

THIS IS A TWO-SIDED DOCUMENT



**Adirondack  
Park Agency**

P.O. Box 99, 1133 NYS Route 86  
Ray Brook, New York 12977  
Tel: (518) 891-4050  
www.apa.ny.gov

APA Permit and Order  
**2025-0056**

Date Issued: **June 18, 2025**

In the Matter of the Application of

**NATURAL HISTORY MUSEUM OF THE  
ADIRONDACKS (THE WILD CENTER)**

for a permit pursuant to § 809 of the Adirondack  
Park Agency Act and 9 NYCRR Part 578 and  
variance pursuant to § 806 of the Adirondack Park  
Agency Act and 9 NYCRR Part 577

To the County Clerk: Please index  
this Order in the grantor index  
under the following name(s):

- 1. Natural History Museum of the  
Adirondacks**

**SUMMARY AND AUTHORIZATION**

This permit and order authorizes the construction of a shoreline structure in wetlands and within the mean high water mark of the Raquette River in an area classified Low Intensity Use by the Official Adirondack Park Land Use and Development Plan Map in the Town of Tupper Lake, Franklin County.

This authorization shall expire unless recorded in the Franklin County Clerk's Office within 60 days of issuance of a signed and notarized permit and order. The signed and notarized permit and order shall be recorded in the names of all persons listed above and in the names of all owners of record of any portion of the project site on the recordation date.

The project shall not be undertaken or continued unless the project authorized herein is in existence within five years of the date the permit and order is recorded in the Franklin County Clerk's Office. The Agency will consider the project in existence when the authorized dock has been constructed.

The project shall be undertaken in compliance with all conditions stated herein. Failure to comply with this permit and order is a violation and may subject the permittee, successors, and assigns to civil penalties and other legal proceedings.

This permit and order does not convey any right to trespass upon the lands or interfere with the riparian rights of others in order to undertake the authorized project, nor does it authorize the impairment of any easement, right, title or interest in real or personal property.

Nothing contained in this permit and order shall be construed to satisfy any legal obligations of the permittee to comply with all applicable laws and regulations or to obtain any governmental approval or permit from any entity other than the Agency, whether federal, State, regional, or local.

### **APPLICABLE LAWS**

Pursuant to Section 809(2)(a) of the Adirondack Park Agency Act and Adirondack Park Agency regulations at 9 NYCRR Part 578, a permit is required from the Adirondack Park Agency prior to any deposit of fill in a wetland in the Adirondack Park.

Section 806(1)(a)(2) of the APA Act establishes a minimum shoreline setback of 75 feet from the mean high water mark of the Raquette River for all accessory structures and principal buildings greater than 100 square feet in size. Additionally, Section 577.6(b)(3) of Agency regulations implementing the Rivers Act establishes a minimum shoreline setback of 150 feet from the mean high water mark of the Raquette River for all structures other than fences, poles, signs of less than two square feet in area, lean-tos, docks, boathouses, bridges, and stream improvement structures for fishery management purposes. The applicants requested a variance from this structure setback requirement pursuant to § 806(3)(a) of the APA Act and 9 NYCRR § 577.10.

### **PROJECT AND VARIANCE SITE**

The project and variance site (site) is in the Low Intensity Use portion of a 50.54-acre parcel of land located on the Raquette River in the Town of Tupper Lake, Franklin County. The site is identified as Tax Map Section 491, Block 8, Parcel 2.100, and is described in a deed from Elisabeth Taylor as Trustee of the Ella M. Klueck Family Irrevocable Trust to Natural History Museum of the Adirondacks, dated August 29, 2014, and recorded September 2, 2014 in the Franklin County Clerk's Office under Instrument Number 2014-4226. Parcel 2.100 contains lands classified Hamlet and Low Intensity Use on the Adirondack Park Land Use and Development Plan Map.

Parcel 2.100 contains approximately 2,500 feet of shoreline on the Raquette River and is within a designated recreational river area as specified in 9 NYCRR Appendix Q-6. The shoreline in the location of the project and variance contains fringe shrub-swamp wetlands associated with an oxbow wetland complex with a value rating of "1". Additional wetlands not described herein or depicted on the Site Plan may be located on or adjacent to the project and variance site.

The site is improved by a single family dwelling, shed, and dwelling constructed in 1975. The boathouse is in disrepair and will be removed. Existing development is located within grass lawn with slopes ranging from 1-8%. The lawn terminates at the top of a steep bank where fringe shrub-swamp wetlands are associated with the mean high water mark of the Raquette River.

The shoreline of the Raquette River is un-developed for at least one-half mile upstream and downstream, except for two boardwalk overlook platforms associated with Natural History Museum of the Adirondacks (The Wild Center) on a neighboring property 200-600 feet north of the project and variance location. The Wild Center has existing paddling access at this boardwalk location, but the access is not Americans with Disabilities Act (ADA)-compliant, and improvement of this access would involve greater wetland impacts than the proposed location.

### **PROJECT DESCRIPTION AND VARIANCE REQUEST**

The project and variance as conditionally approved herein involves the construction of a floating U-shaped dock to provide visitors with ADA-compliant paddling access to the Raquette River, enhancing educational programming on the River's oxbow ecosystem. The width of the largest dock section measures 9-foot, 1-inch. The remaining dock components are less than 8 feet in width. The 9-foot, 1-inch dock section supports an ADA-compliant transfer platform and

railing. The 9-foot, 1-inch dock width is designed to accommodate wheelchair access around the transfer bench while providing adequate buoyancy for an assisted person without leaning of the dock section beyond an acceptable slope for a wheelchair.

The floating dock is accessed via a 6-foot, 4-inch wide metal grate gangway originating above the mean high water mark, resulting in 4 square feet of permanent impacts to shoreline wetlands. The gangway width is designed to accommodate two people carrying a canoe to one side.

Railings associated with the gangway and transfer platform will be a maximum of 4 feet in height. The construction of the gangway and dock will not involve shoreline vegetation removal outside of the wetland impact area depicted on the Project Plans. The proposal involves removal of an existing boathouse in disrepair so that shoreline wetlands can recover within the previous footprint. There will be no changes to existing stormwater drainage. The dock will be visible from the overlook on the museum property to the north and by other paddlers in the oxbow of the Raquette River.

The project and variance approved herein is shown on an 11-page plan set titled "The Wild Center Boat House & Canoe Launch: APA Permitting Set", prepared by Black Mountain Architecture, and dated March 7, 2025 (Project Plans). A reduced-scale copy of pages 4, 5, and 6 of the Project Plans is attached as a part of this Permit and 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 OF VARIANCE REQUEST**

Following receipt of the variance application, the Agency notified all parties as required by the Agency regulations. On May 5, 2025, the Agency held a remote public hearing on the variance request via teleconference. The hearing was attended remotely by Agency staff, a representative from Natural History Museum of the Adirondacks, a representative from Black Mountain Architecture, and one member of the public. One comment was received during the variance hearing. This comment was also provided in writing. Two additional written comments in support of the project were received.

### **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 and 577.6 of the Agency's regulations. 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 Raquette River.

Denial of the variance request would preclude having ADA-compliant paddling access to this section of the Raquette River.

Construction of the dock in accordance with the Project Plans will not alter stormwater runoff patterns or result in adverse impacts to the aesthetic character of the Raquette River. The

removal of an existing boathouse will result in a net increase in shoreline wetlands and enhance the aesthetic character of the Raquette River.

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

The 9-foot, 1-inch dock section supports an ADA-complaint transfer platform and railing. The 9-foot, 1-inch dock width is designed to accommodate wheelchair access around the transfer bench while providing adequate buoyancy for an assisted person without leaning of the dock section beyond an acceptable slope for a wheelchair. Railings associated with the gangway and transfer platform have been minimized to a maximum of 4 feet in height to comply with Agency dock requirements.

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

The project will not result in detriment to nearby landowners. The dock will only be visible from the overlook on the museum property to the north and by other paddlers in the oxbow of the Raquette River.

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

As part of the review process, the applicant considered alternatives involving constructing a floating dock with a maximum width of 8 feet, utilizing existing Museum access to the river on an adjoining neighboring property, and renovating the existing boathouse on the project site. The proposed 9-foot, 1-inch dock section supports an ADA-complaint transfer platform and railing. The 9-foot, 1-inch dock width is designed to accommodate wheelchair access around the transfer bench while providing adequate buoyancy for an assisted person without leaning of the dock section beyond an acceptable slope for a wheelchair. An 8-foot-wide dock could not support the transfer bench providing ADA-compliant access. The existing access is not ADA-compliant, and improvement of this access would also involve a 9-foot, 1-inch dock and greater wetland impacts than the proposed location. The existing boathouse is in disrepair and the footprint is smaller than the proposed U-shaped dock. Conversion of this structure would also involve greater wetland impacts than the proposed location.

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

The applicant seeks to provide visitors to the Museum with ADA-compliant paddling access to the Raquette River, which does not otherwise appear to exist on this water body.

**§ 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 gangway and floating dock without temporary erosion and sediment controls could cause erosion and surface runoff, leading to adverse changes to water quality and the aesthetic character of Raquette River. In addition, construction of these structures without restrictions on size, vegetative cutting, and exterior lighting could result in impacts to the aesthetic character of the shoreline of the Raquette River. When brought from off-site, any equipment required to complete the project, including hand tools, has the potential to distribute



propagules of invasive plant species to the development site, which many have adverse impacts on nearby aquatic and terrestrial ecosystems.

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

The conditions included in this permit and order will ameliorate any potential adverse effects from the authorized variance. Conditions regarding cutting, lighting, erosion and sediment control, invasive species prevention, and adherence to the approved plans will ensure that there will be no adverse effects from the granting of the variance.

**PERMIT AND VARIANCE CONDITIONS**

**THE PROJECT AND VARIANCE ARE APPROVED SUBJECT TO 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 permit and order is binding on the applicants, all present and future owners of the project site, and all persons undertaking all or a portion of the project, for as long as the floating dock and gangway remains on the site. Copies of this permit and Project Plans shall be furnished by the permittee to all subsequent owners or lessees of the project site prior to sale or lease, and by the permittee and/or any subsequent owner or lessee to all persons undertaking any development activities authorized herein.
3. The authorization to undertake installation of a floating dock and gangway in wetlands shall expire five years from the date this permit and order is recorded in the Franklin County Clerk's office, unless construction of the structure has been completed in accordance with the plan sheets by that date or written authorization has been obtained from the Agency extending the deadline for construction.
4. In addition to complying with all terms and conditions of this permit, all future activities on the project site shall be undertaken in compliance with the requirements of New York State's Adirondack Park Agency Act, Freshwater Wetlands Act, Wild, Scenic and Recreational Rivers System Act, and the Adirondack Park Agency's implementing regulations [9 NYCRR §§ 570-588].
5. All deeds conveying all or a portion of the lands subject to this permit shall contain references to this permit as follows: "The lands conveyed are subject to Adirondack Park Agency Permit and Order 2025-0056, issued June 18, 2025, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
6. The project shall be undertaken as depicted on the Project Plans referenced herein. Any changes to the locations, sizes, dimensions, or other aspects of the structures shall require a new or amended Agency Permit and Order or a letter of compliance.
7. Prior to undertaking construction of any additional dock or boathouse on the project site, written authorization of plans for the dock, including all attached upland structures, shall be obtained from the Agency.

8. Pursuant to 9 NYCRR § 577.4, the undertaking of any new land use or development not authorized herein on the project site within one-quarter mile of the Raquette River will require a new or amended permit. Include if there are wetlands that could be impacted: The undertaking of any activity involving wetlands also requires a new or amended permit.
9. Pursuant to the Adirondack Park Agency Act and Agency regulations implementing the Wild, Scenic and Recreational Rivers System Act, new structures are prohibited within 150 feet, measured horizontally, of the mean high water mark of the Raquette River on the project site. Docks and boathouses as defined under 9 NYCRR § 570.3 are excepted from this requirement. Fences, poles, lean-tos, and bridges are also excepted from this requirement, except that no fence, pole, lean-to, or bridge greater than 100 square feet in size may be located within 75 feet of the mean high water mark.
10. Prior to construction, temporary erosion and sediment control measures shall be installed between areas of ground disturbance and Agency-delineated wetlands and the Raquette River. All silt fence shall be properly installed with the bottom buried at a depth of at least 4 inches. Once the site has been stabilized, silt fence and any other temporary erosion and sediment controls shall be completely removed.
11. When brought from off-site, all equipment, including but not limited to trucks, excavators, tractors, etc., and hand excavation tools such as shovels, rakes, and picks, to be used on the project site shall be clean and free of soil, mud, or other similar material. If washed on the project site, equipment shall be washed in one location to prevent the distribution of propagules among different wash sites.
12. Any new free-standing or structure-mounted outdoor lights associated with the floating dock and gangway 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 the Raquette River or adjoining property.
13. Outside of the vegetation removal shown on the Site Plan, no trees, shrubs, or other woody stemmed vegetation may be cut, or otherwise removed within 100 feet of the mean high water mark of the Raquette River without prior written Agency authorization, except for continued maintenance of the existing lawn area and the removal of dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.

### **CONCLUSIONS OF LAW**

#### **Class A Project**

The Agency has considered all statutory and regulatory criteria for project approval set forth in the Adirondack Park Agency Act and 9 NYCRR Parts 574, the Freshwater Wetlands Act and 9 NYCRR Part 578, the Wild, Scenic and Recreational Rivers System Act and 9 NYCRR Part 577, and all standards and factors for issuance of a variance set forth in 9 NYCRR Parts 576 and 577. The Agency hereby finds that the project as conditioned herein:

- a. will be consistent with the land use and development plan;
- b. will be compatible with the character description and purposes, policies and objectives of the Low Intensity Use land use area;
- c. will be consistent with the overall intensity guidelines for the Low Intensity Use land use area;

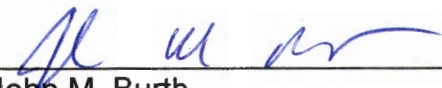
- d. will comply with the shoreline restrictions of section 806 of the Adirondack Park Agency Act and the regulatory requirements of the Adirondack Park Agency's implementation of New York State's Wild, Scenic and Recreational System Act, except as approved in the variance granted herein;
- e. will not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational, or open space resources of the Park or upon the ability of the public to provide supporting facilities and services made necessary by the project;
- f. will secure the natural benefits of wetlands associated with the project, consistent with the general welfare and beneficial economic, social, and agricultural development of the state;
- g. compels a departure from the guidelines in 9 NYCRR § 578.10 because of the public accessibility and educational benefits to be derived from the activity;
- h. will be consistent with the purposes and policies of the Wild, Scenic and Recreational Rivers System Act;
- i. will comply with the restrictions and standards of 9 NYCRR § 577.6 except as approved in the variance granted herein; and
- j. will not cause an undue adverse impact upon the natural, scenic, aesthetic, ecological, botanical, fish and wildlife, historic, cultural, archeological, scientific, recreational or open space resources of the river area, taking into account the commercial, industrial, residential, recreational or other benefits that might be derived therefrom.

**Variance**

The Agency has considered all of the standards and factors for issuance of a variance as set forth in 9 NYCRR Parts 576 and 577. 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.

PERMIT and ORDER issued this 18<sup>th</sup> day  
of June, 2025.

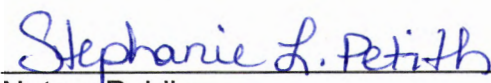
ADIRONDACK PARK AGENCY

BY:   
John M. Burth  
Deputy Director, Regulatory Programs

STATE OF NEW YORK  
COUNTY OF ESSEX

On the 18<sup>th</sup> day of June in the year 2025, before me, the undersigned, a Notary Public in and for said State, personally appeared John M. Burth, 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. 01PE6279890  
Qualified in Franklin County  
Commission Expires April 15, 2029

  
Notary Public

