

THIS IS A TWO-SIDED DOCUMENT



**Adirondack  
Park Agency**

P.O. Box 99, 1133 NYS Route 86  
Ray Brook, New York 12977  
Tel: (518) 891-4050  
[www.apa.ny.gov](http://www.apa.ny.gov)

**DRAFT** APA Permit  
**2025-0122**

Date Issued: **XXXX**

In the Matter of the Application of  
**HOMESTEAD DEVELOPMENT CORPORATION  
&  
FAWN RIDGE, LLC**  
Permittees

for a permit pursuant to § 809 of the Adirondack Park  
Agency Act and 9 NYCRR Part 578

To the County Clerk: Please  
index this permit in the grantor  
index under the following  
name(s):

**1. Fawn Ridge, LLC**

**SUMMARY AND AUTHORIZATION**

This permit authorizes the construction of 22 dwelling units in an area classified Moderate 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 the authorized access roadway and associated infrastructure 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 portion of the project site to be developed (“project area”) consists of  $32\pm$  acres and contains frontage on Algonquin Drive and NYS Route 86 in the Town of North Elba. The project area is identified as Tax Parcels 42.10-1-2.000, 42.32-3-14.000 and 42.32-3-11.100 and contains Moderate Intensity Use and Hamlet lands. The project area is bordered to the north by existing commercial uses along NYS Route 86 and residential development to the south and east. It is identified as “Lot 43” of a 43-lot subdivision as described in Agency Permits 2015-0159 and 2015-0159A.

The project area contains shoreline on Outlet Brook and associated wetlands comprised of a complex made up of multiple covertypes: evergreen and deciduous conifer swamp, dead forested swamp, shrub swamp and emergent marsh associated with Outlet Brook with a value rating of “1”. Wetlands are also located to the west of an existing trail consisting of an evergreen and deciduous conifer swamp with a value rating of “2”.

The project area contains an existing 20-foot-wide easement for the Town of North Elba Water District running east-west between Algonquin Drive and adjacent development. Existing municipal sewer, water, and underground electrical utilities are available along Algonquin Drive.

The project site also includes approximately  $20\pm$  acres of Moderate Intensity Use and Hamlet lands located on Wesvalley Road consisting of Tax Parcels 42.10-2-20.100, 42.10-2-42.000, and 42.157-1-2.100. This  $20\pm$ -acre portion of the site is described as “Lot 42” in Agency Permits 2015-0149 and 2015-0149A. For purposes of this permit, “Lot 43” refers to the primary development area, while “Lot 42” is included solely for purposes of allocating principal buildings.

## **PROJECT DESCRIPTION**

The project as conditionally approved herein involves the construction of 16 single family dwellings and three duplexes for a total of 22 dwelling units on the Moderate Intensity Use portion of Lot 43. All units will be accessed from a new road constructed from Algonquin Drive that will terminate at a hammerhead turnaround. Existing municipal sewer, water and electrical utilities will be extended into the site from Algonquin Drive along the new road to serve the development.

As described in a letter dated September 25, 2025 to the permittees, the Town of North Elba has indicated that it intends to accept the new road as a Town road upon completion.

As described in a letter to the permittees dated September 23, 2025 and confirmed in a letter dated December 5, 2025 to Agency staff, the Village of Lake Placid approved connection to the existing water and sewer infrastructure and confirmed that there is sufficient capacity to serve the proposed development.

As described in a notice issued August 5, 2025, Lake Placid Municipal Electric advised that it has available electric capacity to supply the 22 new units in the specified location.

The new access road includes the installation of a plate arch aluminum box culvert as depicted on Sheet C110 of the Site Plans described below that will result in 319 square feet of fill in wetlands west of the existing trail crossing, and shading of an additional 234 square feet of these wetlands.

The project is shown and described on the following Project Plans:

- 32 sheets of plans titled “Fox Hill,” prepared by North Woods Engineering, PLLC, dated 1/14/26 (Site Plans);
- A Stormwater Pollution Prevention Plan titled “Fox Hill,” prepared by North Woods Engineering, PLLC, dated 12 December 2025;
- An Engineering and Design Report titled “Fox Hill Water and Sewer,” prepared by North Woods Engineering, PLLC, dated 12 December 2025; and
- A detailed project description titled “APA SIR for Application for Activities Involving Wetlands,” prepared by North Woods Engineering, PLLC, and received by the Agency December 16, 2025 (Wetlands Plan Narrative).

A reduced-scale copy of the Overall Site Plan for the project, shown on Sheet C100 of the Site Plans, 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 land use or development involving wetlands 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 construction of any multiple family dwellings on Moderate Intensity Use lands 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 15 or more lots, parcels, or sites since May 22, 1973, in a Moderate Intensity Use land use area in the Adirondack Park.

Condition 2 of Agency Permit 2015-0159A requires a new permit for any new land use and development or the construction of any principal building or accessory structure within the Moderate Intensity Use portion of Lot 43.

### **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 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 permits 2015-0159 and 2015-0159A in relation to the project site. The terms and conditions of permits 2015-0159 and 2015-0159A shall no longer apply to the project site.
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 2025-0122, issued **XXXX**, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
6. Subject to the conditions stated herein, this permit authorizes the construction of 16 single family dwellings and three duplexes in the locations, footprints, and heights shown and as described on the Project Plans. Any change to the location or dimensions of any authorized structure shall require prior written Agency authorization.
7. Prior to the construction of an authorized dwelling, the access road and associated stormwater management practices shall be constructed according to the Project Plans.
8. Subject to the conditions stated herein, this permit authorizes the installation of a plate arch aluminum box culvert and associated roadway as depicted on the Site Plans and described in the Wetlands Plan Narrative. Any change to the location or dimensions of the authorized culvert or roadway shall require prior written Agency authorization. Any activity involving wetlands not specifically authorized herein shall require a new or amended Agency permit.
9. The project shall be undertaken in compliance with the Erosion and Sediment Control Plan and Notes shown on sheets C101, C102, and C300 of the Site Plans. All disturbed soils shall be planted as described in the Final Seeding Notes listed on Sheet C300 of the Site Plans. Vegetation that does not survive shall be replaced annually until established in a healthy growing condition.
10. All wastewater treatment infrastructure for the project shall be connected to and served by the municipal wastewater treatment system.
11. The project shall be undertaken in compliance with the Stormwater Pollution Prevention Plan.

12. Any new free-standing or building-mounted outdoor lights shall employ full cut-off fixtures that are fully shielded to direct light downward and not into the sky or toward adjoining property.
13. Outside of the limits of clearing shown on the Site Plan, no trees, shrubs or other woody-stemmed vegetation may be cut or otherwise removed from the project area 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.
14. 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.
15. Any subdivision of the project site shall require prior written Agency authorization. The Hamlet portion of the project site shall not be conveyed separately from the Moderate Intensity Use portion of the project site.
16. The undertaking of any new land use or development on the project site not specifically authorized herein shall require prior written Agency authorization.
17. There shall be no more than 22 principal buildings located on the Moderate Intensity Use portion of Lot 43 at any time. The 16 single family dwellings and three duplexes authorized herein constitute 22 principal buildings.
18. There shall be no more than 20 principal buildings located on the Moderate Intensity Use portion of Lot 42 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, the Freshwater Wetlands Act, 9 NYCRR Part 578 and, 9 NYCRR Part 574. The Agency hereby finds that the subdivision and development 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 Moderate Intensity Use land use area;
- c. will be consistent with the overall intensity guidelines for the Moderate Intensity Use 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 is the only alternative which reasonably can accomplish the applicant's objectives.

Dated:

Ray Brook, New York

### **ADIRONDACK PARK AGENCY**

By:

\_\_\_\_\_  
John M. Burth  
Deputy Director, Regulatory Programs

STATE OF NEW YORK  
COUNTY OF ESSEX

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_, before me, the undersigned, a Notary Public in and for said State personally appeared John M. Burth, 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