


**STAFF DRAFT NOT APPROVED BY AGENCY
THIS IS A TWO-SIDED DOCUMENT**

 <p>Adirondack Park Agency</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 Permit 2019-0125</p>
<p>In the Matter of the Application of</p> <p>HUTTOPIA ADIRONDACK PROPERTIES, LLC Permittee</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: XXXX</p> <p>To the County Clerk: This permit must be recorded on or before XXXX. Please index this permit in the grantor index under the following names: 1. Huttopia Adirondack Properties, LLC</p>

SUMMARY AND AUTHORIZATION

This permit authorizes the establishment of a new tourist accommodation in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map in the Town of Lake Luzerne, Warren County.

This permit shall expire unless recorded in the Warren County Clerk's Office on or before **XXXX**, 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 by **XXXX**. The Agency will consider the project in existence when the tourist accommodation begins to operate.

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 275±-acre parcel of land located on Lake Avenue (NYS Route 9N) in the Town of Lake Luzerne, Warren County, in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 275, Block 1, Parcel 32, and is described in a deed from Keith Rand to Huttopia Adirondack Properties, LLC, dated January 10, 2019, and recorded January 14, 2019 in the Warren County Clerk's Office under Instrument Number 2019-0277 at Book 5875, Page 1.

That portion of the project site located within 150 feet of the edge of right-of-way of NYS Route 9 is within a Statutory Critical Environmental Area (CEA). Berry Pond Brook, a non-navigable permanent stream, bisects the project site from north to south. There are wetlands associated with this brook and a tributary located near Route 9N; these wetlands are crossed by the existing asphalt driveway. Additional wetlands not described herein or depicted on the Site Plans identified below may be located on or adjacent to the project site.

The project site is improved by a single-family dwelling and garage and a pre-existing, 74-site campground last operated in 2018, including an office and recreation building, two bathhouses, and inground pool. The single-family dwelling and bathhouses are served by existing individual on-site wastewater treatment systems and water supply.

PROJECT DESCRIPTION

The project as conditionally approved herein involves establishment of a new seasonally-operated tourist accommodation comprised of 101 pre-fabricated tourist accommodation structures consisting of platform tents ranging in size from 215± square feet to 269± square feet and 10 platform cabins containing 525± square feet of floor space. All proposed tourist accommodation structures will be connected to water, electric, and wastewater utilities, except for 15 that will have electric only and be served by a shared bathhouse. A common area with a pool, a playground and a 3,000± square foot building containing the main office, a recreation area, and a 58-seat cafe and lounge is also proposed. A community water supply system and community on-site wastewater treatment system will be constructed to serve the new development. The facility will be accessed from an existing asphalt driveway extending from NYS Route 9N that served a previous campground at the site and new driveways, parking areas and pathways are proposed within the project area. The pre-existing campground on the project site will be decommissioned and the associated structures will be used by staff of the new tourist accommodation.

The project is shown on the following plans and reports:

- 34 sheets of plans titled "Site Plans prepared for Huttopia Adirondack Properties, Inc., Showing Huttopia Adirondack, Lake Luzerne," prepared by Robert M. Sutherland, P.C., dated May 3, 2019 and last revised for Agency Comments January 6, 2020 (Site Plans);
- An engineering report titled "Huttopia Wastewater Treatment System," prepared by Robert M. Sutherland, P.C., revised September 12, 2019 (Engineering Report); and

- A stormwater management plan titled, “Storm Water Management Report for Huttopia Adirondack, prepared by Robert M. Sutherland, P.C., dated September 6, 2019 (Storm Water Management Plan).

A reduced-scale copy of the Proposed Site Overall, shown on Sheets C-1.0 and C-2.0 of the Site Plans are 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

Pursuant to Section 809(2)(a) of the Adirondack Park Agency Act, a permit is required from the Adirondack Park Agency prior to the establishment of any tourist accommodation on Rural Use lands in the Adirondack Park.

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 tourist accommodation continues on the site. Copies of this permit, Site Plans, Engineering Report and Storm Water Management 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, Freshwater Wetlands Act, and the Adirondack Park Agency's implementing regulations [9 NYCRR §§ 570-588].
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 2019-0125, issued **XXXX**, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees.”

Development

Construction Location and Size

5. This permit authorizes the construction of a new tourist accommodation and associated infrastructure within the limit of clearing and limit of selective clearing shown and as depicted on the Site Plans. Any construction of additional tourist accommodation structures or associated infrastructure shall require a new or

amended permit. Any change to the location, dimensions, or other aspect of the authorized tourist accommodation or other new land use and development shall require prior written Agency authorization.

6. Pursuant to Section 809(2)(a) of the Adirondack Park Agency Act, the undertaking of any new land use or development not authorized herein within 150 feet of the edge of the right of way of NYS Route 9N will require a new or amended permit. The undertaking of any activity involving wetlands also requires a new or amended permit.
7. Accessory structures are allowed without prior written Agency approval provided they are less than 300 square feet in footprint and less than 16 feet in height, do not contain sanitary facilities, and are located within the limit of clearing or limit of selective clearing shown on the Site Plans and not located within the CEA or wetlands.

Outdoor Lighting

8. All lighting associated with the tourist accommodation on the project site shall comply with the Lighting Plan. Any change to the Lighting Plan or any additional exterior lighting on the project site shall require prior written Agency authorization.

Signage

9. All signs associated with the tourist accommodation on the project site shall comply with the Agency's "Standards for Signs Associated with Projects" [9 NYCRR Part 570, Appendix Q-3].

Tree Cutting/Vegetation Removal

10. No trees greater than 6 inches in diameter at breast height may be cut outside of the limit of clearing or limit of selective clearing shown on the Site Plans or within 150 of the right of way of NYS Route 9N 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.
11. Within 100 feet of Berry Pond Brook or any wetland boundary, no vegetation may be cut or otherwise removed or disturbed on the project site without prior written Agency authorization, except for within the limit of clearing or limit of selective clearing shown on the Site Plans. Maintenance of existing vegetation patterns adjacent to the existing single-family dwelling any accessory structures and as necessary to maintain existing vehicular access on the project site may be undertaken without further Agency review.

Density

12. There shall be no more than 32 principal buildings located on the project site at any time in addition to the single family dwelling, office and recreation building and two bathhouses associated with the pre-existing campground. The 3,000± square foot building, bathhouse, 10 platform cabins containing 525± square feet

of floor space and the 5 staff cabins authorized herein each constitute a principal building. The 101 pre-fabricated tourist accommodation structures consisting of platform tents ranging in size from 215± square feet to 269± square feet each constitute one-tenth of a principal building. The Agency makes no assurances that the maximum development mathematically allowed can be approved.

Project Operations

Seasonal Operation

13. The tourist accommodation may operate annually from May 1st until October 15th. Any operation of the tourist accommodation outside of these dates shall require prior written Agency authorization except that staff occupation of the project site and maintenance of the tourist accommodation may occur as needed throughout the year.

Hours of Operation

14. The tourist accommodation may operate 24 hours a day during the operating season. Quiet hours shall be observed daily from 10 p.m. until 8 a.m.

Noise

15. Any outdoor sound amplification or public address system associated with the tourist accommodation shall require prior written Agency authorization.

Invasive Species Control/Sanitizing Equipment

16. 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 in the construction of the tourist accommodation 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.

Infrastructure

Wastewater

17. 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 and described in the Site Plans and Engineering Report. Construction of the system shall be supervised by a design professional (licensed engineer or registered architect). Within 30 days of complete system installation 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. Any change or modification to the location

and design shown on and described in the Site Plans and Engineering Report shall require prior written Agency authorization.

Stormwater Management/Erosion Control

- 18. The project shall be undertaken in compliance with the Storm Water Management Plan.

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, 9 NYCRR Part 578 and 9 NYCRR Part 574. The Agency hereby finds that the project 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 land use area;
- c. will be consistent with the overall intensity guidelines for the Rural Use land use area;
- d. will comply with the shoreline restrictions of § 806 of the Adirondack Park Agency Act; and
- 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.

PERMIT issued this day
of , 2020.

ADIRONDACK PARK AGENCY

BY: _____
Robert J. Lore
Deputy Director, Regulatory Programs

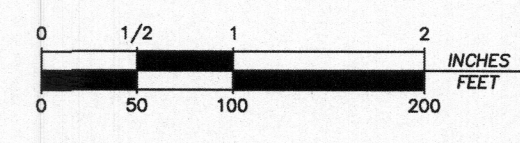
STATE OF NEW YORK
COUNTY OF ESSEX

On the day of in the year 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared Robert J. Lore, 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



Contour Interval = 10 ft

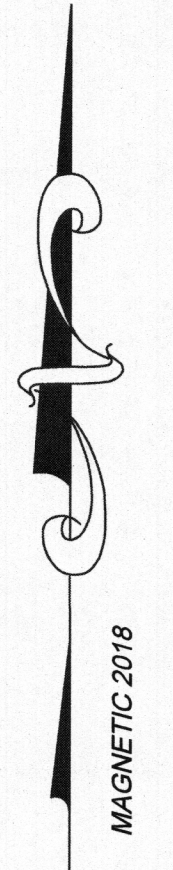


Scale: 1 Inch = 100 Feet

Legend:

- Found property evidence (as described)
- ⊕ Sign
- Property line
- - - Adjoiner property line
- Existing Edge of Gravel
- Existing Edge of Pavement
- Existing Minor Contour
- Existing Major Contour
- Existing Water Body edge
- ⊕ Wetlands

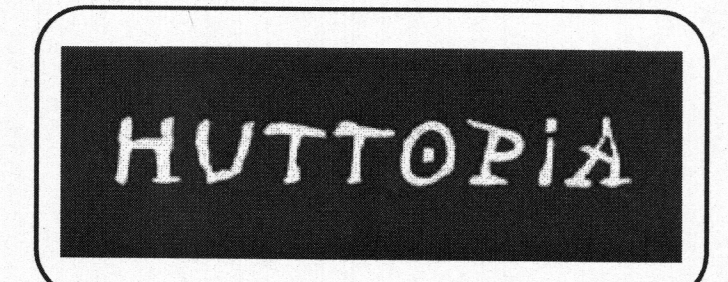
⊕	Cabins (Model Vista)	Water, Sewer, & Electric Service	10
⊕	Trapper Tents (Family Tents)	Water, Sewer, & Electric Service	68
⊕	Trapper Tents (2 Guests)	Water, Sewer, & Electric Service	18
⊕	Canadian Tents	Electric Service Only	15
⊕	Bath House	Water, Sewer, & Electric Service	1



Note:

Cabin & tent locations can be adjusted in the field to protect existing site features. Huttopia will locate the cabins & tents before construction.

No.	Revision/Issue	Date
3	Agency Comments	1/6/2020
2	Agency Comments	11/25/19
1	Agency Comments	9/16/19



RMS
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 R M S P C C O M

Project Name & Address
**Site Plans prepared for
 Huttopia Adirondack
 Properties, Inc.**
 Huttopia Adirondack,
 Lake Luzerne
 - Situate -
 Town of Lake Luzerne
 Warren County
 State of New York

RECEIVED
 ADIRONDACK PARK AGENCY
 FEB 20 2020

FINAL
 ADIRONDACK PARK AGENCY
 FILE # P2019-0125

Project #	18207	Sheet	Proposed Site Overall
Date	05/03/2019		C-1.0
Scale	1" = 200'		
Drawn	LSC	Checked	AJO

SELECTIVE CLEARING NOTES:

1. SELECTIVE CLEARING IS PERMITTED WITHIN THE BOUNDS OF THE "LIMIT OF SELECTIVE CLEARING" SHOWN. CLEARING SHALL BE LIMITED TO THE MINIMUM NECESSARY TO CONSTRUCT THE PROPOSED CAMPGROUND.
2. ALL CAMPSITES, PATHS, AND UTILITIES ARE INTENDED TO BE CONSTRUCTED WITHIN EXISTING CLEARED PATHWAYS. THE LOCATIONS OF CAMPSITES AND PATHS MAY BE ADJUSTED IN THE FIELD TO BETTER FIT THE ACTUAL CONDITIONS AND TO REDUCE THE AMOUNT OF CLEARING REQUIRED.



FINAL
ADIRONDACK PARK AGENCY
FILE # P2019-0125

Contour Interval = 10 ft

 Scale: 1 Inch = 100 Feet

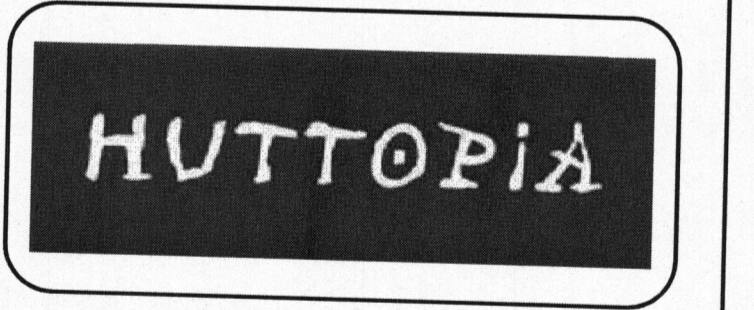
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ADIRONDACK PARK AGENCY
FEB 20 2020

MAGNETIC 2018

Legend:

- Found property evidence (as described)
- DOT Monument
- Utility pole
- Sign
- Property line
- Adjoinder property line
- Cabins (Model Vista)
- Trapper Tents (Family Tents)
- Trapper Tents (2 Guests)
- Canadian Tents
- Handicap Accessible Sites
- Bath House

No.	Revision/Issue	Date
3	Agency Comments	1/6/2020
2	Agency Comments	11/25/19
1	Agency Comments	9/16/19



Project Name & Address
**Site Plans prepared for
 Huttopia North America
 Properties, Inc.
 Huttopia Camp Site,
 Lake Luzerne**
 - Situate -
 Town of Lake Luzerne
 Warren County
 State of New York

Project #	18207	Sheet	Proposed Site Overall
Date	05/03/2019		
Scale	1" = 100'		C-2.0
Drawn	LSC	Checked	AJO