


THIS IS A TWO-SIDED DOCUMENT

 <p>NEW YORK STATE OF OPPORTUNITY.</p> <p>Adirondack Park Agency</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>APA Order Granting Variance 2022-0296</p>
<p>In the Matter of the Application of GEORGE H. CARROTHERS, JR. for a variance pursuant to Executive Law § 806</p>	<p>Date Issued: July 3, 2023</p> <p>To the County Clerk: Please index this Order in the grantor index under the following name: 1. George H. Carrothers, Jr.</p>

SUMMARY AND AUTHORIZATION

George H. Carrothers, Jr. (applicant) is granted a variance, as conditioned herein, from the applicable 50-foot shoreline structure setback required by Section 806(1)(a)(2) of the Executive Law (Adirondack Park Agency Act or APA Act), to allow for construction of 376± square feet of deck and ramp attached to a pre-existing commercial use structure. At its closest point the deck will be 30 feet from the mean high water mark of Jennings Pond, in an area classified Hamlet by the Official Adirondack Park Land Use and Development Plan Map in the Town of Long Lake, Hamilton County.

Nothing contained in this Order 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.

APPLICABLE LAWS

Section 806(1)(a)(2) of the APA Act establishes a minimum shoreline setback of 50 feet from the mean high-water mark of Jennings Pond for all accessory structures and principal buildings greater than 100 square feet in size. The applicant requested a variance from this structure setback requirement pursuant to § 806(3)(a) of the APA Act.

RELEVANT FACTS AND BACKGROUND

Variance Site

The variance site is a 2.8±-acre parcel of land identified on Town of Long Lake Tax Map Section 25.016, Block 1, as Parcel 5, and described in a deed from George H. Carrothers, Jr. and Austin L. Carrothers to George H. Carrothers, Jr., dated December 26, 2022, and recorded December 29, 2022, in the Hamilton County Clerk's Office under Instrument Number 2022-1766.

The site is improved by an approximately 960-square-foot commercial use structure constructed circa 1950, as well as the dam and spillway for Jennings Pond. The structure is currently used for a coffee shop, real estate office, and non-motorized boat rental. Several

tables associated with the coffee shop are placed at ground level in the location of the proposed deck. Commercial businesses, residential single family dwellings, and the Long Lake Town Beach characterize the area surrounding the variance site.

The existing structure on the variance site is partially located within the 50-foot shoreline setback of Jennings Pond. White pine, white cedar, and other native trees and shrubs partially screen the existing structure from adjoining properties and Jennings Pond.

Variance Request

The variance request involves construction of 376± square feet of deck and ramp entirely within the Agency's 50-foot setback from Jennings Pond. The proposed deck and ramp will be attached to the eastern side of the existing structure over an existing cleared gravel area located between the structure and Jennings Pond. The deck and ramp will be no wider or taller than the existing structure. The deck and ramp will be located 9 feet closer to the mean high water mark of Jennings Pond than the existing structure. Once constructed, the deck and ramp will be located 30 feet from the mean high water mark of Jennings Pond. The ramp and deck are intended to provide disabled persons access and egress from the existing commercial use structure.

Construction of the deck and ramp will require no vegetative cutting and minimal ground disturbance. The deck and ramp will be backdropped by the existing structure when viewed from Jennings Pond. The deck and ramp will not add any impermeable surface to the variance site.

The variance proposal is shown on an un-dated map titled "Another Paradise Cove," prepared by George H. Carrothers, Jr., and received by the Agency on May 15, 2023 (Site Plan). A reduced-scale copy of the Site Plan is attached as a part of this Order for reference. The original, full-scale map described in this paragraph is the official plan for the variance, with copies available upon request from Adirondack Park Agency headquarters in Ray Brook, New York.

PROCEDURAL HISTORY

Following receipt of the variance application, the Agency notified all parties as required by the Agency regulations. On June 27, 2023, the Agency held a public hearing on the variance by teleconference. The hearing was attended by Agency staff and the applicant. The Agency received one public comment letter expressing support for the proposal.

VARIANCE FACTORS

The Agency may grant a variance where there are practical difficulties in carrying out the restrictions set forth in Section 806(1)(a)(2) of the APA Act. The Agency has considered the standards and factors set forth in 9 NYCRR § 576.1(b)-(c).

§ 576.1(b): Whether the adverse consequences to the applicant resulting from denial are greater than the public purpose sought to be served by the restriction.

The public purposes served by the Agency's structure setback requirements include protection of the water quality and aesthetic quality of Jennings Pond.

The variance site is located in a Hamlet land use area in a developed area. The variance involves construction of 376± square feet of deck and ramp attached to the eastern side of an existing commercial use structure that is located entirely within the 50-foot setback of Jennings Pond. The applicant is seeking to expand the pre-existing structure. The deck and ramp will provide access and egress to the existing structure for disabled persons. Although the expansion will be located 30 feet from the mean high water mark of Jennings Pond, the deck and ramp will not increase the height or width of the pre-existing structure. Construction of the deck and ramp will also not add any impermeable surface to the variance site and will require no vegetative cutting and minimal ground disturbance. The deck and ramp will be backdropped by the existing structure when viewed from Jennings Pond and are in character with the surrounding area.

If the variance request were denied, the applicant would not be able to construct an outdoor deck or provide disabled persons access and egress from the existing commercial use structure via a ramp.

§ 576.1(c)(1): Whether the application requests the minimum relief necessary.

The deck and ramp will be constructed over an existing cleared gravel area located between the structure and Jennings Pond and will align within the existing width of the structure. The request is the minimum size to conform to the design and layout of the existing structure and to provide access and egress for disabled persons. The deck and ramp will be no wider or taller than the existing structure.

§ 576.1(c)(2): Whether granting the variance will create a substantial detriment to adjoining or nearby landowners.

The applicant has designed the deck and ramp to retain the width and height of the existing structure. Although the deck and ramp will be visible from Jennings Pond, the new structures will be backdropped by the existing structure when viewed from Jennings Pond and will be partially screened from adjoining properties by the existing structure and vegetation. In addition, the deck and ramp will not add any new impervious surface to the variance site. The expansion is in character with the surrounding developed area.

§ 576.1(c)(3): Whether the difficulty can be obviated by a feasible method other than a variance.

There are no non-jurisdictional alternatives for constructing a deck and ramp attached to the existing structure to provide disabled persons access since the variance site is located on a peninsular shaped parcel and the existing structure is located partially within the shoreline setback. There is no location on the property to expand the existing structure outside of the shoreline setback.

§ 576.1(c)(4): The manner in which the difficulty arose.

The existing commercial use structure was constructed circa 1950, prior to the effective date of the Adirondack Park Agency Act and is partially within the shoreline setback. The applicant

purchased the property in 2018 with knowledge of the size of the pre-existing structure and its location within the 50-foot shoreline setback. There is no location on the property to expand the existing structure outside of the shoreline setback.

§ 576.1(c)(5): Whether granting the variance will adversely affect the natural, scenic, and open space resources of the Park and any adjoining water body due to erosion, surface runoff, subsurface sewage effluent, change in aesthetic character, or any other impacts which would not otherwise occur.

Construction of the deck and ramp will require no vegetative cutting and minimal ground disturbance. The deck and ramp will be backdropped by the existing structure when viewed from Jennings Pond. The deck and ramp will not add any impermeable surface to the variance site.

Construction of the deck and ramp without restrictions on vegetative cutting and exterior lighting could result in impacts to the aesthetic character of the shoreline of Jennings Pond.

§ 576.1(c)(6): Whether the imposition of conditions upon the granting of the variance will ameliorate the adverse effects noted above.

The potential for adverse effects to Jennings Pond will be ameliorated by compliance with the following conditions:

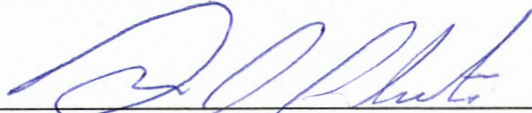
1. This authorization shall expire unless recorded in the Hamilton County Clerk's Office within 60 days of the date of issuance.
2. This Order is binding on the applicant, all present and future owners of the project site, and all persons undertaking all or a portion of the project
3. The authorization to undertake construction of the 376± square foot deck and ramp shall expire five years from the date this Order is recorded in the Hamilton County Clerk's office, unless construction of the structure has been completed in accordance with the Site Plan by that date or written authorization has been obtained from the Agency extending the deadline for construction.
4. The project shall be undertaken as depicted on the Site Plan referenced herein. Any changes to the location, size, dimensions, or other aspects of the deck and ramp shall require a new or amended Agency Order or a letter of compliance.
5. Within 35 feet of the mean high water mark of Jennings Pond, no trees, shrubs or other woody-stemmed vegetation may be cut or otherwise removed 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.
6. Any new free-standing or building-mounted outdoor lights associated with the deck and ramp shall employ full cut-off fixtures that are fully shielded to direct light downward and not into the sky, Jennings Pond, or adjoining property.

CONCLUSION

The Agency has considered all of the standards and factors for issuance of a variance as set forth in 9 NYCRR Part 576. The Agency hereby finds that the applicant's variance request meets the approval criteria, provided the authorized activities are undertaken as described herein and in compliance with the conditions set forth above.

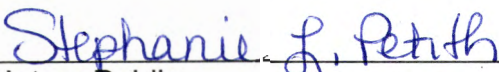
ORDER issued this 3rd day
of July, 2023.

ADIRONDACK PARK AGENCY

BY: 
David J. Plante, AICP CEP
Deputy Director, Regulatory Programs

STATE OF NEW YORK
COUNTY OF ESSEX

On the 3rd day of July in the year 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared David J. Plante, 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

Stephanie L. Petith
Notary Public, State of New York
Reg. No 01PE6279890
Qualified in Franklin County
Commission Expires April 15, 2025

RECEIVED
ADIRONDACK PARK AGENCY
MAR 15 2023



Existing Building

EXIST

ADA RAMP

Removed Deck

New Proposed Deck
276 sq ft

44' to staircase

30' to staircase

Another Baseline Line		
SCALE: 3/8"	APPROVED BY:	DRAWN BY: GHR.
DATE:		REVISED:
1565 Main St Long Lake NY		
DRAWING NUMBER		