



PERMIT WRITING FORM – P2020-0266

Assigned EPS: **Devan Korn (57)** Reviewed by: **/s/JMB** Date: **3/26/2021**

APPLICANT

Project Sponsor(s): **Barile Family, LLC**
Landowner(s): **PEG Enterprises, LLC**
Authorized Representative: **Zdrahal Associates**

PROJECT SITE

Town/Village: **North Elba County: Essex**
Road and/or Water Body: **Barn Road**
Tax Map #(s): **42.10-1-1.100 and 42.10-1-1.200**
Deed Ref: *Upstate USA, INC. to PEG Enterprises, LLC, dated August 15, 2007 and recorded August 16, 2007 in the Essex County Clerk's Office under Instrument Number 2007-00004723.*
Land Use Area(s): H MIU LIU RU RM IU
Project Site Size: **34.35±** acres (31.23 acres in H and 3.12 acres in MIU)
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):**NA**
Lawfully Created? Y N Pre-existing subdivision: **NA**
River Area: Y N If Yes: Wild - Scenic - Recreational Name of River: **NA**
CEAs (include all): **NONE** Wetland - Fed Hwy - State Hwy - State Land - Elevation - Study River

PROJECT DESCRIPTION

Re-development of the former W. Alton Jones Cell Science Center property to construct a total of 355 residential units and associated site development located on three separate lots. The development includes a total of 265 apartments located within 22 new buildings. The existing former research building will be renovated and converted into 76 condominium units and include an interior pool area, gym and an attached parking garage. An additional 14 condominium units will be constructed within a new building connected to the renovated structure. The development will be served by municipal sewer and water infrastructure and include a clubhouse, greenhouse, recreation facilities, maintenance building, pedestrian and vehicle access and on-site parking garages provided within the proposed buildings.

JURISDICTION (including legal citation)

810(1)(a)(3) - development involving one hundred or more residential units in Hamlet (Class A)
810(1)(a)(4) – structures greater than 40 feet in Hamlet (Class A)
810(2)(a)(2)(b) – non-shoreline lot less than 40,000 SF in Moderate Intensity Use (Class B)

PRIOR PERMITS / SETTLEMENT AGREEMENTS BEING SUPERSEDED

None. P2009-0198, P2009-198A, P2009-198B and P2009-198C authorized the installation, modification and maintenance of telecommunications infrastructure on the roof of the existing research building and remains in full force and effect.

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 NA Cutting proposed within 35 ft of MHWM?

If Yes, < 30% trees 6" dbh? Y N

Y NA 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

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

RASS ecologist consulted

Y N R/T/E or other unique species habitat

RASS ecologist consulted

Y N Northern Long-Eared Bat occurrences in Town

RASS ecologist consulted

Y N Forest management plan existing or proposed

RASS forestry analyst consulted

Y N Biological Survey required by RASS ecologist

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 - >25% Building areas if authorizing development: <8%

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: *Monadnock fine sandy loam*

Character of Area

Nearby (include all): Residential Commercial Industrial Agricultural Forested
Adjoining Land Uses / State Land: *Private residential and commercial. Saranac Wild Forest*
Is nearby development visible from road? Y N
→ If Y, name road and describe visible development: *Commercial development and multi-family dwellings are visible from Barn Road.*

Additional Existing Development (ex: dam on site, etc.): *Existing paved roads and parking.*

****Individual Lot Development Worksheets are attached for Lots 1, 2 and 3***

FINDINGS OF FACT – COORDINATED REVIEW

- Y N Archeologically Sensitive Area, according to OPRHP If Yes, OPRHP consulted
- Y N Structures > 50 years old on or visible from site If Yes, OPRHP 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 NA Creating 5 or more lots less than 5 acres each DOH consulted
- Y N Army Corps involvement If Yes, ACOE consulted
- Y N Agency-approved Local Land Use Program If Yes, Town/Village consulted
- Y N Local review required If Yes, Town/Village consulted
- Y N State Highway Involved* If Yes, DOT application submitted

**Comment: Applicant is working with NYS DOT, Essex County and the Town of North Elba to address any potential impacts the intersection of Barn Road, NYS Route 86 and Whiteface Inn Road.*

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: *Lot 3 contains an undevelopable portion of Moderate Intensity Use land use area due to size and configuration (0.39 acres).*

Easement

Easement proposed or required? Y N

If Y, consult with Legal for conditions. Justification: Easement required over Lot 2 for access to Lot 1 and Lot 3.

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

Lot 1 → If Y: Structure height limit and justification: 62 feet. As proposed and reviewed.
Structure footprint limit and justification: 5,576 SF. As proposed and reviewed.

Lot 2 → If Y: Structure height limit and justification: 62 feet. As proposed and reviewed.
Structure footprint limit and justification: 5,576 SF. As proposed and reviewed.

Lot 3 → If Y: Structure height limit and justification: 77 feet. As proposed and reviewed.
Structure footprint limit and justification: 50,000 SF. 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: No development authorized on the Moderate Intensity Use portion of the project site due to lot configuration, steep slopes and proximity to wetlands adjacent to the project site.

Guest Cottages (if authorizing a dwelling)

Proposed and reviewed? Y N

If N, guest cottages potentially allowed? Y N

→ Justification for any conditions: Non-jurisdictional in a Hamlet land use area. Municipal water and sewer is available.

Boathouses (if project site contains shoreline)

Proposed and reviewed? Y NA

If N, boathouses potentially allowed? Y NA

→ If N, justification: NA

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

→ If Y, justification: NA

Docks (if project site contains shoreline)

Proposed and reviewed? Y NA

If N, docks potentially allowed? Y NA

→ If N, justification: NA

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

→ 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: **Minimize impacts to nearby and adjoining land uses.**

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):

- on entire site outside limits of clearing
- within **NA** feet of limits of clearing
- within **NA** feet of road
- within **NA** feet of river/lake/etc
- Other: **NA**

Extent of cutting restriction necessary within the area noted above:

- Cutting of all vegetation prohibited
- Cutting of trees of **NA** diameter dbh prohibited
- Other: **NA**

Justification: **Minimize impacts to nearby and adjoining land uses.**

Plantings

Plan proposed and reviewed? Y N

If N, plantings required? Y NA

→ If Y, species, number, location, and time of year: **NA**

Justification: **NA**

Wetlands

Consult with RASS for conditions. Justification: **Requiring prior approval for any additional development on the project site will ensure potential impacts to wetland areas adjacent to the project site are avoided.**

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: **NA in Hamlet. The 3.12-acre Moderate Intensity Use portion of the project site is vacant.**

Mathematically available # of new PBs (in addition to existing/replacement): *Four (4) available in Moderate Intensity Use*

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 NA

Proposed on-site system designed by engineer and approved by RASS? Y NA

If N, has RASS field-verified location for conventional standard trench system? Y NA
 If N, has RASS field-verified location for conventional shallow trench system? Y NA
 Suitable 100% replacement area confirmed for existing / proposed system? Y NA
 Consult with RASS for additional conditions.

Stormwater Management (if authorizing development)

Consult with RASS for conditions. Justification: **Minimize impacts from stormwater run-off resulting during construction and from the authorized new development.**

Erosion and Sediment Control (if authorizing development)

Consult with RASS for conditions. Justification: **Minimize impacts from soil erosion that may result during construction and from the authorized new development.**

Infrastructure Construction (if authorizing development)

Construction necessary before lot conveyance: **Municipal water and sewer connections.**
 Justification: **Ensure development is appropriately served prior to initial occupation and full build-out.**

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, Signage and Construction Activities

Justification: **Minimize impacts to nearby and adjoining land uses.**

Y N **Public comments received** If Yes, #: 1

Y N **Applicant submitted response (notes, if any)** One comment letter received from an adjoining landowner in response to staff's notice of application citing concerns regarding density and land use.

INDIVIDUAL LOT DEVELOPMENT REVIEW – P#2020-0266

If a subdivision: **Lot #1 (8.03± acres total)**
5.3 acres in Hamlet and 2.73 acres in Moderate Intensity Use

Assigned EPS: **Devan Korn (57)** Reviewed by: **/s/JMB** Date: **3/26/2021**

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)?
Sand Storage (to be removed)		Unknown		Yes
Shed (to be removed)		Unknown		Yes
Pump House		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 (BR)	Slopes
Lodge Buildings (4 total) (5) 1-BR Units, (12) 2-BR Units, (2) 3-BR Units and 14 garage parking spaces each	5,576 SF (68x82)	58 - 62 feet	35 total	< 8%
Garage Buildings (3 total) (2) two-BR Units and 6 garage parking spaces each	2,160 SF (30x72)	25 - 35 feet	4 total	< 8%

Have necessary density? Y NA (Hamlet)

remaining potential principal buildings = **2 in Moderate Intensity Use** from survey or estimate

Comment: *All authorized development is located within the Hamlet LUA portion of the project site.*

ACCESSORY STRUCTURES

Structure	Footprint	Height	Slopes
Carport (2) 6 spaces each	1,440 SF (24x60)	< 20 feet	< 8 %
Water Sys. Booster Station (1)	480 SF (40x12)	12 feet	< 8 %

ACCESS

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

Driveway is existing /proposed Length: **As depicted** Width: **As depicted**

Sight distance evaluated? Y N Slopes: **< 12 %**

Need Clearing/Grading? Y N Comments: **Access roads will be paved to town standards and paved driveways and 37 uncovered paved parking spaces will be created to serve the development in**

addition to the 68 garage spaces and 12 carport spaces provided within the proposed structures. A homeowner association will be declared to maintain shared infrastructure.

- Need hwy access permit? Y N
Need easement? Yes – Over Lot 2 N
Need signs? Y N

VISUAL / AESTHETIC

- Y N Proposed development visible from public areas (list) **Barn 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 NA Slope suitable for WWTS (i.e., ≤8% shallow, ≤15% conventional)?
 Y NA Soil suitable for WWTS (i.e., depth to SHGW and bedrock)?
 Y NA All water bodies or streams > 100 feet WWTS? (If No, needs variance – from Town if ALLUP)
 Y NA If fast perc (1-3 min/in), water > 200 feet WWTS? (If No, amended soils required)
 Y NA All jurisdictional wetlands > 100 feet WWTS? (If No, counts as permit jurisdiction)
 Y NA Suitable 100% replacement area identified?
 Existing and proposed to remain (needs suitable 100% replacement area)

WATER SUPPLY

- Individual on-site Municipal
 Y NA 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#2020-0266

If a subdivision: **Lot #2 (17.21± acres total)**

Assigned EPS: **Devan Korn (57)** Reviewed by: **/s/JMB** Date: **3/26/2021**

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)?
Pavilion		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 (BR)	Slopes
9 Lodge Buildings (5) 1-BR Units, (12) 2-BR Units, (2) 3-BR Units and 14 garage parking spaces each	5,576 SF (68x82)	58 - 62 feet	35 each	< 8%
6 Garage Buildings (2) two-BR Units and 6 garage parking spaces each	2,160 SF (30x72)	23 - 32 feet	2 each	< 8 %
Club House	< 5,000 SF	< 40 feet	NA	<8%

Have necessary density? Y NA (Hamlet)

remaining potential principal buildings = **NA** from survey or estimate

Comment: *Lot 2 is entirely Hamlet.*

ACCESSORY STRUCTURES

Structure	Footprint	Height	Slopes
3 Carports w/ 6 spaces each	1,440 SF (24x60)	< 20 feet	< 8 %
2 Carports w/ 8 spaces each	1,920 SF (24x80)	< 20 feet	< 8 %
2 Greenhouses	1,440 SF (24x60)	< 20 feet	< 8 %
Maintenance Building	< 5,000 SF	< 40 feet	< 8 %

ACCESS

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

Driveway is existing /proposed Length: **As depicted** Width: **As depicted**

Sight distance evaluated? Y N Slopes: **< 12 %**

Need Clearing/Grading? Y N

Comments: **Lot 2 contains the two new access locations to Barn Road. The existing access will be abandoned, and the area will be restored. Access roads will be paved to town standards. Paved**

driveways and 79 uncovered paved parking spaces will be created to serve the development in addition to the 162 garage spaces and 34 carport spaces provided within the proposed structures. 12 additional spaces will be provided adjacent to the clubhouse and 6 will be provided at the maintenance building. A homeowner association will be declared to maintain shared infrastructure.

- 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) **Barn 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 NA Slope suitable for WWTS (i.e., ≤8% shallow, ≤15% conventional)?
- Y NA Soil suitable for WWTS (i.e., depth to SHGW and bedrock)?
- Y NA All water bodies or streams > 100 feet WWTS? (If No, needs variance – from Town if ALLUP)
- Y NA If fast perc (1-3 min/in), water > 200 feet WWTS? (If No, amended soils required)
- Y NA All jurisdictional wetlands > 100 feet WWTS? (If No, counts as permit jurisdiction)
- Y NA Suitable 100% replacement area identified?
- Existing and proposed to remain (needs suitable 100% replacement area)

WATER SUPPLY

- Individual on-site Municipal
- Y NA 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#2020-0266

**If a subdivision: Lot #3 (9.11± acres total)
8.72 acres in Hamlet and 0.39 acres in Moderate Intensity Use**

Assigned EPS: **Devan Korn (57)** Reviewed by: **/s/JMB** Date: **3/26/2021**

Existing Development
PRINCIPAL BUILDINGS

Structure	-	Pre-existing (Y/N)?	Lawfully constructed (Y/N)?
Research Center		Yes (1971)	Yes

To be converted to condominium units and amenities (see below)

ACCESSORY STRUCTURES

Structure	-	Pre-existing (Y/N)?	-	Lawfully constructed (Y/N)?
None				

Proposed Development
PRINCIPAL BUILDINGS

Check if portions or all below are NJ

Check if proposed as a non-building lot:

Structure	Footprint	Height	# Bedrooms (BR)	Slopes
Condominium Main Includes a pool, gym and below grade parking for 34 vehicles	50,000 SF	77 feet	170 in 76 units	< 8 %
Condominium West Wing Includes below grade parking for 16 vehicles	6,720 SF (70x96)	62 feet	39 in 14 units	< 8 %

Have necessary density? Y NA (Hamlet)

remaining potential principal buildings = **0 in Moderate Intensity Use** from survey or estimate

ACCESSORY STRUCTURES

Structure	Footprint	Height	Slopes
Covered Parking Garage Constructed on footprint of the existing paved parking lot providing 118 spaces	43,523 SF	< 20 feet	< 8 %

ACCESS

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

Driveway is existing /proposed Length: **As depicted** Width: **As depicted**

Sight distance evaluated? Y N Slopes: **< 12 %**

Need Clearing/Grading? Y N

Comments: **Lot 3 provides access to the condominium units, parking, greenhouses, community garden and maintenance building. Portions of the existing access will be repurposed. In addition to the 168 spaces provided in the covered parking and interior spaces, 32 uncovered paved parking spaces will be created to serve the development. A homeowner association will be declared to maintain shared infrastructure.**

Need hwy access permit? Y N

Need easement? Yes – Over Lot 2 N
Need signs? Y N

VISUAL / AESTHETIC

Y N Proposed development visible from public areas (list) **Barn 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 NA Slope suitable for WWTS (i.e., ≤8% shallow, ≤15% conventional)?
 Y NA Soil suitable for WWTS (i.e., depth to SHGW and bedrock)?
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 Existing and proposed to remain (needs suitable 100% replacement area)

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Individual on-site Municipal
 Y NA 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?
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Available at road? Y N Overhead Underground
Proposed for site? Y N Overhead Underground