



**PERMIT WRITING FORM – P#2019-0125**

Assigned EPS: **Devan Korn**      Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_

**APPLICANT**

Project Sponsor: **Huttopia Adirondack Properties, LLC**  
Landowner: **Huttopia Adirondack Properties, LLC**  
Authorized Representative: **Arron J. Ovios, P.E.**

**PROJECT SITE**

Town: **Lake Luzerne**  
County: **Warren**  
Road and Water Body: **NYS Route 9N and Berry Pond Brook**  
Tax Map #: **275-1-32**  
Deed Ref: **Instrument # 2019-0277, Recorded January 14, 2019**  
Land Use Area: **Rural Use**  
Project Site Size: **275± acres**  
     **Same as Tax Map # identified above**  
     **Only the H / MIU / LIU / RU / RM / IU portion of the Tax Map #(s) identified above**  
     **Other (describe): NA**  
Lawfully Created? **Yes**       **Pre-existing subdivision: NA**  
River Area: **No**      If Yes: Wild - Scenic - Recreational      Name of River: **NA**  
CEAs (include all):      Wetland - Fed Hwy - **State Hwy** - State Land - Elevation - Study River

**PROJECT DESCRIPTION**

The project as conditionally approved herein involves a new seasonally-operated tourist accommodation involving 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 café 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 commercial use 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 facility will be accessible by guests 24 hours a day during the operating season, beginning May 1st and running through October 15th, with quiet hours to be observed daily beginning at 10 p.m. and concluding at 8 a.m.

**JURISDICTION (including legal citation)**

Pursuant to Section 809(2)(a) and Section 810(1)(d)(6) 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.

**PRIOR PERMITS / SETTLEMENT AGREEMENTS BEING SUPERSEDED: NA**

**FINDINGS OF FACT – ENVIRONMENTAL SETTING**

**Lakes, Ponds, Navigable Rivers and Streams**

**Check if none [ X ]**

Water Body Name:

Length of Existing Shoreline (feet):

MHWM determ: Y N

Minimum Lot Width:

Meets standard: Y N

Structure Setback (APA Act):

Meets standard: Y N

Structure Setback (River Regs):

Meets standard: Y N

Y N Cutting proposed within 6 ft of MHWM? If Yes, < 30% vegetation? Y N

Y N Cutting proposed within 35 ft of MHWM? If Yes, < 30% trees 6" dbh? Y N

Y N Cutting proposed within 100 ft of river area? (If Yes, include under jurisdiction)

**Non-Navigable Streams in proximity to development**

**Check if none [ ]**

[ X ] Permanent Stream [ ] Intermittent Stream

Classified? Yes

DEC Environmental Resource Mapper stream classification: C

**Wetlands**

Yes Jurisdictional wetland on property

If Y:

[ X ] If Yes, RASS biologist consulted

→ Covertypes: Mixed forested, shrub swamp and emergent marsh associated with permanent stream

→ Located < 200 ft from proposed development or along shoreline No

→ If Y, value rating: 2

**Wildlife**

No Rare/threatened/endangered species [ ] If Yes, RASS ecologist consulted

Yes Area(s) of significant habitat [ X ] If Yes, RASS ecologist consulted. Valuable wildlife habitat located and avoided on the east side of Berry Pond Brook. Prior Agency review required for any new land use and development outside the limit of clearing and limit of selective clearing shown on the Site Plans.

No Northern Long-Eared Bat occurrences in Town [ ] If Yes, RASS ecologist consulted

No Forest management plan existing or proposed [ ] If Yes, RASS forestry analyst consulted

No Biological Survey required by RASS ecologist [ ] If Yes, completed

**Ecological / Special Districts**

No Natural Heritage Sites [ ] If Yes, RASS ecologist consulted

No Aquifer [ ] If Yes, RASS engineer consulted

No Agricultural District

**Slopes** [ X ] RASS engineer consulted if structure proposed on >15%, driveway on >12%, or wwts on >8/15%

Existing slope range: 0 - >25% Building area(s) if authorizing development: 0 – 15%

## Soils

Yes Deep-hole test pit completed? (Necessary for every building lot) [ ] Check if N/A

[ X ] If Yes, soil data information determined or approved by RASS soil analyst

NRCS Mapped Soil Series or Other Comments: Hinckley, Bice

## Character of Area

Nearby (include all): Residential – Commercial – Industrial – Agricultural – Forested

Adjoining Land Uses / State Land: Private forest, residential, Girl Scouts, Lake George Wild Forest

Is nearby development visible from road? Yes

→ If Y, name road and describe visible development: NYS Route 9N

**Additional Existing Development:** Former Mount Kenyon Campground. Prior owner operated a pre-existing, 74-site campground offering RV and tent sites. Warren County Snowmobile Club accesses state lands over mapped trails on the project site that use existing woods roads, including two culvert crossings over Berry Pond Brook.

## \*\*\* Individual Lot Development Worksheet Attached

### FINDINGS OF FACT – COORDINATED REVIEW

Yes Archeologically Sensitive Area, according to OPRHP [ X ] See letter from OPRHP dated 10/25/2019

No Structures > 50 years old on or visible from site [ ] If Yes, APA AHPO consulted

Yes Within Lake George Park [ X ] The far east side of the project site falls within the boundary of the Lake George Park. No development or disturbance is proposed within the boundary.

Yes Greater than 1 acre disturbance / SWPPP required [ X ] If Yes, DEC application submitted

Yes Public water supply [ X ] If Yes, DEC / DOH application submitted

Yes Greater than 1,000 gpd wastewater [ X ] If Yes, DEC application submitted

Yes Disturbing bed or bank of water body [ X ] If Yes, DEC application submitted

No Creating 5 or more lots less than 5 acres each [ ] If Yes, DOH application submitted

No Army Corps involvement [ ] If Yes, ACOE consulted

No Agency-approved Local Land Use Program [ ] If Yes, Town/Village consulted

### PERMIT CONDITIONS AND IMPACT ANALYSIS

#### Merger

Justification if merger required: NA

#### Deed Covenant

Non-building lot being created? NA

If yes and lot is not being merged by condition, no PBs? Or no structures at all? Justification: NA

#### Easement

Easement proposed or required? NA

If Y, consult with Legal for conditions. Justification: NA

**Construction Location and Size (may be different for each subdivision lot)**

Is new development (other than oswts) being authorized without further Agency review? **Yes**

→ If Y: **Structure footprint and height limits and justification: As proposed and reviewed. New or amended Agency permit required for any construction of additional tourist accommodation structures. Prior written Agency approval required for accessory structures greater than 300 square feet of floor space, greater than 16 feet in height, containing sanitary facilities, located within 150 feet of the right of way of Rte. 9N or located outside of the limit of clearing or limit of selective clearing shown on the Site Plans.**

Community "Life Center"	3,000 square feet	< 25 feet
Bathhouse	250 square feet	< 15 feet
"Vista" Cabins (10 Units)	510 square feet	< 12 feet
Staff Housing (4 Units)	215 square feet	< 15 feet
Staff Common Area (1 Unit)	215 square feet	< 15 feet
"Trapper" Platform Tents (86 Units)	269 square feet	< 15 feet
"Canadian" Platform Tents (15 Units)	215 square feet	< 15 feet

→ If N:

- Acceptable development sites identified for all subdivision lots with PB allocation? **NA**
- Review of future development required? **Yes**
- If Y, justification: **Ensure compliance with OIGs and OSWTS design. Protect habitat resources**

**Guest Cottages (if authorizing a dwelling)**

Proposed and reviewed? **NA**

If N, guest cottages potentially allowed? **NA**

→ Justification for any conditions:

**Boathouses (if project site contains shoreline)**

Proposed and reviewed? **NA**

If N, boathouses potentially allowed? **NA**

→ If N, justification:

→ If Y, review required (beyond definition limits)? **NA**

→ If Y, justification:

**Docks (if project site contains shoreline)**

Proposed and reviewed? **NA**

If N, docks potentially allowed? **NA**

→ If N, justification:

→ If Y, review required (beyond definition limits)? **NA**

→ If Y, justification:

**Outdoor Lighting (if authorizing development)**

Plan proposed and reviewed? **Yes**

**Building Color (if authorizing development)**

**No color condition required, justification: Development is not visible from off-site locations.**

**Tree Cutting / Vegetation Removal**

Town with Northern Long-Eared Bat occurrences? **No**  
If Y, consult with RASS for conditions. Justification: **NA**

Vegetative cutting restrictions required? **Yes**

If Y, restrictions required (choose all that apply):

- within \_\_\_\_\_ feet of limits of clearing
- within 150 feet of the edge of right of way of Rte 9N
- Other: within 100 feet of wetlands and Berry Pond Brook
- on entire site outside limit of clearing or limit of selective clearing

Extent of cutting restriction necessary within the area noted above:

- Cutting of all vegetation prohibited within 100 feet of wetlands and Berry Pond Brook
- Cutting of trees of greater than 6 inches in diameter dbh prohibited on entire site outside limit of clearing or limit of selective clearing and within 150 feet of the edge of right of way of Rte 9N

Other:

Justification: **Protect wetlands and views along 9N, protect Berry Pond Brook from sedimentation and preserve integrity of forest and wildlife habitat.**

**Plantings**

Plan proposed and reviewed? **NA**

If N, plantings required? **NA**

→ If Y, species, number, location, and time of year: **NA**

Justification: **NA**

**Wetlands**

Consult with RASS for conditions. Justification: **No development proposed within 200 feet.**

**Density (may be different for each subdivision lot)**

Located in Town with ALLUP? **No** (If Y, stop. Town oversees density.)

Authorizing PB on substandard-sized lot created pre-2000 with no permit? **No**

If N and N, list existing PBs, including whether they are pre-existing/year built:

Structure	Pre-existing (Y/N)?	Lawfully constructed (Y/N)?
Single Family Dwelling	No (1985)	Yes
Campground Office and Recreation Building	Unknown	Unknown
Large Bathhouse	No (1980)	Unknown
Small Bathhouse	No (1975)	Unknown

Mathematically available # of new PBs (in addition to existing or replacement): **32**

Extinguishing PBs? **No** If Y, number: **NA**

**Wastewater (if authorizing construction of a new PB without further review)**

Municipal system connection approved? **NA**

Community system connection approved by RASS? **Yes**

Proposed on-site system designed by engineer and approved by RASS? **Yes**

If N, has RASS field-verified location for conventional standard trench system? **Yes**

If N, has RASS field-verified location for conventional shallow trench system? **NA**

Suitable 100% replacement area confirmed for existing / proposed system? **Yes**

Consult with RASS for additional conditions.

**Stormwater Management (if authorizing development)**

Consult with RASS for conditions. Justification: As reviewed and approved. Agency will review any change to the authorized plans.

**Erosion and Sediment Control (if authorizing development)**

Consult with RASS for conditions. Justification: As reviewed and approved. Agency will review any change to the authorized plans.

**Infrastructure Construction (if authorizing development)**

Construction necessary before lot conveyance: NA

Justification: NA

**For permits that will not include conditions related to Building Color, Vegetation Removal, or Plantings**

Explain why no condition is needed: No building color or plantings required because existing topography and vegetation will screen all new development. Vegetation removal condition will ensure vegetation remains to screen all new and existing site development from 9N.

**Noise**

Justification: Review of any outdoor sound amplification or PA system associated with the tourist accommodation will ensure that any impacts to nearby land uses are minimized.

**Invasive Species Control**

Justification: The project site is part of a large forest block identified as regionally important in New York State. Requiring invasive species control will minimize potential impacts to this forest block.

**Economic/Fiscal Factors**

An increase in available tourist accommodations in the area could provide fiscal benefits to local and regional economies within the Adirondack Park. Construction and operation of the authorized tourist accommodation will create full and part-time employment opportunities.

**No** Public comments received      If yes, #: **NA**

**NA** Applicant submitted response