

**STAFF DRAFT - NOT APPROVED BY AGENCY
THIS IS A TWO-SIDED DOCUMENT**

 <p>NEW YORK STATE OF OPPORTUNITY.</p> <p>Adirondack Park Agency</p> <p>P.O. Box 99, 1133 NYS Route 86 Ray Brook, New York 12977 Tel: (518) 891-4050 Fax: (518) 891-3938 www.apa.ny.gov</p>	<p>APA Project Permit 2017-0189</p>
<p>In the Matter of the Application of</p> <p>ROBERT ADAMS, DONNA ADAMS AND UTOPIA RV PARK</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: XXXX</p> <p>To the County Clerk: This permit must be recorded on or before XXXX. Please index this permit in the grantor index under the following names: 1. Robert Adams 2. Donna Adams 3. Utopia RV Park</p>

SUMMARY AND AUTHORIZATION

This permit authorizes a 12-unit RV Park campground (RV Park) in an area classified Moderate Intensity Use on the Adirondack Park Land Use and Development Plan Map in the Town of Long Lake, Hamilton County.

This permit shall expire unless recorded in the Hamilton County Clerk's Office on or before **XXXX**, in the names of all persons listed above and in the names of all owners of record of any portion of the project site on the recordation date.

The project shall not be undertaken or continued unless the project authorized herein is in existence within four years from the date the permit is recorded. The Agency will consider the project in existence when the campground is open to the public.

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

This permit does not convey any right to trespass upon the lands or interfere with the riparian rights of others in order to undertake the authorized project, nor does it authorize the impairment of any easement, right, title or interest in real or personal property.

Nothing contained in this permit shall be construed to satisfy any legal obligations of the permittee to comply with all applicable laws and regulations or to obtain any governmental approval or permit from any entity other than the Agency, whether federal, State, regional or local.

PROJECT SITE

The project site is a 7.2± acre parcel of land located off Kickerville Road on Adams Park Way in the Town of Long Lake, Hamilton County, in an area classified Moderate Intensity Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 25.012, Block 3, Parcels 36 and 39, and is described in a deed from Robert J. Nunmaker to Robert R. Adams and Donna M. Adams dated November 2, 1973 and recorded November 23, 1973 in the Hamilton County Clerk's Office at Book 161, Page 545. Tax parcel 25.012-3-36 (Lot 36) is a 5± acre parcel improved by a pre-existing single family dwelling, barn, workshop, yarn shop and other accessory structures. Tax parcel 25.012-3-39 (Lot 39) is a 2.2± acre vacant parcel and is the site of the proposed RV sites and pavilion/bathhouse structure.

PROJECT DESCRIPTION

The project as conditionally approved herein involves the establishment of a new campground. The development includes 12 recreational vehicle (RV) camping sites, two on-site wastewater treatment systems, and a 960 square foot pavilion/bathhouse structure. The RV Park will also include a registration area and office located in the existing yarn shop, and a new access road will be constructed from the registration area to the individual RV sites. An existing road, Adams Park Way, will be used to enter and exit the campground. The RV Park will be served by municipal water and all electric power distribution will be underground. As proposed, the operating season for the RV Park will be from May 1 through October 30, and sites will be rented on a daily, weekly, and/or seasonal basis.

The RV Park is shown on six sheets of plans titled "Utopia RV Park" prepared by AEDA, P.C. dated January 31, 2018 (Project Plans). Sheet C101, titled "Site Plan" shows the layout of the campground including the RV sites, access road, water lines, on-site wastewater treatment systems and underground utilities. Sheets C102 and C103 show the proposed on-site wastewater treatment systems. Sheet C104 shows the project details and Sheet C105 shows the proposed erosion and sediment control plans. Sheet C106, titled "Vehicle Tracking Plan" shows vehicular tracking scenarios that RVs will use to enter and leave the project site. It also shows additional parking areas in the vicinity of the owners' main residence and barn and workshop.

A reduced-scale copy of the Site Plan is attached as a part of this permit for easy reference. The original, full-scale maps and plans described in this paragraph are the official plans for the project, with copies available upon request from Adirondack Park Agency headquarters in Ray Brook, New York.

AGENCY JURISDICTION

The project requires an Agency permit pursuant to §§ 809(2)(a) and 810(2)(a)(12) of the Adirondack Park Agency Act [Executive Law, Article 27] because a campground is proposed on Moderate Intensity Use lands.

CONDITIONS

THE PROJECT IS APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. The project shall not be undertaken until this permit has been recorded in the Hamilton County Clerk's Office.
2. This permit is binding on the permittee, all present and future owners or lessees of the project site, and all persons undertaking all or a portion of the project, for as long as the RV Park is operational and remains on the site. Copies of this permit and the Site Plan shall be furnished by the permittee to all subsequent owners or lessees of the project site prior to sale or lease, and by the permittee and/or any subsequent owner or lessee to all persons undertaking any development activities authorized herein.
3. 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 2017-0189, issued **XXXX**, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."

Development

Construction Location and Size

4. This permit authorizes the construction of a 12-site RV campground and pavilion/bathhouse in the location shown and as depicted on the Site Plan. Any change to the location, dimensions, or other aspect of the campground shall require prior written Agency authorization.

Privacy Fencing

5. A solid natural wood fence, a minimum of 6 feet in height, shall be installed between the proposed RV sites and the adjoining property at a minimum of 5 feet from the property boundary. A solid natural wood fence, a minimum of 6 feet in height, shall also be installed between the pavilion and the adjoining property at a minimum of 5 feet from the property boundary. All fencing shall be a dark shade of brown, green or grey. Note that the fence shall not be of a white vinyl material or in the location depicted on Sheet C104.

Structures

6. Construction of any other new structures on Lot 39 shall require prior written Agency authorization.

Density

7. There shall be no more than two principal buildings located on Lot 39 at any time. The Agency makes no assurances that the maximum development mathematically allowed can be approved.

Building Color

8. All exterior building materials, including roof, siding and trim, used to surface the exterior of the pavilion/bathhouse shall be of a dark shade of green, grey, or brown.

Outdoor Lighting

9. Any new free-standing or building-mounted outdoor lights associated with the campground on the project site shall employ full cut-off fixtures that are fully shielded to direct light downward and not into the sky or toward adjoining property.

Vegetation

10. Outside of the limits of clearing shown on the Site Plan, no trees, shrubs, or other woody stemmed vegetation/trees may be cut, culled, trimmed, pruned or otherwise removed or disturbed on the project site without prior written Agency authorization, except for the removal of dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
11. Shrubs and/or small trees shall be planted along the proposed fence depicted on Sheet C104, spaced a maximum of 8 feet on center, and no later than the first spring or fall planting season after final grading related to the construction of the campground. The shrubs or small trees shall be of nursery stock, 4-6 feet in height at the time of planting. Vegetation that does not survive shall be replaced annually for a period of five years until established in a healthy growing condition.

Project Operations

Period of Operation

12. The RV Park shall only operate from May 1 to October 30 each year. Any change to the months of operation shall require prior written Agency authorization.

Campground Operations

13. The owners of the campground may rent to the general public up to 12 registered RVs/travel trailers for use within the campground.
14. All RVs/travel trailers in the campground (including rentals) shall be readily moveable. This means that they must: (a) be designed for and capable of regular over-road travel and currently registered as a vehicle; (b) have wheels on at all times; (c) not have any associated structural elements such as decks, roofs or fencing; (d) not require a NYSDOT Special Hauling Permit for travel over State roads; and (e) not be permanently connected to water, sewer and electric hook-ups; and (f) be disconnected from all sewer, water and electric hook-ups from November 1st to April 30th when the campground is not in operation.

15. Within one year of cessation of the campground use, all RVs/travel trailers shall be removed from the site. In addition, prior to the undertaking of any new land use and development on the project site, an Agency jurisdictional determination, and/or permit shall be obtained.
16. Ingress and egress to the RV Park shall be via Adams Park Way. Flower Way shall only be used on an emergency basis and a gate shall be installed across Flower Way and posted with an "Emergency Access Only" sign.
17. Notice of campground quiet hours between 9pm and 8am shall be posted by the registration booth and bathhouse/pavilion, and shall also be provided to campers and guests during registration.

Signage

18. All signs associated with the campground on the project site shall comply with the Agency's "Standards for Signs Associated with Projects" [9 NYCRR Part 570, Appendix Q-3]. A sign plan shall be submitted to the Agency for approval prior to installation.

Noise

19. There shall be no gasoline-powered generators operated within the campground.
20. There shall be no outdoor sound amplification or intercom systems associated with the campground.

Invasive Species Control/Sanitizing Equipment

21. When brought from off-site, all equipment, including but not limited to trucks, excavators, tractors, etc., and hand excavation tools such as shovels, rakes, and picks, to be used on the project site shall be clean and free of soil, mud, or other similar material. If washed on the project site, equipment shall be washed in one location to prevent the distribution of propagules among different wash sites. All construction equipment and vehicles operating in areas that may contain existing invasive species shall be thoroughly cleaned prior to moving to other areas.

Infrastructure

Wastewater

22. If installed within five years of the date of issuance of this permit, the on-site wastewater treatment system shall be constructed in conformance with the location and design shown on Sheets C101, C102 and C103, the Site Plan and on-site wastewater treatment systems plans. Construction of the system shall be supervised by a design professional (licensed engineer or registered architect). Within 30 days of complete system installation and prior to its utilization, the design professional shall provide written certification to the Agency that the system was built in compliance with the approved plans.

No on-site wastewater treatment system shall be installed on the project site more than five years after the date of issuance of this permit except pursuant to written authorization from the Agency.

Stormwater Management/Erosion Control

23. The project shall be undertaken in compliance with Sheet C105, the erosion and sediment control plan.

Agency Review of Future Subdivision and Development

24. No further subdivision or new land use and development shall occur on the property without prior Agency authorization.

FINDINGS OF FACT

Background/Prior History

1. A portion of the project site, Lot 36, is developed with the pre-existing single family dwelling, barn, workshop, yarn shop and other accessory structures. This parcel has also historically been used for several commercial uses including an excavation business that operated from approximately 1980 to 1982, a livestock/grain business, and a logging business that operated on the site from 1982 to 2002. In addition, a bed and breakfast was operated out of the single family dwelling from 1983 to 1995, and snowmobiles were rented from the property during this time. From 1990 to 2008, a six-unit motel and two rental cabins were operated on an adjoining tax parcel. These buildings and related property were sold by the applicants in 2008. After 2008, a yarn shop and cabinet shop have been operated by the applicants on the project site.

Nearby Land Uses

2. The project site is located approximately 0.6 miles from the intersection of NYS Route 30 and Kickerville Road. There are several existing commercial businesses near the project site including the Whispering Woods Campground, located approximately ½ mile away on the same side of the road as the proposed campground, two sand and gravel mines, the Long Lake Creative Arts Camp, a small private airstrip/airport, a bar and restaurant (The Cellar), a Boy Scout Camp, and a logging business. There are residential uses adjoining the project site, including the former motel that has been converted to a tri-plex residential unit. Kickerville Road is also a known snowmobile trail/road and logging trucks use the road frequently due to the logging operations off Kickerville Road.

Campground Rules

3. Operation of the campground will include implementation of a document titled "Campground Rules" dated May 25, 2018 by the campground owners. These rules include quiet hours between 9pm and 8am, and other rules regarding registration, occupancy, guests, vehicles, parking, and noise.

Access

4. Existing access to the project site is from NYS Route 30 and Kickerville Road to Adams Park Way. The registration area for the campground is approximately 900 feet from the intersection of Kickerville Road and Adams Park Way. Access from the registration area to the individual RV sites will be via a new access road. There is a 25-foot-wide right-of-way, known as Flower Way, that will only be used in emergencies.

Project Site

Vegetation

5. Vegetation on the project site and adjoining lands is coniferous trees. There are also coniferous trees between the individual RV sites and the pavilion and the development on adjacent lots.

Soils

6. Soils on the site are of the Becket soils series which is a very boulder sandy loam, and in this case on slopes ranging from 3 to 20%. Deep-hole test pits were excavated and evaluated for the on-site wastewater treatment system and the results are shown on Sheets C102 and C103 referenced above.

Slopes

7. Slopes on the site range from 0 to 20%. The new access road will not exceed 12% slope.

Historic Sites or Structures

8. There are no structures greater than 50 years old on or visible from the project site, other than the per-existing single family dwelling that will not be impacted by the project, and the site is not within an archeologically sensitive area as mapped by the Office of Parks, Recreation, and Historic Preservation.

Infrastructure

Wastewater

9. The project includes two separate on-site wastewater treatment systems. The on-site wastewater treatment systems will be constructed as located and depicted on the Project Plans and will comply with all applicable New York State Department of Health and Agency standards.

10. Use of the municipal water supply system for the campground will ensure the campground is supplied by a potable water supply not impacted by nearby on-site wastewater treatment systems.

Stormwater Management

11. Clearing, grading, and new impervious areas can result in erosion and sedimentation and increased stormwater runoff. The campground will result in approximately 1.3 acres of ground disturbance. There are no wetlands or water courses on the project site.

An Engineering Report and Stormwater Pollution Prevention Plan were prepared for the proposed campground by AEDA, P.C. both dated January 31, 2018. Sheet C105 also details the erosion and sediment controls that will be undertaken for the project.

Public Notice and Comment

12. The Agency notified all adjoining landowners and other parties and published a Notice of Complete Permit Application in the Environmental Notice Bulletin, as required by the Adirondack Park Agency Act. Eight comment letters were received voicing concerns about the project and three letters were received in support of the project. Concerns raised include impacts to adjoining landowners, depreciation of adjoining property values, compatibility with adjoining land uses, noise, visual impacts, litter, size of the project site, traffic, wildlife impacts, adequacy of the proposed wastewater system and road maintenance. Letters of support were received from the Town of Long Lake Parks, Recreation and Tourism Department, the Town of Long Lake Supervisor, and a Long Lake resident. The letters of support emphasized the need for an RV Park and economic development in Long Lake.

Other Approvals

13. The New York State Department of Health approved the engineering report and plans for the RV Park by letter dated February 26, 2018.

PROJECT IMPACTS

Visual

14. Retention of trees, shrubs, and woody-stemmed vegetation outside the proposed edge of clearing shown on the Project Plans, and construction of the pavilion/bathhouse structure in the location and dimensions shown on the Project Plans will help to visually screen proposed development as seen from off-site locations, including nearby and adjoining landowners.

15. There is sparse to no vegetation between the proposed fence and adjoining properties. Requiring vegetation to be planted along the proposed fence will help to visually screen the proposed development from nearby and adjoining landowners, and help to mitigate adverse visual impacts.
16. Requiring new outdoor lights to employ full cut-off fixtures will reduce nighttime light pollution (glare, light trespass and sky glow) and minimize the light cast toward adjoining properties.
17. Restricting the location, size, and color of the pavilion/bathhouse will further reduce visual impacts.

Invasive Species

18. Requiring inspection and cleaning of construction vehicles and tools prior to use on the project site or after use in an area with invasive plant species will reduce the likelihood of spreading invasive plants to the project site and adjoining properties.

Soils/Surface Waters/Groundwater

19. Construction and operation of the wastewater treatment systems as shown on the Project Plans will provide adequate treatment for the campground and will mitigate any potential adverse impacts to groundwater and water quality degradation.
20. Adherence to the Project Plans and the Stormwater Pollution Prevention Plan, retention of trees, shrubs, and woody-stemmed vegetation outside the limits of clearing, and planting and maintaining additional vegetation will protect against erosion, sedimentation, water quality degradation, and other adverse impacts during project construction and operation.

Historic Sites or Structures

21. The 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.

Nearby Land Uses

22. Restricting the operating season of the campground, limiting the campground to 12 sites, and ensuring all RVs are readily moveable and removed within one year of the campground ceasing to operate will reduce potential impacts to nearby private land uses.
23. Requiring the installation of a six-foot tall natural wood fence having a color of a dark shade of brown, green or grey, and requiring landscaping between the fence and the adjoining property boundary will help to mitigate visual and aesthetic impacts to adjoining landowners.

24. Requiring written authorization prior to any change in the authorized location of development on the project site will allow the Agency to ensure that the location and manner of construction will not adversely impact adjoining landowners.
25. Continued use of existing access and prohibiting the use of the 25-foot wide right-of-way known as Flower Way, except for in emergencies, will mitigate traffic impacts to adjoining landowners.
26. Requiring all campers and their guests to be provided notice of campground quiet hours, and requiring the quiet hours to be posted in visible locations, will put campers and their guests on notice of a campground policy that mitigates noise impacts to adjoining landowners.
27. Restricting generators and outdoor sound amplification or intercom systems will further limit possible adverse impacts to nearby residential uses.

CONCLUSIONS OF LAW

The Agency has considered all statutory and regulatory criteria for project approval set forth in the Adirondack Park Agency Act and 9 NYCRR Part 574. The Agency hereby finds that the project authorized as conditioned herein:

- a. will be consistent with the land use and development plan;
- b. will be compatible with the character description and purposes, policies, and objectives of the Moderate Intensity Use land use area;
- c. will be consistent with the overall intensity guidelines for the Moderate Intensity Use land use area;
- d. will comply with the shoreline restrictions of § 806 of the Adirondack Park Agency Act; and
- e. will not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the Park or upon the ability of the public to provide supporting facilities and services made necessary by the project.

PERMIT issued this day
of , 2018.

ADIRONDACK PARK AGENCY

BY: _____
Richard E. Weber III
Deputy Director (Regulatory Programs)

STATE OF NEW YORK
COUNTY OF ESSEX

On the day of in the year 2018, before me, the undersigned, a Notary Public in and for said State, personally appeared Richard E. Weber III, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that they executed the same in their capacity, and that by their signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

REW:JMH:TES:slp

