


THIS IS A TWO SIDED DOCUMENT

 <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 2024-0211</p>
<p>In the Matter of the Application of RANDELL BOWERS for a variance pursuant to Executive Law § 806</p>	<p>Date Issued: October 25, 2024</p> <p>To the County Clerk: Please index this Order in the grantor index under the following names: 1. Randell Bowers 2. Linda Bowers</p>

SUMMARY AND AUTHORIZATION

Randell Bowers (applicant) is granted a variance, as conditioned herein, from the applicable 50-foot shoreline structure setback required by § 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 non-conforming dock located at the mean high water mark of Raquette Lake, in an area classified Moderate Intensity Use 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 Raquette Lake for all accessory structures and principal buildings greater than 100 square feet in size. The applicants 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 4.4-acre parcel of land identified on Town of Long Lake Tax Map Section 44.000, Block 1, as Parcels 2.300 and 2.400 and is described in a deed from Raquette Lake Camps, Inc. to Randell Bowers and Linda Bowers, dated April 30, 2004, recorded May 4, 2004 in the Hamilton County Clerk's Office at Book 231, Page 361.

The variance site is accessible by water only and contains approximately 410 feet of shoreline on Raquette Lake. The site is improved by a circa 2007 single family dwelling with related shed, stairs and dock. Nearby land uses include seasonal dwellings, a seasonal children's camp and New York State lands designated Sargent Ponds Wild Forest.

The existing non-conforming dock was constructed in 2004 and is located entirely within the 50-foot shoreline setback of Raquette Lake. An approximately 12-foot-wide dirt pathway provides a vehicular access connection between the non-conforming dock and the single family dwelling. Large white pine, hemlock, maple and other native trees and shrubs partially screen the existing structures from adjoining properties and Raquette Lake.

Variance Request

The existing 10-foot-wide by 51-foot-long non-conforming dock was recognized as lawful pursuant to an Agency letter dated November 9, 2004. The current variance request involves a 10-foot-wide by 16-foot-long extension of the existing non-conforming dock, located entirely within the 50-foot setback of Raquette Lake. The proposed extension will result in a 160-square-foot increase of footprint. The 160-square-foot expansion of the existing 510-square-foot non-conforming dock will be comprised of rock filled cribs covered with 4-inch by 6-inch top boards, the same height as the existing structure. The proposed extension will retain existing stormwater drainage patterns. The project also requires approval from the New York State Department of Environmental Conservation (NYSDEC) and the design of the cribs incorporates tunnels for fish migration. The extension will allow deep water barge access and provide safe unloading of heavy equipment such as fuel oil trucks and septic pumpers that are necessary to service the existing single family dwelling.

The variance proposal is shown on a one-page plan titled "Raquette Lake, Woods Point at Eldon Lake, Wood Pier Extension", prepared by Randy Bowers, and dated May 2024 (Site Plan). A copy of the Site Plan is attached as a part of this order for reference. The original plan 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 Agency regulations. On October 22, 2024, the Agency held a public hearing on the variance request. The hearing was attended by Agency staff. No public comments were received.

VARIANCE FACTORS

The Agency may grant a variance where there are practical difficulties in carrying out the restrictions set forth in § 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 Raquette Lake.

Denial of the variance request would impact the applicant's ability to have deep water barge access and safely unload heavy equipment such as fuel oil trucks and septic pumpers.

As proposed, the project will protect the water quality of Raquette Lake as it maintains existing stormwater drainage patterns and the design of the cribs incorporates tunnels for fish migration. The aesthetics of the shoreline will be protected as the expansion will be the same width as the existing structure and will be backdropped by existing vegetation when viewed from Raquette Lake.

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

The project has been designed to meet the minimum width necessary to safely unload heavy equipment and the minimum length necessary to accommodate deep water barge access.

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

Residential uses characterize the area surrounding the variance site. The applicant has designed the expansion of the non-conforming dock in a manner that retains the character and appearance of the residential shoreline by keeping the expansion the same width as the existing structure and maintaining existing vegetation. Although the expansion is closer to the mean high water mark and will be visible from the lake, the footprint expansion will be backdropped by existing vegetation when viewed from Raquette Lake. The footprint increase will not impact views of the lake from neighboring properties.

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

Reducing the width of the existing non-conforming dock and proposed expansion to 8 feet in order to comply with the Agency's dock definition would not provide for safe unloading of heavy equipment. Dredging the lake bottom to provide deep water barge access would involve additional site disturbance that may result in sedimentation, may compromise the integrity of the existing structure, is temporary in nature, and requires a additional approval from the NYSDEC.

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

The project site is accessible by water only. The existing non-conforming dock is recognized as lawful for Agency purposes. The current structure terminates in shallow water at the northerly end. Siltation and resulting changes in water levels since then have limited barge access. The extension project will allow deep water barge access for safe unloading of heavy equipment to traverse past this point to the shoreline where an existing pathway provides access to a single family dwelling.

§ 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.

Expansion of the non-conforming dock without restrictions on vegetative cutting, lighting, and color of building materials could result in impacts to the aesthetic character of the shoreline of Raquette Lake.

§ 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 Raquette Lake will be ameliorated by compliance with the following conditions:

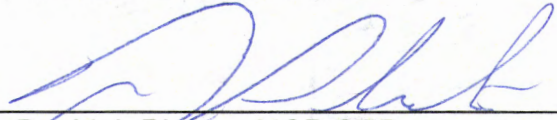
1. This authorization shall expire unless recorded in the Hamilton County Clerk's Office within 60 days of the date of issuance.
2. This order is binding on the applicant, all present and future owners of the project site, and all persons undertaking all or a portion of the project
3. The authorization to undertake construction of the extension of the existing non-conforming dock 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 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. Any lighting of the extended non-conforming dock on the project site shall employ full cut-off fixtures that are fully shielded to direct light downward and not into the sky or toward Raquette Lake or adjoining property.
6. All building materials of the extended non-conforming dock authorized herein shall be a dark shade of green, grey, or brown.
7. Within 50 feet of the extended non-conforming dock, 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 Part 576. The Agency hereby finds that the applicants variance request meets the approval criteria, provided the authorized activities are undertaken as described herein and in compliance with the conditions set forth above.

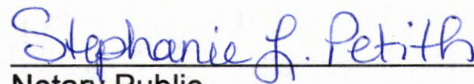
ORDER issued this 25th day
of October, 2024.

ADIRONDACK PARK AGENCY

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

STATE OF NEW YORK
COUNTY OF ESSEX

On the 25th day of October 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.


Notary Public

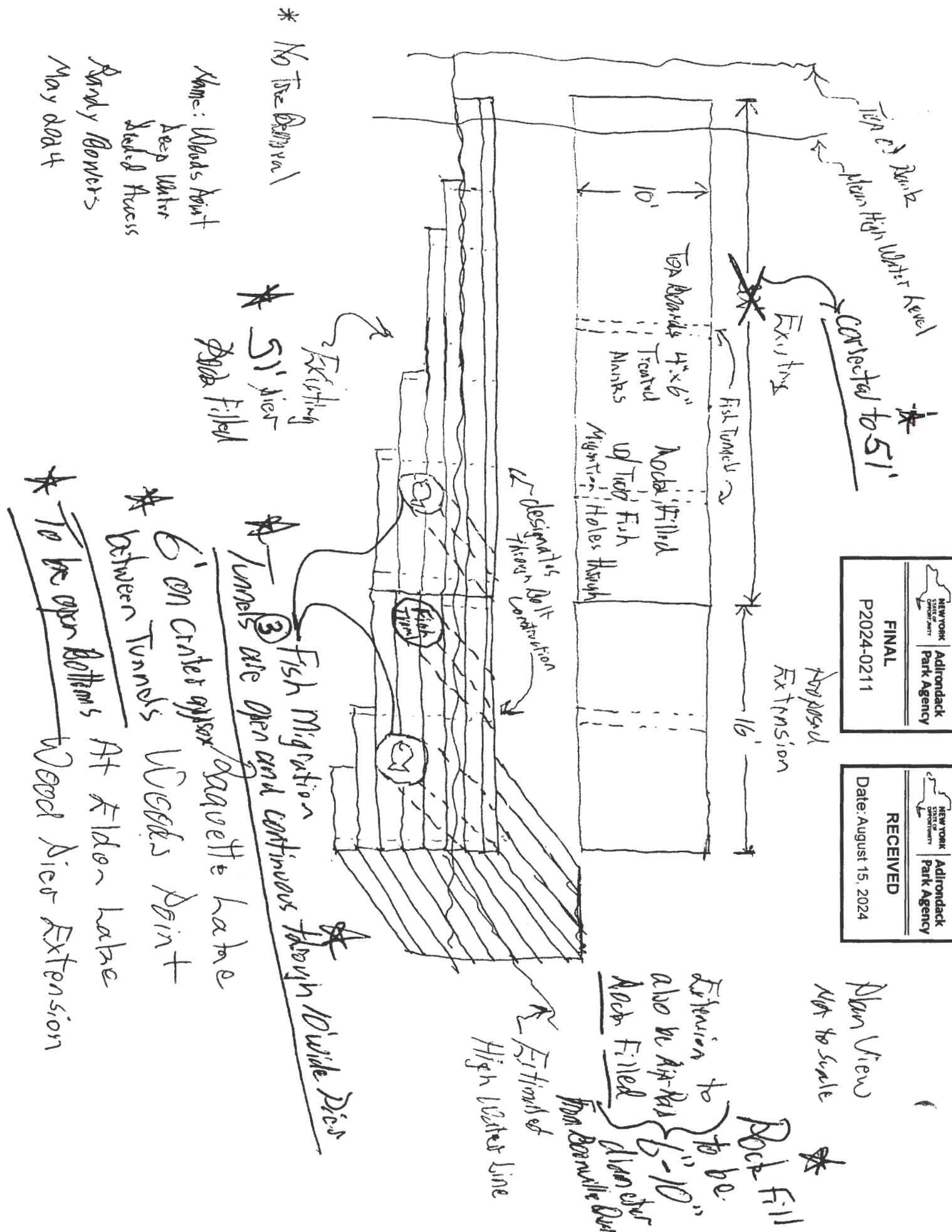
Stephanie L. Petith
Notary Public, State of New York
Reg. No. 01PE6279890
Qualified in Franklin County
Commission Expires April 15, 2025

Plan View
 Not to scale

Rock Fill

Extension to be also in Air-Ras 6'-10" Rock Filled also for from Bernville Quarry

Extension of High Water Line



* No Tree Removal

Name: Roads Point
 Deep Water Shaded Access
 Sandy Bottoms
 May 2024

* Existing
 51' pier
 Nook Filled

* 6' on center approx Gravelly Substrate
 * Between Tunnels
 * To be open Bottoms

At Elder Lake
 Wood Pier Extension