vicinity of the areas proposed for on-site wastewater treatment systems range from 1 minute per inch to 1 minute 45 seconds per inch.

### **Slopes**

9. The project site is relatively flat, except that some steeper slopes are located in areas where new sites will be constructed. These locations will be re-graded, and retaining walls constructed to reduce slopes.

### **Historic Sites or Structures**

10. By letter dated March 31, 2017, 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**

11. The NYS Route 9 highway corridor is highly developed with retail, service and office uses on both sides of the road near the project site. The lands adjoining Route 9 in the vicinity of the project site are classified Hamlet and include a variety of commercial uses such as a fast food restaurant, grocery store, gas station, commercial greenhouse, professional building, mobile home court, National Grid substation, car wash and other commercial uses.

Lands on the opposite shoreline of the Schroon River near the project site are generally undeveloped forested lands. The Town of Warrensburg is immediately west of the project site. The center of the Schroon River is the boundary between the Towns of Lake George and Warrensburg.

Lands north of the site on both sides of the Schroon River are classified Resource Management. A 175± acre campground, with more than 500 sites occupies 5,000± feet of the eastern shoreline of the river approximately ¾ mile north of the project site. A second, 150 site campground occupies an estimated 1,800± feet of the western shoreline of the river approximately ¼ mile north of the project site.

### **Visual Impact Assessment**

12. The applicants submitted a Visual Resource Assessment as part of the project application. The existing campground and the newly authorized campsites are not visible from most of Route 9 and are not visible from the travel lanes of NYS Interstate 87.

The existing trees along the shoreline of the Schroon River are mature, with few limbs low on the tree trunks, and the pre-existing campsites are currently visible from the river. The campground expansion is mostly located within the already developed campsite areas as well as a large open field on the southern portions of the property. However, portions of the campground expansion will be visible from the Schroon River. At the southernmost extent of the campsite expansion, there will be campsites and a stone retaining wall that varies in height from approximately 8 to 9 feet that will be visible from the Schroon River. Existing vegetation will remain between the campsites and river shoreline and 50 native coniferous trees will be planted in this area. The existing and new vegetation will help to screen the campsites from the river.

### **Access**

13. Existing access to the project site is from Route 9. The location of the access from Route 9 will be at the same location; however, the design and configuration of the access road will be enlarged to accommodate increased traffic entering and exiting the campground. The modifications to the access road are shown on the Site Plan map.



### **Traffic**

14. A traffic study (Engineering Report) was conducted during a holiday weekend and it was determined that the estimated peak season full occupancy of the existing 94 campsites is approximately 20 to 25 vehicle trips during the AM and PM peak hours of adjacent street traffic. The estimated peak season full occupancy of the campsite expansion for a total 167 campsites would increase the vehicle trips by 17 to 22 peak hour trips for a total of 37 to 47 vehicle trips during the AM and PM peak hours of adjacent street traffic.

### **Infrastructure**

#### **Wastewater**

15. On-site wastewater treatment systems constructed as located and depicted on the Wastewater Plans will comply with all applicable New York State Department of Health and Agency standards.

#### **Stormwater Management**

16. Clearing, grading, installing retaining walls, and constructing campground roads, RV pads, and new impervious areas can result in erosion and sedimentation and increased stormwater runoff. The campground will result in approximately 10.8 acres of ground disturbance at buildout and no disturbances greater than 5 acres are proposed in any phase of construction. There are no wetlands or water courses on the project site. The project has 2,450± feet of shoreline on the Schroon River.

### **Public Notice and Comment**

17. 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 comment letter was received.

### **Town of Lake George Local Land Use Program**

18. The Town of Lake George administers a local land use program approved by the Agency pursuant to Section 807 of the APA Act. The Town of Lake George granted variances for the proposed project on July 18, 2013. By letter dated June 16, 2017 to Lake George Riverview RV Park, LLC., the Town of Lake George Planning Board stated that at the June 13, 2017 Planning Board meeting the Board approved an advisory recommendation to the APA for approval of the project.

### **DOH and DEC Permitting**

19. The NYS Department of Health (NYSDOH) approved the plans and specifications for this project on August 9, 2018.

20. The proposal requires a State Pollution Discharge Elimination System (SPDES) permit from the DEC because it includes more than one acre of land disturbance. The project will be undertaken in phases so there is not more than 5 acres of land disturbance during any phase of the project.

### **Local Employment**

21. According to the application, the applicant expects construction of the campground to last for 32 weeks, with four full-time workers and two part-time workers employed. Upon opening of the campground, the applicant expects to employ eight full-time employees and eight part-time workers during the 30-week operating season.

## **PROJECT IMPACTS**

### **Visual**

22. Retention of trees, shrubs, and woody-stemmed vegetation outside the proposed edge of clearing shown on the Vegetation Plan, and construction of the campground roads, retaining walls, and RV sites in the location and dimensions shown on the Site Plan will help to visually screen the authorized development as seen from off-site locations, including nearby and adjoining lands.
23. The trees along the shoreline of the Schroon River are mature trees with very few limbs lower on the tree trunks. Requiring 50 native coniferous trees to be planted between the proposed access road and the river, as shown on the Vegetation Plan and specified on the Lighting Plan, will help to visually screen the authorized development from the river, and help to mitigate adverse visual impacts.
24. Requiring new outdoor lights to employ full cut-off fixtures will reduce nighttime light pollution (glare, light trespass and sky glow) and minimize the light cast toward the river and adjoining properties.
25. Restricting the location, size, and color of bathhouse/pavilion/gameroom (Central Facility #3) will further reduce visual impacts.

### **Invasive Species**

26. 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.

### **Soils/Surface Waters/Groundwater**

27. Construction and operation of the wastewater treatment systems as shown on the Wastewater Plans will provide adequate treatment for the campground and will mitigate any potential adverse impacts to groundwater and water quality degradation. Requiring installation of large boulders and retaining walls will protect the wastewater treatment systems by preventing vehicular traffic over them.
28. Adherence to the Project Plans and the Stormwater Pollution Prevention Plan, retention of trees, shrubs, and woody-stemmed vegetation outside the limits of clearing, and planting and maintaining additional vegetation will protect against erosion, sedimentation, water quality degradation, and other adverse impacts during project construction and operation.

### **Historic Sites or Structures**

29. 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**

30. Restricting the operating season of the campground, limiting the campground to 167 sites, and ensuring all RVs are readily moveable and removed within one year of the campground ceasing operation will reduce potential impacts to nearby private land uses and the river area.
31. Requiring landscaping between the campground road and the river will help to mitigate visual and aesthetic impacts to the river area.
32. Requiring written authorization prior to any change in the authorized location of development or construction of new structures on the project site will allow the Agency to ensure that the location and manner of construction will not adversely impact adjoining landowners or the river area.
33. Use of the existing access drive, with modifications for increased interior traffic, will minimize potential traffic impacts to adjoining landowners.
34. Restricting generators and outdoor sound amplification or intercom systems will further limit possible adverse impacts to nearby residential uses.

**CONCLUSIONS OF LAW**

The Agency has considered all statutory and regulatory criteria for project approval set forth in the Adirondack Park Agency Act and the Wild, Scenic and Recreational Rivers System Act and 9 NYCRR Part 577, and 9 NYCRR Part 574. The Agency hereby finds that the project authorized as conditioned herein:

- a. will meet all the pertinent requirements and conditions of the approved local land use program of the Town of Lake George;
- b. 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;
- c. will be consistent with the purposes and policies of the Wild, Scenic and Recreational Rivers System Act;
- d. will comply with the restrictions and standards of 9 NYCRR § 577.6; and
- e. will not cause an undue adverse impact upon the natural, scenic, aesthetic, ecological, botanical, fish and wildlife, historic, cultural, archeological, scientific, recreational or open space resources of the river area, taking into account the commercial, industrial, residential, recreational or other benefits that might be derived therefrom.

PERMIT issued this        day  
of                           , 2018.

ADIRONDACK PARK AGENCY

BY: \_\_\_\_\_  
Terry Martino, Executive Director

STATE OF NEW YORK  
COUNTY OF ESSEX

On the        day of                            in the year 2018, before me, the undersigned, a Notary Public in and for said State, personally appeared Terry Martino, 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.

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Notary Public

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