



PERMIT WRITING FORM – P2025-0122

Assigned EPS: **D. Korn** Reviewed by: **DRAFT** Date: **DRAFT**

APPLICANT

Project Sponsor(s): **Homestead Development Corporation**

Landowner(s): **Fawn Ridge, LLC**

Authorized Representative: **Emily Kilburn-Politi**

PROJECT SITE

Town/Village: **North Elba** County: **Essex**

Road and/or Water Body: **Algonquin Drive**

Tax Map #(s): **42.10-1-2.000, 42.32-3-14.000, 42.32-3-11.100 (Lot 43) and 42.10-2-20.100, 42.10-2-42.000, 42.157-1-2.100 (Lot 42)**

Deed Ref: **Patricia Jones Edgerton as trustee of the Nettie Marie Jones Trust to Fawn Ridge, LLC, dated June 3, 2006, and recorded June 13, 2006 in the Essex County Clerk's Office at Book 1492, Page 176.**

Land Use Area(s): ☒H ☒MIU ☐LIU ☐RU ☐RM ☐IU

Project Site Size: **55± acres**

☒ Same as Tax Map #(s) identified above

☐ Only the ☐H ☐MIU ☐LIU ☐RU ☐RM ☐IU portion of the Tax Map #(s) identified above

☒ Other (describe): **Lots 42 and 43 as authorized by Agency Permit 2015-0159 and 2015-0159A**

Lawfully Created? ☒Y ☐N ☐ Pre-existing subdivision: **n/a**

River Area: ☐Y ☒N If Yes: ☐Wild - ☐Scenic - ☐Recreational Name of River: **n/a**

CEAs (include all): ☒Wetland - ☐Fed Hwy - ☐State Hwy - ☐State Land - ☐Elevation - ☐Study River

PROJECT DESCRIPTION

Construction of 16 single family dwellings, 3 duplexes (22 dwelling units total) and an associated access road extending from Algonquin Drive. The development will be served by existing municipal sewer, water and electric utilities.

JURISDICTION (including legal citation)

810(1)(b)(1)(b) – Land Use and development in MIU involving wetlands (expanded road crossing);

810(2)(a)(1) – Subdivision in MIU involving 15 or more (but <75) lots, parcels or sites;

810(2)(a)(3) – Construction of multiple family dwellings in MIU

578.3(n)(1)(i) – Land Use & Development within the boundaries of a freshwater wetland

578.3(n)(3)(i) – Subdivision of land containing wetlands

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.

PRIOR PERMITS / SETTLEMENT AGREEMENTS BEING SUPERSEDED

FINDINGS OF FACT – ENVIRONMENTAL SETTING

LAKES, PONDS, NAVIGABLE RIVERS & STREAMS

Check if none ☐

Water Body Name:	Cold Brook (Lake Placid Outlet Brook)	
Length of Existing Shoreline (feet):	Approximately 1,000	MHWM determ.: <input type="checkbox"/> Y <input checked="" type="checkbox"/> N
Minimum Lot Width:	100	Meets standard: <input checked="" type="checkbox"/> Y <input type="checkbox"/> N
Structure Setback (APA Act):	50	Meets standard: <input checked="" type="checkbox"/> Y <input type="checkbox"/> N
Structure Setback (River Regs):	n/a	Meets standard: <input type="checkbox"/> Y <input type="checkbox"/> N
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Cutting proposed within 6 ft of MHWM?	If Yes, < 30% vegetation? <input type="checkbox"/> Y <input type="checkbox"/> N
<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Cutting proposed within 35 ft of MHWM?	If Yes, < 30% trees 6" dbh? <input type="checkbox"/> Y <input type="checkbox"/> N
<input type="checkbox"/> Y <input type="checkbox"/> N	Cutting proposed within 100 ft of river area? (If Yes, include under jurisdiction)	

Non-Navigable Streams in proximity to development

Check if none ☒

☒Permanent Stream ☐Intermittent Stream Classified? ☒Y ☐N

[DEC Environmental Resource Mapper](#) stream classification: Cold Brook / Outlet Brook - B

Wetlands

☒Y ☐N Jurisdictional wetland on property, or

☒Y ☐N Wetlands are a basis of development jurisdiction ☒ If Yes, RASS biologist consulted

→ If Y, covertype: The easterly wetland is 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 of 1. The westerly wetland is an evergreen and deciduous conifer swamp with a value of 2. These are two separate wetlands separated by a small stream/drainage lacking wetland vegetation in the small area between the two wetlands.

→ If Y, value rating: 1 & 2

☒Y ☐N Draining, dredging, excavation of wetland
Area of wetland loss: 180 SF Permanent? ☐Y ☒N

☒Y ☐N Fill/structure in wetlands
Fill/structure area: 319 SF Permanent? ☒Y ☐N

☒Y ☐N Shading of wetland
Area of shading: 234 SF Permanent? ☒Y ☐N

☐Y ☐N Clearcutting >3 acres of wetland *RASS forester consulted
Clearcut area: n/a

☐Y ☐N Untreated stormwater discharge into wetland

☐Y ☐N Pollution discharge into wetland
Pollution type: n/a

☐Y ☐N Pesticide/Herbicide application in wetland
Pollution type: n/a

☐Y ☐N OSWTS within 100 feet of a wetland
Distance to Wetland: n/a

Ecological / Wildlife

☐Y ☒N Natural Heritage Sites/listed species or habitat present, including bat

☐Y ☒N Forest management plan existing or proposed ☐ If Yes, RASS forestry analyst consulted
☐Y ☒N Biological Survey required by RASS Biologist 2 or Supervisor ☐ If Yes, completed

Special Districts

☐Y ☒N Agricultural District

Slopes

☐ RASS engineer consulted if structure proposed on >15%, driveway on >12%, or wwts on >8/15%

Existing slope range: 0 - > 25% Building area(s) if authorizing development: < 25 %

Soils

☐Y ☐N Deep-hole test pit completed? (Necessary for every building lot) Check if N/A ☒

☐ If Yes, soil data information determined or approved by RASS soil analyst?

NRCS Mapped Soil Series or Other Comments: Monadnock fine sandy loam

Stormwater

☒Y ☐N Greater than 1 acre disturbance, or

☒Y ☐N Proposed ground disturbance < 100 feet from wetlands

☒ If Yes, stormwater management reviewed and approved by RASS engineer

Setback to wetlands: 43 FT

Character of Area

Nearby (include all): ☒Residential ☒Commercial ☐Industrial ☐Agricultural ☒Forested

Adjoining Land Uses / State Land: Private Residential and Commercial / None Adjoining

Is nearby development visible from road? ☒Y ☐N

→ If Y, name road and describe visible development: Commercial Uses visible from NYS Route 86 and residential uses visible from Algonquin Drive

Additional Existing Development (ex: dam on site, etc.): Municipal water and sewer main

Existing Development

PRINCIPAL BUILDINGS

Structure	Pre-existing (Y/N)?	Lawfully constructed (Y/N)?
None	n/a	n/a

ACCESSORY STRUCTURES

Structure	Pre-existing (Y/N)?	Lawfully constructed (Y/N)?
None	n/a	n/a

Proposed Development

PRINCIPAL BUILDINGS

Check if portions or all below are NJ ☐

Check if proposed as a non-building lot: ☐

Structure	Footprint	Height	# Bedrooms	Slopes
16 Single Family Dwellings	780 SF	< 28.5 FT	2-3	< 15%
3 Two-family Dwellings	1,600 SF	< 28.5 FT	4-6	< 15%

Have necessary density? ☒Y ☐N ☐N/A - Town has ALLUP and regulates density

remaining potential principal buildings = 0 on Lot 43, 20 on Lot 42 from ☐survey or ☒estimate

ACCESSORY STRUCTURES

Structure	Footprint	Height	# Bedrooms	Slopes
None	n/a	n/a	n/a	n/a

ACCESS

**Consult RASS engineer for driveway > 12% slope / *consult RASS ecologist for driveway > ¼ mile*

Driveway is <input checked="" type="checkbox"/> existing / <input checked="" type="checkbox"/> proposed	Length: 1,100 FT	Width: 24 FT
Sight distance evaluated? <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Slopes: < 8%	
Need clearing/grading? <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Comments: Proposed road partially overlaps existing woods road to be adopted by Town of North Elba upon completion and inspection. (Note if HOA or shared maintenance involved)	
Need hwy access permit? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N		
Need easement? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N		
Need signs? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N		

VISUAL / AESTHETIC

☐N/A – no proposed/authorized development

☒Y ☐N Proposed development visible from public areas

If Y, list public viewpoints: Algonquin Drive, Outlet Brook, NYS Route 86

☒Y ☐N Existing topography / vegetation will screen, if retained

☐Y ☒N Planting plan proposed

☐ If Yes, RASS forestry analyst consulted

WASTEWATER TREATMENT (WWTS) **Consult RASS engineer for engineered plans*

☐ Individual on-site ☒ Municipal ☐ Community ☐N/A - no proposed/authorized development

☐Y ☐N Slope suitable for WWTS (i.e., ≤8% shallow, ≤15% conventional)?

☐Y ☐N Soil suitable for WWTS (i.e., depth to SHGW and bedrock)?

☐Y ☐N All water bodies or streams > 100 feet WWTS? (If No, needs variance – from Town if ALLUP)

☐Y ☐N If fast perc (1-3 min/in), water > 200 feet WWTS? (If No, amended soils required)

☐Y ☐N All jurisdictional wetlands > 100 feet WWTS? (If No, counts as permit jurisdiction)

☐Y ☐N Suitable 100% replacement area identified?

☐ Existing WWTS proposed to remain (needs suitable 100% replacement area)

WATER SUPPLY

☐ Individual on-site ☒ Municipal ☐N/A – no proposed/authorized development

☐Y ☐N All water supplies, on-site and off-site, > 100 feet WWTS? (If No, need DOH waiver)

STORMWATER / EROSION & SEDIMENT CONTROL **Consult RASS engineer*

☐N/A – no proposed/authorized development

☒Y ☐N Does proposed development maintain existing drainage patterns?

☐Y ☒N < 1 acre disturbance proposed (May need E&S Control Plan if water/slope/soil resources at risk)

☒Y ☐N > 1 acre disturbance proposed (SWPPP required, which includes E&S Control Plan)

UTILITIES

Available on site? ☒ Y ☐ N ☐ Overhead ☒ Underground
Available at road? ☒ Y ☐ N ☐ Overhead ☒ Underground
Proposed for site? ☒ Y ☐ N ☐ Overhead ☒ Underground

FINDINGS OF FACT – COORDINATED REVIEW

☒ Y ☐ N Archeologically Sensitive Area, according to OPRHP ☒ If Yes, APA APO / OPRHP consulted
☐ Y ☒ N Structures > 50 years old on or visible from site ☐ If Yes, APA AHPO / OPRHP consulted
☐ Y ☒ N Solar Project > 50 acres requiring ZVI & historic inventory ☐ If Yes, APA AHPO consulted
☐ Y ☒ N Within Lake George Park ☐ If Yes, LGPC consulted / application submitted
☒ Y ☐ N Public water supply ☒ If Yes, DEC / DOH application submitted
☒ Y ☐ N Greater than 1,000 gpd wastewater ☒ If Yes, DEC application submitted
☐ Y ☒ N Disturbing bed or bank of classified/navigable water body ☐ If Yes, DEC application submitted
☐ Y ☒ N Disturbing 300 LF or more of a stream (temp + perm) ☐ If Yes, DEC application submitted
☐ Y ☒ N Disturbing ¼ acre of Corps wetlands (temp + perm) ☐ If Yes, DEC application submitted
☒ Y ☐ N Creating 5 or more lots less than 5 acres each ☒ If Yes, DOH application submitted
☒ Y ☐ N Army Corps involvement * ☒ If Yes, ACOE consulted
☐ Y ☒ N Agency-approved Local Land Use Program ☐ If Yes, Town/Village consulted
☒ Y ☐ N Local Land Use Controls ☒ If Yes, Town/Village consulted

*- Review the Pre-Construction Notification (PCN) thresholds for the [Buffalo District](#) and the [New York District](#) to help determine if an application (PCN) needs to be submitted to the Corps. Additionally, review the [Section 10 waters list](#) to determine if a Section 10 Navigable Waters permit might be required from the Corps.

PERMIT CONDITIONS AND IMPACT ANALYSIS

Merger

Check if N/A ☒

Justification if merger required: [n/a](#)

Deed Covenant

Non-building lot being created? ☐ Y ☒ N

If Yes and lot is not being merged by condition, no PBs? Or no structures at all? Justification: [n/a](#)

Easement

Easement proposed or required? ☒ Y ☐ N

If Y, consult with Legal for conditions. Justification: [Access and maintenance of municipal utilities](#)

Construction Location and Size (may be different for each subdivision lot)

Is new development (other than oswts) being authorized without further Agency review? ☒ Y ☐ N

→ If Y: Structure height limit and justification: [28.5 FT; As proposed and reviewed](#)

Structure footprint limit and justification: [1,600 SF; As proposed and reviewed](#)

→ If N:

- Acceptable development sites identified for all subdivision lots with PB allocation? ☐Y ☐N
 → Review of future development required? ☐Y ☐N
 → If Y, justification: *n/a*

Guest Cottages (if authorizing a dwelling)

Check if N/A ☐

Proposed and reviewed? ☐Y ☒N

If N, guest cottages potentially allowed? ☐Y ☒N

→ Justification for any conditions: *Additional development limited due to proximity of wetlands*

Boathouses (if project site contains shoreline)

Check if N/A ☐

Proposed and reviewed? ☐Y ☒N

If N, boathouses potentially allowed? ☐Y ☒N

→ If N, justification: *Wetlands*

→ If Y, review required (beyond definition limits)? ☐Y ☐N

→ If Y, justification: *n/a*

Docks (if project site contains shoreline)

Check if N/A ☐

Proposed and reviewed? ☐Y ☒N

If N, docks potentially allowed? ☐Y ☒N

→ If N, justification: *Wetlands*

→ If Y, review required (beyond definition limits)? ☐Y ☐N

→ If Y, justification: *n/a*

Outdoor Lighting (if authorizing development)

Check if N/A ☐

Plan proposed and reviewed? ☐Y ☒N

Building Color (if authorizing development)

Check if N/A ☐

If color condition required, justification: *n/a*

Tree Cutting / Vegetation Removal

Town with Northern Long-Eared Bat occurrences? ☐Y ☒N

Indiana Bat habitat indicated on Lookup? ☐Y ☒N

Vegetative cutting restrictions required? ☒Y ☐N

If Y, restrictions required (choose all that apply):

☐ within *n/a* feet of limits of clearing

☐ within *n/a* feet of road

☐ within *n/a* feet of river/lake/etc

☐ within *n/a* feet of wetlands

☐ Other: *n/a*

OR ☒ on entire site outside limits of clearing

Extent of cutting restriction necessary within the area noted above:

☒ Cutting of all vegetation prohibited

☐ Cutting of trees of *n/a* diameter dbh prohibited

☐ Other: *n/a*

Justification: Reduce impacts to nearby and adjoining land uses and avoid impacts to wetlands

Plantings

Plan proposed and reviewed? ☒Y ☐N

If N, plantings required? ☐Y ☐N

→ If Y, species, number, location, and time of year: As described in SWPPP

Justification: Stabilize soil and treat surface runoff from new impervious

Density (may be different for each subdivision lot)

Located in Town with ALLUP? ☐Y ☒N

(If Y, STOP, Town oversees density.)

Authorizing PB on substandard-sized lot created pre-2000 with no permit? ☐Y ☒N

If N and N, list existing PBs, including whether they are pre-existing/year built: NONE

Mathematically available # of new PBs (in addition to existing or replacement): 22(Lot 43) / 20(Lot 42)

Extinguishing PBs? ☐Y ☒N If Y, number: n/a

Wastewater (if authorizing construction of a new PB without further review)

Check if N/A ☐

Municipal system connection approved?

☒Y ☐N

Community system connection approved by RASS?

☐Y ☒N

Proposed on-site system designed by engineer and approved by RASS?

☐Y ☒N

If N, has RASS field-verified location for conventional standard trench system?

☐Y ☒N

If N, has RASS field-verified location for conventional shallow trench system?

☐Y ☒N

Suitable 100% replacement area confirmed for existing / proposed system?

☐Y ☒N

Consult with RASS for additional conditions.

Stormwater Management (if authorizing development)

Check if N/A ☐

Consult with RASS for conditions. Condition required if authorizing development within 100 feet of wetlands or greater than 1 acre disturbance; condition possibly required in other circumstances too.

Justification: Ensure protection of wetlands and treat new impervious surfaces

Erosion and Sediment Control (if authorizing development)

Check if N/A ☐

Consult with RASS for conditions. Condition required if authorizing development within 100 feet of wetlands or greater than 1 acre disturbance; condition possibly required in other circumstances too.

Justification: Stabilize disturbed areas and avoid sedimentation of wetlands and surface waters

Infrastructure Construction (if authorizing development)

Check if N/A ☒

Construction necessary before lot conveyance: n/a

Justification: n/a

For permits that will not include conditions related to Building Color, Vegetation Removal, or Plantings

Explain why no condition is needed: Color conditions for development not necessary given character of the area and existing vegetation and topography will screen development from Algonquin Drive, Outlet Brook, and NYS Route 86

Additional Site / Project-Specific Concerns / Conditions Needed

Installation of the culvert and construction of the access road and Invasive Species Control

Justification: Ensure that wetlands are protected as authorized, guarantee effective and stable access to the development area, and minimize the spread of invasive species.

☒Y ☐N **Public comments received** If Yes, #: 6

☒Y ☐N **Applicant submitted response (notes, if any)** Topics raised during comment period were related to the need for local housing, potential impacts on traffic, proximity of development to wetlands, and local zoning. The applicant's response to comments included a traffic review that determined that the level of traffic being introduced from the development is not going to result in significant traffic delays, a measurable change to the wait time at the intersection of Saranac Ave and Algonquin Drive, or otherwise impact the adequacy of the existing road network.