


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 www.apa.ny.gov</p>	<p>APA Permit <b>2021-0299</b></p>
<p>In the Matter of the Application of</p> <p><b>NORTHWOOD SCHOOL</b> <b>Permittee</b></p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 578</p>	<p>Date Issued: August 10, 2023</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names: <b>1. Northwood School</b></p>

**SUMMARY AND AUTHORIZATION**

This permit authorizes the construction of two boardwalks through wetlands in an area classified Hamlet on the Adirondack Park Land Use and Development Plan Map in the Town of North Elba, Essex County.

This authorization shall expire unless recorded in the Essex County Clerk's Office within 60 days of issuance of a signed and notarized permit. The signed and notarized permit shall be recorded 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 five years of the date the permit is recorded in the Essex County Clerk's Office. The Agency will consider the project in existence when either of the two boardwalks authorized herein has been constructed.

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 37.4±-acre parcel of land located between Mount Whitney Way, Mirror Lake Drive, and Northwood Road in the Town of North Elba, Essex County, in an area classified Hamlet on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 42.35, Block 2, Parcel 3, and is described in a deed from Stevens Realty Corporation to Northwood School, dated September 15, 1939, and recorded in the Essex County Clerk's Office in Book 426 at Page 412.

The project site contains a mixed deciduous and coniferous forested wetland with a value rating of "2". Additional wetlands not described herein or depicted on the Site Plan may be located on or adjacent to the project site.

The project site is improved by an existing network of trails that include bridges, boardwalks, and trail corduroy. The property has also been developed by a school facility that includes multiple buildings, athletic fields, and parking areas.

## **PROJECT DESCRIPTION**

The project as conditionally approved herein involves the construction of two sections of boardwalk through wetlands for the purpose of re-routing the Cobble Hill Trail. One section will be 154 feet long by 4 feet wide and the other will be 22 feet long by 4 feet wide. The impacts to wetlands will be mitigated by the removal of a footbridge, trail way corduroy, and existing boardwalk, resulting in the removal of 627.7 square feet of fill from wetlands.

The project will involve the loss of 704 square feet of wetlands due to boardwalk shading and a total of 2.29 square feet of direct wetland impacts from the helical piles. 627.7 square feet of wetland remediation will be undertaken on the project site as mitigation for this loss, through removal of existing wetland fill as depicted on the Site Plan described below and in Condition 9 of this permit.

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

- "Sketch Map 2" for W2021-0013, prepared by M. O'Dell, amended by Daniel Spada, and last dated May 21, 2023 (Site Plan);
- "Cobble Hill Trail Boardwalk Location – Proposed Sketch Map 1," prepared by DMS (Daniel Spada), and dated May 21, 2023 (Site Wetlands Map);
- "Cobble Hill Boardwalk, Lake Placid, NY, Adirondack Land Trust, Boardwalk on Helical Pile," prepared by Tahawus Trails, and dated January 13, 2023 (Detail Plan); and
- "Attachment A, Plant Species List," prepared by New England Wetland Plants, Inc., and received by the Agency on May 22, 2023 (Seed Plan).

A reduced-scale copy of the Site Wetlands Map for the project is attached as a part of this permit for reference.

## **AGENCY JURISDICTION**

Pursuant to Section 809(2)(a) of the Adirondack Park Agency Act and Adirondack Park Agency regulations at 9 NYCRR Part 578, a permit is required from the Adirondack Park Agency prior to any deposit of fill in a wetland, excavation of a wetland, or placement of new structures over wetlands 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 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, for as long as the boardwalks remain on the site. Copies of this permit and the Site Plan, Site Wetlands Map, Detail Plan, and Seed 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 conditions in Permit 2012-0103 remain in full force and effect.
5. 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 2012-0103, issued February 11, 2013 and Permit 2021-0299, issued August 10, 2023, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
6. This permit authorizes the construction of two boardwalks in the location shown and as depicted on the Site Wetlands Map and as described on the Detail Plan. Any change to the location, dimensions, or other aspect of the boardwalks shall require a new or amended permit.
7. 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.

8. Within wetlands, no trees, shrubs, or other woody stemmed vegetation may be cut, culled, trimmed, pruned or otherwise removed or disturbed on the project site without prior written Agency authorization, except for a) within an area up to 10 feet in width for the construction of the boardwalks authorized herein, and b) dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
9. Wetlands mitigation shall be undertaken in the form of the removal of existing fill within wetlands as shown and described on the Site Plan. Mitigation areas shall be seeded using the seed mix described in the Seed Plan until the mitigation area has been fully established and stabilized. The wetlands mitigation shall be commenced concurrently with the boardwalk construction, and shall be completed within 60 days of the completion of boardwalk construction.
10. Prior to removal of the existing bridge, silt fencing shall be properly installed and maintained until the area has been stabilized, at which point erosion controls shall be removed.
11. The undertaking of any activity involving wetlands shall require a new or amended permit.

#### **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 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 Hamlet land use area;
- c. will be consistent with the overall intensity guidelines for the Hamlet land use area;
- 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 and provides an essential public benefit.

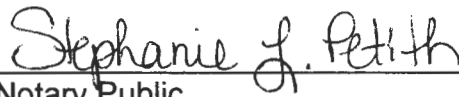
PERMIT issued this 15<sup>th</sup> day  
of August, 2023.

ADIRONDACK PARK AGENCY

BY:   
David J. Plante, AICP CEP

STATE OF NEW YORK  
COUNTY OF ESSEX

On the 10<sup>th</sup> day of August in the year 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared David J. Plante, 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.

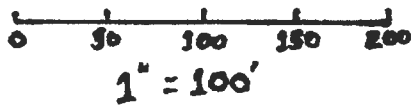
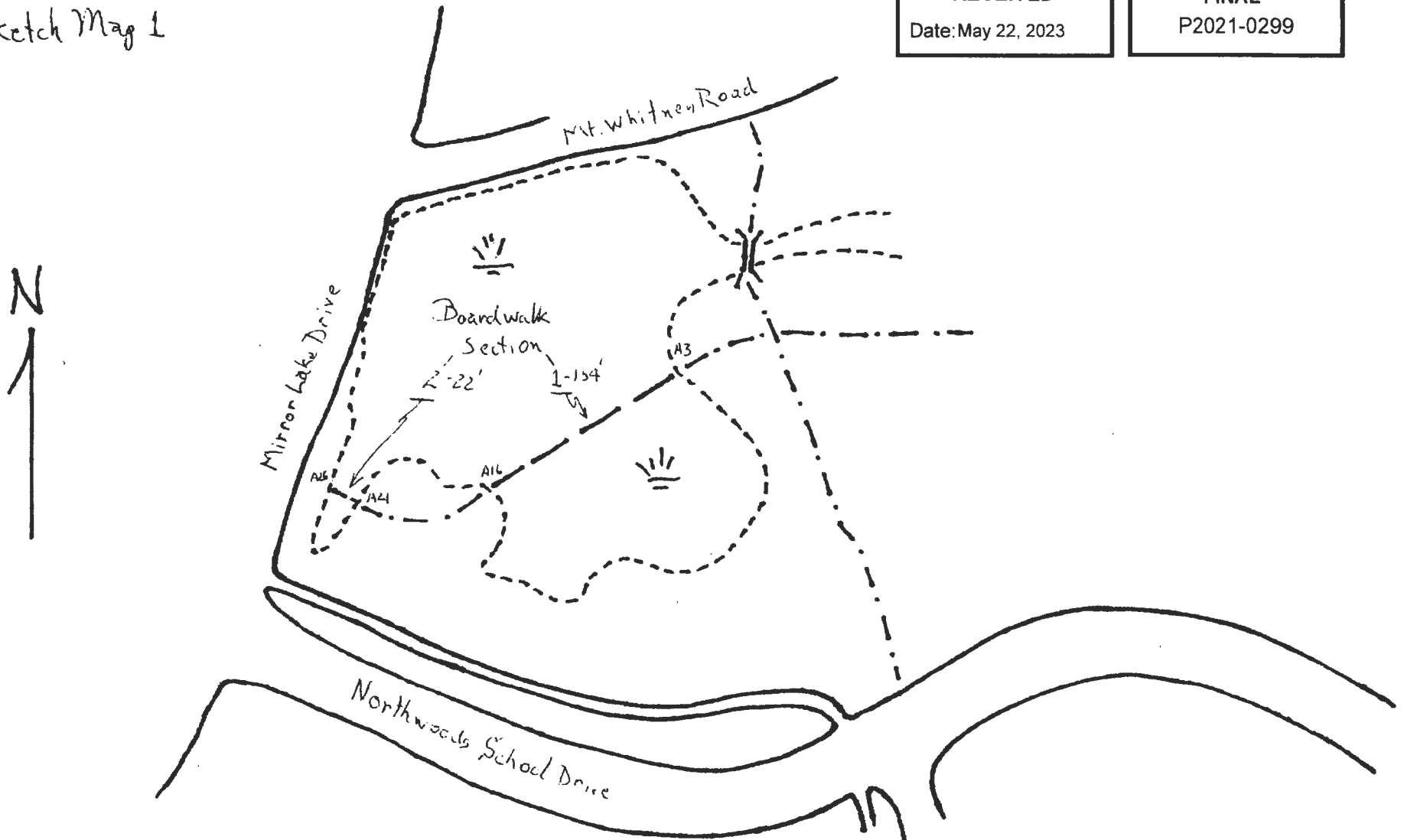
  
Notary Public

Stephanie L. Petith  
Notary Public, State of New York  
Reg. No 01PE6279890  
Qualified in Franklin County  
Commission Expires April 15, 2025

Cobble Hill Trail  
Boardwalk Location - Proposed  
Sketch May 1

NEW YORK STATE OF OPPORTUNITY  
Adirondack Park Agency  
RECEIVED  
Date: May 22, 2023

NEW YORK STATE OF OPPORTUNITY  
Adirondack Park Agency  
FINAL  
P2021-0299



DMS-5.21.23