



M E M O R A N D U M

TO: Regulatory Programs Committee

FROM: Richard Weber, III, Deputy Director,
Regulatory Programs

DATE: November 5, 2014

RE: Town of Inlet- Arrowhead Park
Shoreline Variance P2014-001

SUMMARY

The Town of Inlet seeks a variance from the shoreline restrictions to construct a structure in the same location as a historic structure known as the Casino Boathouse Pavilion on Fifth Lake Outlet. The variance site is in a 6.2+-acre park, known as Arrowhead Park, on Fifth Lake Outlet and Fourth Lake located in the Town of Inlet, Hamilton County, in a Hamlet land use area. The original structure was moved to another site within Arrowhead Park in 1938.

The proposed structure will be at or within the mean high water mark of Fifth Lake Outlet, with the shoreward portion of the structure rising from an existing boardwalk along the shore. It will be a two-story structure measuring 30 ft. by 40 ft. (1,200 sq. ft. of floor space) at the shoreline (for canoe and kayak storage at the boardwalk level), 30 ft. by 40 ft. (1,200 sq. ft. of floor space) on the main level (public use level at grade with the park), with a roof measuring 40 ft. by 20 ft. (800 sq. ft.). The applicable shoreline setback is 50 feet, and the proposed structure requires a 50-foot variance.

The Town's Master Plan for Arrowhead Park [Hearing Exhibit 2] is attached. This plan was developed with assistance and funding from the NYS Department of State Local Waterfront Development Revitalization Program and was adopted by the Town Board.

STAFF ANALYSIS

The Town's objective is to reconstruct a historic structure to provide a public venue and shelter on the water in Arrowhead Park. The proposed location would provide dry boat storage for canoes and kayaks accessible from the boardwalk, and would provide a shelter accessible from the park for events and to protect the public from inclement weather.

In arriving at its determination whether to grant a variance, the Agency must consider the standards and factors set forth in 9 NYCRR §576.1, though it is not necessary to make a finding on each. For the Agency's consideration during its deliberations, staff's discussion of these standards and factors can be found in the "Discussion" on pages 5 through 12 of the Draft Order.

The most important considerations with respect to this application are the discussion of alternatives and whether the request seeks the minimum relief necessary.

The Town addressed two alternatives which would not require a variance: constructing two structures, a boathouse without a roof in accord with the Agency regulatory definition and a permanent covered pavilion fifty feet from the shoreline; or constructing such a non-jurisdictional boathouse and using a temporary tent structure outside the shoreline setback for public events.

The possible sites for a permanent structure outside the setback include the present site of the tennis courts, the baseball field, or open space within Arrowhead Park. Constructing a pavilion in either the open space location or the tennis court location would block the sight line of Fourth Lake from the entrance to the Arrowhead Park developed through the Master Plan. Although the Master Plan indicates that the tennis courts will be moved to another location in the future, the Town does not plan on moving them in the next five to ten years. The baseball field site was rejected because there is no alternative location for the field.

The Town presented evidence that the high winds off Fourth Lake made reliance on temporary tent structures for public events unreliable and unsafe. This evidence addressed the alternative of using a temporary structure outside the shoreline setback for events. It also addressed the question of whether the variance requested was the minimum relief

necessary. A boathouse without a roof, or with a temporary canvas roof, would not meet the Town's objective of providing a public event space to use throughout the entire year.

Concerning adverse impacts, it is staff's opinion that the visual impact will be mitigated by the location of the structure on Fifth Lake Outlet, which is not visible from most of Fourth Lake, and by the conditions in the Draft Order. The impacts on water quality will be mitigated by the stormwater management plan, erosion control measures implemented during construction, and additional plantings. The Draft Order requires the Town to submit final plans for erosion control before commencing construction.

Denial of the variance will have adverse impacts on the public using Arrowhead Park. The benefits of granting the variance, as conditioned in the Draft Order, will outweigh any adverse impacts. Based on its analysis of the Town of Inlet's proposal, staff recommends that the Agency grant the variance.



MASTERPLAN KEY

1. INSTALL NEW CURB TO REDEFINE PARK ENTRANCE AND IMPROVE VEHICULAR TRAFFIC FLOW.
2. NEW PARK IDENTIFICATION SIGNAGE
3. CONSTRUCT NEW PARK WELCOME SIGNAGE/ COLUMNS.
4. PROPOSED PARKING LOT LIGHT 24' HT +/-
5. SEAL AND RESTRIPE PARKING LOT TO MATCH EXISTING STRIPING.
6. FUTURE CONNECTION TO ADJACENT PROPERTY
7. CLEAN OUT EXISTING STORM SYSTEM TYPICAL
8. PROPOSED PARKING LOT EXPANSION TO ACCOMMODATE MORE PARKING, FOR PARK USERS.
9. PROPOSED PEDESTRIAN LIGHTS 12' HT. APPROX. 40' O.C. TYPICAL
10. RENOVATE COTTAGE #4
11. CONSTRUCT ADDITION AT EXISTING COMFORT STATION TO ENLARGE AND IMPROVE EXISTING STRUCTURE AND ACCOMMODATE ADDITIONAL VISITORS
12. RELOCATE ACCESS ROAD BEHIND COTTAGES, INCLUDING ADDITIONAL SPACE FOR VEHICLE TURN AROUND
13. PROPOSED WALKWAYS TO PROMOTE INNER CONNECTIVITY WITHIN THE PARK
14. APPROXIMATE LIMIT OF PLAY SURFACE; ADD EDGING MATERIAL TO DEFINE AREA AND REDUCE MAINTENANCE
15. ELIMINATE EXISTING TENNIS COURTS ONCE NEW TENNIS COURTS ARE ESTABLISHED OFF-SITE
16. REMOVE SIX (6) EXISTING EVERGREENS TO PROMOTE VIEWS TO FOURTH LAKE, CONSTRUCT 2'-3' HT. BERM WITH GROUND COVER PLANTING TO PROMOTE VIEWS AND REDUCE WIND. REMOVE REMAINDER OF EVERGREENS ONCE NEW COURTS ARE ESTABLISHED
- 17a. PROPOSED CASINO BUILDING
- 17b. APPROXIMATE AREA FOR PORTABLE BANDSHELL
- 17c. PROPOSED BOATHOUSE BUILDING
18. ADDITIONAL FLOATING DOCK SECTIONS PROVIDED AS PART OF THE TOWN'S MATCH TO GRANT FUNDS
19. PROPOSED INTERPRETIVE SIGNAGE TO HIGHLIGHT HISTORICAL STRUCTURES WITHIN THE PARK
20. INSTALL CEDAR WOOD POST AND RAIL SYSTEM
21. PROVIDE EROSION CONTROL MEASURES TO STABILIZE ERODING SLOPE
22. RECONSTRUCT CONCRETE STEPS AND PROVIDE NEW CONCRETE CHEEK WALL
23. RENOVATE EXISTING GARAGE
24. REVISE ALIGNMENT, TRUE AND LEVEL GRAVEL ACCESS ROAD AND CONSTRUCT OIL/ CHIP PAVEMENT TOP COURSE
25. ACCESS PATH TO EXISTING BOARDWALK
26. REMOVE WOOD STAIRS AND CONSTRUCT NEW CODE COMPLIANT STAIRCASE TO TRAVERSE SLOPE MORE GRADUALLY
27. CONSTRUCT NEW YOUTH COMMISSION AND GENERATOR BUILDING, EXISTING BUILDING FOOTPRINT BECOMES PROPOSED UTILITY YARD.
28. RE-PAVE MAINTENANCE YARD WITH ASPHALT PAVEMENT
29. PROPOSED BOULDER RETAINING WALL ON EITHER SIDE OF NEW ACCESS PATH
30. PROPOSED SANITARY LINE (TYPICAL)
31. TERRACED BOULDER WALL WITH PLANTINGS TO RETAIN 'KNOLL' REMOVED TO ACCOMMODATE PROPOSED REAR ACCESS DRIVE.

ARROWHEAD PARK FINAL MASTER PLAN

TOWN OF INLET
INLET, NY

OCTOBER 2013

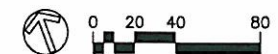


EXHIBIT 2