


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 2023-0137</p>
<p>In the Matter of the Application of</p> <p>VILLAGE OF SARANAC LAKE</p> <p>for a variance pursuant to Executive Law §806</p>	<p>Date Issued: June 6, 2024</p> <p>To the County Clerk: Please index this Order in the grantor index under the following name: 1. Village of Saranac Lake</p>

SUMMARY AND AUTHORIZATION

Village of Saranac Lake (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 the extension and expansion of an existing pedestrian walkway located at the mean high water mark of the Saranac River, in an area classified Hamlet by the Official Adirondack Park Land Use and Development Plan Map in the Village of Saranac Lake, Franklin 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 the Saranac River 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 2.34-acre parcel of land identified on Village of Saranac Lake Tax Map Section 447.69, Block 4, as Parcels 11.100 and 15. The site is described in deeds from Saranac Lake Center, LLC to Tops Portfolio LLC, dated March 13, 2015, recorded April 8, 2015 in the Franklin County Clerk's Office under Instrument Number 2015-1477 and from Michael E. Kinville to Saranac Lake Brewing Company, LLC, dated February 12, 2021, recorded February 12, 2021 in the Franklin County Clerk's Office under Instrument Number 2015-1477. The variance site is further described in easements from Tops Portfolio LLC to

Village of Saranac Lake, dated August 8, 2023, recorded September 22, 2023 in the Franklin County Clerk's Office under Instrument Number 2023-4289 and from Saranac Lake Brewing Co., LLC to Village of Saranac Lake dated August 15, 2023, recorded August 25, 2023 in the Franklin County Clerk's Office under Instrument Number 2023-3777.

The variance site is located in a commercial area accessed from Church Street and Woodruff Street in the Village of Saranac Lake and contains approximately 430 feet of shoreline on the Saranac River. The site is improved by a circa 1965 grocery store and a circa 2024 restaurant/brewery, as well as a pedestrian pathway, deck, sitting bench, guard rail, fence, paved parking areas, concrete retaining wall and rip rap along the shoreline. Other nearby commercial uses include a health food store and eye care office.

The existing pedestrian pathway was constructed in the mid-1990's and is located entirely within the 50-foot shoreline setback of the Saranac River. The pathway provides an accessible pedestrian connection between downtown businesses and attractions, allowing the public to engage with the Saranac River while safely traversing throughout the Village. Large white pine, maple and other native trees and shrubs located on the brewery property partially screen the existing structures from adjoining properties and the Saranac River.

Variance Request

The existing pedestrian pathway on the project site was authorized by Agency Order and Variance 95-96. The current variance request, which involves extension of the existing pathway, has been identified to be funded by the New York State Downtown Revitalization Initiative, and involves the construction of a 2,417 square foot lateral extension of the existing 825 square foot pedestrian pathway in an easterly direction along the north bank of the Saranac River, comprised of 2,030 square feet of at-grade concrete, 245 square feet of elevated boardwalk and 142 square feet of rip rap. The 92-foot-long by 2-foot-tall fence along the south side of the pedestrian pathway is proposed to be increased by 1.5 feet in height and laterally extended 264 feet in an easterly direction resulting in a 1,062 square foot increase in face view. The pathway expansion has been designed to provide safe pedestrian passage and to further enhance the unique Riverwalk experience. The expansion will allow pedestrians to safely traverse past the end point of the existing pathway to a new brewery and allow access to the multi-use rail trail located along the former Adirondack Central Railroad corridor between Lake Placid and Tupper Lake. The elevated boardwalk was designed to cross an existing swale between the two parcels and avoid the use of stairs and ramps. The project is designed to meet the Saranac Lake Department of Public Works minimum walkway width required for snow removal. The walkway railing height is based on fall protection as required by the International Building Code. The cable rail style selected for the railing minimizes visual impact while providing fall protection. The expansion will be located entirely within the 50-foot setback of the Saranac River. The proposed expansion will be no closer to the mean high water mark than the existing pathway. All trees in excess of six inches diameter at breast height are proposed for removal on tax parcel 447.69-4-15. A proposed upland gabion wall between the pathway and grocery store was eliminated from the proposal.

The elevated boardwalk has been designed to transition an existing swale and a change in elevation between the two parcels. Rip rap proposed between the top of an existing concrete retaining wall and the walkway on the supermarket lot has been minimized. Protection is proposed for trees proximate to disturbance on the brewery parcel along with an area of planting between the walkway and the shoreline. The Project Plans include erosion and sediment control measures such as compost filter socks.

The variance proposal is shown on a 17-sheet plan set titled "Engineering Design Services & Construction Management For Parks, Streetscapes, & Connectivity Improvements," prepared by Environmental Design & Research, Landscape Architecture, Engineering & Environmental Services, D.P.C., dated September 2, 2022 and last revised February 23, 2024 (Project Plans). Drawing Number RW-E-101 (Lighting Plan) was last revised April 8, 2024.

A reduced-scale copy of Drawing Numbers RW-C-102 and RW-C-201 (together the Site Plan) are attached as a part of this Order for reference. The original, full-scale maps and plans described in this paragraph are the official plans 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 Agency regulations. On May 22, 2024, the Agency held a public hearing on the variance request. The hearing was attended by Agency staff and the applicant's representative Cassandra Hopkins.

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 aesthetics of the Saranac River.

Denial of the variance request would impact the applicant's ability to engage pedestrians with the Saranac River, as the existing pathway does elsewhere in the village, and limit the applicant's ability to extend the existing pedestrian pathway and improve the connectivity and pedestrian safety of the existing pathway.

As proposed, the project will protect the water quality of Saranac River as it maintains existing stormwater drainage patterns. The aesthetics of the shoreline will be protected as the expansion will be backdropped by the existing grocery store, brewery and vegetation when viewed from the Saranac River.

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

The project has been designed to meet the minimum pathway width required by the Village of Saranac Lake Department of Public Works for snow removal and minimum height required by International Building Code for pedestrian safety. The 142 square feet of rip rap is less than originally proposed. A proposed upland gabion wall between the pathway and grocery store was eliminated from the proposal.

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

Commercial uses characterize the area surrounding the variance site. The applicants have designed the height increase and expansion of the pedestrian pathway in a manner that retains the character and appearance of the commercial shoreline by keeping the structure the same distance from the shoreline as the existing pathway and maintaining existing vegetation. Although the walkway expansion and height increase will be visible from the river, the height expansion will be backdropped by existing development when viewed from the Saranac River and both expansions will be partially screened from adjoining properties by the existing grocery store, brewery and vegetation. The height increase will not impact views of the river from neighboring properties.

§ 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 expanding the footprint or increasing the height of the existing pedestrian pathway since the pathway is located entirely within the 50-foot shoreline setback of the Saranac River.

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

The existing pedestrian pathway was authorized by Agency Order and Variance 95-56. The current pathway abruptly terminates at a supermarket's asphalt parking lot and loading dock located at the east end. The expansion project will allow pedestrians to safely traverse past this point to a new brewery and allow access to the rail trail.

§ 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 expanded pedestrian pathway without stormwater and erosion controls could cause erosion or surface runoff and lead to adverse changes to water quality and the aesthetic character of the Saranac River. In addition, construction of the walkway without restrictions on vegetative cutting, lighting, and color of building materials could result in impacts to the aesthetic character of the shoreline of the Saranac River.

§ 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 the water quality and aesthetics of Saranac River will be ameliorated by compliance with the following conditions:

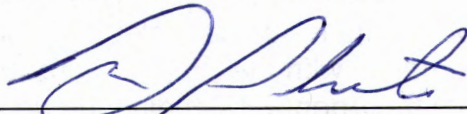
1. This authorization shall expire unless recorded in the Franklin County Clerk's Office within 60 days of the date of issuance.
2. This Order is binding on the applicant, all present and future owners of the project site, and all persons undertaking all or a portion of the project
3. The authorization to undertake construction of the height increase and expansion of the existing pedestrian pathway shall expire five years from the date this Order is recorded in the Franklin County Clerk's office, unless construction of the structure has been completed in accordance with the Project Plans 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 plan sheets referenced herein. Any changes to the locations, sizes, dimensions, or other aspects of the structures shall require a new or amended Agency Order or a letter of compliance.
5. All lighting of the expanded pedestrian pathway on the project site shall comply with the Lighting Plan. Any change to this lighting shall require prior written Agency authorization.
6. All building materials of the expanded pedestrian pathway authorized herein shall be a dark shade of green, grey, or brown.
7. Within 50 feet of the expanded pedestrian pathway, no trees, shrubs, or other woody stemmed vegetation may be cut, culled, trimmed, pruned or otherwise removed or disturbed 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.

CONCLUSION

The Agency has considered all of the standards and factors for issuance of a variance as set forth in 9 NYCRR Parts 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 6th day
of June, 2024.

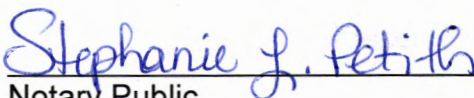
ADIRONDACK PARK AGENCY

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

STATE OF NEW YORK
COUNTY OF ESSEX

On the 6th day of June in the year 2024, 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.

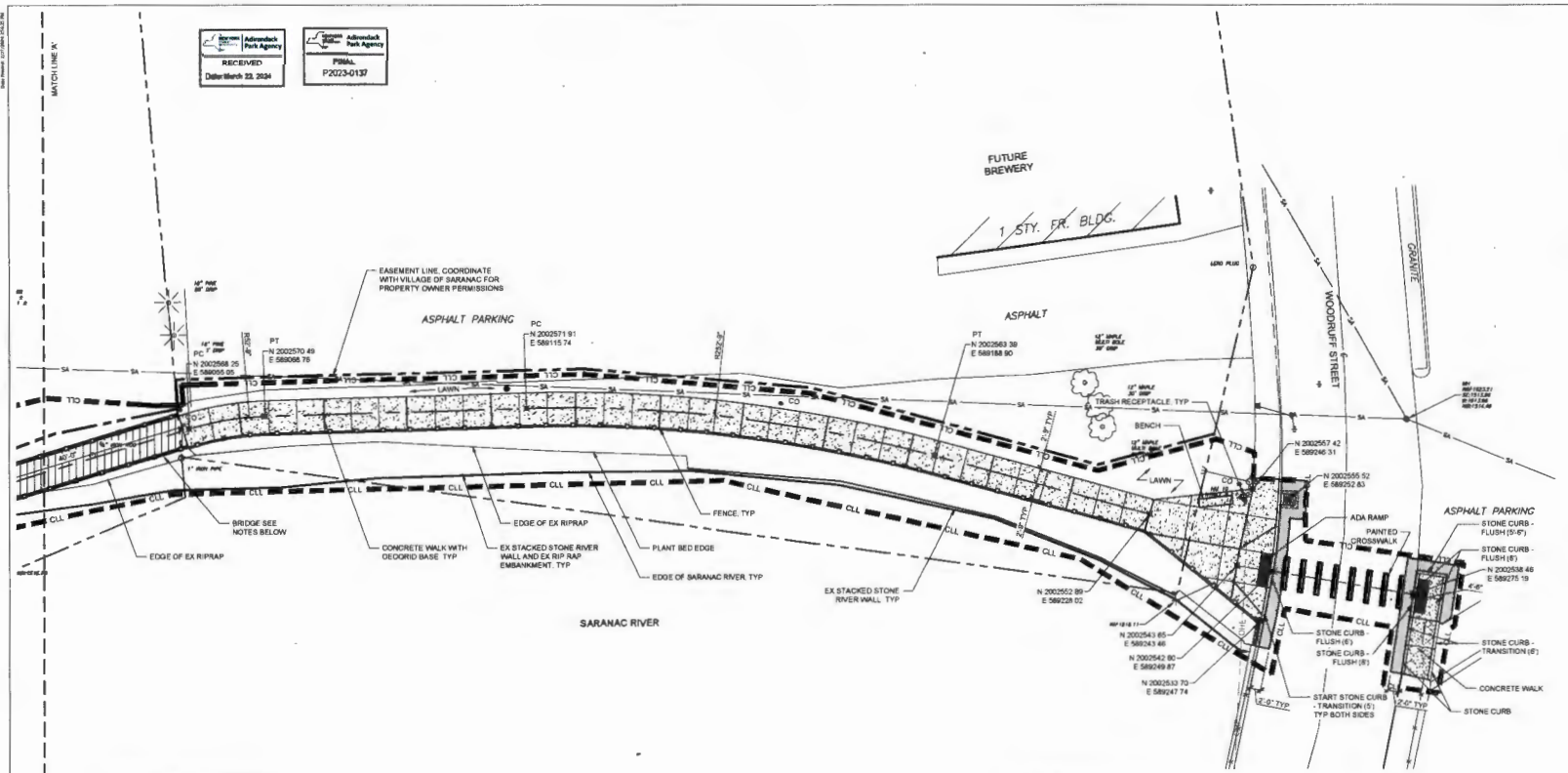
Stephanie L. Petith
Notary Public, State of New York
Reg. No. 01PE6279880
Qualified in Franklin County
Commission Expires April 15, 2025


Notary Public

Adirondack Park Agency
RECEIVED
Date: March 28, 2024

Adirondack Park Agency
FINAL
P2023-0137

LEGEND	
SYMBOL	ITEM
---	PROPERTY LINE
---	CONTRACT LIMIT LINE
---	CLL
---	EASEMENT LINE
---	CENTERLINE
---	OVERHEAD ELECTRIC
---	ASPHALT PAVEMENT
---	CONCRETE PAVEMENT
---	PERMATRAK CONCRETE BOARDWALK
---	DECORATIVE STONE MULCH



- BRIDGE BASIS OF DESIGN**
- 1 BRIDGE BROTHERS, INC
 - 11 226 FARMINGTON HIGHWAY, BLDG 19, PICKENS, SC 29671
 - 12 5488-288-3401
 - 13 info@bridgebrothers.com
 - 2 6'x42' PEDESTRIAN BRIDGE
 - 3 WEATHERED FRAMER
 - 4 CONCRETE DECK
 - 5 42' RAILING
 - 6 7,000 LB VEHICLE LOADING
 - 7 BRIDGE MANUFACTURER TO PROVIDE STAMPED AND SIGNED DESIGN BY A NEW YORK STATE LICENSED ENGINEER
 - 8 DESIGN TO INCLUDE BRIDGE ABUTMENTS

NOTE: CONTRACTOR SHALL PROVIDE SHOP DRAWINGS SHOWING LAYOUT OF ALL FENCE POST LOCATIONS AND LAYOUT OF NEW TO EXISTING FENCE CONNECTIONS PRIOR TO FENCE FABRICATION AND INSTALLATION. NOTE: THERE SHALL NOT BE ANY VERTICAL BARK SEPARATIONS GREATER THAN 4 INCHES.



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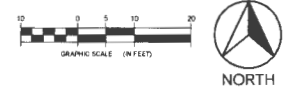
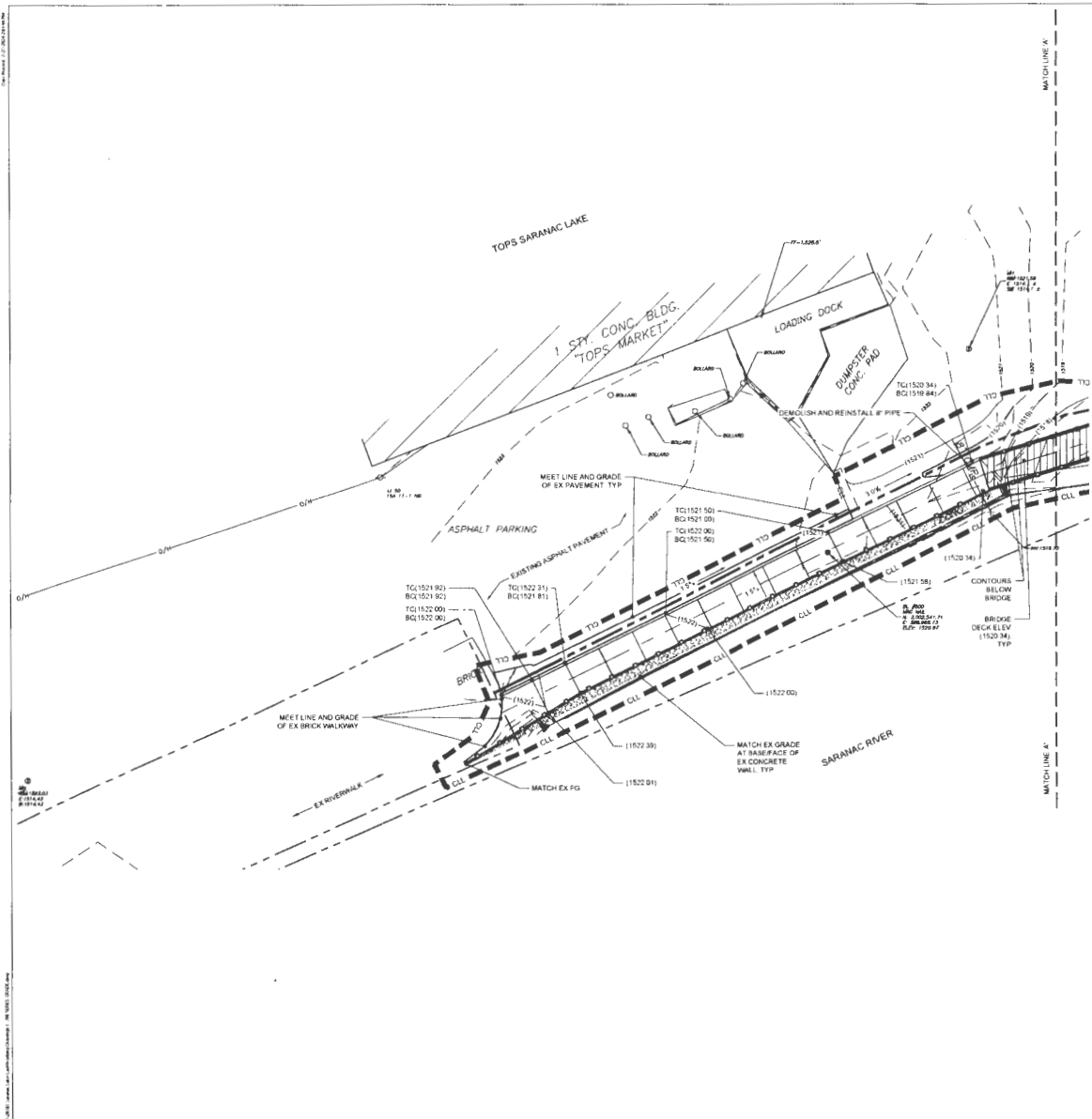
SUBCONSULTANTS:
C&S COMPANIES RAVI ENGINEERING & LAND SURVEYING, P.C. **at**

PROJECT TITLE: **ENGINEERING DESIGN SERVICES & CONSTRUCTION MANAGEMENT FOR PARKS, STREETSCAPES, & CONNECTIVITY IMPROVEMENTS**
PROJECT LOCATION: SARANAC LAKE, FRANKLIN COUNTY, NEW YORK 12983
CLIENT: VILLAGE OF SARANAC LAKE - RYS DOR CONTRACT # - C1081616
DRAWING TITLE: **RIVERWALK EXTENSION LAYOUT AND MATERIALS PLAN**

DRAWINGS ISSUED FOR / REVISIONS				FOR JOB: 20181	
NO.	DATE	ISSUED FOR / REVISION	BY	CHK	APP
0	2/27/2023	ISSUED FOR MD	SB	TD	SCALE: 1"=10'-0"
1	2/28/2024	INTERVAL REVISIONS	SB	TD	DRAWN BY: RP
2					CHECKED BY: TD
3					DRAWING NUMBER
4					
5					

RW-C-102

LEGEND	
SYMBOL	ITEM
---	PROPERTY LINE
---	CONTRACT LIMIT LINE
---	CENTERLINE
---	SPOT ELEVATION - FINISHED
---	CONTOUR - FINISHED
---	CONTOUR - FINISHED - INDEX
---	SWALE CENTERLINE



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SUBCONSULTANTS

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PROJECT TITLE: **ENGINEERING DESIGN SERVICES & CONSTRUCTION MANAGEMENT FOR PARKS, STREETSCAPES, & CONNECTIVITY IMPROVEMENTS**

PROJECT LOCATION: SARANAC LAKE, FRANKLIN COUNTY, NEW YORK 12985

CLIENT: VILLAGE OF SARANAC LAKE, NYS DOB CONTRACT # 11861616

DRAWING TITLE: **RIVERWALK EXTENSION GRADING PLAN**

DRAWINGS ISSUED FOR / REVISIONS			
NO.	DATE	ISSUED FOR / REVISION	BY / CHK / APP.
5	10/20/22	ISSUED FOR BID	SB / TD
4	10/10/22	REPAIRWALK REVISIONS	SB / TD
3			
2			
1			

DATE: **SEPTEMBER 2, 2022**

SCALE: **1" = 50'-0"**

DRAWN BY: **SB**

CHECKED BY: **TD**

DRAWING NUMBER: **RW-C-201**