


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 www.apa.ny.gov</p>	<p>APA Permit 2023-0113</p>
<p>In the Matter of the Application of</p> <p>CITIZEN AVOCATES, INC. and ADVOCATE HOSTELS HOLDING, INC. Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 578</p>	<p>Date Issued: October 19, 2023</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names: 1. Advocate Hostels Holding, Inc.</p>

SUMMARY AND AUTHORIZATION

This permit authorizes a two-lot subdivision in an area classified Hamlet on the Adirondack Park Land Use and Development Plan Map in the Town of Harrietstown, Franklin County.

This authorization shall expire unless recorded in the Franklin County Clerk's Office within 60 days of issuance of a signed and notarized permit. The signed and notarized permit shall be recorded in the names of all persons listed above and in the names of all owners of record of any portion of the project site on the recordation date.

The project shall not be undertaken or continued unless the project authorized herein is in existence within five years of the date the permit is recorded in the Franklin County Clerk's Office. The Agency will consider the project in existence when an authorized lot has been conveyed to an outside party.

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 21.363-acre parcel of land located on Bay Boulevard Way, Petrova Avenue, and NYS Route 3 in the Town of Harrietstown, Franklin County, in an area classified Hamlet on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 457.27, Block 1, Parcel 27, and is described in a deed from St. Bernard's Church to Advocate Hostels Holding, Inc., dated May 22, 1980, and recorded May 22, 1980 in the Franklin County Clerk's Office at Book 497, Page 45.

The project site is located in the Village of Saranac Lake and is improved by a one-story former school building, a one-story commercial building, a senior house, a maintenance building, four greenhouses associated with a commercial use structure and several small accessory structures.

Wetlands exist on the project site along the northern property boundary between the existing development and NYS Route 3, and extend into the property between the existing development and a residential neighborhood along Canaras Street to the east. Additional wetlands not described herein or depicted on the Site Survey may be located on or adjacent to the project site.

PROJECT DESCRIPTION

The project as conditionally approved herein involves a two-lot subdivision of 21.363 acres resulting in a 15.089-acre parcel containing existing development (Lot 1) with access to Petrova Avenue; and a 6.274-acre parcel containing existing development (Lot 2) with access to Bay Boulevard Way. No new land use or development is proposed or authorized as part of the project.

The project is shown on a survey titled "Site Survey, Village of Saranac Lake, Showing Proposed Two Lot Subdivision," prepared by Geomatics Land Surveying, PC, last revised September 5, 2023 (Site Survey).

A reduced-scale copy of the Site Survey, is attached as a part of this permit for reference.

AGENCY JURISDICTION

Pursuant to Section 809(2)(a) of the Adirondack Park Agency Act and Adirondack Park Agency regulations at 9 NYCRR Part 578, a permit is required from the Adirondack Park Agency prior to any subdivision involving wetlands in the Adirondack Park.

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 Franklin County Clerk's Office.

2. This permit is binding on the permittee, all present and future owners or lessees of the project site, and all persons undertaking all or a portion of the project. Copies of this permit and Site Survey shall be furnished by the permittee to all subsequent owners or lessees of the project site prior to sale or lease, and by the permittee and/or any subsequent owner or lessee to all persons undertaking any development activities authorized herein.
3. In addition to complying with all terms and conditions of this permit, all future activities on the project site shall be undertaken in compliance with the requirements of New York State's Adirondack Park Agency Act, Freshwater Wetlands Act, and the Adirondack Park Agency's implementing regulations [9 NYCRR §§ 570-588].
4. 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 2023-0113, issued October 19, 2023, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
5. Subject to the conditions stated herein, this permit authorizes a two-lot subdivision as depicted on the Site Survey. Any subdivision of the project site not depicted on the Site Survey shall require prior written Agency authorization.
6. The construction of any additional structures on the project site within 100 feet of wetland boundaries shall require prior written Agency authorization.
7. Ground disturbance within 100 feet of the edge of wetlands depicted on the Site Survey shall require prior written Agency authorization.
8. Within wetlands or within 100 feet of the edge of wetlands depicted on the Site Survey, no trees, shrubs or other woody-stemmed vegetation may be cut 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.
9. Any activity involving wetlands shall require a new or amended permit from the Agency.

CONCLUSIONS OF LAW

The Agency has considered all statutory and regulatory criteria for project approval set forth in the Adirondack Park Agency Act, the Freshwater Wetlands Act and 9 NYCRR Part 578, and 9 NYCRR Part 574. The Agency hereby finds that the subdivision 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 Hamlet land use area;
- c. will be consistent with the overall intensity guidelines for the Hamlet land use area;
- d. will comply with the shoreline restrictions of § 806 of the Adirondack Park Agency Act;
- e. will not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the Park or upon the ability of the public to provide supporting facilities and services made necessary by the project;
- f. will secure the natural benefits of wetlands associated with the project, consistent with the general welfare and beneficial economic, social, and agricultural development of the state; and
- g. will be compatible with preservation of the entire wetland and will not result in degradation or loss of any part of the wetland or its associated values.

PERMIT issued this 19th day of October, 2023.

ADIRONDACK PARK AGENCY

BY:

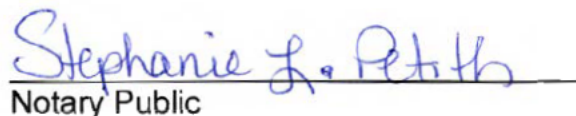


David J. Plante, AICP CEP
Deputy Director, Regulatory Programs

STATE OF NEW YORK
COUNTY OF ESSEX

On the 19th day of October in the year 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared David J. Plante, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that they executed the same in their capacity, and that by their signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

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


Notary Public

PERMIT WRITING FORM – P2023-0113

Assigned EPS: D. Korn Reviewed by: /s/JMB Date: 10/18/2023

APPLICANT

Project Sponsor(s): Citizen Advocates, Inc.
Landowner(s): Advocate Hostels Holding, Inc.
Authorized Representative: George V. Outcalt, Jr.

PROJECT SITE

Town/Village: Harrietstown / Saranac Lake County: Franklin
Road and/or Water Body: Bay Boulevard Way, Petrova Avenue, NYS Route 3
Tax Map #(s): 457.27-1-27
Deed Ref: St. Bernard's Church to Advocate Hostels Holding, Inc., dated May 22, 1980, and recorded May 22, 1980 in the Franklin County Clerk's Office at Book 497, Page 45.
Land Use Area(s): H MIU LIU RU RM IU
Project Site Size: 21.363± acres
Same as Tax Map #(s) identified above
Only the H MIU LIU RU RM IU portion of the Tax Map #(s) identified above
Other (describe):n/a
Lawfully Created? Y N Pre-existing subdivision: n/a
River Area: Y N If Yes: Wild - Scenic - Recreational Name of River: n/a
CEAs (include all): Wetland - Fed Hwy - State Hwy - State Land - Elevation - Study River

PROJECT DESCRIPTION

Two-lot subdivision of 21.363 acres resulting in a 15.089-acre parcel containing existing development (Lot 1) with access to Petrova Avenue; and a 6.274-acre parcel containing existing development (Lot 2) with access to Bay Boulevard Way. No new land use or development is proposed or authorized as part of the project.

JURISDICTION (including legal citation)

810(1)(a)(1) – Subdivision in Hamlet involving wetlands
578(n)(3)(i) – Subdivision creating lots that contain wetlands

PRIOR PERMITS / SETTLEMENT AGREEMENTS BEING SUPERSEDED

None

FINDINGS OF FACT – ENVIRONMENTAL SETTING

Lakes, Ponds, Navigable Rivers and Streams

Check if none

Water Body Name: n/a

Length of Existing Shoreline (feet): n/a

MHWM determ: Y N

Minimum Lot Width: n/a

Meets standard: Y N

Structure Setback (APA Act):n/a

Meets standard: Y N

Structure Setback (River Regs): *n/a* Meets standard: Y N
Y N Cutting proposed within 6 ft of MHWM? If Yes, < 30% vegetation? Y N
Y N Cutting proposed within 35 ft of MHWM? If Yes, < 30% trees 6" dbh? Y N
Y N Cutting proposed within 100 ft of river area? (If Yes, include under jurisdiction)

Non-Navigable Streams in proximity to development **Check if none**
Permanent Stream Intermittent Stream Classified? Y N
[DEC Environmental Resource Mapper](#) stream classification: *n/a*

Wetlands

Y N Jurisdictional wetland on property, or
Y N Wetlands are a basis of development jurisdiction If Yes, RASS biologist consulted
 → If Y, covertime: *n/a*
 → If Y, value rating: *n/*
Y N Draining, dredging, excavation of wetland
 Area of wetland loss: *n/a* Permanent? Y N
Y N Fill/structure in wetlands
 Fill/structure area: *n/a*
Y N Shading of wetland
 Area of shading: *n/a*
Y N Clearcutting >3 acres of wetland *RASS forester consulted
 Clearcut area: *n/a*
Y N Untreated stormwater discharge into wetland
Y N Pollution discharge into wetland
 Pollution type: *n/a*
Y N Pesticide/Herbicide application in wetland
 Pollution type: *n/a*
Y N OSWTS within 100 feet of a wetland
 Distance to Wetland: *n/a*

Ecological / Wildlife

Y N Natural Heritage Sites/listed species or habitat present, including bat
Y N Forest management plan existing or proposed If Yes, RASS forestry analyst consulted
Y N Biological Survey required by RASS Biologist 2 or Supervisor If Yes, completed

Special Districts

Y N Agricultural District

Slopes RASS engineer consulted if structure proposed on >15%, driveway on >12%, or wwts on >8/15%
 Existing slope range: < 8% Building area(s) if authorizing development: *n/a*

Soils

Y N Deep-hole test pit completed? (Necessary for every building lot) Check if N/A
 If Yes, soil data information determined or approved by RASS soil analyst?
 NRCS Mapped Soil Series or Other Comments: *Skerry fine sandy loam*

Stormwater

- Y N Greater than 1 acre disturbance, or
 - Y N Proposed ground disturbance < 100 feet from wetlands
 - If Yes, stormwater management reviewed and approved by RASS engineer
- Setback to wetlands: *n/a*

Character of Area

Nearby (include all): Residential Commercial Industrial Agricultural Forested
 Adjoining Land Uses / State Land: *Private / State-owned health facility*
 Is nearby development visible from road? Y N
 → If Y, name road and describe visible development: *Development is visible from all adjacent roads*

Additional Existing Development (ex: dam on site, etc.): *Encroaching residential development*

***** Attach Individual Lot Development Worksheet (if a subdivision, attach one for each lot)**

FINDINGS OF FACT – COORDINATED REVIEW

- Y N Archeologically Sensitive Area, according to OPRHP If Yes, APA APO consulted
- Y N Structures > 50 years old on or visible from site If Yes, APA AHPO consulted
(OPRHP not consulted – No new land use or development proposed)
- Y N Solar Project > 50 acres requiring ZVI & historic inventory If Yes, APA AHPO consulted
- Y N Within Lake George Park If Yes, LGPC consulted / application submitted
- Y N Public water supply If Yes, DEC / DOH application submitted
- Y N Greater than 1,000 gpd wastewater If Yes, DEC application submitted
- Y N Disturbing bed or bank of classified/navigable water body If Yes, DEC application submitted
- Y N Disturbing 300 LF or more of a stream (temp + perm) If Yes, DEC application submitted
- Y N Disturbing ¼ acre of Corps wetlands (temp + perm) If Yes, DEC application submitted
- Y N Creating 5 or more lots less than 5 acres each If Yes, DOH application submitted
- Y N Army Corps involvement * If Yes, ACOE consulted
- Y N Agency-approved Local Land Use Program If Yes, Town/Village consulted

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

PERMIT CONDITIONS AND IMPACT ANALYSIS

Merger

Justification if merger required: *n/a*

Deed Covenant

Non-building lot being created? Y N
 If Yes and lot is not being merged by condition, no PBs? Or no structures at all? Justification: *n/a*

Easement

Easement proposed or required? Y N

If Y, consult with Legal for conditions. Justification: See notes 3, 4, and 5 on Survey – existing easements for electric, communications, sewer, and water infrastructure

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

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

→ If Y: Structure height limit and justification: n/a

Structure footprint limit and justification: n/a

→ If N:

→ Acceptable development sites identified for all subdivision lots with PB allocation? Y N

→ Review of future development required? Y N

→ If Y, justification: Avoid impacts to wetlands

Guest Cottages (if authorizing a dwelling)

Proposed and reviewed? Y N

If N, guest cottages potentially allowed? Y N

→ Justification for any conditions: n/a

Boathouses (if project site contains shoreline)

Proposed and reviewed? Y N

If N, boathouses potentially allowed? Y N

→ If N, justification: n/a

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

→ If Y, justification: n/a

Docks (if project site contains shoreline)

Proposed and reviewed? Y N

If N, docks potentially allowed? Y N

→ If N, justification: n/a

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

→ If Y, justification: n/a

Outdoor Lighting (if authorizing development)

Plan proposed and reviewed? Y N

Building Color (if authorizing development)

If color condition required, justification: n/a

Tree Cutting / Vegetation Removal

Town with Northern Long-Eared Bat occurrences? Y N

Indiana Bat habitat indicated on Lookup? Y N

Vegetative cutting restrictions required? Y N

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

within n/a feet of limits of clearing

within n/a feet of road

within n/a feet of river/lake/etc

- within 100 feet of wetlands
- Other: Within wetlands
- OR on entire site outside limits of clearing

Extent of cutting restriction necessary within the area noted above:

- Cutting of all vegetation prohibited
 - Cutting of trees of n/a diameter dbh prohibited
 - Other: Trees, shrubs, woody-stemmed vegetation
- Justification: Avoid impacts to wetlands

Plantings

- Plan proposed and reviewed? Y N
- If N, plantings required? Y N
- If Y, species, number, location, and time of year: n/a
- Justification: n/a

Density (may be different for each subdivision lot)

- Located in Town with ALLUP? Y N (If Y, STOP, Town oversees density.)
- Authorizing PB on substandard-sized lot created pre-2000 with no permit? Y N
- If N and N, list existing PBs, including whether they are pre-existing/year built: 1-story brick building on Lot 1 (1970) and 1-story commercial building on Lot 2 (1980)

- Mathematically available # of new PBs (in addition to existing or replacement): n/a
- Extinguishing PBs? Y N If Y, number: n/a

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

- Municipal system connection approved? Y N
- Community system connection approved by RASS? Y N
- Proposed on-site system designed by engineer and approved by RASS? Y N
- If N, has RASS field-verified location for conventional standard trench system? Y N
- If N, has RASS field-verified location for conventional shallow trench system? Y N
- Suitable 100% replacement area confirmed for existing / proposed system? Y N
- Consult with RASS for additional conditions.

Stormwater Management (if authorizing development)

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

Erosion and Sediment Control (if authorizing development)

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

Infrastructure Construction (if authorizing development)

- Construction necessary before lot conveyance: n/a
- Justification: n/a

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

Explain why no condition is needed: **No new land use or development proposed or authorized.**

Additional Site / Project-Specific Concerns / Conditions Needed

n/a

Justification: n/a

Y N **Public comments received** **If Yes, #: 7**

Y N **Applicant submitted response (notes, if any)** **Public comments were also received during the October Agency meeting and at least two letters to the editor were published in local and regional papers. Comments were received during review of the application and after a complete application had been received.**

INDIVIDUAL LOT DEVELOPMENT REVIEW – P#2023-0113
If a subdivision: Lot #1 (15.089± acres)

Assigned EPS: **D. Korn** Reviewed by: **/s/ JMB** Date: **10/18/2023**
**Existing Development
PRINCIPAL BUILDINGS**

Structure	-	Pre-existing (Y/N)?	-	Lawfully constructed (Y/N)?
1-story Brick Building		Yes (1970)		Yes
HHOTT HOUSE		Unknown		Yes

ACCESSORY STRUCTURES

Structure	-	Pre-existing (Y/N)?	-	Lawfully constructed (Y/N)?
Greenhouses (4)		Unknown		Yes
Pole Barn		Unknown		Yes
Pavilion		Unknown		Yes
Sheds (9)		Unknown		Yes

**Proposed Development
PRINCIPAL BUILDINGS**
Check if portions or all below are NJ

Check if proposed as a non-building lot:

Structure	Footprint	Height	# Bedrooms	Slopes
None				

Have necessary density? Y N

remaining potential principal buildings = **Unlimited in Hamlet** from survey or estimate

ACCESSORY STRUCTURES

Structure	Footprint	Height	Slopes
None			

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

Driveway is existing / proposed Length: **~ 2,000 FT (asphalt and gravel)** Width: **~ 24 FT**

Sight distance evaluated? Y N Slopes: **0%**

Need Clearing/Grading? Y N Comments: **~20,000 SF asphalt parking ~10,000 SF gravel**

(Note if HOA or shared maintenance involved)

Need hwy access permit? Y N

Need easement? Y N

Need signs? Y N

VISUAL / AESTHETIC

Y N Proposed development visible from public areas (list) *n/a*

Y N Existing topography / vegetation will screen, if retained

Y N Planting plan proposed If Yes, RASS forestry analyst consulted

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

Individual on-site Municipal Community

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

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

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

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

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

Y N Suitable 100% replacement area identified?

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

WATER SUPPLY

Individual on-site Municipal

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

STORMWATER / EROSION & SEDIMENT CONTROL *Consult RASS engineer

Y N Does proposed development maintain existing drainage patterns?

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

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

UTILITIES

Available on site? Y N Overhead Underground

Available at road? Y N Overhead Underground

Proposed for site? Y N Overhead Underground

INDIVIDUAL LOT DEVELOPMENT REVIEW – P#2023-0113
If a subdivision: Lot #2 (6.274± acres)

Assigned EPS: **D. Korn** Reviewed by: **/s/ JMB** Date: **10/18/2023**
Existing Development
PRINCIPAL BUILDINGS

Structure	-	Pre-existing (Y/N)?	-	Lawfully constructed (Y/N)?
1-story Commercial Bldg.		No (1980)		Yes
Senior House		Unknown		Yes

ACCESSORY STRUCTURES

Structure	-	Pre-existing (Y/N)?	-	Lawfully constructed (Y/N)?
Maintenance Bldg.		Unknown		Yes
Shed		Unknown		Yes

Proposed Development
Check if portions or all below are NJ
PRINCIPAL BUILDINGS

Check if proposed as a non-building lot:

Structure	Footprint	Height	# Bedrooms	Slopes
None				

Have necessary density? Y N

remaining potential principal buildings = **Unlimited in Hamlet** from survey or estimate

ACCESSORY STRUCTURES

Structure	Footprint	Height	Slopes
None			

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

Driveway is existing / proposed Length: ~ 1,000 FT Width: 24 FT (asphalt)

Sight distance evaluated? Y N Slopes: 0%

Need Clearing/Grading? Y N Comments: ~ 25,000 SF of asphalt parking (Note if HOA or shared maintenance involved)

Need hwy access permit? Y N

Need easement? Y N

Need signs? Y N

VISUAL / AESTHETIC
 Y N Proposed development visible from public areas (list) **n/a**

