

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

 <p style="text-align: center;">NEW YORK STATE OF OPPORTUNITY.</p> <p style="text-align: center;">Adirondack Park Agency</p> <p style="text-align: center;">P.O. Box 99, 1133 NYS Route 86 Ray Brook, New York 12977 Tel: (518) 891-4050 www.apa.ny.gov</p>	<p style="text-align: center;">DRAFT APA Permit 2020-0163</p>
<p>In the Matter of the Application of</p> <p>REGAN DEVELOPMENT and LAKE PLACID VACATION CORPORATION</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: XXXX</p>
<p>In the Matter of the Application of</p> <p>REGAN DEVELOPMENT and LAKE PLACID VACATION CORPORATION</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>To the County Clerk: Please index this permit in the grantor index under the following names:</p> <ol style="list-style-type: none">1. Regan Development2. Lake Placid Vacation Corp.

SUMMARY AND AUTHORIZATION

This permit authorizes the construction of a four-story, 60-unit residential housing building in an area classified Hamlet on the Adirondack Park Land Use and Development Plan Map in the Town of North Elba, Essex County.

This authorization shall expire unless recorded in the Essex 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 County Clerk's Office. The Agency will consider the project in existence when the authorized building has been constructed.

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 3.17-acre portion of Tax Map Section 42.2, Block 3, Parcel 2, as depicted on the Subdivision Plan on Sheet C-5 of the Site Plans referenced herein. The project site is located on Wesvalley Road in the Town of North Elba, Essex County, in an area classified Hamlet on the Adirondack Park Land Use and Development Plan Map. The site is a portion of the lands described in a deed from Serge G. Lussi and Caroline D. Lussi to Lake Placid Vacation Corporation, dated March 24, 1969, and recorded March 25, 1969, in the Essex County Clerk's Office at Book 474, Page 286.

The project site is improved by existing municipal water, sewer, and electrical utility infrastructure.

PROJECT DESCRIPTION

The project as conditionally approved herein involves the construction of a four-story, 60-unit residential-housing building consisting of 40 one-bedroom units and 20 two-bedroom units. The building will have a footprint of approximately 19,000 square feet and an overall height of approximately 60 feet. Site development includes parking for up to 90 vehicles, one new access driveway from Wesvalley Road, and on-site stormwater management controls.

The project is shown on the following maps, plans, and reports (Project Plans):

- A 20-page set of site development plans including a Layout, Grading, Erosion Control, Landscape and Lighting details, titled "Mackenzie Overlook," prepared by MJ Engineering and Land Surveying, P.C. dated July 2020 and last revised November 25, 2020 (Site Plans);
- A set of five architectural drawings titled "Mackenzie Overlook," prepared by Coppola Associates, dated July 27, 2020 (Architectural Drawings);
- A 3D rendering of the exterior of the development stamped "Final P2020-0163," (Rendering);
- A report titled, "Stormwater Management Report, Stormwater Pollution Prevention Plan (SWPPP), and Post Construction Maintenance Plan for Mackenzie Overlook Apartment Building," prepared by prepared by MJ Engineering and Surveying, P.C., dated July 29, 2020 (Stormwater Report); and
- A letter dated September 15, 2020 titled, "Mackenzie Overlook Trip Generation Study," prepared by MJ Engineering and Surveying, P.C. (Traffic Report).

Reduced-scale copies of the Layout Plan for the project, shown on Sheet C-6 of the Site Plans and an elevation drawing, shown on Sheet A3 of the Architectural Drawings, are 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

Pursuant to Section 809(2)(a) of the Adirondack Park Agency Act, a permit is required from the Adirondack Park Agency prior to the construction of any structure in excess of 40 feet in height on Hamlet lands 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 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, for as long as the authorized development remains on the site. Copies of this permit and Project Plans 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 2020-0163, 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

5. This permit authorizes the construction of a 60-unit residential housing building in the location shown as depicted and described on the Project Plans. Any change to the location, dimensions, or other aspect of authorized development shall require prior written Agency authorization.

Parking

6. This permit authorizes the construction of up to 90 parking spaces to serve the development on the project site as depicted and described on the Layout Plan shown on Sheet C-6 of the Site Plans. Any change to the authorized parking shall require prior written Agency authorization.

Building Color

6. All exterior building materials, including roof, siding and trim, of the 60-unit residential housing building shall be as depicted and described on the Rendering and Architectural Drawings, or as otherwise required by the Village of Lake Placid/Town of North Elba Review Board. Any change to the exterior appearance of the authorized development shall require prior written Agency authorization.

Outdoor Lighting

7. Any new free-standing or building-mounted outdoor lights associated with the authorized development 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 Wesvalley Road or adjoining property.

Signage

8. All signs associated with the authorized development on the project site shall comply with the Site Plans. Any change to this signage shall require prior written Agency authorization.

Vegetation Removal

9. Outside of the limits of clearing shown on the Site Plans, 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.

Plantings

10. All trees, shrubs and other vegetation depicted on the Landscaping Plan shall be planted and maintained as described on Sheet C-11 of the Site Plans. Trees, shrubs or other vegetation that do not survive shall be replaced annually until established in a healthy growing condition. Any change to the Landscaping Plan shall require prior written Agency authorization.

Construction Activities

Hours of Operation

11. All truck traffic and other activities associated with the construction of the authorized structure and site development shall only occur between 7am and 9pm and as described in the Traffic Report and Site Plans.

Invasive Species Control

12. 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.

Infrastructure

Wastewater

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

Stormwater Management

14. The project shall be undertaken in compliance with the Grading and Drainage Plan shown on Sheet C-7, the SWPPP and as described in the Stormwater Report.

Erosion Control

15. The project shall be undertaken in compliance with the Erosion Control Plan shown on Sheet C-10 of the Site Plans.

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.

PERMIT issued this day
of , 2021.

ADIRONDACK PARK AGENCY

BY: _____
Robert J. Lore
Deputy Director, Regulatory Programs

STATE OF NEW YORK
COUNTY OF ESSEX

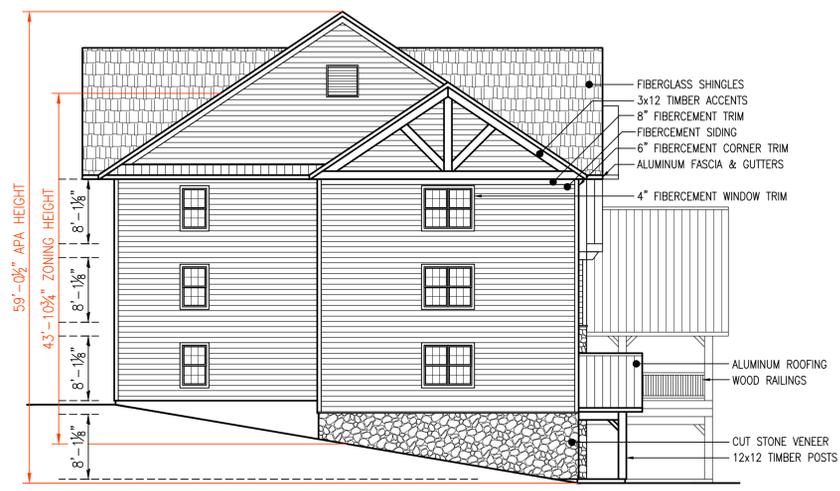
On the day of in the year 2021, before me, the undersigned, a Notary Public in and for said State, personally appeared Robert J. Lore, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to 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

DRAFT



1 Rear (East) Elevation
 A3 Scale: 3/32"=1'-0"



2 South Side Elevation
 A3 Scale: 3/32"=1'-0"

Exterior Finishes:
 Cut Stone Veneer
 Hardie Fiber Cement Siding- 'Autumn Tan'
 Hardie Fiber Cement Trims- 'Timber Bark'
 Timber accents- match Timber Bark
 Wood railings- match Timber Bark
 Energy Star Single Hung Vinyl Windows- Tan
 GAF Fiberglass Shingle Roofing- 'Hunter Green'
 Aluminum Standing Seam Roofing- 'Hunter Green'



3 North Side Elevation
 A3 Scale: 3/32"=1'-0"



4 Front (West) Elevation
 A3 Scale: 3/32"=1'-0"

Elevations

REVISIONS

DATE

7/27/20

PROJECT NUMBER

17-34

SHEET NUMBER

A3

