

THIS IS A TWO-SIDED DOCUMENT

 NEW YORK STATE 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 Order Granting Variance 2025-0148
	Date Issued: October 28, 2025
In the Matter of the Application of ROBERT E. TOWNSEND and ALICE H. TOWNSEND for a variance pursuant to Executive Law §806	To the County Clerk: Please index this Order in the grantor index under the following name(s): 1. Robert E. Townsend 2. Alice H. Townsend

SUMMARY AND AUTHORIZATION

Robert E. Townsend and Alice H. Townsend ("applicants") are granted a variance from the 50-foot shoreline structure setback required by Section 806(1)(a)(2) of the Executive Law (Adirondack Park Agency Act or APA Act) subject to the conditions herein. This variance allows the replacement and expansion of an existing single family dwelling located approximately 27 feet from the mean high water mark of Lake Algonquin, in an area classified Moderate Intensity Use by the Official Adirondack Park Land Use and Development Plan Map in the Town of Wells, 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 any shoreline, including Lake Algonquin, for all 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 0.12-acre parcel of land identified on Town of Wells Tax Map Section 130.070, Block 1, as Parcel 5. The title was conveyed from James E. Rogers to Robert E. Townsend and Alice H. Townsend by deed dated March 30, 1990, and recorded April 5, 1990 in the Hamilton County Clerk's Office at Book 199, Page 658.

The variance site is located in a residential neighborhood accessed from Marian Avenue and contains approximately 69 feet of shoreline along Lake Algonquin. The site is improved by a circa-1955 single family dwelling. The pre-existing single family dwelling is located 27 feet from the mean high water mark of Lake Algonquin, and measures 23 feet tall and 34 feet wide. Approximately 720 square feet of footprint of the pre-existing single family dwelling is located within the 50-foot shoreline setback.

Native trees and shrubs partially screen the existing single family dwelling on the variance site from adjoining properties and Lake Algonquin.

Variance Request

The applicants request authorization to replace and expand the existing single family dwelling on the variance site. The replaced and expanded single family dwelling will be located 27 feet from the mean high water mark, partially within the 50-foot shoreline setback of Lake Algonquin. The total height of the dwelling will increase from 23 feet to 33 feet, with a corresponding increase in floor elevation to provide a wheelchair-accessible transition from road grade. The total width of the dwelling, as viewed from the shoreline, will be reduced from 34 feet to 33 feet and the total footprint located within the 50-foot shoreline setback will be reduced from 720 square feet to 705 square feet.

The variance proposal is shown on the following maps and plans (Project Plans):

- A map titled "Footprint of Existing and New Dwelling," prepared by Robert E. Townsend, P.E., dated July 1, 2025 and last revised August 21, 2025 (Site Plan);
- A sketch titled "Profile Elevation Showing Existing and Proposed Building," prepared by Robert E. Townsend, P.E., dated July 1, 2025 and last revised August 21, 2025 (Profile Elevation Plan);
- A four-sheet plan set titled "Townsend Marion Ave," prepared by Signature Building Systems, dated June 6, 2025 (Floor and Elevation Plan);
- A sheet titled "Vegetation and Planting Plan," prepared by Robert E. Townsend, P.E., dated July 21, 2025 and last revised September 3, 2025 (Planting Plan);
- A 3-sheet plan titled "Tree Cut & Trim Plan," received by the Agency on July 2, 2025 (Vegetative Cutting Plan); and
- A sheet titled "Site Drainage Plan," received by the Agency on July 2, 2025 (Drainage Plan).

A reduced-scale copy of the Site Plan and pages 1a and 1b of the Floor and Elevation 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 the Agency regulations. A remote public hearing on the variance request was held on October 8, 2025. The hearing was attended by Agency staff and one public commenter.

The public commenter who attended the hearing expressed concern for the potential impact on their view of Lake Algonquin.

One comment letter was received that expressed support for the proposal and one comment letter was received that advocated for strict enforcement of the shoreline restrictions without any exceptions.

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.

§ 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 Lake Algonquin.

Denial of the variance request would prevent the applicants from replacing and expanding the existing single family dwelling in a manner that provides a wheelchair accessible transition from road grade.

As designed, the project will protect the water quality of Lake Algonquin by improving existing drainage patterns. The quality of the shoreline will be protected as the replacement single family dwelling will be backdropped by the existing vegetation when viewed from Lake Algonquin and new vegetation will be established between the replacement dwelling and lake.

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

In order to achieve a wheelchair accessible transition from road grade, the elevation of the first floor must increase, corresponding with an increase in height of the replacement dwelling from 23 feet to 33 feet. Although the overall height of the single family dwelling is increasing, the total width of the existing dwelling, as viewed from the shoreline, will be reduced from 34 feet to 33 feet and the footprint within the 50-foot shoreline setback will be reduced from 720 square feet to 705 square feet.

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

The project site is within a developed residential neighborhood along Marian Avenue. Single family dwellings and residential uses characterize the area surrounding the variance site. The applicants have designed the height increase in a manner that maintains the character and appearance of the residential shoreline by decreasing the width and total square footage of the existing dwelling and maintaining existing vegetation.

Although the replacement single family dwelling will be visible from Lake Algonquin, it will maintain the character of nearby development and will be backdropped by existing and new vegetation when viewed from the lake and partially screened from adjoining properties by existing vegetation. The expansion will not affect 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.

The existing dwelling is located primarily within the 50-foot shoreline setback of Lake Algonquin and the lot's topography slopes downward toward the lake. There are no non-jurisdictional alternatives for a replacement dwelling which provides a wheelchair accessible transition from road grade without expanding the height of the existing single family dwelling.

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

The existing single family dwelling, constructed circa 1955, predates the APA Act and was constructed within the 50-foot shoreline setback. The lack of a wheelchair accessible transition from road grade to the dwelling results from the original building's siting and the slopes on the parcel.

§ 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 single family dwelling without restrictions on vegetative cutting, lighting, and color of building materials could result in impacts to the aesthetic character of the shoreline of Lake Algonquin. However, the replacement dwelling will maintain the existing vegetative buffer and dark-shaded exterior colors to minimize visual impacts. No expansion toward the shoreline is proposed. The reduction in building footprint, maintenance of vegetative screening, and stormwater controls will prevent erosion and preserve the character of Lake Algonquin.

§ 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 Lake Algonquin 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 applicants, 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 single family dwelling described herein 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 Project Plans referenced herein 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 Project Plans 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.

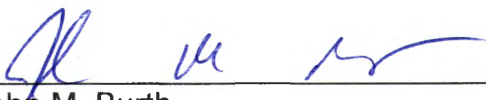
5. All exterior building materials of the single family dwelling authorized herein shall be a dark shade of green, grey, or brown.
6. All trees and shrubs depicted on the Planting Plan shall be planted no later than the first spring or fall planting season after final grading related to the construction of the single family dwelling on the project site. Trees and shrubs that do not survive shall be replaced annually until established in a healthy growing condition.
7. Any new free-standing or building-mounted outdoor lights associated with the retaining wall authorized herein shall employ full cut-off fixtures that are fully shielded to direct light downward and not into the sky or toward Lake Algonquin or adjoining property.
8. Within 35 feet of the mean high water mark of Lake Algonquin, no trees greater than 6 inches in diameter at breast height may be cut, culled, trimmed, pruned or otherwise removed the project site without prior written Agency authorization, except for 1) the pruning and removal depicted and described in the Vegetative Cutting Plan and 2) 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 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 28th day
of October, 2025.

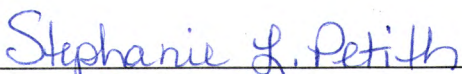
ADIRONDACK PARK AGENCY

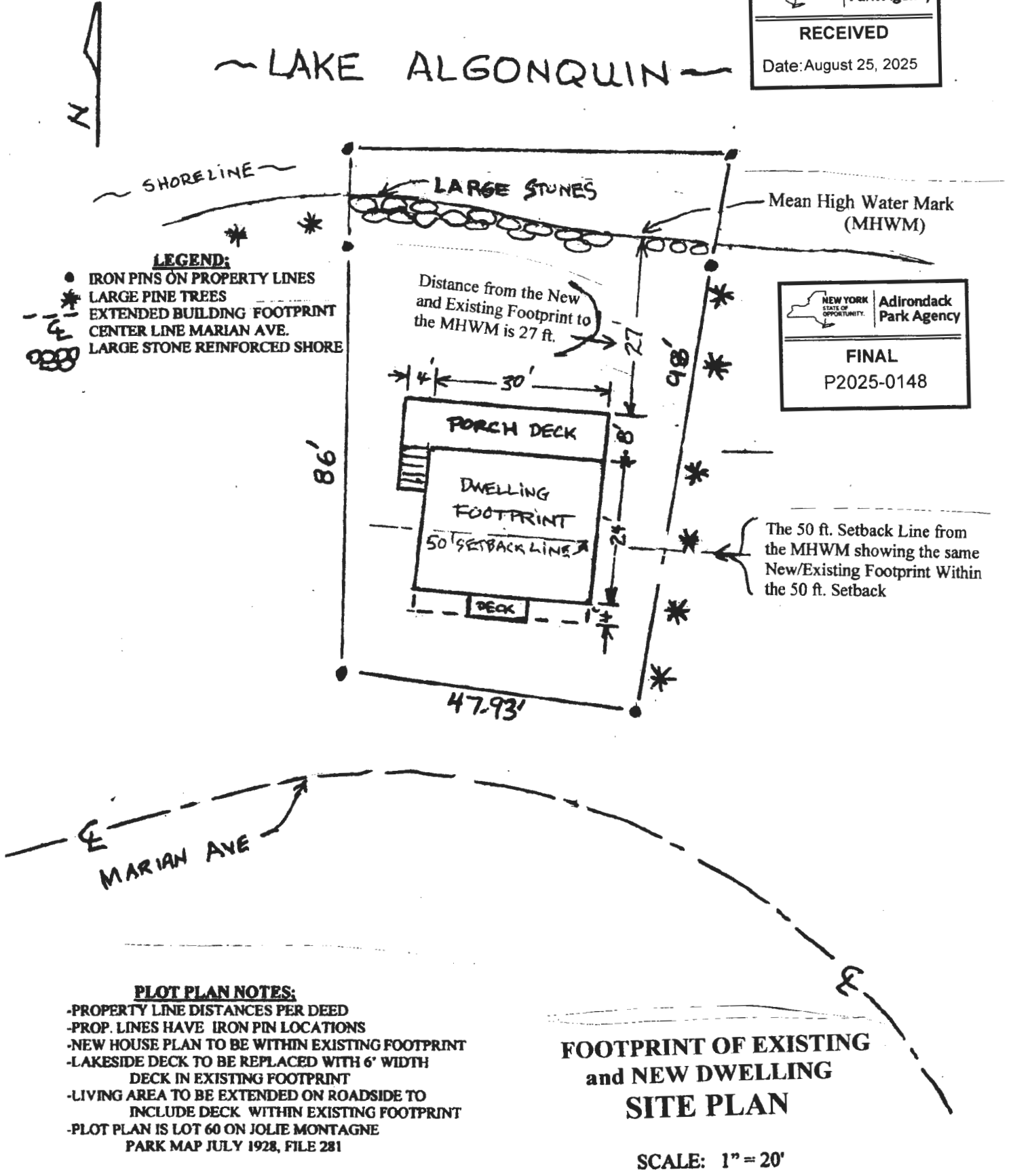
BY: 
John M. Burth
Deputy Director, Regulatory Programs

STATE OF NEW YORK
COUNTY OF ESSEX

On the 28th day of October 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 PETITH
Notary Public, State of New York
Reg. No. 01PE6279890
Qualified in Essex County
Commission Expires April 15, 2029


Notary Public



Author: Robert E. Townsend, P.E.
Date: July 1, 2025
Revision: August 21, 2025



Adirondack
Park Agency

RECEIVED

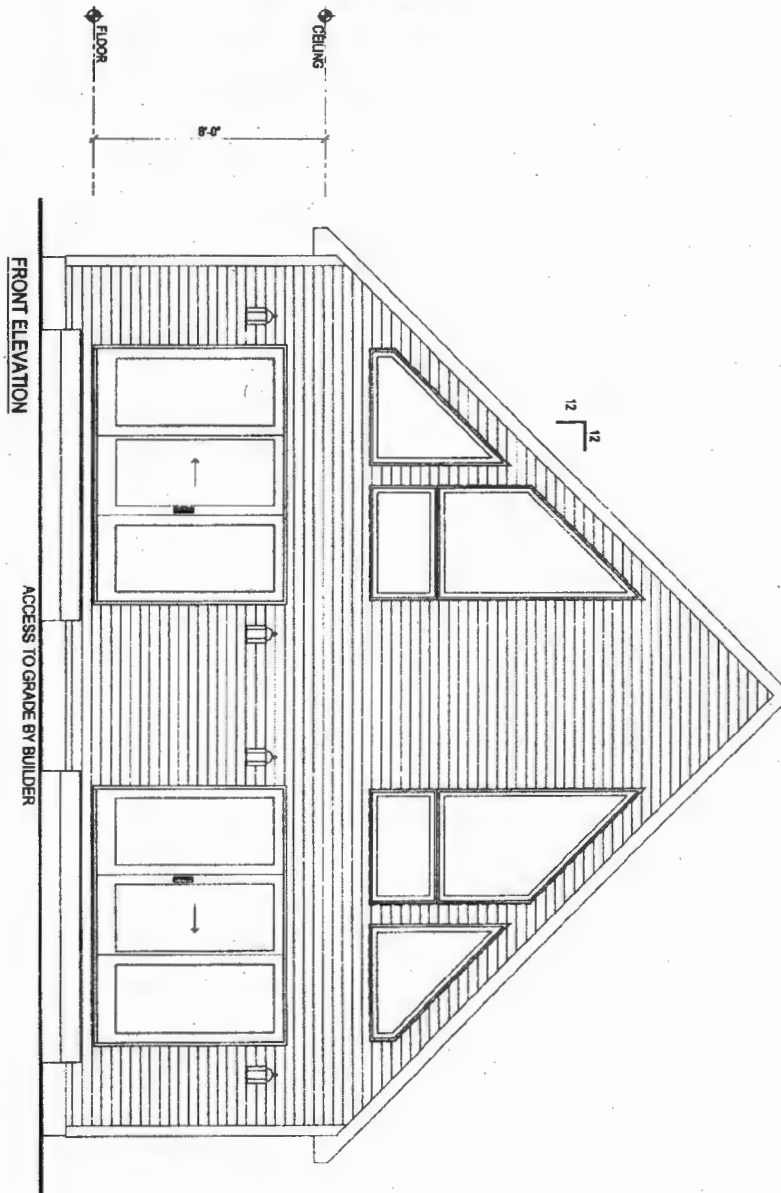
Date: July 2, 2025



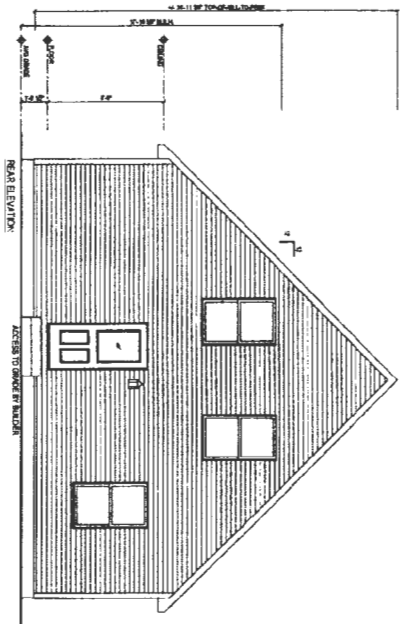
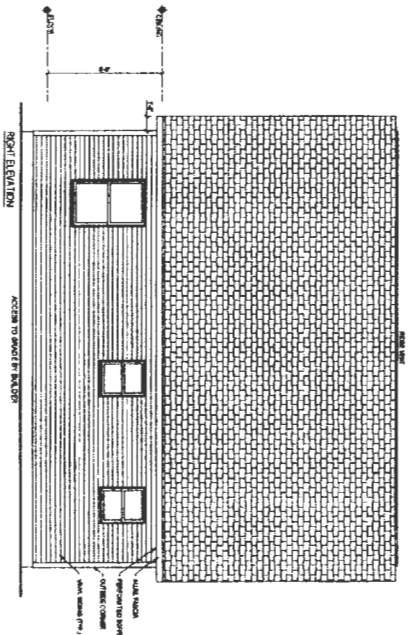
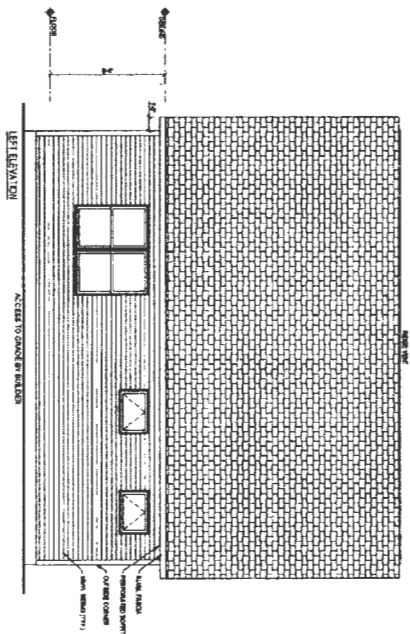
Adirondack
Park Agency

FINAL

P2025-0148



DRAWING FRONT ELEVATION SCALE NTS SHEET 1a	BUILDER DISTINCT HOME DESIGNS 726 STATE HWY 348 CLOVERVILLE NY 12048	SIGNATURE BUILDING SYSTEMS	REVISIONS		BY	DATE	REASON FOR REVISION	MODEL CARE	SALESMAN NOB	DATE 8-28-25	DRAWN BY CHECKED BY DATE NO	225118	TOWNSEND HARDEN AVE WELLS, NY 12090 HAMILTON COUNTY
	RETAIL		REVISION	DATE									



REVISIONS		REASON FOR REVISION	
REVISION	DATE	BY	DATE
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

SIGNATURE
BUILDING SYSTEMS

BUILDER
DISTINCT HOME DESIGNS
726 STATE HWY 2ND
GLOVERSVILLE NY 12038

RETAIL
TOWNSEND
MADISON AVE
MILLS, NY 12545
HAMILTON COUNTY

DRAWING
ELEVATIONS

SCALE
N.T.S.

SHEET
1b

EXPERIMENT 1
22518

DRAWN BY / CHECKED BY
WAF / NA

DATE
5-26-25

SUBMITTAL
R08

MODEL
C406