



1/19/12

**Findings in the 10/24/11 Revised Draft Order
that are no longer included in the
1/13/12 Revised Draft Order and Permits**

21. The Project Sponsor proposes that vegetative clearing for all residential development, including accessory structures, shall not exceed twenty-five feet from exterior walls of structures or ten feet from the outside edge of grading, whichever is less.

Recreation Trails

33. Recreation (hiking and Nordic ski) trails are proposed for use by owners and their guests. As depicted on Drawing MP-0 of Exhibit 83, trails have been located so users can access specific areas of the property, including the top of Sugarloaf Mountain, the top of Mount Morris, around Cranberry Pond, along Hemlock Brook in the southwest of the property, and along the brook and waterfall to the east of the ski area.

Signage

55. Proposed signage associated with the project is described in Exhibit #39, Section 4.0 Signs, pages 22 and 23, and on Exhibit #83, Drawing D-9 (June 2010 Updated plan sheets).

Lighting

57. Proposed lighting associated with the project is described in Exhibit #11, Section 5, Part 5.2.2(A), pp. 5-28; Exhibit #21, Tab 23, pages 118 and 119; Exhibit #82, Attachment 23; and Exhibit #83, Drawings LA1-LA22 and D-5.
64. Exhibit 85 contained numerous tables showing public infrastructure costs and schedules; proposed residential development by phase; anticipated residential sales; projected resort costs and schedules; projected employment; projected visitor expenditures; projected expenditures by resort owners/users; and potential demand for new business square footage.

65. The tables in Exhibit 85 assume a scenario in which all residential properties (lots, dwellings, great camps, and townhouse units) would be sold and fully developed within each year of each phase as projected. When they are fully developed, these properties could be assessed at the full market value and would generate the maximum amount of local revenues.

Public Infrastructure Construction and Maintenance Costs

68. The capital costs of constructing the public infrastructure (roads, sewer, water and electric) are proposed to be funded by the Project Sponsor through IDA bonds, conventional bank financing, and private capital. The IDA has not authorized issuance of bonds for the proposed project at this time. The Project Sponsor has proposed to pay for all on-site public infrastructure capital costs. Exhibit 85.
70. The Project Sponsor acknowledges that IDA bonds beyond the first phase of the proposed project would only be sought for additional public infrastructure if actual or anticipated lot sales justifies installing such additional infrastructure. Exhibit 85.

Ownership/Organizational Arrangements:

71. Several entities are proposed to own, construct and operate the various components of the project as updated in Section 7 (page 27) of Exhibit 39, and depicted on the Organizational Chart which is Attachment 5 thereto.
79. The proposed ACR-HOA would have a Board which will includes members of the Neighborhood HOA Boards (see below), other voluntary members and the Project Sponsor. The ACR-HOA Board would oversee issues related to the ACR-HOA and work in conjunction with the Neighborhood HOA Boards.
80. Enforcement of the "Property Design, Architectural and Maintenance Standards" is proposed to be overseen by an Architectural Review Committee reporting to the proposed ACR-HOA Board.
83. Association responsibilities include collecting NHOA dues and common area maintenance fees. Individual NHOAs might also encounter individual property tax and insurance common costs dependent on the structure of the units within the

NHOA. Each proposed NHOA will have a Board which would oversee issues related to the NHOA and work in conjunction with the ACR-HOA Board. A NHOA is proposed to be formed for any single or multiple family dwellings and units to be marketed as fractional shares.

Property Design, Architectural and Maintenance Standards

87. The Adirondack Club and Resort "Property Design, Architectural and Maintenance Standards" (the "Standards") are established to guide and control the design and construction of the residential development. Exhibit 82, Attachment 23. Taken together, these Standards provide a design review process that each property owner must go through that includes choosing an architectural design firm, participating in a pre-design meeting, preparing a preliminary plan, submitting contract documents, obtaining a building permit, undergoing inspections, and dealing with changes in plans and schedules.
88. The proposed Standards specify that all proposed development must be approved by an Architectural Review Committee and must be consistent with the vernacular architectural style of Adirondack Great Camps and be compatible with the surrounding natural environment. The proposed Standards emphasize the relationship of proposed development to existing grades, preservation of natural site features and the relationship of neighboring sites and views.
89. The proposed Standards contain architectural standards that, among other purposes, limit the mass and scale of the residential buildings, establishes structure footprint and height limits, establishes exterior surface materials (siding, roofs and trim), defines allowable roof designs (e.g., pitches, overhangs, dormers, skylights) and roof and chimney materials. Except for the Great Camp Lots, all garages must be integrated within the single or multiple family dwelling. Only single family dwellings may have wood-burning stoves. Fireplaces in multi-family homes must be fueled by liquid propane gas.
90. The Standards provide proposed Tree/Vegetation Cutting Restrictions (the "Restrictions") that establish the limit of clearing at 25 feet from the foundation of all residential structures. The cutting of trees to create

panoramic views is prohibited. No forestry management tree cutting (under any 480-a program) is allowed within 200 feet of the foundation of the Great Camp Lot single family dwellings or guest cottages.

91. The proposed Restrictions address the potential for additional tree cutting beyond the limits of clearing for "filtered views" and require approval from both the board of the ACR-HOA and the Agency. The proposed Restrictions provide that a "filtered view means that each building will have a partial, limited, distant view from each floor that is framed by the trunks and branches of existing trees and shrubs." Plans must be prepared by a NYS registered landscape architect, and must contain specified detailed information. Pruning is the preferred method of achieving the filtered view. The proposed Restrictions require the registered landscape architect to be present while any cutting is in progress.
92. The Project Sponsor has proposed that the Tree/Vegetation Cutting Restrictions would not apply to certain components of the project that do not have off-site views as they would not have distant views from locations off the project site because of their location low in the landscape or location behind existing topography.
93. The Restrictions require compliance with the Energy Star Program guidelines for all structures within the Resort, including appliances, heating and cooling systems, building envelop materials and lighting fixtures. For commercial structures, this would also include appliances related to food service, vending machines and office equipment.
94. The Restrictions also require that:
 - The project shall maximize the use of green building principles and the best energy, water and material efficiency techniques and sustainable building practices that are available at the start of each project phase.
 - Project building and facilities shall comply with the Energy Conservation Construction Code of New York State, 2007 or whatever subsequent version is in effect at the start of the project phase in which those buildings will be constructed.

- To the extent practical the project should be constructed with local labor and materials to minimize fuel consumption associated with worker travel and materials shipping.
- Assistance shall be sought from the New York State Research and Energy Development Authority (NYSERDA) for design and construction technical assistance and financial incentives relating to green buildings, Energy Star labeled homes, commercial new construction and other building efficiency programs.
- New construction for the West Face Inn, base lodge and gym and recreation center buildings shall meet the criteria for the "certified" level of LEED Green Building Rating System."

Proposed Commitments for Ensuring Project Compliance

95. The Project Sponsor proposes the following commitments for ensuring project compliance:

- A full-time, onsite Certified Professional Erosion Control Specialist would be hired to monitor construction activities and the effective implementation of the Stormwater Pollution Prevention Plans (SWPPPs), including grading plans, erosion control plans, and stormwater management plans.
- Contractor certification of compliance, including contractor and subcontractor signatures, would be a requirement of all SWPPPs.
- An APA-approved Independent Environmental Monitor would be employed through all phases of construction.
- The ACR-HOA would obtain or appoint a "compliance officer" to insure compliance with the Declaration of Covenants, rules of the HOA, and the various government permits.
- All construction would be inspected by Independent Home Energy Raters (HERS Raters) to ensure compliance with permit conditions regarding energy conservation.

- The Project Sponsor would hire a licensed engineer to oversee the construction companies' installation of utilities and prepare reports, shop drawings and as-builts:

97. The residential components, i.e., single and multiple family dwellings, are proposed to have dedicated surface parking adjoining each building or dwelling unit. Parking for multiple family dwellings is proposed to be provided at a ratio of two spaces per dwelling unit.
100. The following structures are proposed to have dedicated parking spaces adjoining the building: 60-room West Face Inn, 73 spaces; spa/clubhouse building, 28 spaces; equestrian center, 12 spaces, and owner's clubhouse, 14 spaces.
101. Trailhead parking areas are proposed to typically have gravel parking areas containing 10-24 parking spaces each.

Visual Resources

108. Findings regarding the protection of visual resources on Resource Management lands are provided under Issue No. 11 below.

Open Space

111. The Resource Management portion of the Type 2 and Type 3 lands will only be adequately preserved as open space consistent with Executive Law § 805(3)(g) if they are permanently restricted from development.

Are the proposed great camp lots "substantial acreage...on carefully and well designed sites?"

126. Great Camp Lots A-H each exceed the average lot size in Resource Management (42.7 acres/principal building) by 2-1/2 to almost 20 times.
127. Great Camp Lots 1-31 are each smaller than the average lot size in Resource Management.

Are there alternatives, and if so, what are the relative impacts on these resources?

133. The overall design of the proposed project has not changed significantly since conceptual review of the initial design by the Regulatory Programs Committee in 2004. The Project Sponsor has largely retained its preferred design, rejecting alternative development schemes of differing scales or magnitude due to its assessment of financial feasibility and site development constraints.
134. The Project Sponsor has consistently sought Great Camp Lots on Resource Management lands in its 2004, 2005, 2006 and 2010 application submissions, albeit of differing sizes and in differing configurations.
136. The Project Sponsor revised the proposed project to eliminate the East Ridge neighborhood (36 proposed single family dwellings in Resource Management) and the upper portions of the West Slopeside neighborhood (14 proposed single family dwellings in Moderate Intensity and 5 single family dwellings in Resource Management) and the West Face Expansion neighborhood (2 quadplexes in Moderate Intensity).
137. The elimination of residential development from these higher elevations of the proposed project site mitigated or eliminated the impacts requiring adjudication as part of Issue No.3.
140. The Project Sponsor has taken into account design, location, impacts (such as noise, odors and visual, among others), and has included measures to provide noise and odor suppression in its design of the sewage pump station.
142. The Project Sponsor will pay for the capital costs associated with the design and installation of the proposed pump station and collection system, which should be designed to include existing flows from Sewer District #23.
143. In order to provide benefits to the Town (and Village) of Tupper Lake and provide flexibility of Lake Simon View lot sales for the Project Sponsor, the sewage pump station must be installed by the Project Sponsor in Phase 1 of the project.

144. The Project Sponsor should construct the sewage pump station in accordance with final construction plans approved by NYSDEC, NYSDOH, the Agency, Town and Village of Tupper Lake, and any conditions of the Town/Village Planning Board. No conveyance of any lot or construction of any structure proposed to be connected to the pump station should occur until the pump station has been constructed and is operational. The developer or landowners should be required to connect to the sewage pump station as part of the construction of the approved single family dwellings in the Lake Simond View neighborhood and on Great Camp Lots 27 and 28.
146. The Project Sponsor has proposed to pay for on-site infrastructure costs and to pace development so that infrastructure is undertaken only as needed to support the proposed development. Conditions that ensure these aspects of the Project Sponsor's proposal will limit fiscal impacts to the Town and Village of Tupper Lake.
149. The Joint Planning Board for the Town and Village of Tupper Lake is aware of these issues and has the authority to impose requirements that it deems necessary to protect the municipalities from fiscal impacts.

Project Benefits to Municipalities

151. The Project Sponsor did not adequately support its projections concerning the fiscal benefits of the proposed project that might be derived by the Town and Village of Tupper Lake. The projected amount and pace of residential unit sales are overly optimistic, and the financial benefits to the municipalities may not occur to the extent or at the pace projected by the Project Sponsor.
152. The Town of Tupper Lake will receive fiscal benefits from the proposed project as a result of a higher assessed value for the lands comprising the project site. To the extent that the Great Camp Lots and the other residential development is undertaken, those benefits will increase.
172. Elimination of the East Ridge development and certain upper portions of the West Slopeside development area reduced stormwater impacts associated with the base lodge subcatchment area.

173. The installation of a new 42" concrete elliptical culvert at the Cranberry Pond outlet stream crossing at New York State Route 30 reduced flooding concerns at this location.
178. Because of all of these factors, there is a need for a number of different types of mechanisms to ensure permit compliance including: (1) coordination of any Agency approval with the finalization and filing of any subdivision plats approved by the Town of Tupper Lake; (2) requiring prior Agency approval of any changes in the project by new permit, permit amendment, or letter of compliance; (3) conditions precedent to undertaking certain aspects of the project; (4) bonding requirements for key aspects of the project; (5) on-site independent monitors; (6) reporting requirements; (7) compliance coordination with other State agencies and municipal governments; and (8) compliance inspections by Agency staff.
181. Single family dwellings are classified as a primary compatible uses and multiple family dwellings as secondary compatible uses in MIU areas. MIU areas are designed to provide for residential expansion and growth. It is common for residential structures on MIU lands to be highly visible from public viewing points, as is the existing shoreline development along Tupper Lake, Lake Simond and Raquette Pond. The proposed residential development would be seen within the context of other existing residential and commercial development.

Resource Management - Potential Daytime Impacts

182. In the RM areas of the project site, 82 principal buildings are proposed to be constructed, including 35 Great Camps, 44 single family dwellings in West Face Expansion, 1 single family dwelling in Lake Simond View, and 2 ski area warming huts.
185. Single family dwellings are a secondary compatible use in RM and it is not uncommon to have partial or full views of residential structures from public viewing points.
186. The 4 proposed Great Camps and 5 single family dwellings should have no direct impact on land uses outside of the project site given that they are well-buffered by existing vegetation on the project site.

209. The imposition of a condition requiring an assessment of amphibian upland habitat and that may require additional, non-material mitigation measures is appropriate. Additional conditions to protect amphibian habitat are appropriate as well.
217. Conditions to protect the character of the shoreline and the water quality of the lakes, ponds and river are appropriate.
221. Conditions intended to limit public vulnerability and ensure there is an adequate water supply to serve all phases of the project are appropriate.

Waste Water Treatment

223. Conditions to prevent associated water resource impacts and limit public vulnerability associated with the proposed community wastewater treatment plant are appropriate.

Project Benefits

225. The proposed project has the potential to provide public fiscal benefits and private economic benefits to the local communities and to the region.
226. The viability of the proposed project is not guaranteed and the Project Sponsor's projections regarding the pace and price of residential unit sales are not reliable.
235. The Project Sponsor's plan to phase development of the project indicates that it is likely that approval of multiple plats involving different aspects of the project will be sought from the Planning Board over the projected build-out of the project.
236. By requiring Agency review of preliminary plats for consistency with the Permit and Order, the Agency can better ensure compliance with the terms and conditions of the Permit, and coordination with the Planning Board's review process. Such review will also help to avoid any inconsistencies between the project as approved by the Agency and the Planning Board.