


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 www.apa.ny.gov</p>	<p>APA Permit 2023-0257</p>
<p>In the Matter of the Application of WHITEFACE RESORT HOLDINGS, LLC; MICHAEL BIRD and MARI BIRD Permittee</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: April 23, 2024</p>
	<p>To the County Clerk: Please index this permit in the grantor index under the following names: 1. Whiteface Resort Holdings, LLC 2. Michael Bird 3. Mari Bird</p>

SUMMARY AND AUTHORIZATION

This permit authorizes two, two-lot subdivisions in an area classified Low Intensity Use 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 an authorized lot has been conveyed.

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 140±-acre parcel of land located on Whiteface Inn Lane, Lodge Way and Forest Brook Drive in the Town of North Elba, Essex County, in an area classified Low Intensity Use and Moderate Intensity Use on the Adirondack Park Land Use and Development Plan Map.

The site is comprised of the lands described in the deed from Whiteface Club and Real Estate and Development Co., LLC to Michael Bird and Mari Bird, dated May 11, 2000, and recorded in the Essex County Clerk's Office under Book 1248, Page 46; identified as Tax Map Section 33.18-18-1 (Lot 1); and the remaining lands described in the deed from Whiteface Club Real Estate and Development CO., LLC, et al. to Whiteface Resort Holdings, LLC, dated January 22, 2004, and recorded in the Essex County Clerk's Office under Book 1389, Page 200; identified as Tax Map Section 33.18, Block 1, Parcels 3.111, 17.1, 22.001, 23.001, 27.001, 29.1; and Block 19, Parcels 1 and 0.001 (Lot 2).

The Moderate Intensity Use portion of Lot 2 contains shoreline on Lake Placid. The project site also contains wetlands associated with streams. Additional wetlands not described herein or depicted on the Site Plan may be located on or adjacent to the project site.

The Lot 1 portion of the project site was created as a 0.302 acre lot in a two-lot subdivision as authorized by Agency Permit 1996-0154C.

PROJECT DESCRIPTION

The project as conditionally approved herein involves a:

- two-lot subdivision of Lot 1 to create a 0.26±-acre lot and a 0.093±-acre lot;
- two-lot subdivision of the Low Intensity Use portion of Lot 2 to create a 0.097-acre lot and a 140±-acre;
- merging of the 0.26±-acre lot with the 0.097-acre lot; and
- merging of the 140±-acre lot with the 0.093±-acre lot.

The project is shown on the following maps, plans, and reports: "Map of Survey Prepared for Whiteface Resort Holdings, LLC Michael & Mari Bird," prepared by Geomatics Land Surveying, P.C., dated May 9, 2019, and received by the Agency on December 27, 2023 (Site Plan). A reduced-scale copy of the Site Plan 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, a permit is required from the Adirondack Park Agency prior to any subdivision of Low Intensity Use lands that results in the creation of a non-shoreline lot smaller than 2.75 acres in size in the Adirondack Park.

Pursuant to Section 809(2)(a) of the Adirondack Park Agency Act, a permit is required from the Adirondack Park Agency prior to any subdivision that results in the creation of 10 or more lots, parcels, or sites since May 22, 1973, in a Low Intensity Use land use area in the Adirondack Park.

This permit amends Condition 3 of Agency Permit 1996-0154C.

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. Copies of this permit and the 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, Freshwater Wetlands Act, and the Adirondack Park Agency's implementing regulations [9 NYCRR §§ 570-588].
4. This permit amends and supersedes Permit 1996-0154C in relation to the Lot 1 portion of the project site. The terms and conditions of Permit 1996-0154C shall no longer apply to the Lot 1 portion of the project site.
5. Except as amended or superseded herein, all conditions in Permit 1996-0154C 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 2023-0257, issued April 23, 2024, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
7. Subject to the conditions stated herein, this permit authorizes a two-lot subdivision of Lot 1 as depicted on the Site Plan and a two-lot subdivision of Lot 2 as depicted in part on the Site Plan. Any subdivision of the project site not depicted on the Site Plan shall require a new or amended permit.
8. Within 30 days of conveyance of the 0.097±-acre lot, a new deed shall be filed in the Essex County Clerk's office describing the 0.26±-acre lot and the 0.097±-acre lot as a single, un-divided lot.

9. Within 30 days of conveyance of the 0.093±-acre lot, a new deed shall be filed in the Essex County Clerk's office describing the 140±-acre lot and the 0.093±-acre lot as a single, un-divided lot.
10. Any deed of conveyance for the lands comprised of the 140±-acre lot and the 0.093±-acre lot as depicted on the Site Plan shall contain an easement providing ingress and egress to the lands comprised of the 0.26±-acre lot and the 0.097±-acre lot over the "existing gravel drive" depicted on the Site Plan.
11. The Low Intensity Use portion of the lands comprised of the 140±-acre lot and the 0.093±-acre lot shall not be conveyed separately from the Moderate Intensity Use portion of the project site.
12. The undertaking of any activity involving wetlands shall require a new or amended permit.
13. On the 0.093±-acre lot and the lands comprised of the 0.26±-acre lot and the 0.097±-acre lot, no trees, shrubs or other woody-stemmed vegetation height may be cut, culled, trimmed, pruned or otherwise removed or disturbed 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. Any tree that is removed pursuant to Agency authorization shall be replaced.
14. The construction of any new accessory structure on the lands comprised of the 0.26±-acre lot and the 0.097±-acre lot shall require prior written Agency authorization.
15. There shall be no principal buildings located on on the lands comprised of the 0.26±-acre lot and the 0.097±-acre lot other than the pre-existing single family dwelling or any replacement structure for this dwelling as allowed by Agency regulations.

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 subdivision 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 Use land use area;
- c. will be consistent with the overall intensity guidelines for the Low Intensity 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 23rd day
of April, 2024.


ADIRONDACK PARK AGENCY

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

STATE OF NEW YORK
COUNTY OF ESSEX

On the 23 day of April, 2024 in the year 2024, 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.

ANGELA BATES
Notary Public - State of New York
No. 01BA6427440
Qualified in Essex County
My Commission Expires Dec. 27, 2025


Notary Public

NOTES

1. THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF AN UPDATED ABSTRACT OF TITLE AND IS SUBJECT TO ANY AND ALL FACTS THAT MAY AFFECT ABSTRACT OF TITLE RIGHT THEREON.
2. DEED INTO BRD (L. 1248 PG. 48) INCLUDES ANY TRAILS AND DRIVEWAYS TO BE CONSIDERED "RESERVED" AS TO THE INTERESTS OF THE RESORT. THIS RESERVATION IS MOST LIKELY AN APPROXIMATE 10' STRIP, BETWEEN THE NORTH LINE OF THE BRD PARCEL (L.1248 PG.48) AND THE 30' ROAD (KNOWN AS WHITEFACE CLUB DRIVE) CONNECTED TO WHITEFACE CLUB, LLC (L.1171 PG.23). THIS PARCEL WAS REMOVED BY WHITEFACE RESORT ON LAKE PLACID, THE BRD PARCEL APPOINTMENT GIVEN IN L.1248 PG.48. THIS IS SUBJECT TO LEGAL INTERPRETATION HOWEVER, AND BEYOND THE SCOPE OF THIS SURVEY.
3. DEED INTO BRD (L. 1248 PG. 48) STATES: TOGETHER WITH A DRIVEWAY EASEMENT, NOT TO EXCEED TEN FEET IN WIDTH, FOR ACCESS TO AND FROM WHITEFACE CLUB DRIVE, AND A GRADGE TURN-AROUND, OVER LAKES NOW OR FORMERLY OF WHITEFACE RESORT ON LAKE PLACID, L.P.;
4. TOGETHER WITH AND SUBJECT TO OBLIGATIONS AND BENEFITS OF A DECLARATION OF COVENANTS AND RESTRICTIONS AND DEEDS AT NUMBER 283 AND AS AMENDED IN AGREEMENT RECORDED IN LIBERT 1216 OF DEEDS AT PAGE 189 IN THE ESSEX COUNTY CLERK'S OFFICE.

MAP REFERENCES

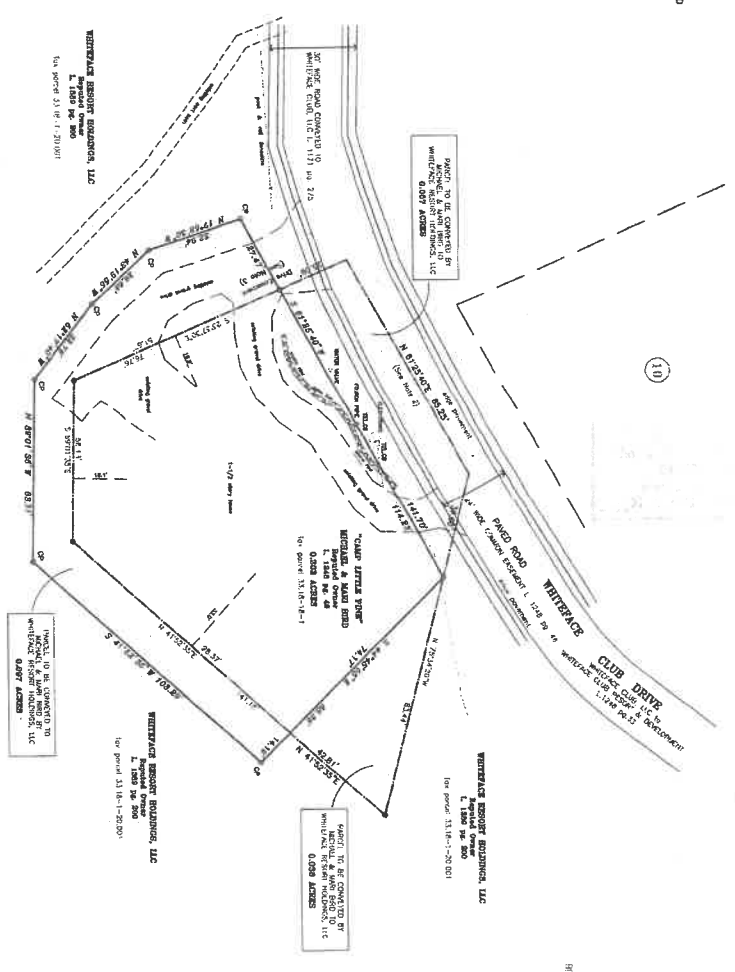
- 1) MAP OF LANDS SHOWING THE "WANTON LOT" BY CLOUGH, HARBOR & ASSOCIATES, L.P., DATED MARCH 8, 1998.
- 2) "SUSPENSION PLAN - WHITEFACE CLUB AND RESORT PREPARED FOR WHITEFACE RESORT ON LAKE PLACID, L.P." DATED MAY 22, 1996 . RECORDED THROUGH TO JANUARY 13, 1999 BY CLOUGH, HARBOR & ASSOCIATES, L.P.
- 3) MAP OF SURVEY PREPARED FOR MICHAEL & MARI BRD BY GEOMATICS LAND SURVEYING, PC DATED 2/15/1999 AND RECORDED THROUGH TO 11/19/2013.

LEGEND

- ROAD NOT PAVED
- COMPLETED POWER
- BOUNDARY LINE
- ROAD LINE
- FENCE LINE
- OVERLAP LIMIT LINE
- UTILITY POLE
- SET OF PILES WITH ALUMINUM CAP
- STUBBLE OVERLAP L.A. L.P.

UNPUBLISHED MAPS OF RECORD IN A COUNTY RECORDING OFFICE OR RECORDING OFFICE OF A STATE OR FEDERAL GOVERNMENT SHALL BE CONSIDERED TO BE "MAD TITLE COPIES."

Construction of any building shown on this map shall be in accordance with the zoning laws of the State of New York and the local laws of the County of Essex. The survey is prepared for the purpose of showing the location of the proposed building and the location of the utility poles and the location of the stubble piles. It is not intended to be a final plat and shall not be used for the purpose of recording or recording a deed or other instrument in the County of Essex or the State of New York.



WACHTIC NORTH BASED ON BRUNNIG STRICH OF MAP REFERENCE #2



FINAL
P2023-0257
ADDITIONAL INFORMATION: DEC 31 2023

2. Referred to same proposed parcel correspondence 3/9/19 S.A.	DATE	BY
1. Referred to add deed and easement 3/11/17 S.A.	DATE	BY
COPYRIGHT	2000	
CHECKED BY	SJA	
DRAWN BY	MH	
DATE FIELD	08/23/16	
DATE MAP	10/23/16	
SCALE	1"=50'	
TAX MAP NO.	3318-18-1	
MAP NO.	10087	

MAP OF SURVEY
PREPARED FOR
WHITEFACE RESORT HOLDINGS, LLC
MICHAEL & MARI BIRD
Showing Proposed Parcel Conveyances - Camp Little Pine
WHITEFACE RESORT, GREAT LOT 236, TOWNSHIP NO. 11, O.M.T.
TOWN OF NORTH ELBA, COUNTY OF ESSEX AND STATE OF NEW YORK.

Michael & Mari Bird

GEOMATICS
land surveying, pc
STACEY L. ALLOTT, L.S.
P.O. BOX 1277 SARANAC LAKE, NY
518-881-8218 Phone
geomaticslsp@gmail.com www.geomatics.pc