

To The County Clerk: This permit is void unless recorded on or before September 13, 1999
Please index it in the grantor index under the following names:

1. Placid Gold, LLC

STATE OF NEW YORK
EXECUTIVE DEPARTMENT
ADIRONDACK PARK AGENCY
P.O. Box 99
Ray Brook, New York 12977
(518) 891-4050

In the Matter of the Application of

PLACID GOLD, LLC

PERMIT AND ORDER

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

Project 98-307

SUMMARY

Placid Gold, LLC (hereafter Placid Gold or the applicant) is granted a permit and order approving, on conditions, for an 81 unit residential subdivision and a road traversing wetlands and conceptually approves a total of 44 multiple family dwelling units in an area classified as Hamlet by the Official Adirondack Park Land Use and Development Plan Map and approves, on conditions, the construction and operation of a waste disposal area in an area classified as Rural Use by the Official Adirondack Park Land Use and Development Plan Map in the Village of Lake Placid and Town of North Elba, Essex County.

AUTHORIZATION

This permit and order authorizes a residential subdivision, a road traversing wetlands and a waste disposal area and conceptually approves a total of 44 multiple family dwelling

units, provided the project is undertaken as described in the application and the Findings of Fact herein and in compliance with the Conditions herein. Failure to undertake the project in accordance with the application, Findings of Fact and Conditions may be a violation of law and grounds for revocation of the permit. In the case of conflict, the Conditions control.

FINDINGS OF FACT

Property Description

1. The project site is 902.4± contiguous acres of land located on both sides of New York State Route 86 in the Village of Lake Placid and the Town of North Elba, Essex County, in areas designated Hamlet, Low Intensity Use and Rural Use on the Adirondack Park Land Use and Development Plan Map. Those portions of the project site which are owned by Placid Gold located in the Village of Lake Placid are identified on Village tax maps with the following references: 42.OEM-1-2.005, 42.OEM-3-5, 42.OFM-1-1, 42.OFM-2-21, 42.OGM-2 1 and 2, 42.OHL-7-29, 42.OHM-1-3 and 4, 42.OHM-2-2, 42.OJL-5-6, 42.OJM-1-1.2 and 1.3. Those portions of the project site which are located outside the Village of Lake Placid are identified on Town of North Elba tax maps with the following references: 42.002-2-10, 11, 12 and 13, 42.004-1-11, 12, 13, 14 and 24, 42.043-1-14 and 42.051-1-1.
2. There are numerous preexisting structures on the project site which were associated with the former Lake Placid Club, including a portion of the former Lake Placid Club Hotel, a former laundry building, a former playhouse, approximately 50 cottages, a boathouse/beach, tennis courts, maintenance buildings, a nine hole golf course, two 18 hole golf courses, a golf house and a golf cart barn.

Property Ownership and Legal Documents

3. The project site is a portion of land described in a deed from Lake Placid Land Corporation to Placid Gold LLC, a limited liability company, dated May 24, 1996 which was recorded May 30, 1996 in the Essex County Clerk's Office in Liber 1113 of Deeds at Page 302.
4. The project site is encumbered by numerous rights-of-way, easements and restrictions as described in a April 3, 1998 letter from Robert M. Marvin, Jr., L.S. Copies of these legal instruments are contained in the project file.
5. Development of the project site, including the removal of and alterations to buildings constructed prior to 1939, is subject to a 1988 Memorandum of Agreement between the

Federal Savings and Loan Insurance Corporation (a former project site owner), the New York State Historic Preservation Officer and the Advisory Council on Historic Preservation.

6. The applicant entered into an agreement with the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) on May 28, 1999 (hereafter referred to as the OPRHP Agreement). This agreement establishes Architectural Design Covenants for all new residential development and rehabilitation of existing buildings and requires the applicant to: create a conservation easement for the open space areas, provide an opportunity for OPRHP to review and comment on work or changes to the Agora Wing of the former Lake Placid Club Hotel, notify prospective purchasers of the historic context of the property, encourage building restoration where practicable, donate archival quality photographs of historic buildings to an appropriate local or regional repository and assign any rights the applicant may have in the Tiffany windows and/or Tiffany-designed Chapel doors formerly housed in the Agora Chapel to the People of the State of New York and to assist in recovering, documenting and publicly displaying these features. This agreement states that its implementation in this permit satisfies the Agency's responsibility under Section 14.09 of the New York State Office of Parks, Recreation and Historic Preservation Law.

Administrative History

7. The project site was subject to Agency Permit 81-59A issued on August 6, 1981 authorizing a subdivision of the project site. This project was commenced, but not completed. The Agency and the permittees subsequently entered into an "Agreement with Respect to Release of Letter of Credit," in March 1983, under which, in part, the Agency directed the release of the letter of credit and the permittees surrendered that permit. This agreement also stipulates that any new land use or development of the project site requires prior Agency review and approval. The agreement is binding on the permittees or their heirs, successors, and assigns and on all contractors, consultants or other entities.
8. The project site is also subject to a September 8, 1981 "Declaration of Restrictions by Lake Placid Co. as to Certain of its Lands," enforceable by the Agency, recorded in the Essex County Clerk's Office on September 10, 1981 in Book 741 of Deeds at Page 236. Among other things, the Declaration precludes, in perpetuity, new land use or development, except underground installation of utilities, in the fairways, greens, tees and roughs of existing golf courses and in wetlands on the project site. These areas, hereafter referred to as the Protected Open Space Areas, are

shown, on a June 1982 map (last revised November 15, 1982) entitled "Reserved Open Space Lands of Lake Placid Company" which was recorded in the Essex County Clerk's Office as Map 3187.

9. Agency Permit 96-316, issued on November 22, 1996 and amended on April 14, 1997, authorized an expansion of an existing golf house by the applicant. Condition 7 of Permit 96-316 required the submission of a comprehensive master plan prior to the Agency deeming any future permit application as complete. The project authorized by Permit 96-316 and as amended was undertaken and completed.
10. Agency Permit 97-38, issued on June 3, 1997, authorized golf course irrigation system improvements, construction of a powerline and construction of a pond, 34 tees and a gated entrance and grounds maintenance activities. A comprehensive master plan was submitted as part of the project application in accordance with Condition 7 of Permit 96-316. That master plan was approved by the Agency as part of its approval for the overall project. Condition 7 of Permit 97-38 similarly requires submission of an updated master plan for Agency review and approval prior to the Agency deeming any future permit application as complete, including the application for this project. An updated master plan was submitted as part of the current project application.

Agency Jurisdiction

11. The project, taken together with previous development undertaken after the August 1, 1973 effective date of the Adirondack Park Agency Act and planned future development, involves the creation of more than 100 residential lots, parcels or sites or residential units in a Hamlet area, a Class A regional project pursuant to §810(1)(a)(3) of the Act. The proposed waste disposal area in a Rural Use area is also a Class A regional project pursuant to §810 (1)(d)(16) of the Adirondack Park Agency Act. The project is also subject to Agency review jurisdiction as new land use and development pursuant to the terms of the agreement referenced in Finding of Fact 7.
12. The construction of a proposed access road in a Hamlet area will involve wetlands and is a Class A regional project pursuant to §810 (1)(a)(1) of the Adirondack Park Agency Act and a wetlands project pursuant to 9 NYCRR 578.2 and 578.3(n)(1)(iv).
1. The applicant seeks a conceptual determination pursuant to §809 (14) of the Adirondack Park Agency Act regarding the planned development of a total of 44 multiple family dwelling units at six locations within the Hamlet area.

Other Required Permit or Approvals

10. The Subdivision requires approval by both the Town of North Elba and Village of Lake Placid Planning Boards.
11. New York State Department of Health (DOH) realty subdivision and water supply approvals are required for the project. New York State Department of Environmental Conservation sanitary system approval is required as well as the filing of a Notice of Intent for Stormwater Discharges under the State Pollutant Discharge Elimination System (SPDES) general permit.
12. Because two homeowners associations (HOA) area proposed, the applicant must submit offering plans to the New York State Department of Law for approval pursuant to Section 352-e of the General Business Law. Draft Offering Plans were provided as part of the project application.

Description of Project as Proposed

Project Plans

13. The subdivision is shown on a map entitled "General Development Plan, Proposed Residential Development at the Lake Placid Resort" which was prepared by Ivan Zdrahal Associates, revised and issued May 28, 1999 and received at the Agency on June 1, 1999. It is also shown on a set of plans (24 sheets) entitled "Lake Placid Resort, Engineering Plans, Proposed Residential Development" (hereafter referred to as the Project Plans) which was prepared by Ivan Zdrahal Associates, dated November 1998, revised March 5, 1999 and received at the Agency on April 2, 1999 (Sheets S-2, S-3 and S-4 were also prepared by Robert M. Marvin, Jr., L.S.). The project is described in following reports which were prepared by Ivan Zdrahal Associates:
 1. "Development Proposal Report, Proposed Residential Development at the Lake Placid Club Resort" (Volumes I, II and III) dated November 1998 and received at the Agency on December 21, 1998.

- b. "Response to Additional Information Request, APA Project 98-307, Proposed Residential Development at the Lake Placid Club Resort" dated March 1999 and received at the Agency on April 2, 1999.
- c. "Response to Additional Information Request, APA Project 98-307, Proposed Residential Development at the Lake Placid Club Resort" dated April 26, 1999 and received at the Agency on April 29, 1999.
- d. "Response to Second Additional Information Request, APA Project 98-307, Proposed Residential Development at the Lake Placid Club Resort" dated May 18, 1999 and received at the Agency on May 24, 1999.

18. The multiple family dwelling component for which a conceptual determination is sought is shown on a set of plans (4 sheets) entitled "Lake Placid Resort, Site Development Plans, Proposed Multiple Family Residential Units" (hereafter referred to as the Multiple Family Dwelling Plans) which was prepared by Ivan Zdrahal Associates, dated November 1998, issued December 18, 1998 and received at the Agency on December 21, 1998. This component is also described in application material referenced in Finding of Fact 17.

19. Future development at the project site is described in a March 1997 report entitled "Master Plan for the Development of Lake Placid Resort and APA Application" (hereafter referred to as the Master Plan Narrative). These reports are augmented by an April 15, 1997 letter from the applicant and application material referenced in Finding of Fact 17. The project site's resources were mapped and assessed and planned future development was identified on a February 1997 set of plans (17 sheets) is entitled "Lake Placid Resort, Master Plan Drawings" (hereafter referred to as the Master Plan Drawings).

Subdivision

General:

20. A total of 81 residential lots are to be created in two areas of the project site which are both located north of New York State Route 86. One detached single family dwelling is proposed to be located on each of these lots. Forty two lots will be known as the Lake Placid Club Reserve Lots and the remaining 39 lots will be known as the Mountain Course Lots.

The Lake Placid Club Reserve Lots will be located in an area bounded by Mirror Lake Drive on the west and Iroquois Road on the south. Thirty three of these lots are presently improved with preexisting single family dwellings and other buildings which will either be used as single family dwellings or replaced by new single family dwellings. A single family dwelling will be constructed on each of the remaining nine vacant lots.

The Mountain Course Lots will be located in an area bounded by Iroquois Road on the north and Northwood Road on the east. Eight of these lots are presently improved with preexisting single family dwellings and other buildings which will either be used as single family dwellings or replaced by new single family dwellings. A single family dwelling will be constructed on each of the remaining 31 vacant lots.

21. All new single family dwellings and renovation of existing buildings, driveways, walkways, patios, decks, retaining walls and open lawn space are to be located on each lot within the confines of the "Building Setback Line" shown on the Subdivision Plan and Site Plan Sheets in the Project Plans. One driveway only and walkways may also extend into the area between the building setback and the access road. Some of the existing buildings that are to be used as single family dwellings extend over the "Building Setback Line." While these preexisting encroachments will be allowed to continue, further encroachments by expansion of these buildings or new buildings will not be allowed. The area outside of the "Building Setback Line" on each lot is to be maintained as a "Private Open Space Area" for the purpose of "preservation of the natural character of this residential project".

Maximum building heights will not exceed that which is permissible in the Town of North Elba (35 feet) or in the Village of Lake Placid (30 feet) according to those municipalities' respective zoning ordinances.

22. Lot development, including building design and construction, grading, vegetative cutting and clearing and landscaping, will be subject to prior approval of a proposed Architectural Review Committee (ARC) consisting of a representative of the applicant, a private person appointed by the Town of North Elba Town Supervisor and one member appointed by the applicant. Approval of lot development by the ARC is to be governed by a document entitled "Architectural Controls and Protective Covenants (ACPC) for Residential Development at Lake Placid Resort" which is dated April 26, 1999.

The ACPC contains various Protective Covenants and Restrictions for each lot including: revegetation of all disturbed areas within one year after the start of construction, exterior building colors, underground placement of utilities and use of incandescent light

fixtures (maximum 150 watts) for exterior lights and precluding light onto adjoining properties. Vegetative cutting, clearing and disturbance is to be restricted by the ACPC within the Private Open Space Area on each lot.

Certain lots are to have View Angle Areas to allow, upon approval by the ARC, vegetative cutting for selected views.

Special vegetative cutting and clearing restrictions will apply to Lots 13-15, 18, 73 and 74 as described in the ACPC.

Special vegetative cutting and clearing restrictions will also apply to Lots 5, 6, 9-12 and the Theonoguen Parcel and tree plantings are proposed for Lots 21-24 as shown and described in an October 1998 "Visual Analysis Report" and subsequent clarifying information.

Architectural Design Covenants incorporated in the OPRHP Agreement contain various guidelines for the maintenance of existing buildings and the design of new buildings including the architectural style, siting, building forms, exterior building materials and colors and the undergrounding of utilities. These covenants require use of wood, stone and brick for building exteriors and that exterior colors be "natural/earth tone stains and paints such as deep greens, browns, dark gray and 'barn' red." The OPRHP Agreement also identifies those buildings that are to be rehabilitated, those that will either be rehabilitated or demolished and those that are to be or have been demolished.

23. The Site Plan maps in the Project Plans identify large trees (specimen trees) that are to be removed and those that are to be preserved on both the residential lots and along roads. These maps also depict Land Preservation areas where land and vegetative disturbance will be restricted.

The existing tee for the Eighth Hole of the nine hole golf course is to be relocated approximately 80 feet to the southeast in order to increase its separation from nearby residential lots. The relocation will involve construction of an approximate 12 foot by 18 foot grassed area elevated a minimum of one foot above existing surrounding grade with 6 horizontal on 1 vertical side slopes to create the new tee and regrading the existing tee to blend with the surrounding area consistent with plans for such described in previous Permit 97-38. There are no streams or wetlands within 200 feet of the area to be affected by the relocation.

24. None of the proposed lots are located in the Protected Open Space Areas. Most lots and portions of lots within the "Building Setback Lines" are located in areas identified as having slight to moderate development limitations as shown on the Resource Capability Composite maps in the Master Plan Drawings.

Road Access:

25. Vehicular access to subdivision lots will utilize a system of public and private roads and private individual and common driveways. Public roads to be utilized include Mirror Lake Drive and Northwood Road. Existing private roads which are now owned by the applicant to be utilized include Iroquois Road, Forest East Drive, Morningside Drive, Pines Road, Garden Road and Hillcrest Road.

No improvements to the existing public roads serving the subdivision have been identified as being necessary. The existing private roads will be improved to have a 16 foot wide paved roadway with four foot wide shoulders, with the exception of Iroquois Road which will be paved to a width of 20 feet with two foot wide wing curbs. Two new roads, Brookwood Road and Cathedral Road, will be constructed to Town standards to serve most of the lots in Mountain Course Lots portion of the subdivision.

The applicant will continue to own and maintain Iroquois Road, Forest East Drive and Morningside Drive. Lot owners, including two proposed HOAs, will be required to contribute a proportionate share for maintenance of these roads. Pines Road, Garden Road and Hillcrest Road will be owned and maintained by a proposed "Lake Placid Club Reserve Homeowner's Association." Brookwood Road and Cathedral Road, will be owned and maintained by a proposed "Mountain Course Homeowner's Association." The applicant will own and maintain these roads and their associated rights-of-way until 75% of the lots in HOA have been conveyed at which time they will be turned over to the respective HOAs for continued ownership and maintenance. A draft Offering Plan for both HOAs was provided on February 12, 1999. These Offering Plans will be finalized and submitted to the New York State Department of Law for its approval.

Private common driveways, being 14 feet wide with two foot wide shoulders, will serve several lots as identified in the project application. Maintenance of common driveways will be shared by the lot owners utilizing them.

Gated entrances, consisting of stone walls and/or pillars (10 feet height maximum), are to be constructed along Mirror Lake Drive at its intersections with Forest East Drive, Iroquois Road and Pines Road and on Iroquois Road near its intersection with Northwood Road. Details regarding the gated entrances are shown on a set of plans (six sheets) prepared by Thomas D. Maxwell and dated February 25, 1999 and March 15, 1999.

Signage:

26. The applicant provided a Sign Plan for all existing, proposed and planned uses on the project site on March 18, 1999.

It contains an inventory identifying four existing signs, ranging from 5 to 40 square feet in size. The applicant proposes to retain two existing signs and install one 15 square foot sign and six 25 square foot signs on the project site. The sign plan depicts the general location of the signs and describes that each sign will be constructed of wood or metal, have "earth-toned in color", supported by a stone pillar and lighting will be built in above the signs. The plan does not depict the sign locations in relation to road rights-of-way, sign heights, nor does it contain sufficient detail to determine uniformity in sign design, lettering, lighting and material.

Water Supply:

27. Potable water for the project will be furnished by the Village of Lake Placid. For those portions of the project site outside the village limits, water service will be provided by the Town of North Elba Water District #1. The project will be serviced by existing water mains located on Mirror Lake Drive, Iroquois Road, Forest East Road, Morningside Drive and Northwood Road. The location and construction details for all water mains to be constructed on the project site are shown on the project plans which have also been submitted to the New York State Department of Health for approval. The applicant does not propose to convey any lot until water mains serving any such lot have been installed or upgraded in accordance with these plans. All new or upgraded water mains and appurtenances will be constructed by the applicant and easements containing these facilities will be conveyed to the Village of Lake Placid or the Town of North Elba for continued ownership and maintenance. All newly constructed water mains must be installed in accordance with the plans approved by the New York State Department of Health.

Sanitary Sewer:

28. The project site will be served by sanitary sewers owned by the Village of Lake Placid and the Town of North Elba's Placid Heights Sewer District. The 33,100 gallons per day of wastewater generated by the project and planned future multiple family dwellings will be conveyed by gravity to the Village of Lake Placid Wastewater Treatment Plant. The design capacity of the existing treatment plant is 2.5 million gallons per day (MGD). Presently, the plant's average daily flow is 1.3 MGD and its peak daily flow is 5.0 MGD. The location and construction details for the new sanitary sewers to be built on the project site are shown on the site plans which have also been submitted to the New York State Department of Environmental Conservation for approval. The applicant does not propose to convey any lot until sanitary sewers serving any such lot have been installed or upgraded in accordance with these plans. All new or upgraded sanitary sewers will be constructed by the applicant and easements containing these facilities will be conveyed to the Village of Lake Placid or the Town of North Elba for continued ownership and maintenance. All newly constructed sanitary sewers must be installed in accordance with the plans approved by the New York State Department of Environmental Conservation.

Utilities:

29. Electric power is provided by the Village of Lake Placid Municipal Electric Department. Electric power and all other utilities (telephone and cable telephone services) will be provided by existing and proposed utility lines. All new utility lines and service connections on individual lots will be installed underground. Easements to install and maintain utilities will be granted to each service provider. The applicant does not propose to convey any lot until all utilities serving any such lot have been installed or upgraded to each lot.

Solid Waste:

30. Solid waste service within the Town of North Elba and Village of Lake Placid is handled by local private waste haulers or through use of the Town of North Elba recycling and transfer facility. It is anticipated that the same waste disposal options will be available for and used by future subdivision lot owners. All construction and demolition debris will be disposed of at the Town of North Elba's permitted landfill or at approved facilities outside the Town. It is estimated that a total of 17,000 cubic

yards of construction and demolition debris would be generated from the demolition and alteration of existing buildings.

31. Land clearing debris such as excess excavated material from construction of roads and utilities, tree stumps, branches, and boulders, resulting from construction activities on the project site, will be disposed of at a proposed new on-site waste disposal area to be located in a Rural Use area south of New York State Route 86.

Stormwater Management:

32. A November 1998 "Engineer's Report, Stormwater Management and Pollution Prevention Plan" contained in the project application analyzes pre- and post-development stormwater runoff from the project site from 2, 10, 25 and 100 year frequency rainfall events. It also determines the "first flush," that is, the first one-half inch of runoff from the project site altered due to the proposed development. Treatment of the first flush is important to protect the water resources on and down gradient from the project site. The report divides the project site into five sub-catchments (drainage areas). The only sub-catchment with a significant increase in runoff due to the development, that will not be attenuated by natural systems, is drainage Area #5. This increase in runoff will be attenuated by a proposed 45± foot by 130± foot, four foot deep (maximum) grass-lined detention pond proximate to the intersection of Mirror Lake Drive and Pines Road. Although this detention pond will have a storage capacity of 0.3 acre feet of water, it is designed to only temporarily store water for 24 hours or less. Permanent stormwater quality mitigation measures include vegetated and forested filter strips, vegetated swales and detention basins. Additional mitigation measures are proposed in the report and shown on the site plans to provide temporary and permanent erosion/sediment control.

On-Site Waste Disposal Area

33. Excess excavated material from construction of roads and utilities, tree stumps, branches and boulders resulting from construction activities on the project site will be disposed of at a proposed new on-site waste disposal area that will be located in and used to reclaim a former 1.0± acre sand and gravel extraction. The extraction is located about 150 feet east of the 12th tee on the applicant's Links Golf Course or approximately 4,800 feet south of Route 86 and approximately 2,000 feet from the West Branch of the AuSable River, the closest named waterbody. This waste disposal area is described in a report dated March, 1999 and a drawing E-1 dated April, 1999, prepared by Ivan Zdrahal, P.E. The types of waste to be disposed of at this site are exempt from regulation by the New York State Department of Environmental Conservation since their disposal is not considered a threat to surface water or groundwater quality.

The disposal site has a capacity of approximately 20,000 cubic yards prior to application of final cover material. Construction of the proposed residential project presented in the application will generate about 10,000 cubic yards of waste eligible for disposal at this site. The site is located 60 feet from the property line, 7 feet above the seasonal high water table and more than 12 feet above bedrock. Prior to placement of waste, the base will be graded to assure the prescribed minimum separation to the water table. Waste will be spread in layers not to exceed 5 feet in uncompacted thickness on slopes not to exceed 33%. A final cover system consisting of 18 inches of compacted soil, 4 inches of topsoil, seed and mulch will be applied when final elevations are reached. The applicant will not permit other types of wastes other than land clearing debris nor any wastes generated at locations other than on the project site from being deposited at the waste disposal area. Potential monitoring well locations have been designated on the waste disposal site plan, should the need for their installation ever arise for any unforeseen reason.

Multiple Family Dwellings

34. A combined total of 44 multiple family dwelling units, such as townhouses and condominiums, are proposed on six separate parcels in the Hamlet portion of the project site. These parcels (and the number of dwelling units planned at each parcel in parentheses) are identified as follows: First Green Parcel (2 units), Forest East Parcels A and B (14 units total), Crescent Springs Parcel (8 units), Oniota Parcel (4 units) and Theonoguen Parcel (16 units). First Green, Crescent Springs and Theonoguen Parcels are vacant. Forest Parcel A is occupied by the former Laundry Building, Forest Parcel B is occupied by the former Playhouse building and Oniota Parcel contains a preexisting residential building.

35. Provisions for vehicular access, sewage disposal, water supply, utilities, solid waste disposal, signage and stormwater management for the multiple family dwellings will be similar to those for the subdivision. The Multiple Family Dwelling Plans provide generalized layouts for buildings, driveways, parking areas, drainage courses and landscaping. Final details regarding these provisions have not been provided.

36. The applicant proposes to provide the following information for Agency review and approval prior to undertaking any of the multiple family dwellings: site plan, utility plan, grading plan, landscaping plan, stormwater management and pollution prevention plan and construction details.

37. While not in the application materials, the applicant has also requested permission to sell each of the lots now proposed for multiple family dwellings as a lot for one single family dwelling. While this amendment is appropriate in concept, any such amendment can only be made after site specific plans are

submitted as required by staff.

Master Plan

38. As part of previous Agency Project 97-38, the applicant submitted a master plan for future development of the project site. This plan was revised and updated as part of the current project application in accordance with previous permit conditions. The master plan, as currently revised, addresses anticipated development for the next five years and, in a more general sense, other development on the project site beyond the five year period including potential development south of New York State Route 86. The master plan contains an inventory of the project site's resources including slopes, soils, wetlands, vegetation, scenic views, protected open space, highway corridor critical environmental area and designated river area. A Resource Capability Composite map was prepared based on the resource inventory. In addition, a Potential Development Areas map was prepared for that portion of the project site located south of Route 86. The master plan enables the Agency to identify potential impacts from future planned development. The Agency is not bound to approve any such future development by way of this permit and order. Separate final Agency approval will be required prior to undertaking any future development, including the multiple family dwellings.
39. Repairs to existing trails and general grounds maintenance are to be continuing activities as previously described in original master plan and previous Agency permits. The Jackrabbit Trail, a cross-country skiing trail that traverses the project site, is to continue as a trail available to the public. Although that trail's entry and exit points on the project site will remain unchanged, its alignment may be changed from time to time as it traverses the project site at the discretion of the applicant.
40. A golf school utilizing the existing driving range, nine hole golf course and putting and chipping greens is planned for 1999.
41. Irrigation of the Mountain Golf Course and the existing nine hole golf course (Pristine 9 Course), utilizing the Village's disinfected treated wastewater, is planned for 1999.
42. A sod farm, to be used to grow sod for use on the site's existing golf courses, is contemplated for an area either south or north of New York State Route 86. Up to 300 tons of biosolids generated annually at the Village of Lake Placid Wastewater Treatment Plant will be used to grow sod.
43. Berms are planned to be constructed along the south side of New York State Route 86 on the Links Golf Course to buffer highway noise, protect golfers and cross-country skiers from vehicle accidents and for landscaping purposes. Final berm plans will be designed not to impede the diminish the existing visual

and open space character along the highway.

44. A dormitory building, with an estimated potential for 50 to 75 rooms, and four cottages located adjacent to Mirror Lake Drive are being considered for a variety of uses in the fall of 1999. These uses include: a hotel, a motel, a "condotel" (hotel room with condominium facilities), condominium units, golf school lodging, student housing for the National Sports Academy, employee housing, athlete housing and commercial space.
45. On-going uses of the Boathouse Restaurant and its adjoining beach and existing uses at the maintenance area complex are expected to continue operating as they are at present at least for the next five years. However, while the large maintenance building is to remain, two smaller nearby maintenance buildings are to be removed in order to accommodate residential uses.
46. A 22 acre area surrounding the former Lake Placid Hotel Complex, excepting Forest East Parcels A and B, is being considered for several potential uses during the next five years, including: a new 200 to 300 room resort hotel, an arts center, specialized medical center/health and fitness center and sports center. It is, however, possible that the total number of rooms proposed at any resort hotel could exceed the 200 to 300 rooms contemplated at this time.
47. Nine separate areas containing slight and moderate development limitations on the Resource Capability Composite map have been identified as areas where potential future residential development could occur south of Route 86. Areas determined to have severe or overriding limitations for development would not be developed except for the construction of access roads and paths at the narrowest portions of these restrictive areas. The applicant claims it has no plans, however, to develop any portion of the project site south of Route 86 at this time.

The area classified as Low Intensity Use has a maximum potential of 28 principal buildings and the area classified as Rural Use has a maximum potential of 71 principal buildings under the overall intensity guidelines for those land use areas contained in the Adirondack Park Agency Act.

Although the applicant reserves the combined maximum potential of 99 principal buildings for the area south of Route 86, it does not foresee constructing the maximum number of allowable buildings and is committed not to constructing any principal buildings in this area during the next five years.

Project Site Description

Soils:

48. Generally deep, well-drained glacial tills and outwash soils with cobbles, boulders, gravel and sandy loam common in soil

profiles are found throughout the project site. Master Plan Drawings includes soils maps for the project site.

A deep hole soil test pit was excavated to a depth of 12 feet below grade in the bottom of proposed waste disposal area. Soils at this location are derived from glacial outwash deposits and contained alternating layers of medium and fine sand, similar to the Adams soils series. Groundwater was seeping into the test pit at a depth of 9.5 feet below existing grade.

Slopes:

49. Slopes range from 0 to 25+% throughout the project site. Site topography is shown on the project plans and the Master Plan Drawings. In addition to a slope map, slope ratings are included on the Resource Capability Composite maps in the Master Plan Drawings.

Vegetation:

50. The project site is largely forested with northern hardwood and softwood trees. Open areas of the site are primarily associated with the three existing golf courses and are vegetated with grasses. Vegetation covertypes and tree heights and canopy coverage are shown on Vegetation maps in the Master Plan Drawings.

Streams and Wetlands:

51. Numerous permanent and intermittent streams and wetlands are located throughout the project site. These features are shown on several of the Master Plan Drawings and project plans. In addition, wetland covertypes and descriptions are included in the Master Plan Narrative. Wetlands and adjacent areas are included on the Resource Capability Composite maps in the Master Plan Drawings.

Approximately 650 square feet of wetland will be lost due to upgrading of an existing dirt road to access the Crescent Springs Parcel. The wetland is mixed deciduous and coniferous forested swamp, deciduous shrub swamp and emergent marsh (value rated "2"), and is part of a larger wetland complex downslope near the existing maintenance buildings. Widening of the access road and replacement of the culvert will require footprinting in this wetland area. The present road location is the only feasible alternative for access to this lot.

The applicant proposes to restore a former wetland area that had previously been filled to create a road as compensatory mitigation for the wetland lost on the access way to the Crescent Springs Parcel. This mitigation area is approximately 1800 square feet in size and is located on Lot

12. Wetland mitigation at this location will include removal of old fill down to original grade, re-connection of two existing wetland fragments and planting of wetland species. Additional information regarding construction monitoring, post construction monitoring and contingency plans were provided as part of the May 18, 1999 response to the Agency's Second Additional Information Request.

Mirror Lake and Chubb River:

52. Mirror Lake adjoins the project site on the west. The Boathouse Restaurant, the adjoining private beach and three single family dwellings are located on Mirror Lake. Mirror Lake is a 128 acre water body with a mean depth of 14 feet. Its 988-acre watershed ultimately drains into Lake Champlain. The water quality classification of Mirror Lake is B(T). Current and historic water quality data is provided in a report "A Water Quality Study of Mirror Lake and Lake Placid During August 1991- A report submitted to the Town of North Elba, Village of Lake Placid and Shore Owner's Association" by R.T. Oglesby et. al. dated October 1991. This report concluded that Mirror Lake showed no signs of increased enrichment after a broad spectrum of factors were examined. A 12+ acre portion of the project is located within the Mirror Lake watershed. The remainder of the project site is located within the Chubb River Watershed. The Chubb River adjoins the project site to the south and is located approximately 3,800 feet to the south of the closest proposed subdivision lots.

Aquifer:

53. A portion of the project site is located over an unconsolidated aquifer with a potential yield of over 100 gallons per minute according to a map entitled "Potential Yields of Wells in Unconsolidated Aquifers in Upstate New York, Adirondack Sheet" by E.F. Bugliosi et.al., USGS Water Resources Investigations Report 87-4276.

Open Space and Aesthetic Resources:

54. Open areas of the project site offer scenic views of the fairways, tees and greens and wooded areas in the foreground and middleground and mountains in the Sentinel Range and High Peaks Wilderness Areas in the background to the east and south. These open areas are located on both sides of Route 86 and are part of the Protected Open Space Areas encumbered and protected by the Declaration of Covenants (Finding of Fact 8). These areas are mapped on the Critical Resource map in the Master Plan Drawings and are included on the Resource Capability Composite maps in the Master Plan Drawings.

There is a designated scenic vista identified on the Adirondack Park Land Use and Development Plan Map located on New York State Route 86 with views oriented toward the south

and east over the Links Golf Course. This vista and another "scenic view" are identified on the Critical Resource maps in the Master Plan Drawings and are included on the Resource Capability Composite maps in the Master Plan Drawings.

The October 1998 "Visual Analysis Report" assessed the extent of visibility proposed development on lots fronting on the Links Golf Course and the nine hole golf course (i.e., Lots 5, 6, 9-15, 18 and 21-24 as well as the Theonoguen Parcel) would have along New York State Route 86.

This report, as was subsequently clarified by the applicants March 1999 response to the Agency's Additional Information Request, makes various recommendations regarding the maintenance and planting of vegetation on these lots.

55. That portion of the project site classified as Rural Use that is within 150 feet of New York State Route 86 is a statutory critical environmental area. This critical environmental area is included on the Resource Capability Composite maps in the Master Plan Drawings.

Cultural and Historic Resources:

56. The project site and its buildings comprised the former Lake Placid Club, a cultural and historic resource of local, regional and statewide significance. Development of the project site, including the removal of and alterations to buildings constructed prior to 1939, is subject to a 1988 Memorandum of Agreement between the Federal Savings and Loan Insurance Corporation (a former project site owner), the New York State Historic Preservation Officer and the Advisory Council on Historic Preservation; and the 1999 OPRHP Agreement.

Project Impacts

Surface Water, Groundwater and Wetlands:

57. Nutrient enrichment of surface water is a concern with residential development projects due to surface water eutrophication caused by nutrient enrichment primarily from residential wastewater and from non-point sources such as stormwater. Nutrients from proposed residential sanitary wastewater for the project will be treated off-site at the Village's municipal wastewater treatment plant and, therefore, will not enter or otherwise impact the Mirror Lake watershed. Adherence to the proposed stormwater management plan coupled with the fact that the project will only occupy approximately 1.2% of the overall Mirror Lake watershed will mitigate adverse water quality impacts to that waterbody from non-point sources. Additional non-point source runoff impacts can be addressed by minimizing lawn areas and by the retention of existing forested vegetative filter strips.

Adherence to the various proposed temporary and permanent provisions to protect and minimize impacts to surface water

and wetlands such as construction of stormwater detention ponds, use of silt fencing and revegetation of disturbed areas will further serve to mitigate adverse water quality impacts caused by erosion and sedimentation not only to Mirror Lake, but to other surface waters and wetlands as well. Additional provisions including installation of silt fencing downslope from all construction areas having slopes exceeding 10%, placement of stone rip-rap in road and driveway ditches that exceed 5% and enforcement of appropriate vegetative cutting and disturbance controls, together with the foregoing proposed measures, will mitigate any undue adverse surface water quality impacts.

This project will not create any adverse impacts to the quality of Chubb River given the intervening distance between it and that waterbody (3,800± feet).

58. No adverse groundwater quality impacts will result from the proposed waste disposal area provided only land clearing debris, as defined in 6 NYCRR Part 360 (except concrete and asphaltic material), generated at the project site is disposed of at this site.

59. The proposed filling of wetlands to improve existing road access to the Crescent Springs Parcel is the only reasonable alternative involving a minimum loss of wetland area, value and function. Proposed wetland mitigation, under professional supervision, will adequately compensate this loss. Other new land use or development in or proximate to wetlands on the project site should be avoided and, if unavoidable, should first be reviewed and approved by the Agency so that adverse impacts to wetlands can be properly assessed and avoided or mitigated.

Open Space and Aesthetic Resources:

60. Undue adverse open space and aesthetic impacts will result from the project signage unless conformity with the Agency's "Standards for Signs Associated with Projects" (9 NYCRR Appendix Q-3) is demonstrated. Signage plans provided to date do not demonstrate such conformity. Project signage must also comply with Town and Village sign requirements.
61. Undue adverse open space and aesthetic impacts will result from the installation of utilities unless all new utilities and all utilities that are to be upgraded or improved in the future are undergrounded.
62. Strict adherence to clear and enforceable vegetative cutting, clearing and disturbance restrictions is critical to adequately mitigating adverse open space and aesthetic impacts, particularly to the Protected Open Space Areas on the project site. The Declaration of Easements, Covenants, Conditions and Restrictions contained in the draft HOA Offering Plans, the Protective Covenants and Restrictions and Lot Development Guidelines contained in the ACPC and the Architectural Design Covenants contained in the OPRHP Agreement provide various restrictions in this regard. The October 1998 "Visual Analysis Report" also contains recommended vegetative cutting and planting provisions that were revised by subsequent submissions. These various proposed restrictions and certain conditions of this permit

should be incorporated into a revised Declaration of Easements, Covenants, Conditions and Restrictions in order to provide consolidated clear and enforceable controls.

63. Execution of the conservation easement required in the OPRHP Agreement consistent with the existing Declaration of Restrictions referred to in Finding of Fact 8 will serve to further safeguard Protected Open Space Areas.

Municipal Services:

64. Hydrant flow tests conducted in September, 1989, March, 1998 and October, 1998 in the vicinity of the project site indicate the Village has adequate source capacity to provide water for domestic use and fire protection for the project. The design capacity of the Village's wastewater treatment plant is 2.5 million gallons per day (MGD) average daily flow and 5.0 MGD peak daily flow. Presently, the plant's average daily flow is 1.3 MGD and, therefore, it has ample capacity for this project's wastewater treatment requirements.
65. Projected electric power demand for this project can be adequately met by the Village's municipal electric power supply system.
66. The Town of North Elba's construction and demolition landfill has a remaining volume of 64,000 cubic yards. Should all such debris to be generated by the project (17,000 cubic yards) be disposed of at this landfill, it would utilize 27% of its available capacity.

Traffic:

67. Traffic impacts are described in a technical memo dated April 1999 and prepared for this project by Transportation Concepts, LLP. The memo cites a 1989 traffic impact analysis prepared by Clough, Harbour and Associates for a larger development proposal on the project site, as well as "A Mobility Plan for the Lake Placid Area" prepared for the New York State Department of Transportation, the Village of Lake Placid, Town of North Elba and Essex County in 1999. The intersection of NYS Route 86 and NYS Route 73 was chosen for analysis of historical traffic turning movement data and trends because it is controlled by a traffic signal and its importance in the overall traffic flow around the area. Using data from the "ITE Trip Generation Report, 6th Edition" and the directional distributions from the Clough, Harbour and Associates 1989 report, the memo projects the number of trips that might travel through this intersection at full development. At build out in 20 years, the project will generate approximately 120 trips during the weekday afternoon peak hour and that 89 of these trips may travel through the Routes 73/86 intersection. These 89 trips

account for approximately a 10% increase over background traffic and is likely to increase the overall average delay at this intersection by little more than 1.0 seconds, which will not change any of the level of service grades given for any approach or the intersection as a whole. It is further noted the changes to this intersection recommended by the 1989 Clough, Harbour and Associates report have been completed.

Fiscal Impacts:

68. The applicant reviewed plans for the proposed project with local government and other service providers. It has been determined that there will be adequate capacity in the local school, health care, solid waste, police, fire, water, sewer and electric systems to accommodate the project if it is developed as proposed.
69. As planned, a combined total of 125 housing units (single family dwelling and multiple family dwelling units) will be constructed over a 20 year building period at an average six units per year. The steady build-up of units will distribute local government service demands as well as tax generation over the full development period and result in a relatively steady demand for construction labor over the 20 years.
70. It is estimated that the project will result in real estate and structures valued at \$41.6 million which could represent increased real property tax assessment in the Town of North Elba. \$24.4 million of this estimated total assessment would represent real estate subject to taxation in the Village of Lake Placid. Real property tax assessments are expected to grow incrementally over the 20 year project buildout period at an estimated average of \$2.1 million annually.
71. Applying current real property tax rates to the \$41.6 million in estimated real property tax assessment would result in annual real property tax generation, at project buildout, of \$899,049 (in current dollars). These tax monies would be distributed as follows:
 - a. Essex County \$124,820
 - b. Town of North Elba 147,558

- c. Village of Lake Placid 221,075
- d. Lake Placid Central School District 405,596

It should be noted that the above estimates of potential real property tax generation are provided for illustrative purposes only. Town of North Elba assessors have not provided estimates of potential real property tax assessments for land and structures involved in the proposed project. The actual level of real property tax generated by this project will depend on the level of assessed valuation established by Town officials and future tax rates that are unknown at this time. Future tax rates will be influenced by changes in assessed valuation on a Town-wide basis (including this project) and the overall demand and cost of services delivered by each taxing jurisdiction.

- 72. An illustration of the potential build-up of tax revenues to all local taxing jurisdictions based on the proposed level and scale of residential development proposed in this project is shown as follows. The figures are based on estimated real property tax assessments for the project, based on full value at the end of the years shown, and current real property tax rates for involved local jurisdictions:

	<u>Tax Assessment</u>	<u>Tax Generation</u>
Year 1 / 2000	\$ 4,000,000	\$ 93,271
Year 5 / 2004	15,200,000	356,349
Year 10 / 2009	25,600,000	609,084
Year 15 / 2014	35,600,000	784,720
Year 20 / 2019	41,600,000	899,049

Economic Impacts:

- 73. The economic impact of the project will result primarily from relatively steady levels of construction employment over its 20 year buildout period and from the incremental buildup of local expenditures for goods and services by year-round and seasonal residents. The project is not expected to substantially increase maintenance and other operational jobs at other uses on the site (e.g., golf courses, golfhouse, etc.).
- 74. Construction payroll for the proposed project has been estimated by the applicant to be \$14 million. Project development will result in an estimated annual average of 14 person-years of employment in on-site construction throughout the 20 year development period. This represents

full and part-time employment which will in total be equal to 14 full-time, year-round jobs. It is expected that the actual number of involved workers will be greater.

75. The applicant has estimated that potential direct local expenditures by year-round and seasonal residents could reach \$2.4 million annually by project buildout (in current dollars). These expenditures will support local retail and service establishments in the Tri-Lakes area.

Cultural and Historic Resources:

76. As stated in the OPRHP Agreement, the implementation of this agreement in this permit satisfies the Agency's responsibility under Section 14.09 of the New York State Office of Parks, Recreation and Historic Preservation Law. Accordingly, this project will not cause any change in the quality of "registered," "eligible," or "inventoried" property as those terms are defined in 9 NYCRR 426.2 for the purposes of implementing §14.09 of the New York State Historic Preservation Act of 1980.

Cumulative Impacts:

77. The applicant assessed various impacts from the current project, planned multiple family dwellings and future development identified in the Master Plan in the context of other likely future development within the Town of North Elba. Resources that were analyzed include water, land, critical resources, aesthetics, traffic and public services and infrastructure. The applicant consulted with public service providers and development officials to determine current and future trends in population, service demands and capacities as part of this analysis. Based on the relative scale of the project in relation to service capacities and trends and considering its projected 20 year buildout, no significant cumulative impacts are predicted to these resources.

Future Development:

78. The project site is somewhat unique in that it is a relatively large and generally undeveloped tract of land which provides important open space and aesthetic resources within and in proximity to an intensively developed area (Village of Lake Placid). The site also possesses important historic, groundwater and wetland resources. The applicant identified several proposals in the Master Plan that, taken together with the current proposal and the planned multiple family dwellings, comprise a large scale project as that term is defined in 9 NYCRR 570.3 (w). While these plans describe future development in general terms, conclusive determinations regarding the impacts from these activities cannot be made without final plans and details as part of

future permit applications. Examples of potential adverse impacts identifiable at this time include the following:

- a. Increased development of the project site resulting in increased impervious areas could result in increased stormwater runoff creating potential for increased sedimentation into streams and wetlands.
- b. Locating future development proximate to open space areas could create adverse visual and aesthetic impacts even though such development may be located outside of reserved open space areas.
- c. Unsafe traffic patterns could be created if maximum levels of development are realized.
- d. Altered land use patterns could adversely impact the landscape surrounding historic structures and resources.
- e. Development of presently undeveloped areas could displace and adversely impact plant and animal species habitats.

Public Comment

79. In response to notification of the project by the Agency soliciting comment, a total of 46 letters were received by the July 1, 1999 comment deadline. Eighteen of these letters expressed support for the project and 28 expressed concern and/or opposition to the project. Concerns that were identified in these letters include perceived impacts to water quality and related to stormwater management plans, aesthetics, open space, scenic vistas, travel corridors, traffic, air quality, wildlife, noise, historic resources, wetlands, forest resources, emergency services and municipal services.

CONCLUSIONS OF LAW

If undertaken in compliance with the conditions herein:

1. The project would be consistent with the Land Use and Development Plan.
2. The project would be compatible with the character description and purposes, policies and objectives of the land use areas wherein it is proposed to be located.
3. The project would be consistent with the overall intensity guidelines for the land use area involved.
4. The project would comply with the shoreline restrictions.
5. The project would 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, taking into account the commercial, industrial, residential, recreational or other benefits that might be derived therefrom.

6. The Agency has considered the public policy of the State set forth in ECL 24-0103, the statement of legislative findings set forth in ECL 24-0105, and the effect of the project upon the public health and welfare, fishing, flood, hurricane and storm dangers, and the protection and enhancement of the several wetland functions and benefits. The applicable findings of 9 NYCRR Part 578 can be made.
7. The project would result in minimal degradation or destruction of wetlands with a value rating of "2," or their associated values, and is the only alternative which reasonably can accomplish the applicant's objectives.
8. The project is the only alternative which reasonably can accomplish the applicant's objectives.

NOTICES

PLEASE TAKE NOTICE THAT IN ADDITION TO OTHER REQUIREMENTS IMPOSED PURSUANT TO LAW:

1. This permit shall expire sixty days after the date of issuance unless the original permit is duly recorded in the office of the Clerk of Essex County in the name(s) of the owner(s) of record of land at the time of recordation. In order for the permit to be recorded in the County Clerk's Office, the applicant must pay the county clerk the following fees at the time of recording: ten dollars, and in addition thereto, three dollars for each page or portion of a page of the permit and any attachments to it. The original of the permit will be returned to the applicant by the county clerk.
2. This permit is binding on the applicant, any person undertaking the project, and all present and future owners of any part of the project site. If the project is not substantially commenced within four years of the date the permit is recorded, it may not be undertaken or continued unless a new or renewed permit is issued.
3. Nothing contained in this permit shall be construed to satisfy any legal obligations of the applicant to obtain any governmental approval or permit from any entity other than the Agency, whether federal, State, regional or local.
4. No "regulated activity" as defined in the Agency's

Freshwater Wetland Regulations (9 NYCRR Part 578) shall occur on the project site without prior Agency approval. Such activities include, but are not limited to, new land use or development in, subdivision of, clearcutting more than three acres within, or dredging or filling of a wetland, or any other activity, whether or not occurring within the wetland, which pollutes it or substantially impairs its functions, benefits or values.

CONDITIONS

1. The project shall be undertaken as described in the application and Findings of Fact herein, and in compliance with the Conditions herein. Failure to comply with the application, Findings of Fact or Conditions may be a violation of law and grounds for revocation of the permit. In the case of conflict, the Conditions control.
2. This project may not be undertaken until this permit is recorded in the Essex County Clerk's Office. This permit shall be void unless so recorded on or before September 13, 1999, in the names of all persons listed on the first page hereof and in the names of all owners of record of any portion of the project site on the date of recordation. The applicant shall ensure that all landowners' names are included on the first page of this permit.
3. Copies of this permit, appropriate portions of approved project plans and applicable final approved legal documents shall be furnished by the applicant to all contractors of the project and to subsequent owners or lessees of the project site prior to sale or lease. 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 98-307 issued July 13, 1999, the terms and conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."

4. This permit and order is not intended and shall not be construed to modify or diminish the legal effect of the 1981 "Declaration of Restrictions by Lake Placid Co. as to Certain of its Lands," the 1983 "Agreement with Respect to Release of Letter of Credit," the 1988 Memorandum of Agreement, the OPRHP Agreement, or any existing or proposed rights-of-way or easements.
5. This permit and order only approves the subdivision, access road through wetlands and waste disposal area as described in the project application and Findings of Fact contained herein. No further subdivision of land, or other "land use or development" as defined in §802(28) of the Adirondack Park Agency Act not expressly authorized by this permit, including those activities identified in the current master plan shall be undertaken without an additional or amended Agency permit. No further Agency approval is, however, required for the construction of accessory uses within the confines of the Building Setback Lines on individual lots, provided any new accessory use structure is less than 40 feet in overall height.
6. The compensatory wetland mitigation efforts on Lot 12 shall be completed before the access road to the "Crescent Springs" parcel is constructed in accordance with the compensatory wetland mitigation plan. Prior to undertaking these activities, the applicant shall provide the Agency with a written timetable for its implementation and completion. All work associated with implementation of the compensatory wetland mitigation plan shall be under the direct supervision of a professional wetland scientist or other qualified consultant who shall have complete control over these activities.
7. The applicant, the Architectural Review Committee and all lot purchasers shall fully comply with and are bound by the OPRHP Agreement.
8. The 44 multiple family dwelling units are hereby preliminarily approved pursuant to §809 (14) of the Adirondack Park Agency Act and 9 NYCRR 572.6. Prior to undertaking any multiple family dwelling or any other structures associated with these dwellings, or a single family dwelling, a separate Agency permit shall be obtained based upon the Agency's review and approval of appropriate application materials including site specific plans and details identified herein.
9. The revised and updated master plan referred to herein is hereby approved. However, it shall be periodically reviewed and updated. The Agency shall be provided with such updated plans for its prior review and written approval before the Agency will accept as complete any future permit application for approval of any of the land use and development

identified in the current master plan or any other jurisdictional activities on the project site, whether proposed by the applicant or its successors. The updated plan shall contain sufficient detail to allow the Agency to assess the impacts of all new land use, development and subdivision proposed thereon pursuant to §809(9) or §809(10)(e) of the Adirondack Park Agency Act; the applicant or its successor shall be bound thereby. This updated plan shall contain all applicable information for large scale projects identified in 9 NYCRR 572.6 as well as the locations, size, number and timing of residential lots or units or accommodation units, golf course and driving range improvements and conformity with all existing agreements and other legal controls in existence at the time of its submission.

10. Prior to undertaking the project as defined in 9 NYCRR 570.3 (yy)(1) and (2), the applicant shall obtain all necessary approvals of the New York State Departments of Environmental Conservation and Health, the Town of North Elba and the Village of Lake Placid and shall submit documentation thereof, including copies of all permits and approvals, to the Agency. This condition also applies to any lease which allows the lessee to undertake significant renovation or reconstruction of the existing dwelling, or demolition and construction of a new dwelling on the property.
11. For those lots which will be part of a homeowners association, prior to undertaking the project as defined in 9 NYCRR 570.3 (yy)(1) and (2), the applicant shall obtain the approval of the New York State Department of Law and furnish the Agency with copies of the offering plans as approved by that department. This condition also applies to any lease which allows the lessee to undertake significant renovation or reconstruction of the existing dwelling, or demolition and construction of a new dwelling on the property.
12. By August 30, 1999, the applicant shall submit to the New York State Office of Parks, Recreation and Historic Preservation a draft of the proposed conservation easement which shall comply with the terms of the OPRHP Agreement. Within 10 days of the date when the New York State Office of Parks, Recreation and Historic Preservation approves the language and provides the name(s) of the beneficiary of the easement, the applicant shall execute and record the conservation easement with the Essex County Clerk.
13. Prior to conveying any lot requiring new or improved infrastructure, including roads, waterlines, sewerlines, drainage controls and utilities, written certification from a New York State licensed professional engineer shall be submitted to the Agency attesting to the fact that all

- necessary improvements and infrastructure have been properly installed for that lot in full accordance with the project plans and are in proper working order. This condition also applies to any lease which allows the lessee to undertake significant renovation or reconstruction of the existing dwelling, or demolition and construction of a new dwelling on the property.
14. No later than September 15 of each construction year, proper temporary revegetation/protective measures (annual rye and mulch) shall be installed on all disturbed soil areas on any lot or other area on the project site until permanent cover is established. No later than winter shutdown or November 30 each construction year, all areas disturbed by construction after September 15 shall have a protective layer of mulch placed over them.
 15. The erosion control measures specified in the project application shall be properly installed prior to commencement of any construction in each discreet construction area and shall be maintained thereafter to prevent any sediment transport downgradient from the location of the particular measure. No grading, excavation, stockpiling, tree cutting or construction work shall occur outside the approved construction limits both on individual lots and along all road and utility rights-of-way. The erosion control measures shall be inspected by the "environmental monitor" required in Condition 24 at least weekly and after every significant rain event to maintain proper functioning. In addition, silt fencing shall be properly installed and maintained along the grading/clearing limit lines on any lot or other area on the project site where slopes are 10% or greater.
 16. The applicant shall regularly maintain the stormwater detention pond located adjacent to Pines Road and Mirror Lake Drive by keeping it mowed and free of debris, litter and sediment.
 17. All road and driveway ditches that have slopes of 5% or greater shall be lined with angular stone rip-rap.
 18. All new utilities and all utilities that may be replaced or upgraded in the future anywhere on the project site shall be installed underground.
 19. All construction and demolition debris, including concrete and asphalt, shall be disposed in the designated Town of North Elba construction and demolition landfill or lawfully at an off-site location.

20. Only "land clearing debris" as that term is defined in 6 NYCRR Part 360 but excepting concrete and asphaltic pavement generated by on-site construction activities shall be disposed of at the on-site waste disposal area in accordance with the plans approved herein.
21. All construction activities on the infrastructure shall occur during normal weekdays, 7:00 a.m. to 7:00 p.m., except in emergency or as otherwise agreed to with special site-specific plans including erosion control under winter thaw conditions and buffers to existing land uses. All equipment shall maintain properly functioning mufflers at all times. Access to existing uses shall be maintained at all times.
22. All existing trees and other vegetation on the project site, including all specimen trees identified to be retained, shall be preserved, protected and maintained, except that necessary for construction of roads, driveways, waterlines, sewerlines and utilities as shown on the project plans. Specimen trees located on the retained lands, private open space areas, view angle areas and private land preservation areas shall not be cut or pruned. For the individual lots, no trimming, pruning, thinning, removal or other disturbance of any trees and vegetation shall be allowed outside the Building Setback Line except for limited views as may be approved in writing by the Architectural Review Committee as described in Finding of Fact 22 and pursuant to the Declaration of Easements, Covenants, Conditions and Restrictions. Copies of approvals by the Architectural Review Committee shall be promptly provided to the Agency by the Committee. For the special lots listed in Finding of Fact 22, no trees may be cut outside the building setback area except as also approved by Agency staff with specific proposals to be submitted for each lot. Agency staff will apply the standards outlined for those lots in the application materials as cited in Finding of Fact 22, and the review shall not require adherence to the formal permit process. Staff shall endeavor to issue a decision within 30 days of receipt of all necessary information. This condition shall not apply to the removal of dead or diseased trees or branches, or trees which present a safety hazard, except for those special lots listed in Finding of Fact 22 which shall require prior Agency staff review and approval and, in which case, a replacement tree planting plan may be required.

23. All trees and other vegetation to be planted shall be successfully established and maintained to provide maximum screening and/or ground stabilization. No cutting, trimming, pruning, thinning or other disturbance of trees shall be permitted. Any trees or other vegetation that do not survive shall be promptly replaced.
24. No new signage associated with the project shall be installed until the Agency provides written approval of revised comprehensive signage plans which addresses all current and future signage on the project site. Any such plan submitted for Agency approval must, at a minimum, demonstrate compliance with the Agency's Standards for Signs Associated with Projects (9 NYCRR Appendix Q-3) and with any requirements of the Village of Lake Placid and Town of North Elba.
25. All activities related to the construction of roads, sewerlines, waterlines, utilities and other infrastructure related to the project shall be supervised by a construction employee who shall be designated "environmental monitor" for the project and who shall provide written biweekly reports to the Agency whenever sitework is conducted and contact the Agency within 24 hours of any site related problems (e.g. washouts, areas of erosion into streams and wetlands, etc.). These reports shall fully document the status of compliance with the project plans and the findings, terms and conditions herein and shall describe all site related problems that have resulted and corrective actions taken.
26. Prior to undertaking the project as defined in 9 NYCRR 570.3(yy)(1) & (2), the applicant shall submit and receive Agency approval of, and thereafter provide proof of recordation in the Essex County Clerk's Office of a revised Declaration of Easements, Covenants, Conditions and Restrictions to be contained in the Homeowners Associations Offering Plans. The Revised Declaration shall incorporate, as mandatory rather than advisory to the maximum extent possible, all Architectural Design Covenants contained in the OPRHP Agreement, "Architectural Controls and Protective Covenants (ACPC) for Residential Development at Lake Placid Resort," all vegetative cutting and planting recommendations contained in the October 1998 "Visual Analysis Report" as currently amended and Notice 4 and Conditions 4, 5, 7, 9, 14 through 23, 27 and 28 of this permit. With respect to the vegetative cutting and planting recommendations, the Revised Declaration shall specify the cutting limitations and planting requirements for each lot or for groups of lots with similar requirements, in order to clarify for each lot purchaser what will be allowed on the parcel. The Revised Declaration of Easements, Covenants, Conditions and

Restrictions shall run with, touch and concern the land, and shall name the Adirondack Park Agency, the State of New York, the Town of North Elba, the Village of Lake Placid, the Architectural Review Committee and the purchasers of those lots as beneficiaries of the covenants.

27. The Agency may conduct such on-site investigations, examinations, tests and evaluations as it deems necessary to ensure compliance with the terms and conditions hereof. Such activities shall take place at reasonable times and upon advance notice where possible.
28. At the request of the Agency, the applicant, the Architectural Review Committee and any lot purchaser shall report in writing the status of the project including details of compliance with any terms and conditions of this permit and order.

PERMIT issued this day
of , 1999.

ADIRONDACK PARK AGENCY

BY: _____
William J. Curran
Director of Regulatory Programs

STATE OF NEW YORK)
 : ss:
COUNTY OF ESSEX)

On this day of , 1999, before me, the
subscriber, personally appeared William J. Curran, to me
personally known and known to me to be the same person described
in and who executed the within instrument, and he acknowledged to
me that he executed the same.

Notary Public

JLQ:BAR:tal

cc: Megan Levine, OPRHP