

**PERMIT WRITING FORM – P2021-0251**

Assigned EPS: **Devan Korn** Reviewed by: **/s/JMB** Date: **12/3/2021**

**APPLICANT**

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

Landowner(s): **Lake Placid Hospitality, LLC**

Authorized Representative: **Kirk Gagnier, Esq.**

**PROJECT SITE**

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

Road and/or Water Body: **NYS Route 86, Peninsula Way, Lake Placid (Paradox Bay)**

Tax Map #(s): **42.33-1-2.200**

Deed Ref: **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 # 2017-3781**

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

Project Site Size: **6.25± 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): **n/a**

Lawfully Created? ☒Y ☐N

☐ Pre-existing subdivision: **n/a**

River Area: ☐Y ☒N If Yes: ☐Wild - ☐Scenic - ☐Recreational Name of River: **n/a**

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

**PROJECT DESCRIPTION**

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 a former 73-unit hotel building that has been recently removed. The existing 12-unit motel building along NYS Route 86 will remain on the project site, as well as the existing 5-unit building known as the Lake House and the existing 2-unit building known as the Tree House which are located near the shoreline of Lake Placid.

**JURISDICTION (including legal citation)**

**810(1)(a)(4) - Structure in excess of forty feet in height in Hamlet land use area.**

The Agency measures height from the lowest part of a structure, including any supporting fill or functionally integrated structures such as retaining walls, to the highest point of the structure, including any attached rooftop elements such as chimneys, antennas, or mechanical equipment.

**PRIOR PERMITS / SETTLEMENT AGREEMENTS BEING SUPERSEDED**

**n/a**

## **FINDINGS OF FACT – ENVIRONMENTAL SETTING**

### **Lakes, Ponds, Navigable Rivers and Streams**

Check if none ☐

Water Body Name: **Lake Placid (Paradox Bay)**

Length of Existing Shoreline (feet): **214 feet**

MHWM determ: ☐Y ☒N

Minimum Lot Width: **50 feet**

Meets standard: ☒Y ☐N

Structure Setback (APA Act): **50 feet**

Meets standard: ☒Y ☐N

Structure Setback (River Regs): **n/a**

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 ☒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: **n/a**

### **Wetlands**

☒Y(*along shoreline*) ☐N Jurisdictional wetland on property

☐Y ☒N Proposed ground disturbance < 100 feet of wetlands ☐ If Yes, stormwater management, including erosion and sediment control, reviewed and approved by RASS engineer

☐Y ☒N Wetlands are a basis of development jurisdiction

→ If Y, coertype: **n/a**

→ If Y, value rating: **n/a**

### **Ecological / Wildlife**

☐Y ☒N Natural Heritage Sites/listed species or habitat present, including bat

☐Y ☒N Forest management plan existing or proposed

☐ If Yes, RASS forestry analyst consulted

☐Y ☒N Biological Survey required by RASS Biologist 2 or Supervisor

☐ If Yes, completed

### **Special Districts**

☐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 area(s) 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, well drained. A blasting plan provided with the application proposes two blasts per day between 10-11:30 am and 2-4 pm, Monday through Friday. The Town of North Elba Village of Lake Placid Review Board approved the proposed blasting plan in July of 2021 and the blasting required for the proposed development has been completed.**

### **Stormwater**

☒Y ☐N Greater than 1 acre disturbance

☐Y ☒N Wetland < 100 ft of proposed ground disturbance

## Character of Area

Nearby (include all): ☒Residential ☒Commercial ☐Industrial ☐Agricultural ☒Forested

Adjoining Land Uses / State Land: Private commercial and residential land. The project site includes water access to Lake Placid. There is an isolated portion of the Saranac Lakes Wild Forest located near the project site on Peninsula Road that includes a public trail system and shoreline on Lake Placid.

Is nearby development visible from road? ☒Y ☐N

→ If Y, name road and describe visible development: Commercial and residential uses are highly visible along NYS Route 86 and dense shoreline development is visible along the south and east shoreline of Paradox Bay. The project will not be visible from the nearby public trails on state land.

**Additional Existing Development** (ex: dam on site, etc.): Dock, firepit, patio, staircases, etc.

## Existing Development

### PRINCIPAL BUILDINGS

Structure	-	Pre-existing (Y/N)?	-	Lawfully constructed (Y/N)?
12-unit Motel Building		Unknown (prior to 1980 Olympics)		Yes
5-unit "Lake House"		Unknown (prior to 1980 Olympics)		Yes
2-unit "Tree House"		Unknown (prior to 1980 Olympics)		Yes

### ACCESSORY STRUCTURES

Structure	-	Pre-existing (Y/N)?	-	Lawfully constructed (Y/N)?
Shed		Unknown		Yes
Staircase		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	# Guestrooms	Slopes
Hotel	36,461 SF	53 feet	183	<8%

Have necessary density? ☒Y ☐N

# remaining potential principal buildings = n/a in Hamlet LUA from ☐survey or ☐estimate

### ACCESSORY STRUCTURES

Structure	Footprint	Height	Slopes
Retaining Walls			

## ACCESS

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

Driveway and parking is ☒existing / ☒proposed Length: n/a Width: na Spaces: 226 and 2 bus

Sight distance evaluated? ☐Y ☒N Slopes: < 15%

Need Clearing/Grading? ☐Y ☒N Comments: Existing entrance drive locations to be repurposed for redevelopment. The site has been cleared and graded as necessary after removal of the former hotel structure. Access will be resurfaced after construction and site development have concluded. A traffic study

was provided with the application which estimates the proposed increase in hotel units may result in an additional 52 trips during the AM peak hour, 69 trips during the PM peak hour, and 76 trips during the Saturday peak hour. The estimated increase in traffic results in an approximately 2-3% and 3-4% increase in traffic in the westerly and easterly direction on Saranac Avenue (NYS 86) respectively. The provided report states the estimated increase in traffic does not exceed 100 trips and therefore does not require traffic mitigation measures using NYSDOT and Institution of Transportation Engineers (ITE) standards.

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) **NYS Route 86, Peninsula Way and Lake Placid**

☐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)

*\* The Village of Lake Placid confirmed that the existing wastewater collection system and water distribution system will have adequate capacity to service the proposed increase of 108 rooms, and that connection points will require upgrading at the site of the hotel.*

## STORMWATER\* / EROSION & SEDIMENT CONTROL\*\* RASS engineer consulted

☐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)

*\* The Stormwater Pollution Prevention Plan (SWPPP) developed for the project proposes to treat stormwater from the proposed development which results in an increase of 5,991 SF of impervious surface area. The proposal is partially considered redevelopment of existing impervious surfaces, therefore the provided SWPPP states that 25% of the existing water quality volume is proposed to be treated with stormwater controls and that 100% of new water quality volume is proposed to be treated, for a total water quality volume capacity of 2,469 CF. The proposed hotel building and parking areas are connected to two separate Stormtech infiltration areas, which convey treated stormwater into an existing catch basin on Saranac*

Avenue. A Vortech Hydrodynamic Separator is designed to treat stormwater that drains down the existing southeast access road. Although not required, a bio-retention swale is proposed as an additional stormwater control down gradient of the proposed parking area and upland from the shoreline of Lake Placid.

**\*\*Erosion and sediment controls include silt fence down gradient of the proposed area of disturbance, a stabilized construction entrance, and concrete washout station.**

## 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 ☒ If Yes, OPRHP consulted  
☒ Y ☐ N Structures > 50 years old on or visible from site ☒ If Yes, OPRHP consulted  
 (Not Eligible; No Impact to historic or Cultural Resources)  
☐ Y ☒ N Within Lake George Park ☐ If Yes, LGPC consulted / application submitted  
☐ Y ☒ N Public water supply ☒ If Yes, DEC / DOH application submitted  
 (Will require; Food Service, Temporary Residence, and Pool/Spa Permits from DOH)  
☒ Y ☐ N Greater than 1,000 gpd wastewater ☒ If Yes, DEC consulted  
☒ Y ☐ N Municipal Water and Sewer ☒ If Yes, Town/Village consulted  
 (Village of Lake Placid Department of Public Works letter dated 12/12/21)  
☐ 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  
☒ Y ☐ N Other Local Land Use Program ☒ If Yes, Town/Village consulted  
 (Site Plan approval received January 8, 2020)

## PERMIT CONDITIONS AND IMPACT ANALYSIS

### Merger

Justification if merger required: n/a

### 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: n/a

### Easement

Easement proposed or required? ☐ Y ☒ N

If Y, consult with Legal for conditions. Justification: n/a

### 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 N:

- Acceptable development sites identified for all subdivision lots with PB allocation? ☐Y ☐N
- Review of future development required? ☐Y ☐N
- If Y, justification: n/a

Proposed and reviewed? ☐Y ☒N  
If N, guest cottages potentially allowed? ☐Y ☐N  
→ Justification for any conditions: n/a

Proposed and reviewed? ☐ Y ☒ N  
 If N, boathouses potentially allowed? ☒ Y ☐ N  
 → If N, justification: n/a  
 → If Y, review required (beyond definition limits)? ☒ Y ☐ N  
 → If Y, justification: Wetlands located along shoreline of Lake Placid.

Proposed and reviewed? ☐ Y ☒ N  
 If N, docks potentially allowed? ☒ Y ☐ N  
 → If N, justification: **n/a**  
 → If Y, review required (beyond definition limits)? ☒ Y ☐ N  
 → If Y, justification: **Wetlands located along the shoreline of Lake Placid**

Plan proposed and reviewed? ☒ Y ☐ N

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

Town with Northern Long-Eared Bat occurrences? ☐ Y ☒ N  
Indiana Bat habitat indicated on Lookup? ☐ Y ☒ N

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

- 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 n/a diameter dbh prohibited
- ☒ Other: All existing trees to remain

Justification: Minimize potential impacts from stormwater runoff and erosion. Reduce visual impacts to off-site receptors.

### Plantings

Plan proposed and reviewed? ☒Y ☐N

If N, plantings required? ☐Y ☐N

→ If Y, species, number, location, and time of year: Trees: 6 Red Maples, 7 Yellow Birch, 5 Green Ash, 7 White Oak, 8 White Spruce, 14 White Pine, 7 Balsam Fir;

Shrubs: 15 Gray Dogwood, 31 Hardhack Spirea, 23 Canadian Yew, 17 Winterberry, 23 Russian Cypress, 33 Nest Spruce and 25 Green Gem Boxwood; and Rye Grass seed mix

Justification: Minimize visual impacts from off-site, reduce stormwater runoff and stabilize soils after development.

### 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: n/a in Hamlet LUA

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

Extinguishing PBs? ☐Y ☒N If Y, number: n/a

### 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. Condition required if authorizing development within 100 feet of wetlands or greater than 1 acre disturbance; condition possibly required in other circumstances too.

Justification: Minimize impacts from stormwater runoff resulting from 100% of new impervious surfaces and 25% of existing.

### Erosion and Sediment Control (if authorizing development)

Consult with RASS for conditions. Condition required if authorizing development within 100 feet of wetlands or greater than 1 acre disturbance; condition possibly required in other circumstances too.

Justification: Reduce potential for soil erosion during construction and site development.

### Infrastructure Construction (if authorizing development)

Construction necessary before lot conveyance: n/a

Justification: n/a

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

Explain why no condition is needed: Vegetation removal restrictions are not relevant as the project site has limited vegetation.

**Additional Site / Project-Specific Concerns / Conditions Needed**

Invasive Species Control, Signage and Construction Hours. Removal of previous hotel structure, grading, blasting, etc. occurred when proposed new hotel would not result in a height increase over 40 feet. Building design was revised to 53 feet in height, and application was submitted.

Justification: Minimize potential for increased spread of invasive species within the Adirondack Park and minimize impacts to nearby and adjoining land uses.

☒Y ☐N **Public comments received** If Yes, #: One comment from an adjoining landowner with concerns about the proposed development in terms of the blasting and site work necessary as well as the size of the new structure.

☐Y ☒N **Applicant submitted response (notes, if any)** n/a