

THIS IS A TWO-SIDED DOCUMENT

 <p><b>NEW YORK</b> STATE OF OPPORTUNITY.</p> <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 www.apa.ny.gov</p>	<p><b>DRAFT</b> APA Permit <b>2021-0251</b></p>
<p>In the Matter of the Application of</p> <p><b>DUAL DEVELOPMENT, LLC and LAKE PLACID HOSPITALITY, LLC</b> <b>Permittees</b></p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: <b>XXXX</b></p> <p>To the County Clerk: Please index this permit in the grantor index under the following names: <b>1. Lake Placid Hospitality, LLC</b></p>

**SUMMARY AND AUTHORIZATION**

This permit authorizes the construction of a hotel 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 foundation for the hotel 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 6.25-acre parcel of land located on NYS Route 86 and Peninsula Way with shoreline on Lake Placid 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 identified as Tax Map Section 42.33, Block 1, Parcel 2.200, and is described in a deed from Brewster Mill Park Realty, Inc. to Lake Placid Hospitality, LLC, dated September 5, 2017, and recorded September 7, 2017 in the Essex County Clerk's Office under Instrument Number 2017-3781.

The project site is currently improved by an existing 12-unit hotel building along NYS Route 86, an existing five-unit Lakeside Lodge building, an existing two-unit Treehouse Lodge building, and accessory structures located near the shoreline of Lake Placid. The site includes existing access, parking, and municipal utility infrastructure. A 73-unit hotel building, associated parking area and utility infrastructure was removed from the site in 2021.

Commercial and residential uses are highly visible along NYS Route 86 in the vicinity of the project site. Dense shoreline development is also visible along the south and east shoreline of Paradox Bay.

## **PROJECT DESCRIPTION**

The project as conditionally approved herein involves the construction of a hotel building that is 53 feet in overall height and contains 185 guest rooms. The new structure, associated parking, and site development will be constructed in the location of the 73-unit hotel building that was removed. The existing 12-unit motel building along NYS Route 86 will remain on the project site, as will the existing five-unit building, two-unit building, and accessory structures located near the shoreline of Lake Placid.

Existing access from NYS Route 86 (Saranac Avenue) and Peninsula Way will be re-purposed for re-development. A study conducted for the project concluded that the estimated increase in traffic will not require mitigation measures under NYSDOT and Institution of Transportation Engineers standards. Access areas on-site will be resurfaced after construction and site development have concluded.

The proposed hotel will not be visible from nearby public trails on state land.

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

- A 12-sheet set of plans titled "Cambria Lake Placid Site Plan 2021," prepared by RMS, Robert M. Sutherland, P.C., dated June 30<sup>th</sup>, 2021 (Site Plans);
- A 14-sheet set of plans titled "Cambria Lake Placid," prepared by hbt Architects, dated September 9, 2021 (Architectural Drawings);
- A 211-page report titled "Stormwater Pollution Prevention Plan," prepared by RMS, Robert M. Sutherland, P.C., dated June 29, 2021; and
- A three-page plan titled "Question 28-Exterior Signing," dated October 21, 2021 and received by the Agency on November 15, 2021 (Sign Plan).

A reduced-scale copy of Sheet C 2.0 of the Site Plans and the West, Southwest and Southeast Exterior Elevations sheet of the Architectural Drawings are attached as a part of this permit for reference.

## **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 structure 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 2021-0251, issued **XXXX**, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
5. This permit authorizes the construction of a hotel building and related site development in the location shown and as depicted on the Site Plans and Architectural Drawings. Any change to the location, dimensions, or other aspect of the hotel building and related site development shall require prior written Agency authorization.
6. Prior to undertaking construction of any boathouse on the project site, written authorization of plans for the boathouse and any attached structures shall be obtained from the Agency.
7. Prior to undertaking construction of any additional dock on the project site, written authorization of plans for the dock and any attached structures shall be obtained from the Agency. Any expansion of the existing dock on the project site shall require prior written Agency authorization.
8. Other than any boathouse or dock authorized by the Agency pursuant to Conditions 6 and 7 above, no new structure greater than 100 square feet in size shall be constructed within 50 feet, measured horizontally, of the mean high water mark of Lake Placid.

9. All wastewater treatment infrastructure on the project site shall be connected to and served by the municipal wastewater treatment system.
10. The project shall be undertaken in compliance with the Stormwater Pollution Prevention Plan.
11. The project shall be undertaken in compliance with the Erosion & Sediment Control Plan included on Sheet C 9.0 of the Site Plans.
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.
13. All exterior building materials, including roof, siding, and trim, of the authorized structure shall be as depicted and described on the Architectural Drawings, except as modified by the Village of Lake Placid/Town of North Elba Review Board (Review Board). Any change to the exterior appearance of the structures not authorized by the Review Board or otherwise by the Town of North Elba shall require prior written Agency authorization.
14. Any free-standing or building-mounted outdoor lights 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 Lake Placid, NYS Route 86, Peninsula Way, or adjoining property.
15. All signs associated with the hotel on the project site shall comply with the Sign Plan, Site Plans and Architectural Drawings.
16. All existing and proposed trees, shrubs and grasses and groundcover depicted on the Landscape Plan included on Sheet C 5.0 of the Site Plans shall be maintained and planted as described and depicted.
17. All truck traffic and construction activities associated with the authorized construction and site development shall only occur between 7am and 9pm, except as otherwise authorized by the Review Board. Any construction activities outside of these hours of operation and not authorized by the Review Board or otherwise by the Town of North Elba shall require prior written Agency Authorization.

### **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.

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Notary Public