


THIS IS A TWO-SIDED DOCUMENT

 <p>NEW YORK STATE OF OPPORTUNITY.</p> <p>Adirondack Park Agency</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 2023-0065</p>
<p>In the Matter of the Application of</p> <p>RICHARD M. VIDAL AND MATTHEW T. VIDAL Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: June 8, 2023</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names: 1. Richard M. Vidal 2. Matthew T. Vidal</p>

SUMMARY AND AUTHORIZATION

This permit authorizes the establishment of a tourist accommodation in an area classified Low Intensity Use on the Adirondack Park Land Use and Development Plan Map in the Town of Jay, 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 this permit has been filed.

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 358.28±-acre parcel of land located on NYS Route 86 in the Town of Jay, Essex County, in an area classified Low Intensity Use and Resource Management on the Adirondack Park Land Use and Development Plan Map. The site is identified as a portion of Tax Map Section 27.1, Block 2, Parcel 3.100, and is described in a deed from Bassett Mountain Recreation Center, Inc. to Richard M. Vidal and Matthew T. Vidal, dated September 9, 2022, and recorded October 5, 2022 in the Essex County Clerk's Office at Book 2100, Page 194.

The project site is improved by a private ski area complex and associated infrastructure known as the Paleface Lodge. The project site is also improved by a monopole cell tower as authorized by Agency Permit 2000-56.

The project site was created as "Lot B" in a two-lot subdivision as authorized by Agency Permit 2022-0251.

PROJECT DESCRIPTION

The project as conditionally approved herein involves the operation of a tourist accommodation utilizing the pre-existing Paleface Lodge infrastructure.

The project is shown on the following maps, plans, and reports (Project Plans):

- A one-sheet plan un-titled and un-signed, received by the Agency on April 26, 2023 (Site Plan Map 1);
- One-sheet plan un-titled and signed by Rick Vidal on April 1, 2023, received by the Agency on April 3, 2023 (Site Plan Map 2);
- One-sheet plan un-titled and un-signed, received by the Agency on April 21, 2023 (OSWTS Map);
- One-sheet plan titled "New Vida Preserve Café," un-signed, received by the Agency on April 21, 2023 (Deck Plan);
- Four-sheet plan, un-titled and un-signed, received by the Agency on April 21, 2023 (Kitchen Floor Plan);
- Three-sheet plan, un-titled and un-signed, received by the Agency on April 27, 2023 (Floor Plan);
- Two-sheet report titled "Wastewater Treatment System Report for the Paleface Lodge, Jay, NY," prepared by Mark J. Buckley, P.E., PLLC, dated April 24, 2023 (Engineer Report 1); and
- Two-sheet report titled "Wastewater Treatment, Paleface Lodge, Jay, NY," prepared by Mark J. Buckley, P.E., PLLC, dated May 3, 2023 (Engineer Report 2).

A reduced-scale copy of the Site Plan Maps 1 and 2 referenced above are attached as a part of this permit for reference.

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 any tourist accommodation on Low Intensity 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 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 tourist accommodation continues on the site. Copies of this permit and the Project 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].
4. This permit amends and supersedes Agency Permit 2022-0251 in relation to the project site. The terms and conditions of Agency Permit 2022-0251 shall no longer apply to the project site.
5. All conditions in Agency Permits 2000-56 and 2019-0007 remain in full force and effect.
6. 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 2023-0065, issued June 8, 2023, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
7. This permit authorizes the establishment of a tourist accommodation in the pre-existing Paleface Lodge complex in the location shown and with the capacities described in the Project Plans. Any change to the location, occupancy or other aspect of the tourist accommodation shall require prior written Agency authorization.
8. Prior to any increase in occupancy of the tourist accommodation or replacement of any on-site wastewater treatment systems, written authorization shall be obtained from the Agency for plans prepared by a New York State design professional (licensed engineer or registered architect). The on-site wastewater

treatment system(s) plans shall comply with the Agency's Project Guidelines for Residential on-Site Wastewater Treatment, and with Agency standards in 9 NYCRR Appendix Q-4.

9. Any new free-standing or building-mounted outdoor lights associated with the tourist accommodation on the project site shall employ full cut-off fixtures that are fully shielded to direct light downward and not into the sky or toward NYS Route 86 or adjoining property.
10. 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].
11. Any deed of conveyance for the project site shall contain an easement providing access over Bassett Mountain Way to the existing single family dwelling.
12. The construction of any additional dwelling or other principal building on the Low Intensity Land Use Area portion of the project site shall require prior written Agency authorization.
13. The construction of any additional dwelling or other principal building on the Resource Management Land Use Area portion of the project site shall require a new or amended permit.
14. There shall be no more than 20 principal buildings located on the Low Intensity Use portion of the project site at any time. The Agency makes no assurances that the maximum development mathematically allowed can be approved.
15. There shall be no more than 7 principal buildings located on the Resource Management portion of the project site at any time. The Agency makes no assurances that the maximum development mathematically allowed can be approved.

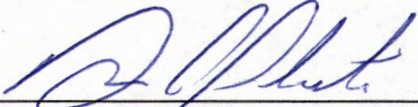
CONCLUSIONS OF LAW

The Agency has considered all statutory and regulatory criteria for project approval set forth in the Adirondack Park Agency Act 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 Low Intensity and Resource Management land use areas;
- c. will be consistent with the overall intensity guidelines for the Low Intensity and Resource Management land use areas;
- d. 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 8th day
of June, 2023.

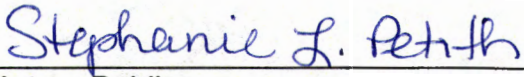
ADIRONDACK PARK AGENCY

BY: 
David J. Plante, AICP CEP
Deputy Director, Regulatory Programs

STATE OF NEW YORK
COUNTY OF ESSEX

On the 8th day of June 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.

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


Notary Public



NEW YORK STATE
Adirondack
Park Agency
RECEIVED
Date: April 26, 2023

NEW YORK STATE
Adirondack
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FINAL
P2023-0065

Bassett Mountain
Towns of Jay and Wilmington
Essex County, NY

Wetlands
Parcel Boundary

Land Classification
Low Intensity
Rural Use
Resource Management
Wild Forest

N
Scale: 1" = 400'
Contour Interval = 10'

Prepared by Andrew Clark,
04/2023

0 200 400 800 1,200 1,600 2,000
Feet

RECEIVED

Date: April 3, 2023

FINAL

P2023-0065



Map made by Rick Vidal,
Owner, on 4/1/23