

**THIS IS A TWO-SIDED DOCUMENT**

 <p><b>Adirondack Park Agency</b></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 <b>2019-0059</b></p>
<p>In the Matter of the Application of</p> <p><b>PLACID GOLD LLC KATRINA LUSSI KROES</b> Permittee</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: July 12, 2019</p> <p>To the County Clerk: This permit must be recorded on or before September 10, 2019. Please index this permit in the grantor index under the following names:</p> <ol style="list-style-type: none"><li><b>1. Placid Gold LLC</b></li><li><b>2. Katrina Lussi Kroes</b></li></ol>

**SUMMARY AND AUTHORIZATION**

This permit authorizes the conversion of an existing 200-seat restaurant to a tourist accommodation containing three dwelling units and expansion of the structure by 54 square feet to the non-shoreline side in an area classified Hamlet on the Adirondack Park Land Use and Development Plan Map in the Village of Lake Placid, Town of North Elba, Essex County.

This permit shall expire unless recorded in the Essex County Clerk's Office on or before September 10, 2019, 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 conversion of the structure is complete.

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 consists of a 1.47±-acre property located on Mirror Lake Drive in the Village of Lake Placid, Town of North Elba, Essex County, in an area classified Hamlet on the Adirondack Park Land Use and Development Plan Map. The site is described in a deed from Lake Placid Land Corporation to Placid Gold LLC, dated May 24, 1996, and recorded May 30, 1996, in the Essex County Clerk's Office at Book 1113, Page 302.

The site is identified as two parcels on the Village of Lake Placid Tax Map:

- Section 42.176, Block 2, Parcel 25 (Parcel 25), which contains shoreline on Mirror Lake and is improved by a pre-existing structure (circa 1967) currently used as a restaurant.
- Section 42.176, Block 2, Parcel 21.300 (Parcel 21.3), which is improved by an existing parking lot.

The project site is associated with Agency Permit 1998-307, which authorized an 81-unit residential subdivision, waste disposal area, road traversing wetlands, and 44 multiple family dwelling units.

### **PROJECT DESCRIPTION**

The project as conditionally approved herein involves the conversion of the restaurant on Parcel 25 to a tourist accommodation consisting of three dwelling units and the expansion of the structure 54 square feet to the non-shoreline side. It is shown on the following maps and plans:

- "Subdivision Plan, Proposed Residential Development, Area North of NYS Route 86, At the Lake Placid Resort, Drawing S-4," prepared by Ivan Zdrahal Associates, PLLC, dated September 1999 (Site Plan);
- "Boathouse Restaurant, Preliminary As-Built Drawings, Lower Level Plan," dated April 2, 2019, and received by the Agency on April 29, 2019 (Existing Lower Level Floorplan);
- "Boathouse Restaurant, Schematic Design Drawings, Lower Level Plan," dated April 2, 2019, and received by the Agency on April 29, 2019 (Proposed Lower Level Floorplan);
- "Boathouse Restaurant, Preliminary As-Built Drawings, Upper Level Plan," dated April 2, 2019, and received by the Agency on April 29, 2019 (Existing Upper Level Floorplan); and
- "Boathouse Restaurant, Schematic Design Drawings, Upper Level Plan," dated April 2, 2019, and received by the Agency on April 29, 2019 (Proposed Upper Level Floorplan).

A reduced-scale copy of the Proposed Lower Level Floorplan and Proposed Upper Level Floorplan for the project 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**

Permit 1998-307 required an Agency permit pursuant to §§ 809(2)(a) and 810(1)(a)(3) of the Adirondack Park Agency Act [Executive Law, Article 27], because the project involved the creation of more than 100 residential lots, parcels or sites or residential units on lands designated Hamlet. Condition 5 of Agency Permit 1998-307 requires a new or amended permit for any further subdivision or new land use or development on the project site.

### **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 Essex 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 the Proposed Lower Level Floorplan and Proposed Upper Level Floorplan 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. This Permit amends and supersedes Permit 1998-307 and all other Agency Permits in relation to the project site.
5. All deeds conveying all or a portion of the project site shall contain references to this permit as follows: "The lands conveyed are subject to Adirondack Park Agency Permit 2019-0059, issued July 12, 2019, the conditions of which are binding upon the heirs, successors, and assigns of the grantors and all subsequent grantees."

### **Development**

#### **Construction Location and Size**

6. This permit authorizes the construction of a 54-square-foot addition and the conversion of the restaurant into a tourist accommodation comprised of three dwelling units in the location shown and as depicted on the Proposed Lower Level Floorplan and Proposed Upper Level Floorplan. Any change to the location,

dimensions, or other aspects of the tourist accommodation shall require prior written Agency authorization, except that no further approval shall be required for use of the tourist accommodation as a three-unit multiple family dwelling.

### **Outdoor Lighting**

7. Any new free-standing or building-mounted outdoor lights associated with the structure 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 Mirror Lake, Mirror Lake Road, or adjoining properties.

### **Signage**

8. All signs associated with the tourist accommodation on the project site shall comply with the Agency's "Standards for Signs Associated with Projects" [9 NYCRR Part 570, Appendix Q-3].

### **Shoreline Structure Setbacks**

9. Pursuant to the Adirondack Park Agency Act, new structures greater than 100 square feet in size are prohibited within 50 feet, measured horizontally, of the mean high water mark of Mirror Lake. Boathouses and docks, as defined under 9 NYCRR § 570.3, are excepted from this requirement.

### **Infrastructure**

#### **Wastewater**

10. All wastewater treatment infrastructure on the project site shall remain connected to and served by the municipal wastewater treatment system.

### **FINDINGS OF FACT**

#### **Background/Prior History**

1. Agency Permit 1998-307, issued July 13, 1999 to Placid Gold, LLC, authorized an 81-unit residential subdivision, road traversing wetlands, waste disposal area, and 44 multiple family dwelling units.

### **Project Site**

#### **Water Resources**

2. The project site contains approximately 2,305 feet of shoreline on the southeastern portion of Mirror Lake. The development authorized herein will comply with all of the shoreline restrictions established in §§ 806 and 811 of the Adirondack Park Agency Act.

### **Vegetation**

3. Existing vegetation on the project site consists of mature stands of pine trees and areas of shrubs and flowers.

### **Soils**

4. USDA Natural Resource Conservation Service soils data indicates soils on the project site are of the Monadnock soils series, characterized as fine sandy loam.

### **Slopes**

5. Slopes on the project site range from 0% - 15%. Slopes in the vicinity of the proposed expansion are at 0%.

### **Historic Sites or Structures**

6. The project site is part of the former Lake Placid Club, a cultural and historic resource of local, regional and statewide significance. Development of the overall former Lake Placid Club site is subject to a 1999 Agreement with the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) and 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.

By letter dated May 31, 2019, OPRHP determined that the project will have no impact upon the archeological and/or cultural resources listed in or eligible for inclusion in the New York State and National Registers of Historic Places.

### **Nearby Land Uses**

7. The area surrounding the project site is designated as Hamlet, and is intensely developed by various residential uses, including single-family dwellings, townhouses, apartments, and other multiple family dwellings. About 0.2 miles from the project site are commercial uses, including various resort complexes, hotels, and restaurants. Northwood School is located approximately 0.38 miles from the project site.

### **Access**

8. The project site will continue to utilize the existing access points and parking areas off Mirror Lake Drive. The project does not include any new driveways or parking areas.

**Infrastructure**

**Wastewater**

9. Wastewater from the project site will be properly treated through the municipal system. This permit does not authorize any location for the construction of an on-site wastewater treatment system on the project site.

**Public Notice and Comment**

10. 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. One comment letter was submitted to the Agency expressing concern about impacts to structures with potential historical significance, the water quality of Mirror Lake, and noise to neighboring residents.

**Other Regulatory Permits and Approvals**

11. An application dated May 20, 2019, was submitted to the New York State Department of Health for the conversion of the Boathouse Restaurant into three dwelling units. As of this date, no approval has been obtained. Prior to undertaking the proposed project, New York State Department of Health approval will be required.
12. By letter dated June 6, 2019, the Town of North Elba/Village of Lake Placid Joint Review Board approved the proposed project.

**PROJECT IMPACTS**

**Visual**

13. Requiring that the development is undertaken in the location depicted on the Proposed Lower Level Floorplan and Proposed Upper Level Floorplan will minimize potential adverse visual impacts from the project as viewed from neighboring properties, Mirror Lake Drive, and Mirror Lake.
14. The outdoor lighting requirements contained herein will minimize nighttime light pollution (glare, light trespass, and sky glow).
15. Requiring that any signage associated with the proposed project comply with the Agency's "Standards for Signs Associated with Projects" will minimize potential adverse visual impacts from the project as viewed from neighboring properties, Mirror Lake Drive, and Mirror Lake.

**Soils/Surface Waters/Groundwater**

16. Requiring written Agency authorization prior to any change in the authorized location of development will allow the Agency to ensure protection of freshwater resources on and adjacent to the project site.
17. Requiring that the dwelling units be connected to the municipal wastewater treatment system will ensure the protection of freshwater resources on and adjacent to the project site.

**Historic Sites or Structures**

18. 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.

**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 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; 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.

