


THIS IS A TWO-SIDED DOCUMENT

 <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>2020-0266</b></p>
<p>In the Matter of the Application of</p> <p><b>BARILE FAMILY, LLC and PEG ENTERPRISES, 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. Barile Family, LLC</b> <b>2. PEG Enterprises, LLC</b></p>

**SUMMARY AND AUTHORIZATION**

This permit authorizes a three-lot subdivision in a Moderate Intensity Use land use area and construction of 355 residential units and associated accessory structures in a Hamlet land use area as depicted 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 either 1) an authorized lot has been conveyed, 2) an authorized residential unit has been constructed, or 3) the existing research building has been converted to residential use.

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 34.35 acres of land located on Barn Road in the Town of North Elba, Essex County. Of the 34.35 acres, 31.23 acres of the project site are classified Hamlet and 3.12 acres are classified Moderate Intensity Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 42.10, Block 1, Parcels 1.100 and 1.200, and is described in a deed from 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.

The project site is partially forested and improved by a scientific research building constructed in 1971 and previously known as the W. Alton Jones Cell Science Center. The site is also improved by accessory structures, an asphalt access road, asphalt parking areas and is served by existing municipal sewer, water, and electrical infrastructure.

Agency Permit 2009-0189B authorized the installation of telecommunications infrastructure on the existing scientific research building.

## **PROJECT DESCRIPTION**

The project as conditionally approved herein involves subdivision of the project site into three lots, and re-development of the Hamlet portion of the subdivision lots for the construction of 355 residential units and associated site development. 265 apartments will be located within 22 new buildings on the site. The existing former research building will be renovated to contain 76 condominium units, as well as an interior pool area, gym, and attached parking garage. An additional 14 condominium units will be constructed within a new building connected to the renovated structure.

Additional site development includes construction of a clubhouse, two greenhouses, recreation facilities, maintenance building, pedestrian and vehicle access, and seven open-sided covered parking structures. The development will be served by municipal sewer and water infrastructure and involves the implementation of a planting plan and stormwater management and erosion controls.

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

- A 23-sheet plan set titled "The Peaks at Lake Placid, Proposed Apartments and Condominiums Complex," prepared by Ivan Zdrahal Professional Engineering, PLLC, dated February 24, 2021 (Site Plans);
- Eleven sheets of architectural drawings titled "Condominium Building with East Wing Building," prepared by ADK Drafting Services, dated December 3, 2020;
- Nine sheets of architectural drawings titled "Condominium West Wing and Connector," prepared by ADK Drafting Services, dated September 24, 2020;
- twelve sheets of architectural drawings titled "Lodge #05, Design Development #12," prepared by ADK Drafting Services, dated October 16, 2020;
- six sheets of architectural drawings titled "6 Car Garage with 2 Units," prepared by ADK Drafting Services, dated May 17, 2020;

- A building height table titled “The Peaks at Lake Placid,” prepared by Ivan Zdrahal Professional Engineering. PLLC dated January 18, 2021, including four elevation drawings prepared by ADK Drafting Services, dated January 16, 2020;
- A Stormwater Pollution Prevention Plan titled “The Peaks at Lake Placid,” prepared by Ivan Zdrahal Professional Engineering. PLLC dated January 2021;
- A Traffic Assessment prepared by Creighton Manning Engineering, LLP, dated December 7, 2020; and
- A Visual Impact Analysis titled “The Peaks at Lake Placid,” prepared by Ivan Zdrahal Professional Engineering. PLLC dated December 7, 2020.

A reduced-scale copy of the Subdivision Plan for the project, dated March 23, 2021 and shown on Sheet S-1 of the Site Plans, is 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 and for all development involving one hundred or more residential units on Hamlet lands in the Adirondack Park.

Pursuant to Section 809(2)(a) of the Adirondack Park Agency Act, a permit is required from the Adirondack Park Agency prior to any subdivision of Moderate Intensity Use lands that results in the creation of a non-shoreline lot smaller than 40,000 square feet in size 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. Copies of this permit, Site Plans and Stormwater Pollution Prevention Plan 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 conditions in Permit 2009-198B remain in full force and effect except as amended herein. Any new or relocated telecommunications infrastructure on the project site shall require prior written Agency authorization.

#### **Recordation**

5. 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 2020-0266, issued **XXXX**, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."

#### **Subdivision**

6. Subject to the conditions stated herein, this permit authorizes a three-lot subdivision as depicted on the Site Plans. Any subdivision of the Moderate Intensity Use portion of the project site not depicted on the Site Plans shall require prior written Agency authorization.

#### **Easement**

7. Any deed of conveyance for Lot 2 shall include an easement to provide access to Lot 1 and Lot 3 in the location of North Pass shown on the Subdivision Plan.

#### **Construction Location and Size**

8. This permit authorizes the construction of 355 residential units and associated development in the locations shown on and as depicted and described in the Project Plans. Any change to the location, exterior dimensions, or other aspect of any authorized development shall require prior written Agency authorization. Construction of the clubhouse or maintenance building in excess of 40 feet in height shall require a new or amended permit.

#### **Site Access**

9. This permit authorizes the construction of two new vehicle access locations on the project site from Barn Road as depicted on the Site Plans. Any change to the location, dimensions, or other aspect of the authorized access shall require prior written Agency authorization.

#### **Parking**

10. This permit authorizes the construction of interior and exterior vehicle parking to serve the development on the project site as depicted and described on the Site Plans. Any change to the authorized parking shall require prior written Agency authorization.

### **Building Color**

11. All exterior building materials, including roof, siding, and trim, of the authorized structures shall be as depicted and described on the Architectural Drawings and Visual Impact Analysis, 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 shall require prior written Agency authorization.

### **Outdoor Lighting**

12. 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 Barn Road or adjoining property.

### **Signage**

13. Any new signs associated with the development on the project located within 50 feet of Barn Road site shall comply with the Agency's "Standards for Signs Associated with Projects" [9 NYCRR Part 570, Appendix Q-3].

### **Vegetation Removal**

14. 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**

15. All trees, shrubs and other vegetation depicted on and described in the Landscaping Plan on Sheet LS-1 of the Site Plans shall be planted and maintained as described. Any change to these plantings shall require prior written Agency Authorization.

### **Density**

16. There shall be no more than two principal buildings located on the Moderate Intensity Use portion of Lot 1. The Agency makes no assurances that the maximum development mathematically allowed can be approved.
17. There shall be no principal buildings associated with the Moderate Intensity Use portion of Lot 3.

### **Hours of Operation**

18. All truck traffic and construction activities associated with the authorized 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 shall require prior written Agency Authorization.

### **Invasive Species Control/Sanitizing Equipment**

19. 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.

### **Wastewater**

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

### **Stormwater Management**

21. The project shall be undertaken as described in Stormwater Management Practices 2.1, 3.1, and 4.1 shown on sheets D-1 and D-2 of the Site Plans and in compliance with the Stormwater Pollution Prevention Plan.

### **Erosion Control**

22. The project shall be undertaken in compliance with the Erosion Control Plan shown on sheets ESC-1 and ESC-2 of the Site Plans.

### **Infrastructure Construction**

23. Prior to the occupancy of any unit authorized herein, all necessary water supply system infrastructure and sanitary sewer infrastructure for the occupied unit shall be completed and installed as described on sheets D-4 and D-5 of the Site Plans or as otherwise required by the Town of North Elba, NYS Department of Health, and NYS Department of Environmental Conservation.

**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 subdivision and development 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 and Moderate Intensity Use land use areas;
- c. will be consistent with the overall intensity guidelines for the Hamlet and Moderate Intensity Use land use areas;
- 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

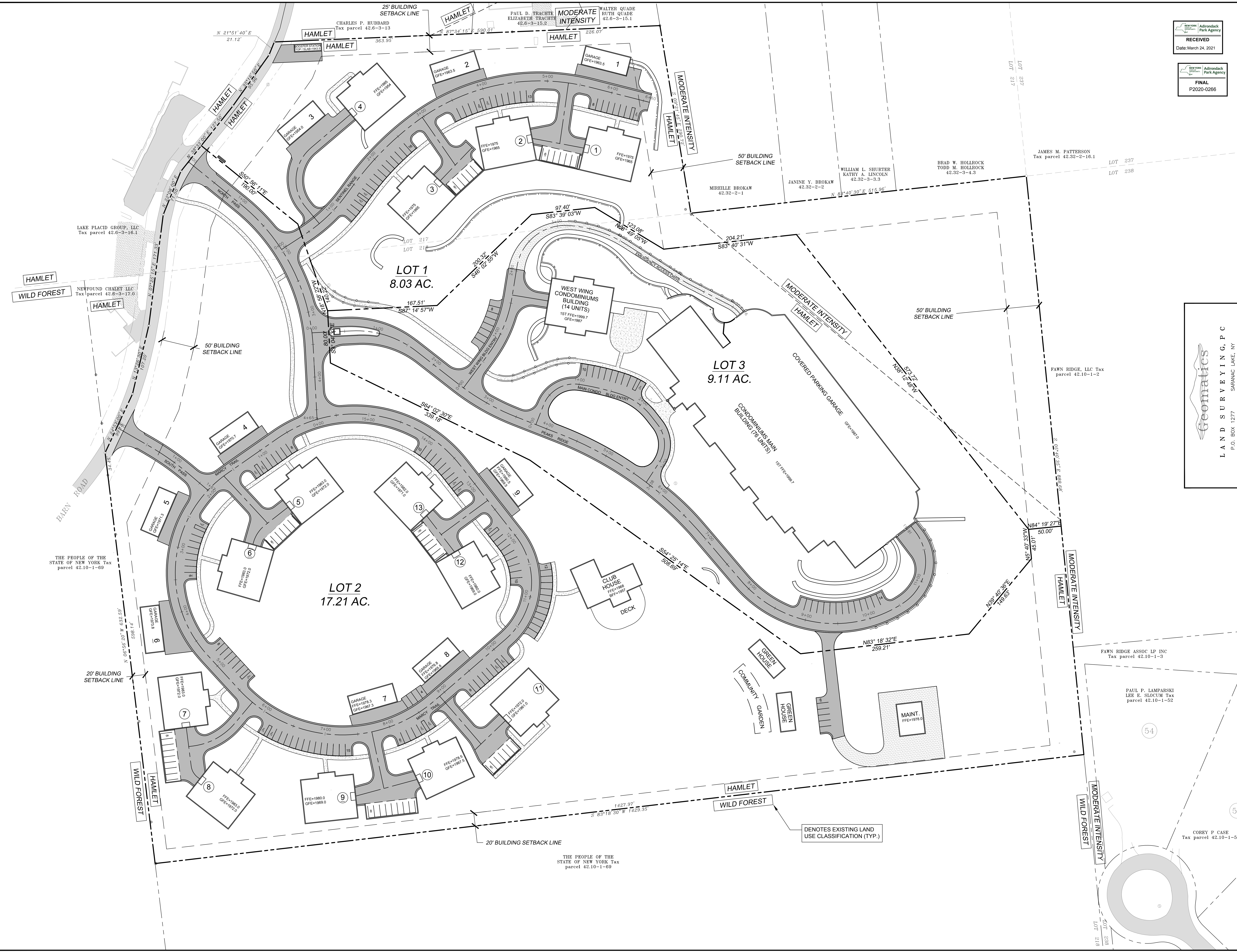
BY: \_\_\_\_\_  
Robert J. Lore  
Deputy Director, Regulatory Programs

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





RECEIVED  
Date: March 24, 2021

FINAL  
P2020-0266

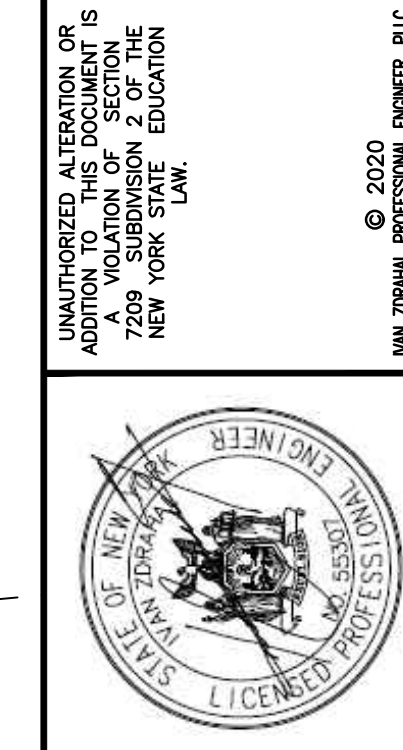
DATE	REVISIONS RECORD/DESCRIPTION
2/24/21	PLAN REVISION
3/23/21	LAND USE CLASSIFICATIONS ADDED

APPR.	DATE	REVISIONS RECORD/DESCRIPTION
IZ		
IZ		

IVAN ZDRAHAL PROFESSIONAL ENGINEERING, PLLC  
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SUBDIVISION PLAN  
THE PEAKS AT LAKE PLACID

TOWN OF NORTH ELBA  
PROJ. NO. 20001  
DATE: NOVEMBER 2020  
SCALE: 1"=50'  
SHEET 4 OF 23

ESSEX COUNTY, NEW YORK