


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 and Order <b>2006-0123TA</b></p>
<p>In the Matter of the Application of</p> <p><b>NEW YORK STATE OLYMPIC REGIONAL DEVELOPMENT AUTHORITY AND TOWN OF JOHNSBURG</b></p> <p>Subject to § 809 and § 814 of the Adirondack Park Agency Act</p>	<p>Date Issued: February 29, 2024</p>
	<p>To the County Clerk: Please index this permit and order in the grantor index under the following names:</p> <ol style="list-style-type: none"><li><b>1. NYS Olympic Regional Development Authority</b></li><li><b>2. Town of Johnsburg</b></li></ol>

**SUMMARY AND AUTHORIZATION**

This permit and order authorizes construction of a ski lodge, zip line adventure system, zip line building, and associated development in an area classified Hamlet and Low Intensity Use on the Adirondack Park Land Use and Development Plan Map in the Town of Johnsburg, Warren County.

This authorization shall expire unless recorded in the Warren County Clerk's Office within 60 days of issuance of a signed and notarized permit. The signed and notarized permit and order 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 and order is recorded in the Warren County Clerk's Office. The Agency will consider the project in existence upon commencement of construction of the ski lodge, zip line adventure system, zip line building, or access or parking improvements authorized herein.

The project shall be undertaken in compliance with all conditions stated herein. Failure to comply with this permit and order is a violation and may subject the permittee, successors, and assigns to civil penalties and other legal proceedings.

This permit and order 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 and order 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 an approximately 203.68-acre parcel of land located on Ski Bowl Road and Dump Road in the Town of Johnsburg, Warren County, in an area classified Hamlet and Low Intensity Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 66, Block 1, Parcel 14.

The project site is improved by a ski center and related development authorized by Agency Permits and Orders 1995-0095, 2006-0123, 2006-0123T, 2007-0166, 2007-0166A, 2017-0228, and 2017-0228A.

### **PROJECT DESCRIPTION**

The project as conditionally approved herein involves revisions to the plans for a previously authorized ski lodge, including to the stormwater pollution prevention plan for the lodge, an increase in structure size from 10,000 to approximately 11,260 square feet, and connection of the structure to the municipal wastewater treatment system; revisions to the plans for a previously authorized zip line adventure system; construction of an approximately 3,740 square foot building associated with the zip line; and associated access and parking improvements.

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

- “North Creek Ski Bowl Lodge,” prepared by AES Northeast, dated September 28, 2023, and received by the Agency on October 3, 2023 (Building Plans), including Sheet C-101A (Site Plan);
- “Elevations,” prepared by AES Northeast, dated September received by the Agency on December 8, 2023 (Ski Lodge Elevation Plan);
- “2023 Proposed Lighting Plan,” prepared by AES Northeast and received by the Agency on September 27, 2023 (Proposed Lighting Plan);
- “2023 Proposed Zip Line Adventure System w/ Tower Locations,” prepared by Creighton Manning and received by the Agency on September 27, 2023 (Zip Line Plan);
- Page 16 of “Gore Switchback Ride Layout Design,” prepared by Climb Works Design and received by the Agency on October 3, 2023 (Zip Line Tower Height Plan);
- “Stormwater Pollution Prevention Plan,” prepared by Creighton Manning, last revised September 2023, and received by the Agency on September 25, 2023 (SWPPP);
- “ORDA Ski Bowl Expansion,” prepared by Creighton Manning, dated September 2023, and received by the Agency September 25, 2023 (SWPPP Plans); and
- “North Creek Ski Bowl Existing Conditions,” prepared by Creighton Manning, dated February 16, 2024, and received by the Agency February 16, 2024 (Existing Conditions Plan).

A copy of the Site Plan and the Zip Line Plan are attached as a part of this permit and order for reference.

**AGENCY JURISDICTION**

The project authorized by Permit 2006-0123Town required Agency review pursuant to §§ 809(2)(a), 810(1)(a)(2), 810(1)(c)(2), 810(1)(c)(20), 810(2)(b)(11), and 814 of the Adirondack Park Agency Act [Executive Law, Article 27].

**CONDITIONS**

**THE PROJECT IS APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The project shall not be undertaken until this permit and order has been recorded in the Warren County Clerk's Office.
2. This permit and order 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 ski center and associated recreational facilities remain on the site. Copies of this permit and order and the Building Plans, SWPPP, and SWPPP 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 and order, 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 and order amends and supersedes Agency permits 2006-123Town, 2007-0166, 2007-0166A, 2017-0228, and 2017-0228A in relation to the project site. The terms and conditions of permits 2007-0166, 2007-0166A, 2017-0228, and 2017-0228A shall no longer apply to the project site.

All conditions in Permit and Order 1995-0095 remain in full force and effect, except as modified herein.

5. All deeds conveying all or a portion of the lands subject to this permit and order shall contain references to this permit and order as follows: "The lands conveyed are subject to Adirondack Park Agency Permit and Order 2006-0123TA, issued February 29, 2024, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
6. This permit and order authorizes the construction of a ski lodge, zip line building, and associated access and parking and other improvements in the locations shown and as depicted on the Building Plans and Ski Lodge Elevation Plan. Any change to the location, dimensions, or other aspect of the ski lodge, zip line building, or other improvements shall require prior written Agency authorization.

7. This permit and order authorizes the construction of a zip line adventure system in the location shown and as depicted on the Zip Line Plan, Zip Line Tower Height Plan, and SWPPP Plans. Any change to the location, dimensions, or other aspect of the zip line adventure system shall require prior written Agency authorization.
8. Any new land use or development not authorized herein on the project site shall require prior written Agency authorization.
9. All wastewater treatment infrastructure on the project site shall be connected to and served by the municipal wastewater treatment system.
10. The project shall be undertaken in compliance with the SWPPP and SWPPP Plans.
11. 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.
12. All exterior building materials, including roof, siding and trim, of the ski lodge and zip line building shall be a dark shade of green, grey, or brown.
13. There shall be no exterior lighting on the site except in the locations shown on the Existing Conditions Plan and Proposed Lighting Plan. Exterior lights shall be no taller than 24 feet in height, and shall employ full cut-off fixtures that are fully shielded to direct light downward. Any change to the exterior lighting on the site shall require prior written Agency authorization.
14. Vegetation removal for construction and maintenance of the zip line adventure system authorized herein shall not exceed a radius of 40 feet around towers and a width of 25 feet along the zip line, except for the removal of dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard. No other vegetation removal shall occur on the site except to allow for the construction authorized herein as depicted on the Site Plan, and to allow for maintenance of existing clearings and development as shown on the Existing Conditions Plan.
15. Operation of the ski center and recreational facilities on the project site shall only occur between 8 a.m. and 10 p.m.

**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 meet all of the pertinent requirements and conditions of the approved local land use program of the Town of Johnsburg;
- b. will be consistent with the provisions of the Adirondack Park Land Use and Development Plan and the associated shoreline restrictions; and
- c. 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 and ORDER issued this 29<sup>th</sup> day  
of February, 2024.

ADIRONDACK PARK AGENCY

BY: \_\_\_\_\_

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

STATE OF NEW YORK  
COUNTY OF ESSEX

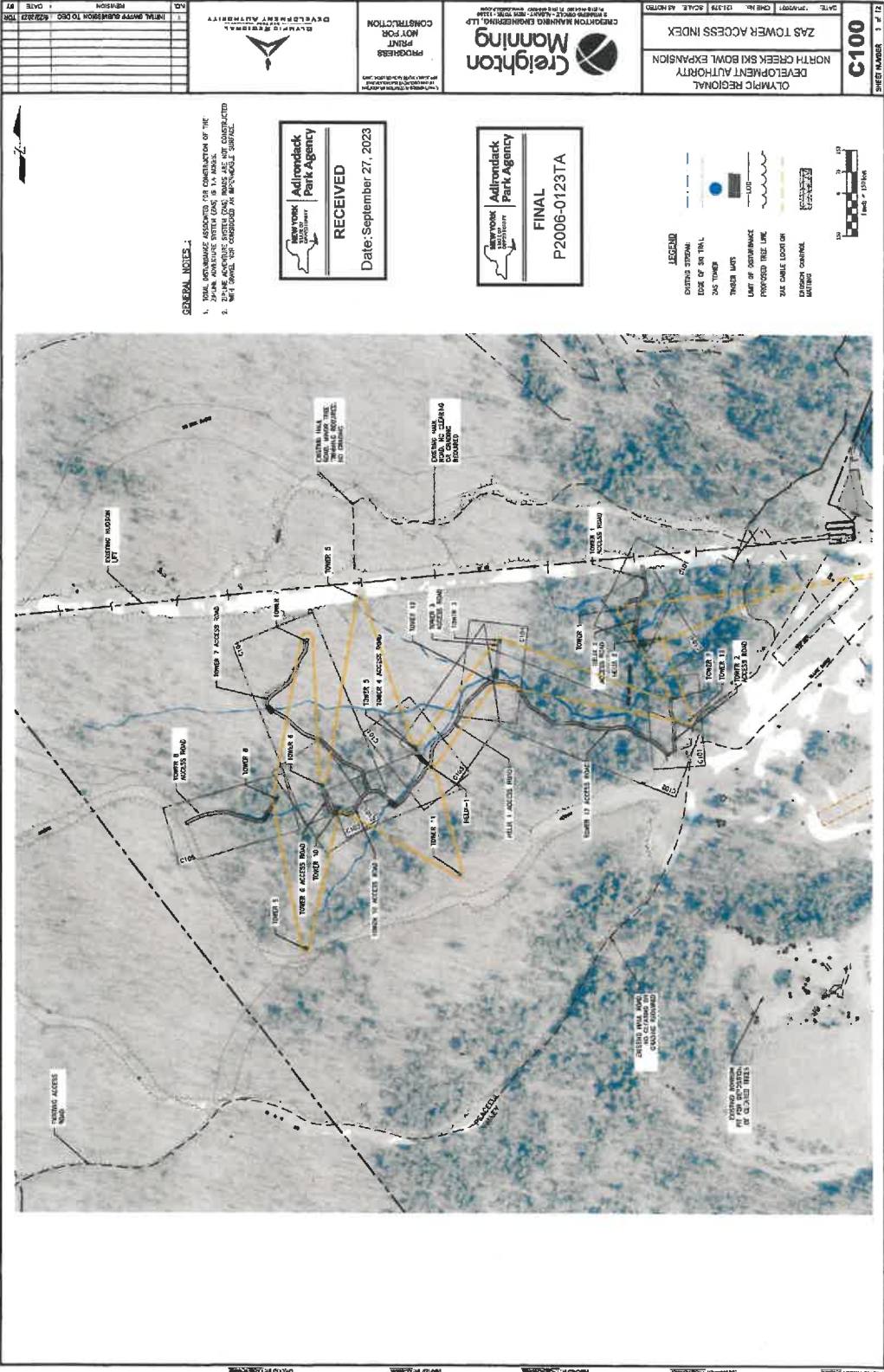
On the 29<sup>th</sup> day of February in the year 2024, before me, the undersigned, a Notary Public in and for said State, personally appeared David J. Plante, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument 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.

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

  
Notary Public



2023 Proposed Zip Line Adventure System w/ Tower Locations



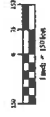
**GENERAL NOTES:**

1. THIS DRAWING ASSUMES THE COMPLETION OF THE 2018 ADIRONDACK STATE TRAIL TO THE 1.5 MILE MARK. THE 1.5 MILE MARK IS THE POINT WHERE THE TRAIL IS TO BE CONSTRUCTED TO THE 1.5 MILE MARK.
2. THE 1.5 MILE MARK IS THE POINT WHERE THE TRAIL IS TO BE CONSTRUCTED TO THE 1.5 MILE MARK.


  
**RECEIVED**  
 Date: September 27, 2023


  
**FINAL**  
 P2006-0123TA

- LEGEND**
- EXISTING TRAIL
  - EDGE OF AIR TRAIL
  - 24K TOWER
  - TOWER MAT
  - LINE OF ADJACENT PROPERTY
  - PROPOSED TRAIL LINE
  - 24K CABLE LOCK ON
  - EXISTING CONTROL MARKING



				DATE: 09/27/2023 SCALE: AS SHOWN SHEET NUMBER: 3 OF 12
OLYMPIC REGIONAL DEVELOPMENT AUTHORITY NORTH CREEK SKI BOWL EXPANSION ZAS TOWER ACCESS INDEX		CONSTRUCTION PRINT NOT FOR CONSTRUCTION		NORTH CREEK SKI BOWL EXPANSION TO LOG... DATE: 09/27/2023