

 <p>P.O. Box 99 • Ray Brook, New York 12977 (518) 891-4050 www.apa.ny.gov</p>	<p>APA Project Permit 2011-181</p>
<p>In the Matter of the Application of</p> <p>PLACID GOLD, LLC, THE GOLFERY, LLC and KATRINA LUSSI KROES</p> <p>for a permit pursuant to §809 of the Adirondack Park Agency Act</p>	<p>Date Issued:</p> <p>To the County Clerk: This permit must be recorded on or before _____. Please index this permit in the grantor index under the following names:</p> <ol style="list-style-type: none">1. Placid Gold, LLC2. The Golfery, LLC3. Katrina Lussi Kroes

SUMMARY AND AUTHORIZATION

Placid Gold LLC is granted a permit, on conditions authorizing the construction of a new tourist accommodation (and the subdivision conveying the 2.6±-acre parcel upon which the tourist accommodation will be constructed) in an area classified Hamlet by the Official Adirondack Park Land Use and Development Plan Map in the Village of Lake Placid, Town of North Elba, Essex County.

This project may not be undertaken, and no transfer deed shall be recorded, until this permit is recorded in the Essex County Clerk's Office. This permit shall expire unless so recorded on or before _____ in the names of all persons listed on the first page hereof and in the names of all owners of record of any portion of the project site on the recordation date.

This 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 construction of the hotel is complete.

Nothing contained in this permit shall be construed to satisfy any legal obligations of the applicant to obtain any governmental approval or permit from any entity other than the Agency, whether federal, State, regional or local.

AGENCY JURISDICTION

The project consists of construction in a Hamlet land use area of a new (hotel) structure greater than 40 feet in height, a Class A regional project requiring an Agency permit pursuant to §810(1)(a)(4) and 809(2)(a) of the Adirondack Park Agency Act. Also, conditions in (and related to) previous Agency permits require that any new land use or development of the project site is subject to prior Agency review and approval. The subdivision resulting from Placid Gold, LLC conveying the 2.6±-acre hotel site to The Golfery, LLC (as further described below) also requires Agency approval pursuant to the conditions in prior Agency permits.

PROJECT SITE

The project site is a 2.6±-acre nonshoreline parcel located on the southeast side of Mirror Lake Drive (greater than 50 feet from the shoreline of Mirror Lake) in the Village of Lake Placid, Town of Elba, Essex County, in an area classified Hamlet on the Adirondack Park Land Use and Development Plan Map. It is identified on Town of North Elba Tax Map Section 42.OHL, Block 7 as Parcel 29. The project site is a portion of land described in a deed from Lake Placid Land Corporation to Placid Gold LLC, a limited liability company, (hereinafter "Placid Gold") dated May 24, 1996 which was recorded May 30, 1996 in the Essex County Clerk's Office in Liber 1113 of Deeds at Page 302. As set forth in Agency permit 98-307, the 2.6±-acre project site is part of Placid Gold's 893±-acre contiguous landholding which was formerly associated with the historic Lake Placid Club. As described in application materials (specifically, a letter dated October 31, 2011 signed by all members of Placid Gold), Placid Gold intends to convey the 2.6± acre parcel to The Golfery, LLC.

Until recently, the 2.6±-acre parcel was improved by a 100 room dormitory (Circa 1969), which was historically used for staff housing. The dormitory and a small preexisting cottage ("Brier") were demolished and removed from the property in November/December 2011. Previously in 1997, three other preexisting cottages ("Westgate", "Westclub", and "Laurel") which had been built in the early 1900's were removed from the 2.6±-acre parcel and a gravel parking area was created. The recently removed dormitory had a rectangular footprint of approximately 7,000 square feet and was approximately 43 feet tall.

PROJECT DESCRIPTION AS PROPOSED

The project as proposed is the construction of a 60,000 square foot, 5 story, 97 unit hotel (tourist accommodation) at the site of the former dormitory. The project is shown on 4 sheets of plans prepared by The Design Group dated 10-14-2011, entitled "Lake Placid Forest West Loj - 'Site Plan', 'Lighting Plan', 'Planting Plan', and 'Stormwater Plan'". The project is also shown on 2 Sheets of Elevation Plans entitled "Lake Placid Forest West Loj - A3.1 and A3.2" prepared by Edgcomb Design Group, and last revised 9-28-2011, and on 5 sheets of Floor Plans entitled "Lake Placid Forest West Loj - A2.1, A2.2, A2.3, A2.4, A2.5" prepared by Edgcomb Design Group, and last revised 10-10-2011. Reduced scale copies of the "Site Plan" and "Elevation Plans" are attached to this permit for easy reference. The original, full-scale maps and plans referenced above (hereinafter "project plans") are the official plans for the project. Untitled 11 X 17 Visual Simulations were also submitted to the Agency on October 17, 2011 which depicts views of the current site conditions and proposed as-built development as seen from nearby public areas.

As detailed on the floor plans, the footprint and first floor of the proposed hotel will include approximately 16,000+ square feet of floor space and floors 2-5 of the hotel will each include approximately 11,000 square feet of floor space. The proposed hotel will include a pool and exercise room, small kitchen and breakfast dining area, a great room, meeting rooms, laundry and storage rooms, elevators and 97 guest rooms. The 97 guest rooms will each include 1 bathroom, and no kitchens; none of the guest rooms are proposed as long-term efficiency units. As shown on the elevation and floor plans, balconies are proposed on the north (Mirror Lake) side and west side of the hotel. As depicted on the elevation plans, the height of the proposed structure as measured from the lowest grade to the highest point will be 57 feet 9 inches.

As shown on the project plans, the entrance to the new hotel will be located off the side road, Searle Street, the same as the existing entrance into the dormitory parking area. As further detailed on the project plans, a new 106 space paved parking area will be created for the new hotel, including lighting, planting, and stormwater retention basins and infrastructure. The hotel will connect to Village of Lake Placid Municipal Water and Sewer facilities.

CONDITIONS

BASED UPON THE FINDINGS BELOW, THE PROJECT IS APPROVED WITH THE FOLLOWING CONDITIONS:

1. The project shall be undertaken as described in the completed application, the Project Description as Proposed and Conditions herein. In the case of conflict, the Conditions control. Failure to comply with the permit is a violation and may subject the applicant, successors and assigns to civil penalties and other legal proceedings, including modification, suspension or revocation of the permit.
2. This permit is binding on the applicant(s), all present and future owners of the project site and all contractors undertaking all or a portion of the project. Copies of this permit and the site plan map(s) referred to herein shall be furnished by the applicant to all subsequent owners or lessees of the project site prior to sale or lease, and by the applicant or any subsequent owner or lessee undertaking construction to any contractors undertaking any portion of this project. 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 2011-181 issued _____, the terms and conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
3. The Agency may conduct such on-site investigations, examinations, tests and evaluations as it deems necessary to ensure compliance with the terms and conditions hereof. Such activities shall take place at reasonable times and upon advance notice where possible.

Building Location and Size

4. This permit authorizes the construction of the new tourist accommodation in the location shown on the project plans and to the dimensions and height shown on the project plans. The height of the structure shall not exceed 58 feet as measured from the highest point on the structure, to the lowest point of existing grade or finished grade, whichever is lower.

Building Color / Architectural Style

5. The building shall be constructed in accordance with the architectural style and colors depicted on the elevation plans and visual simulations referenced herein. All exterior building materials, including roof, siding and trim, used to surface the exterior of the structure authorized herein shall be natural earth tone colors, in shades of brown or green, as proposed.

Outdoor Lighting

6. All new free-standing and building mounted outdoor lights shall employ full cut-off fixtures, that is, they shall be fully shielded to direct light downward and not into the sky. The fixtures shall be oriented so as to not cast light toward Mirror Lake or adjoining property. The intent is to reduce nighttime light pollution (glare, light trespass and sky glow).

Vegetation / Plantings

7. All plantings, landscaping and retention of existing vegetation shall be undertaken and maintained as shown on the Planting Plan referenced herein. This condition shall not be deemed to prevent the removal of dead or diseased vegetation or of rotten or damaged trees or of other vegetation that presents a safety or health hazard. However, such vegetation if removed shall be replaced in accordance with the following:
In the event of any loss of vegetation resulting in material off-site visual impacts from the structure authorized herein, as determined by the Agency, the landowner shall replace the vegetation that provided screening. The replacement vegetation shall be planted within one year and shall be a tree density and species composition similar to prior existing vegetation. Any replacement vegetation that does not survive shall be replanted annually, until such time as healthy replacement vegetation is established. Deciduous replacement trees shall be a minimum of 1½" in caliper at the time of planting and coniferous trees shall be a minimum of 6-8 feet in height.

Wastewater Treatment

8. All wastewater generated from the project shall be discharged to the municipal wastewater collection system.

Stormwater Management

9. Stormwater and erosion controls shall be managed in accordance with the Stormwater Plans and Report referenced herein.

Signage

10. All signs on the project site shall comply with 9 NYCRR Appendix Q-3 of the Adirondack Park Agency Regulations.

Energy Conservation

11. At a minimum, the development authorized herein shall be designed and constructed to comply with the Energy Conservation Construction Code of New York State, 2007 (ECCCNYS-2007), or whatever subsequent version is in effect at the time when the hotel is constructed. This will include adherence to properly selected, installed and inspected insulation, high performance windows, tight building envelope construction and duct work and efficient heating and cooling equipment.

All buildings and facilities shall use the highest rated Energy Star products (current at the time of construction), including light fixtures, appliances, and equipment to the maximum extent possible.

Legal Interests of Others

12. This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to undertake the authorized project or subdivision, nor does it authorize the impairment of any easement, right, title or interest in real or personal property held or vested in any person.

Other Regulatory Permits and Approvals

13. Prior to undertaking the project, the applicant shall obtain all necessary approvals of the New York State Department of Health.

Agency Review of Future Subdivision and Development

14. There shall be no further subdivision or new land use and development on the project site without a new or amended Agency permit.

FINDINGS OF FACT

Background/Prior History

1. The 2.6±-acre project site is part of Placid Gold's 893±-acre contiguous landholding which was formerly associated with the historic Lake Placid Club. The larger contiguous landholding has been the subject of prior Agency permits and actions, including:
 - a. Agency Permit 81-59A issued on August 6, 1981 authorized a subdivision of the larger site. That project was commenced, but not completed and the permittees subsequently entered into an "Agreement with Respect to Release of Letter of Credit," in March 1983, under which, in part, the Agency directed the release of the letter of credit and the permittees surrendered that permit. That agreement also stipulated that any new land use or development of the project site requires prior Agency review and approval.
 - b. Agency Permit 96-316, issued on November 22, 1996 and amended on April 14, 1997, authorized an expansion of an existing golf house.
 - c. Agency Permit 97-38, issued on June 3, 1997, authorized golf course irrigation system improvements, construction of a powerline and construction of a pond, 34 tees and a gated entrance and grounds maintenance activities.
 - d. Agency permit 98-307, issued on July 13, 1999, authorized an 81 unit residential subdivision and 44 multiple family dwelling units. Subsequent amendments 98-307A, 98-307B, 98-307C, and 98-307D, respectively, authorized a gate house and single family dwelling, renovation of the former "Playhouse" building into a multiple family dwelling, reconfiguration of lots and transfer of a building right; and vegetative clearing near the "Playhouse".
 - e. Agency permit 2007-251, issued January 14, 2008, authorized renovation of the former "Laundry" building on tax parcel 42.06M-3-3 into a multiple family dwelling. Amendment 2007-251A, issued March 16, 2011, authorized a waste disposal area on tax parcel 42.06M-3-3, for disposal of demolition debris (i.e. concrete, cinder block, stone, sand, glass and rebar) generated from removal of the dormitory building on the subject 2.6± acre project site.

2. As described above, the 2.6±-acre parcel was previously improved by a dormitory and cottages; all of which have now been removed and only a gravel parking area remains.

Existing Environmental Setting

3. The 2.6±-acre project site is located in a Hamlet land use area on the Adirondack Park Land Use and Development Plan Map. There are no jurisdictional wetlands or other statutory "critical environmental areas" on the property. The northern boundary of the property is located approximately 60 feet from the shoreline of Mirror Lake, and Mirror Lake Drive is located between the project site and the lake.
4. The area surrounding the project site is intensely developed with commercial, residential and recreational uses, including a restaurant, the National Sports Academy, a municipal building, single family dwellings and townhouses, a public park and beach area across the road, and the Jack Rabbit trail crossing the southeast end of the property. The project site is visible from public use areas - including Mirror Lake, the park/beach and portions of the public walkway around Mirror Lake.

Other Regulatory Permits and Approvals

5. The Village of Lake Placid/Town of North Elba Joint Review Board approved the proposed project and issued their conditional approval document on November 2, 2011. As part of their review process, the Board discussed the project at various meetings in 2011 and held a public hearing on October 19, 2011. The project site is currently classified as "Planned Development" (PD) District under the local code. As explained in the Review Board approval document, the proposed hotel building complies with the 45 foot height restriction defined in the PD District as the local code measures height by averaging roof ridgelines and eave heights.
6. The new public facility will require permits from the New York State Department of Health (DOH) prior to operation. Correspondence from DOH dated November 7, 2011 indicates that at least 60 days prior to opening the new hotel, an application must be submitted to DOH including detailed construction plans and plans for the kitchen and pool area.

Public Notice and Comment

7. The Agency notified all adjoining landowners and those parties as statutorily required by §809 of the Adirondack Park Agency Act and published a Notice of Complete Permit Application in the Environmental Notice Bulletin. As part of The Village of Lake Placid / Town of North Elba Joint Review Board process, additional public notices were issued and a public hearing was held. Three comment letters were submitted to the Agency. The three letters came from owners in the Morningside Townhome Association, which is adjacent to the project site, and expressed concerns such as maximum height of the new hotel, parking, lighting, garbage disposal facilities, impacts to nearby beach/park area and the Jack Rabbit Trail access.

PROJECT IMPACTS

Economic/Fiscal Factors

8. The project is located in direct proximity to Lake Placid's central business district and its associated businesses. The Project Sponsor projects annual stays by 47,250 individuals. Based upon a 2009 report from the SUNY Plattsburgh Technical Assistance Center titled "Lake Placid-Essex County Leisure Visitor Study", the average visitor to the Essex County region spends \$136.58 per day. It can thus be expected that the project could potentially stimulate over \$6,450,000 of spending in the local economy every year.
9. The Project Sponsor projects the project to employ 65 full-time workers and 3 part-time workers during the 44 week construction period of the project.
10. The Project Sponsor expects to employ 25 full-time and 6 part-time employees upon the full operation of the project.

Open Space/Aesthetics

11. Requiring that vegetation and landscaping be maintained as shown on the Planting Plan referenced herein, as well as limiting the maximum dimensions and height of the structure to those shown on the project plans and requiring the building to be constructed in accordance with the architectural style and earth-tone colors depicted on the elevation plans and visual simulations, and outdoor lighting to be shielded and angled downward will all help to minimize visual impacts. Nevertheless, the new hotel as

authorized herein will be visible from public vantage points and adjacent land uses. Visual simulations were prepared by the applicant to show the anticipated views of the proposed development from near-by vantage points. The views will primarily be within the context of the surrounding developed area and Village of Lake Placid, including the National Sports Academy building and restaurant to the south and the townhouse building to the north (which is located at a higher elevation than the project site). As such, the structure authorized herein will not result in significant new visual impacts uncharacteristic of the surrounding area. The exterior of the new hotel will be warm earth tone colors, wood finish and "Adirondack Style", and the new building will be more in character with the surrounding development than was the old dormitory it is replacing.

Further, as detailed in the November 2, 2011 Joint Review Board approval document, visual impact was a principal issue of the local review and the Review Board ultimately determined that the project, "Will not have a materially adverse visual impact when viewed from public roads, parks or other public viewing points."

Water Resources

12. Proper implementation of the stormwater management and erosion control plans as referenced herein will adequately protect water resources from the potential adverse impacts of stormwater runoff and erosion from the proposed project. Further connection to the municipal wastewater system and compliance with Village of Lake Placid effluent discharge requirements will further ensure protection of water resources.

Adequacy of Public Services

13. In a letter dated October 20, 2011, the Superintendent of the Village of Lake Placid Department of Public Works confirmed that the Village Municipal Water and Sewer Department has adequate capacity to service the new hotel. The Village also confirmed the adequacy of the sewage collection system to convey the sewage effluent to the municipal treatment plant.

In a letter dated October 20, 2011 the Village Electric Superintendent confirmed that the Village of Lake Placid Municipal Electric Department can provide adequate power for the proposed hotel with no adverse affect on the electric system.

Operational Issues Affecting Nearby Land Uses

14. The proposed hotel will operate full-time year-round, with highest occupancy anticipated during Lake Placid's busiest tourist and event times. The Project Sponsor projects annual stays by approximately 47,250 individuals, with approximately 20,250 customers during the summer season and approximately 9,000 customers per season in the spring, fall and winter seasons. The busiest traffic hours are expected to be between 4:00PM and 7:00PM.
15. The existing gravel parking area on the project site is not gated or signed as "private" and has routinely been used by the public as a community parking area. Construction of the new hotel parking lot will eliminate the use of that private property for community or public parking. Further, the area where the public recreational use "Jack Rabbit Trail" crosses the southeast end of the property may be shifted slightly (for less than 200 feet), but the public's right to use the trail and cross the applicant's property will not be obstructed. It is also expected that there may be an increase in number of users at the nearby public beach / park area as a result of the new hotel. Having the entrance to the new hotel located off the side road, Searle Street, instead of Mirror Lake Drive will, help to minimize traffic congestion on Mirror Lake Drive.

Historic Sites or Structures

16. 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 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; and the 1999 OPRHP Agreement.

The New York State Office of Parks, Recreation and Historic Preservation (OPRHP) issued a letter dated December 6, 2011 which determined the new tourist accommodation project as authorized herein would have "No Impact" upon cultural resources in or eligible for inclusion in the National Registers of Historic Places. As such, the project as proposed and authorized herein will not cause any change in the quality of "registered," "eligible," or "inventoried" property as those terms are defined in 9 NYCRR Section 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 as set forth in: §809(10) of the Adirondack Park Agency Act (Executive Law, Article 27) and 9 NYCRR Part 574. The Agency hereby finds that the project is approvable and complies with the above criteria, provided it is undertaken in compliance with the conditions herein.

PERMIT issued this day
of , 2012

ADIRONDACK PARK AGENCY

BY: _____
Richard E. Weber, III Deputy Director
(Regulatory Programs)

STATE OF NEW YORK)
) ss.:
COUNTY OF ESSEX)

On the day of in the year 2012, before me, the undersigned, a Notary Public in and for said State, personally appeared Richard E. Weber III 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

REW:CCP:DFK:PVC:mlr