Presentation Overview

- Variance Jurisdiction
- Project Location
- Background: Property History
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Variance
Jurisdiction
Variance Jurisdiction

- APA Act § 806(1)
  - Purpose of shoreline restrictions
  - Protection of water quality and shoreline character
- APA Act § 806(1)(a)(2)
  - Minimum shoreline setback: 50 feet in Hamlet
  - For all structures > 100 sq ft (except docks, boathouses)
- APA Act § 806(3)(a)
  - Authorizes Agency to grant variances
- 9 NYCRR Part 576
  - Factors to consider before granting a variance
Variance Review Factors

- Agency must consider:
  - Whether the application requests the minimum variance necessary
  - Whether the variance would result in substantial detriment to nearby or adjoining landowners
  - Whether there are feasible alternatives
  - The manner in which the difficulty arose
  - Whether granting the variance would adversely affect existing resources
  - Whether the imposition of conditions would minimize adverse impacts

- “A variance will be granted when the adverse consequences to the applicant resulting from denial are greater than the public purpose sought to be served by the restriction.”
Project Location
Project Location

Town of Harrietstown
Franklin County
Amersand Bay

Crescent Bay
Crescent Bay
“Main Marina”
2009
Crescent Bay

Saranac Lake Marina
Saranac Lake, NY
Crescent Bay
“Main Marina”
2003
Ampersand Bay/
“Annex” 2009
Ampersand Bay/
“Annex” 2003
Background:
Property History
Background / Property History [Slide 1]

- 1924 – Marina established by prior owner
- 1950s – Lagoon created by dredging at Annex site
- 2013 – Applicant submitted Jurisdictional Inquiry Form to Agency; received response through declaratory ruling that the proposed covered structures would require a variance
- 2014 – Applicant purchased most of project site
- 2014 – Variance application submitted to Agency
- 2015 – Pursuant to non-jurisdictional determinations from the Agency, applicant removed most of the pre-existing shoreline structures…
Background / Property History [Slide 2]

- 2016 – Wetland permit application submitted
- 2016 – DEC signed off on proposal as landowner of underwater lands in Ampersand Bay
- 2016 – Appeal of Third Agency Request for Information heard by Agency Board
- 2017 – Lawsuit challenging Agency jurisdiction dismissed
- 2019 – Applicant obtained deed for lands under water in Crescent Bay
- 2020 – Applicant submitted revised permit and variance proposals
- 2020 – Agency issued Permit/Variance P2016-0029…
Background / Property History [Slide 3]

- 2020 – Lawsuit filed against APA, DEC, applicant
- 2021 – DEC determined underwater lands at Ampersand Bay were not owned by NYS; petition dropped DEC/Forest Preserve claim from the lawsuit
- 2021 – Agency issued non-jurisdictional letter for docks in both bays
- 2021 – Agency approved applicant’s proposed invasive species management plan; plan implementation began
- 2023 – On appeal, Agency’s method for determining wetland value ratings determined invalid; P2016-29 void
- 2023 – Applicant contacted Agency re potential alternative proposals
- 2023 – Applicant submitted revised variance proposal for structures at Main Marina
Background: Pre-existing Conditions
Main Marina site – Pre-existing Conditions

1980

2003

2009
Main Marina site 2014
Main Marina site 2014
Main Marina site 2014
Main Marina site 2014
Main Marina site 2014
Main Marina site 2014
Main Marina site 2014
Main Marina site 2014
Main Marina site 2014
Main Marina site 2014
Main Marina site 2014
Main Marina site 2014
Main Marina site 2014
Main Marina site 2014
Main Marina site 2014

View from rock point in NW corner of property showing marina and approximate property line.
Main Marina – structures removed since 2014

14,907± square feet of pre-existing structures removed from the shoreline (everything in red)
Main Marina site – after structures removed
Main Marina site – after structures removed
Main Marina site – after structures removed
Annex site – Pre-existing Conditions
Annex site 2014
Annex site 2014
Annex site 2014

Photo A8-4

Annex shoreline behind northern boathouse, view south towards storage building.

Photo A8-6

Frames support structure (not)
Annex site 2014
Annex site 2014
Annex site 2014
Annex site 2014

Annex site 2014
Annex site 2014
Annex site 2014
Annex site 2014
Annex site – shoreline structures removed

14,871+ square feet of pre-existing structures removed from the shoreline
Annex site 2015
Annex site 2015
Annex site 2015
Annex site – after structures removed
Background: 2020 Approval
2020 Jurisdiction: Marinas in Hamlet and Location Requirements for Replacements

Expansion of a Marina:

- The APA has no general authority to regulate marinas in Hamlet land use areas

Replacement Rights – Location Requirements:

- **Shoreline structures** must be replaced on the same 1) foundation, 2) location, or 3) immediate vicinity

- **Structures involving wetlands** must be replaced on the same 1) foundation or 2) location
2020 Jurisdiction: Replacement Structure Size

Non-conforming shoreline structures:
- Main Marina: 33,679 sf
  - Replacement right: 12,347± sf
  - → Net increase: 21,350± sf
- Annex: 29,889 sf
  - Replacement right: 14,871± sf
  - → Net increase: 15,018± sf

Wetland involvement (structures):
- Main Marina: 2,230± sf
  - Replacement right: 1,260± sf
  - → Net increase: 970± sf
- Annex: 25,498± sf
  - Replacement right: 14,871± sf
  - → Net increase: 10,627± sf
- Both sites: All structures further from shoreline, boat slips in deeper water, less actual fill; record showed an anticipated increase of 885± sf in wetlands at Annex site
Total Variance Request Numbers 2020
Project Site Boat Slip Totals:

- 292 boat berths total
  - Pre-existing: 219

- 178 berths at the Main Marina
  - Pre-existing: 124

- 114 berths at the Annex
  - Pre-existing: 95

** Application noted that an unlimited number of uncovered boat slips could be constructed on the site if they met the Agency’s definition of the word “dock” and did not trigger the need for a wetlands permit.
The Agency found that the project would improve the water quality, wetlands, and the quality of the shoreline of Lower Saranac Lake compared to pre-existing conditions.

Approved with conditions:
- Structures in locations and as depicted on Project Plans
- Installation of oswts and compost toilets
- Comply with erosion and sediment control and stormwater plans
- Implement buoy plan
- Follow dredging plans
- Agency approval required for invasive species management prior to use of new structures
- Implement planting plan at Annex
- No cutting of trees or shrubs within 50 feet of the lake
- No removal of coarse woody debris from below mhwm
- Green and brown colors
- Comply with lighting plan

APA Approval 2020 – Findings
APA Approval 2020 – Court Case

- *Jorling v Adirondack Park Agency, 76 Misc 3d 1204(A) [Sup Ct 2021]*
  - Supreme Court affirmed APA review and approval

- *Jorling v Adirondack Park Agency, 214 AD3d 98 [3d Dept 2023]*
  - Appealed on two main substantive issues:
    1. Lack of completion by DEC of a carrying capacity study for the Saranac Lakes Wild Forest prior to approval of the permit/order by APA
    2. APA’s method for assigning a value rating to the wetlands at the Annex site
Regarding the State’s “failure to conduct a carrying capacity study, as directed by the” SLMP, the Court found “that APA abided by [the] statutory and regulatory requirements” in issuing its approval.

Given the pre-existing status and rights of the site, APA’s analysis, the changes made “at APA's request, prior to permit approval, in order to make the project more environmentally friendly,” and the conditions in the final approval, the Court found that “APA's determination was not rendered arbitrary and capricious by the absence of the carrying capacity study directed by the SLMP.”

**Decision:** *Completion by DEC of a “carrying capacity” study on nearby State lands was not necessary for APA to review and approve this private land proposal.*

*Jorling v Adirondack Park Agency*, 214 AD3d 98 [3d Dept 2023]
June 14, 2023

APA Approval 2020 – Court Case

Wetland Value Rating

➢ “Nevertheless, in light of APA's misapplication of its wetlands regulations,” the Court annulled the Permit/Order.

➢ The Court found that an interpretation of APA’s regulations, written by APA wetland and permitting staff in 1984 to direct staff on how to distinguish between value 1 and value 2 wetlands, was “contrary to their plain meaning.”

➢ Therefore, APA’s assignment of a value rating of 2 to the wetlands at the Annex site “lacked a rational basis.”

Decision: Because APA relied on an irrational interpretation of its wetland regulations, the review of the proposal at the Annex site was flawed, and the Permit/Order annulled.

Jorling v Adirondack Park Agency, 214 AD3d 98 [3d Dept 2023]
APA Approval 2020 – Court Case Follow-up

• APA now implements § 578.6(c) of Agency regulations as interpreted by the Appellate Division, 3rd Department

• APA will continue to update its regulatory interpretations
  • Updates to the 1984 memo had been discussed many times, but none was ever finalized
Background: 2021 and 2022
2021 Jurisdiction: Marinas in Hamlet and Location Requirements for Replacements

Expansion of a Marina:

- The APA has no general authority to regulate marinas in Hamlet land use areas

Replacement Rights – Location Requirements:

- **Shoreline structures** must be replaced on the same 1) foundation, 2) location, or 3) immediate vicinity

- **Structures involving wetlands** must be replaced on the same 1) foundation or 2) location
Non-conforming shoreline structures:
- Main Marina: 0 sf
  - Replacement right: 12,347± sf
- Annex: 0 sf
  - Replacement right: 14,871± sf

Wetland involvement:
- Main Marina: 679± sf
  - Replacement right: 1,260± sf
- Annex: 7,554± sf
  - Replacement right: 14,871± sf
- Both sites: All structures further from shoreline, boat slips in deeper water, less actual fill
2021 and 2022: Invasive Species Removal

- Invasive species removal plan required by P2016-0029
- Plan for hand harvesting and potential use of DASH approved 2021
- Implemented 2021 and 2022, continuing in 2023
Main Marina site – Current Conditions
Crescent Bay
Main Marina site – 2023

** No new boat slips **
Main Marina site April 2023
Main Marina site April 2023
Main Marina site April 2023
Main Marina site April 2023
Main Marina site April 2023
Main Marina site April 2023
Main Marina site April 2023
Main Marina site May 2023
Main Marina site May 2023
Main Marina site May 2023
Main Marina site May 2023
Main Marina site May 2023
Main Marina site May 2023
Main Marina site May 2023
Character of the Shoreline
Main Marina site
Crescent Bay
Crescent Bay
Crescent Bay
Crescent Bay
Crescent Bay
Crescent Bay
Crescent Bay
Variance Request
2023 Jurisdiction: Marinas in Hamlet and Location Requirements for Replacements

Expansion of a Marina:

- The APA has no general authority to regulate marinas in Hamlet land use areas

Replacement Rights – Location Requirements:

- **Shoreline structures** must be replaced on the same 1) foundation, 2) location, or 3) immediate vicinity

- **Structures involving wetlands** must be replaced on the same 1) foundation or 2) location
2023 Jurisdiction: Replacement Structure Size

Non-conforming shoreline structures:
- Main Marina: 49,077± sf
  - Replacement right: 12,347± sf
  - → Net increase: 36,730± sf
- Annex: 14,040± sf
  - Replacement right: 14,871± sf
  - → Net decrease: 831± sf

Wetland involvement:
- Main Marina: 988± sf
  - Replacement right: 1,260± sf
  - → Net decrease: 272± sf
- Annex: 14,550± sf
  - Replacement right: 14,871± sf
  - → Net decrease: 231± sf

Both sites: All structures further from shoreline, boat slips in deeper water, less actual fill
Variance Request 2023

- 48,500± sf non-conforming structures proposed below mhwm
  - Covered slips, measured at edge of roofline

- 577± sf non-conforming structure proposed above mhwm
  - Upgrades to boat ramp (unchanged from prior approval)

- 14,907± sf structures removed from Crescent Bay shoreline since 2015
  - → Net increase: 36,730± sf

Red = structures removed
Orange = pre-existing structures to remain
Blue = proposed non-complying structures
Variance Request 2023 – Lighting Plan

Lights below mhwm limited to:

- Solar downward-facing/”Dek-Dot” style lights on decking
- Solar downward-facing lights beneath the structure covers

* Unchanged from prior approval
Main Marina – Prohibition on Reconstructing the Pre-existing Shoreline Structures
Variance Request
– Additional
Proposed Steps, Main Marina
Variance Request 2023 – Buoy Plan

- “Keep Out” buoys along shoreline, wetland regrowth areas
- “No Wake” buoys lakeward of the boat berths

* Unchanged from prior approval
Main Marina – Erosion and Sediment Control

* Unchanged from prior approval
Main Marina – Stormwater and Drainage

* Unchanged from prior approval
Main Marina – Wastewater Treatment

- Pre-existing systems of unknown components, some likely within 100 feet of lake
- Proposal involves porta-johns/compost toilets for public use and a conventional on-site wastewater treatment system for staff

* Unchanged from prior approval
Main Marina – Upland Lighting Plan

* Unchanged from prior approval
Variance Request – Additional Proposed Steps, Annex
Annex – Prohibition on Reconstructing the Pre-existing Shoreline Structures
* Unchanged from prior approval
* Unchanged from prior approval
Annex – Stormwater Management

Stormwater Report for the Annex Parcel
Sacandaga Lake Marina
March 21, 2017

Introduction:
The Applicant is proposing to realign and improve the existing marina operation on a parcel called the Annex parcel. The Annex parcel is approximately 5.56 acres in size and is located off of Lake Street on Spiermans Bay on Lower Sacandaga Lake.

The Annex portion of the project does not require coverage under the NYSDEC SPDES General Permit for Stormwater Discharges (NYA-G-1-012). The parcel is separated from the proposed project at the Main Marina by nearly a mile to the north, and therefore can be treated as a separate plan of development even though it is part of the Larger Common Plan (Main Marina). Proposed soil disturbance at the Annex is less than 1 acre. The proposed limits of disturbance are delineated on project plan L-5.1, Site Preparation, Erosion and Sediment Control Plan, and Note #7 on the same plan requires strict adherence to these limits during construction.

Even though NYSDEC coverage is not required, the project proposes to implement erosion and sediment control practices and stormwater management strategies onto a developed site where no such practices or strategies currently exist, in order to mitigate potential stormwater and erosion impacts resulting from construction and site improvements. Erosion and Sediment Control practices are provided in accordance with the current version (2015) of the NYS Standards and Specifications for Erosion and Sediment Control. Refer to project plan L-5.0 and construction details on sheet L-7.

Existing Conditions:
The existing site consists of a gravel access drive, gravel and dirt parking areas, a metal storage building, some seasonal areas and wooded areas. Existing parking is informal and occurs wherever space is available on the site, including on the north side of the metal storage building adjacent to the shoreline. The soils on the parcel are typologic series 12 and have a shallow seasonal high water table. (See Test Pit #1). A detailed test pit log is attached to this report. The most significant restriction relating to soils is the seasonally high water table.

There are currently no formal stormwater management practices on site. Runoff along the driveway is collected in an adjacent area and flows into a vegetated ditch that flows along the south side of the storage building before entering a culvert and discharging into the lake. The wooded southern portion of the parcel also flows into the same vegetated ditch and culvert along with the building roof. Runoff from the remaining portion of the site sheet flows over the existing gravel parking areas and into the lake.

Proposed Conditions:
The project proposes to improve the existing landside marina development by formalizing the parking with porous gravel surfacing, eliminating the shoreline parking along the north side of the storage building, building a new porous gravel parking lot and introducing a significant amount of planting along the shoreline and the north side of the storage building. In general, all

* Unchanged from prior approval
Annex – Buoy Plan

- “Do not enter” buoys along vegetation in the lagoon
  - Allows only enough space to allow for boats to enter and exit slips
- “No Wake” buoys lakeward of the boat berths

* Unchanged from prior approval
Annex – Upland Lighting Plan

• No lighting above the mean high water mark / in the parking area
Annex – Wastewater Treatment

Annex site:

- No apparent pre-existing system
- Proposal involves porta-johns/compost toilets for public use

* Unchanged from prior approval
Changes to the Request Over Time
Original Variance Proposal

2014 application: 115,260+ sf non-conforming structures

- 77,054+ sf at the Main Marina
  - 64,707± sf more than could have been lawfully reconstructed
  - Plus upland retaining walls, walkways, and expansions of pre-existing cabins

- 38,206+ sf at the Annex
  - 23,335± sf more than could have been lawfully reconstructed
  - Plus upland retaining walls and walkways
Changes during the course of review above and below the mhwm

Above the mhwm:
• All proposed retaining walls, walkways, and expansions of pre-existing cabins were eliminated

Below the mhwm:
• 66,183± sf reduction in size of variance structures
  (3,800± sf in 2016)  
  (44,626± sf in 2020)  
  (17,757± sf in 2023)
**Changes – Covered Structures Below MHWM**

**Main Marina**
- 2014 proposal: 76,477± sf
- 2020 approval: 33,120± sf
- 2023 proposal: 48,500 sf

**Annex**
- 2014 proposal: 38,206± sf
- 2020 approval: 29,889± sf
- 2023 proposal: 14,040± sf
  - Net decrease of 831± sf from pre-existing

**Total**
- 2014 proposal: 114,683± sf
- 2020 approval: 63,009± sf
- 2023 proposal: 62,540± sf
  - Only Main Marina portion requires variance
Visual Analysis
Visual Analysis
Visual Analysis – Location 1 exist.
Visual Analysis – Location 1 prop.
Visual Analysis – Location 2 exist.
Visual Analysis – Location 2 prop.
Visual Analysis – Location 3 exist.
Visual Analysis – Location 3 prop.
Visual Analysis – Location 7 exist.
Visual Analysis – Location 7 prop.
Visual Analysis – Location 8 exist.
Visual Analysis – Location 8 prop.
Visual Analysis – Loc. 10 (Baker Mtn) existing
Visual Analysis – Loc. 10 (Baker Mtn) proposed
Review by Other Agencies
Review by Others

- **NYS Department of Environmental Conservation**
  - Permits from 2020 proposal still in effect; modification to the Docking Facility and Excavation and Fill required, application has been submitted

- **U.S. Army Corps of Engineers**
  - Pre-construction notification from 2020 proposal has expired; new notification required

- **Town of Harrietstown**
  - Resolution Granting Site Plan Approval issued 2015
  - Confirmed no new review required 2023

- **NYS Office of Parks, Recreation and Historic Preservation**
  - Letter of No Impact issued 2014
Variance Hearing and Public Comment Letters
Variance Hearing pursuant to APA Act § 806 and 9 NYCRR Part 576.5

- June 5, 2023 by teleconference
- In attendance:
  - Agency staff
  - Applicant
  - Authorized representative
  - 24± members of public, 13 provided comments
    - 11 in favor – 11 local landowners
    - 2 opposed – 1 local landowner and his attorney
Public Comment Letters

- 50 Total Letters
  - 31 in support, including:
    - Local landowners
    - Multiple comments from some individuals
  - 18 opposed, including:
    - Local landowners
    - Advocacy groups
    - Multiple comments from some individuals
  - 1 advocacy group partially in support, partially opposed
Comments in Favor of the Variance [SLIDE 1]

- Applicant’s efforts to rebuild and modernize the marina
- Environmental, aesthetic, and safety benefits that have been observed
- Site aesthetics will be further improved by the proposed covers
- Lack of need for a carrying capacity study for the proposal
- Lack of overcrowding of Lower Saranac Lake by boaters
- Agency already granted a variance for a larger proposal on the site…
Comments in Favor of the Variance [SLIDE 2]

- Potential for environmental harm from requiring all non-shorefront owners to trailer boats into the lake for each use
- Employment opportunities offered to the community
- Lake accessibility for non-shorefront owners
- Safety benefits to marina customers
- Protection of boats themselves
- Lack of invasive species control programs in Lower Saranac Lake and associated need for marina’s continuing management actions
Comments Opposed to the Variance

- Misunderstanding of land ownership issues within Ampersand Bay
- Need for a carrying capacity study for review of the proposal
- Concerns over potential impacts to wetlands at the Annex site
- Disagreement with the Agency’s review process
- Agency jurisdiction
- Request for an adjudicatory hearing
Variance Review
Criteria – Staff Analysis
Variance Review Factors

- Agency must consider:
  - Whether the application requests the minimum variance necessary
  - Whether the variance would result in substantial detriment to nearby or adjoining landowners
  - Whether there are feasible alternatives
  - The manner in which the difficulty arose
  - Whether granting the variance would adversely affect existing resources
  - Whether the imposition of conditions would minimize adverse impacts

- “A variance will be granted when the adverse consequences to the applicant resulting from denial are greater than the public purpose sought to be served by the restriction.”
Whether application requests the minimum relief necessary

- Minimization efforts:
  - Removed numerous proposed retaining walls, walkways, and expansions of pre-existing cabins to reduce total variance footprint above mhwm to 577± square feet
  - Reduced variance footprint below mhwm by 66,183± square feet
  - Reduced proposed structures over wetlands by 19,592± square feet
Whether granting the variance will create a substantial detriment to adjoining or nearby landowners [SLIDE 1]

- **Visual impacts**
  - Covers will be visible from Hamlet lands within Crescent Bay and from Moderate / Low Intensity Use across the Bay, with a portion of the furthest covers visible from the Saranac Lakes Wild Forest.
  - Covers may provide an aesthetic benefit compared to the existing uncovered docks.
  - Structures will be green and brown, lighting will be downward facing.
  - Existing boat ramp will be stabilized and planted.
  - Wetlands and other vegetation will continue to regrow along the shoreline.
Whether granting the variance will create a substantial detriment to adjoining or nearby landowners [SLIDE 2]

- Water quality impacts
  - Stormwater and erosion controls will reduce existing impacts to water quality
  - Pre-existing wastewater treatment systems of unknown origin will be replaced with a conventional system for staff and porta-johns/compost toilets for customers
  - Invasive species removal will continue
  - Covers may prevent fluids and debris from washing off boats into the lake
  - No increase in boat traffic; conditions will limit boat numbers going forward
Whether the difficulty can be resolved by a feasible method other than a variance

- No variance required for:
  - Reconstruction of the pre-existing buildings along the shoreline
  - Construction of unlimited number of additional docks
The manner in which the difficulty arose

- Applicant on notice when purchased property
  - 2013 – applicant notified in writing that construction of covered structures would require a variance
  - 2014 & 2019 – obtained ownership of the variance site

- No variance required for:
  - Reconstruction of the pre-existing buildings along shoreline
  - Construction of unlimited number of additional docks
Whether granting the variance will adversely affect existing resources [SLIDE 1]

- 48,500± sf of proposed covers over existing slips will be visible from Hamlet lands within Crescent Bay and from Moderate / Low Intensity Use across the Bay, with a portion of the furthest covers visible from the Saranac Lakes Wild Forest
  - Covers will be green and brown
  - May be considered an adverse visual impact
  - May be considered an aesthetic benefit
Whether granting the variance will adversely affect existing resources [SLIDE 2]

- Existing water quality and shoreline aesthetics will be positively impacted by:
  - Restriction against reconstruction of the 27,218± sf of pre-existing structures along the shoreline
  - Implementation of buoy plans to avoid disruption to neighbors and shoreline vegetation
  - Replacement of wastewater systems of unknown components with an OWSTS and compost toilets that meet all APA and DEC standards
  - Implementation of erosion and sediment control and stormwater plans where currently there are no controls
  - Removal of the gravel boat launch at the Main Marina and stabilization with plantings
  - Plantings to screen the existing boat storage structure at the Annex
  - Implementation of shielded, downward-facing lighting at the Main Marina; restriction against any upland lighting at the Annex
  - Review of new boat rental slips
Whether the imposition of conditions upon the granting of the variance will minimize potential adverse effects

Conditions regarding wastewater treatment, stormwater/erosion and sediment control, buoys/navigation channels, invasive species management, structure color, outdoor lighting, signs, plantings, vegetative cutting and removal, and adherence to the approved plans will ensure that there will be no adverse effects from the granting of the variance.
Balancing Test

“A variance will be granted when the adverse consequences to the applicant resulting from denial are greater than the public purpose sought to be served by the restriction.”

Staff Analysis

- Adverse consequence to the applicant: the proposed boat slip covers and improved boat launch could not be constructed

- Public purposes of shoreline restrictions: protection of water quality and shoreline quality of Lower Saranac Lake...
Balancing Test - protection of water quality

[SLIDE 1]

- 12,347± sf of pre-existing buildings removed from along the shoreline; will not be rebuilt
  - Removed barriers to wildlife movement between the littoral zone of the lake and the riparian area adjacent to the lake
  - Wetland vegetation has since grown in this area, helping to:
    - stabilize the shoreline and
    - prevent erosion and sedimentation into the lake
- Moving boat slips to deeper water will decrease turbidity
Balancing Test - protection of water quality [SLIDE 2]

- No difference to water quality from the proposed covered structures v. uncovered docks below mhwm
  - Covers may improve water quality by preventing the washing of fluids and debris off boats and into the lake
- Stormwater and erosion controls will reduce existing impacts to water quality
- Gravel boat launch will be removed, area stabilized and planted
- Pre-existing wastewater treatment systems of unknown components will be replaced with a conventional system for staff that complies with all current standards, plus porta-johns/compost toilets for customers
- Buoy plans will protect shoreline vegetation
- Invasive species management will continue
Additional benefits – Annex site:

- 14,871+ square feet of pre-existing buildings and other structures removed from along the shoreline; will not be rebuilt
  - Removed barriers to wildlife movement between the littoral zone of the lake and the riparian area adjacent to the lake
- Wetland vegetation has since grown in this area, helping to:
  - stabilize the shoreline and
  - prevent erosion and sedimentation into the lake
- Reduction in boat slips within wetlands and moving boat slips to deeper water will decrease turbidity
Balancing Test - protection of water quality [SLIDE 4]

Additional benefits – Annex site:

- Stormwater and erosion controls will reduce existing impacts to water quality
  - Impervious parking area will be constructed
  - Plantings will stabilize shoreline
- Porta-johns/compost toilets will be installed
- Buoy plans will protect shoreline vegetation
- Invasive species management will continue
Balancing Test - protection of shoreline quality [SLIDE 1]

- Visual impacts
  - Covers will be visible from Hamlet lands within Crescent Bay and from Moderate / Low Intensity Use across the Bay, with a portion of the furthest covers visible from the Saranac Lakes Wild Forest
  - Covers will be green and brown
  - Lighting will be downward facing, with upland lighting replaced
  - Gravel boat launch will be stabilized and planted
  - Shoreline and wetland vegetation will continue to regrow
Balancing Test - protection of shoreline quality [SLIDE 2]

Additional benefits – Annex site

- Lighting will be downward facing, no upland lighting allowed
- Plantings will help to screen existing upland development
Balancing Test - Impacts from Denial

- The applicant or a future owner could reconstruct the 27,218± square feet of pre-existing buildings along the shoreline that have been removed, resulting in:
  - Worse impacts to the shoreline/littoral zone
  - Worse impacts to water quality
  - Increased turbidity in wetlands

- The applicant or a future owner could also construct an unlimited number of additional docks without covers without Agency review.

- The Agency would have no authority to enforce the stormwater, erosion and sediment control, wastewater, lighting, planting, buoy, or invasive species control plans, or to limit the number of boat slips available for rent.
Staff Recommendation
Balancing Test: 9 NYCRR § 576.1(b)

Staff Analysis

Given the specifics of the pre-existing marina, its location, the details of the proposal, and staff’s proposed conditions, the public purposes of the shoreline restrictions will be better served through approval of the variance request than through denial.
LS Marina, LLC

Project Number 2016-0029A