

PERMIT WRITING FORM – P2020-0163

Assigned EPS: **Devan Korn (57)** Reviewed by: **/s/JMB** Date: **1/26/2021**

APPLICANT

Project Sponsor(s): **Regan Development, LLC**

Landowner(s): **Lake Placid Vacation Corporation**

Authorized Representative: **MJ Engineering, Alison Yovine and James Easton**

PROJECT SITE

Town/Village: **North Elba County: Essex**

Road and/or Water Body: **Wesvalley Road**

Tax Map #(s): **42.2-3-2.000**

Deed Ref: **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.**

Land Use Area(s): H MIU LIU RU RM IU

Project Site Size: **3.17± 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): **The 3.17 acre portion of 42.2-3-2.000 to be conveyed and developed.**

Lawfully Created? Y N

Pre-existing subdivision: **NA**

River Area: Y N If Yes: Wild - Scenic - Recreational Name of River: **NA**

CEAs (include all): Wetland - Fed Hwy - State Hwy - State Land - Elevation - Study River

PROJECT DESCRIPTION

The construction of a four-story, sixty-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, stormwater management controls and landscaping.

JURISDICTION (including legal citation)

810(1)(a)(4) – Structure in excess of forty feet in height

PRIOR PERMITS / SETTLEMENT AGREEMENTS BEING SUPERSEDED

NA

FINDINGS OF FACT – ENVIRONMENTAL SETTING

Lakes, Ponds, Navigable Rivers and Streams

Check if none

Water Body Name: **NA**

Length of Existing Shoreline (feet): **NA**

MHWM determ: Y N

Minimum Lot Width: **NA**

Meets standard: Y N

Structure Setback (APA Act): **NA**

Meets standard: Y N

Structure Setback (River Regs): **NA** 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: **NA**

Wetlands

Y N Jurisdictional wetland on property
If Y: **NA** If Yes, RASS biologist consulted
→ Covertypes: **NA**
→ Located < 200 ft from proposed development or along shoreline Y N
→ If Y, value rating: **NA**

Wildlife

Y N Rare/threatened/endangered species If Yes, RASS ecologist consulted
Y N R/T/E or other unique species habitat If Yes, RASS ecologist consulted
Y N Northern Long-Eared Bat occurrences in Town If Yes, RASS ecologist consulted
Y N Forest management plan existing or proposed If Yes, RASS forestry analyst consulted
Y N Biological Survey required by RASS ecologist If Yes, completed

Ecological / Special Districts

Y N Natural Heritage Sites If Yes, RASS ecologist consulted
Y N Aquifer If Yes, RASS engineer consulted
Y N Agricultural District

Slopes RASS engineer consulted if structure proposed on >15%, driveway on >12%, or wwts on >8/15%
Existing slope range: **0 – 30%** Building area(s) if authorizing development: **14%**

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: **Click or tap here to enter text.**

Character of Area

Nearby (include all): Residential Commercial Industrial Agricultural Forested
Adjoining Land Uses / State Land: **Private vacant, Youth Center**
Is nearby development visible from road? Y N
→ If Y, name road and describe visible development: **Residential and commercial development is visible from Wes Valley Road.**

Additional Existing Development (ex: dam on site, etc.): **There is existing municipal water, sewer and electrically infrastructure.**

Existing Development

PRINCIPAL BUILDINGS

Structure - Pre-existing (Y/N)? - Lawfully constructed (Y/N)?

None

ACCESSORY STRUCTURES

Structure - Pre-existing (Y/N)? - Lawfully constructed (Y/N)?

None

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
60-unit Res. Apt. Bldg.	19,000+/-	60'+/-	80	14%

Have necessary density? Y N

remaining potential principal buildings = NA: Hamlet from survey or estimate

ACCESSORY STRUCTURES

Structure	Footprint	Height	Slopes
None			

None

ACCESS *Consult RASS engineer for driveway > 12% slope / *consult RASS ecologist for driveway > 1/4 mile

Driveway is existing / proposed Length: 400 feet Width: 28 feet

Sight distance evaluated? Y N Slopes: < 12%

Need Clearing/Grading? Y N Comments: Provides access to approximately 80,000 SF of asphalt parking for up to 90 vehicles (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) Wesvalley Road

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

FINDINGS OF FACT – COORDINATED REVIEW

- Y N Archeologically Sensitive Area, according to OPRHP Letter of no impact dated 6/30/2020
- Y N Structures > 50 years old on or visible from site If Yes, APA AHPO consulted
- Y N Within Lake George Park If Yes, LGPC consulted / application submitted
- Y N Greater than 1 acre disturbance / SWPPP required If Yes, DEC 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 water body 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

PERMIT CONDITIONS AND IMPACT ANALYSIS

Merger

Justification if merger required: **NA**

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: **NA**

Easement

Easement proposed or required? Y N

If Y, consult with Legal for conditions. Justification: **Required for existing sewer, water, electrical utilities 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: **60 feet; As proposed and reviewed**
 Structure footprint limit and justification: **19,000 feet; As proposed and reviewed**

→ 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: **NA**

Guest Cottages (if authorizing a dwelling) Check if N/A

Proposed and reviewed? Y N
If N, guest cottages potentially allowed? Y N
→ Justification for any conditions: **NA**

Boathouses (if project site contains shoreline) Check if N/A

Proposed and reviewed? Y N
If N, boathouses potentially allowed? Y N
 → If N, justification: **NA**
→ If Y, review required (beyond definition limits)? Y N
 → If Y, justification: **NA**

Docks (if project site contains shoreline) Check if N/A

Proposed and reviewed? Y N
If N, docks potentially allowed? Y N
→ If N, justification: **NA**
→ If Y, review required (beyond definition limits)? Y N
 → If Y, justification: **NA**

Outdoor Lighting (if authorizing development)

Plan proposed and reviewed? Y N

Building Color (if authorizing development)

If color condition required, justification: **As proposed and reviewed**

Tree Cutting / Vegetation Removal

Town with Northern Long-Eared Bat occurrences? Y N
If Y, consult with RASS for conditions. Justification: **NA**

Vegetative cutting restrictions required? Y N

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

- within **Click or tap here to enter text.** feet of limits of clearing
 - within **Click or tap here to enter text.** feet of road
 - within **Click or tap here to enter text.** feet of river/lake/etc
 - Other: **Click or tap here to enter text.**
- 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 [Click or tap here to enter text.](#) diameter dbh prohibited
 - Other: [Click or tap here to enter text.](#)
- Justification: [Minimize off-site impacts to nearby land uses](#)

Plantings

- Plan proposed and reviewed? Y N
- If N, plantings required? Y N
- If Y, species, number, location, and time of year: [As proposed and reviewed](#)
- Justification: [Restore site to minimize erosion and off-site impacts from development](#)

Wetlands

Consult with RASS for conditions. Justification: [NA](#)

Density (may be different for each subdivision lot)

Check if N/A

- 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: [NA](#)

Mathematically available # of new PBs (in addition to existing or replacement): [Hamlet](#)

Extinguishing PBs? Y N If Y, number: [NA](#)

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. Justification: [As proposed and reviewed](#)

Erosion and Sediment Control (if authorizing development)

Consult with RASS for conditions. Justification: [As proposed and reviewed](#)

Infrastructure Construction (if authorizing development)

Construction necessary before lot conveyance: [NA](#)

Justification: [NA](#)

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

Explain why no condition is needed: [NA](#)

Additional Site / Project-Specific Concerns / Conditions Needed

Parking and Construction Activities

Justification: Minimize potential impacts to nearby uses and minimize the potential for the spread of invasive species.

Y N **Public comments received** **If Yes, #: 2**

Y N **Applicant submitted response (notes, if any)** Two letters were received from Woodknoll HOA members after the PNF1 went out citing concerns regarding land use, the location of the development and the overall height of the proposed structure. The applicant addressed the concerns raised within their response to first NIPA. Public comments were also addressed by the applicant during the Town of North Elba/Village of Lake Placid Joint Review Board hearings.