


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 <b>2025-0110</b></p>
<p>In the Matter of the Application of</p> <p><b>THOMAS MARK VAN VALKENBURGH and NICOLE LYNN VAN VALKENBURGH</b></p> <p>for a variance pursuant to Executive Law § 806</p>	<p>Date Issued: <b>December 10, 2025</b></p> <p>To the County Clerk: Please index this Order in the grantor index under the following name(s):</p> <ol style="list-style-type: none"><li><b>1. Thomas Mark Van Valkenburgh</b></li><li><b>2. Nicole Lynn Van Valkenburgh</b></li></ol>

**SUMMARY AND AUTHORIZATION**

Thomas Mark Van Valkenburgh and Nicole Lynn Van Valkenburgh are granted a variance from the 75-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 construction of a single-family dwelling located 52.55 feet from the mean high-water mark of Great Sacandaga Lake, in an area classified as Low Intensity Use by the Official Adirondack Park Land Use and Development Plan Map in the Town of Mayfield, Fulton 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 75 feet from the mean high-water mark of any shoreline, including Great Sacandaga Lake, for all accessory structures and principal buildings greater than 100 square feet in size. The applicants request 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 0.33±-acre parcel of land identified on the Town of Mayfield Tax Map Section 121.013, Block 1, as Parcel 23. Title was conveyed from Michael P. Rich to Thomas Mark Van Valkenburgh and Nicole Lynn Van Valkenburgh by deed dated July 12, 2023, and recorded July 12, 2023 in the Fulton County Clerk's Office at Book 2023, Page 81811.

The variance site is located in a residential neighborhood accessed from Peninsular Heights Road and contains approximately 85 feet of shoreline along Great Sacandaga Lake. The site is improved by a circa-1960 single family dwelling that predates the effective date of the Adirondack Park Agency Act. The pre-existing single family dwelling is located 49.48 feet from the mean high-water mark of Great Sacandaga Lake at its closest point and is 39.8 feet wide and 33.59 feet in height. Approximately 807.6 square feet of footprint of the pre-existing single family dwelling is located within the 75-foot shoreline setback.

Native trees located on New York State land regulated by the Hudson River-Black River Regulating District partially screen the existing single family dwelling on the variance site from Great Sacandaga Lake.

### **Variance Request**

The applicants request approval to replace and expand the width of the single family dwelling on the variance site. The proposed dwelling will be located 52.55 feet from the mean high-water mark of Great Sacandaga Lake, which remains within the required 75-foot shoreline setback, but is further from the shoreline than the existing dwelling. The total height of the dwelling will increase from 33.59 feet to 35.49 feet, an increase of less than 2 feet. The total width of the dwelling, as viewed from the shoreline, will increase from the existing 39.71 feet to 48.67 feet, an increase of 8.96 feet. The total footprint located with the 75-foot shoreline setback will be reduced from 811.74 square feet to 696.30 square feet, a reduction of 117.68 square feet.

The variance proposal is shown on the following Project Plans:

- A single-sheet site plan titled, "VANVALKENBURGH", prepared by Verdant Architecture, dated September 30, 2025 and received by the Agency on September 30, 2025 (Site Plan);
- A single-sheet drawing titled, "Van Valkenburgh Residence 53 Peninsular Heights Rd. Mayfield, NY 12078 Details," labelled Drawing C-501, prepared by SRA Engineers, dated May 16, 2025 and received by the Agency on May 23, 2025 (Stormwater and Erosion Control Plan); and
- A single sheet elevation plan titled, "VanValkenburgh PCD 04 A007," prepared by Verdant Architecture, received by the Agency on June 23, 2025 (Elevation Plan).

A reduced-scale copy of the Site Plan is 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. A public hearing on the variance request was held remotely on November 10, 2025. The hearing was attended by Agency staff, the applicants, and the applicants' representatives. 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 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 Great Sacandaga Lake.

Denial of the variance request would prevent the applicants from replacing and expanding the existing single family dwelling, meeting their objective of increased interior living space and creating a single-story living area.

As proposed, the water quality of Great Sacandaga Lake will be protected through implementation of erosion and sediment controls and post-construction stormwater control measures. The aesthetic quality of the shoreline of the lake will not be adversely impacted because the expanded dwelling footprint will be further from the shoreline than the existing dwelling, and existing vegetation will partially screen the dwelling from the lake and neighboring property to the south.

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

The applicants reduced the footprint of the single family dwelling within the shoreline setback and revised the location of the proposed dwelling to be further from the shoreline than the existing dwelling. In addition, the applicants reduced the width of the single family dwelling from what was originally proposed. The project will not increase the occupancy of the dwelling, and the existing septic system will be upgraded to a more modern enhanced treatment system.

Moving the proposed dwelling any further back from the shoreline on the property would require removal of stormwater features, construction of the dwelling on steeper slopes (15% to 60%), and additional earthwork and site disturbance. Further reducing the width of the structure would not meet the applicants' goal of a single floor living space.

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

Vegetation on the New York State land regulated by the Hudson River-Black River Regulating District will continue to partially screen the dwelling from the lake. Existing vegetation on the southern side of the variance site will remain to screen the project from adjoining property to the south. The dwelling cannot be further screened from adjoining property to the north.

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

Constructing the single family dwelling outside the shoreline setback may have further reduced the requested width variance. However, locating the proposed dwelling further from the

shoreline setback would require additional earthwork and ground disturbance and may not eliminate the need for a variance.

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

The applicant purchased the property on July 12, 2023. The pre-existing dwelling was constructed in the 1960's, prior to current APA shoreline setback requirements.

**§ 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 single family dwelling without stormwater and erosion controls could cause erosion or surface runoff and lead to adverse changes to water quality of Great Sacandaga Lake. In addition, without restrictions on vegetative cutting, exterior lighting, and building color, impacts to the aesthetic character of the shoreline of the Great Sacandaga Lake could occur.

Changes to the variance site over time could alter the potential for adverse effects from the construction of the expanded single family dwelling. Imposition of a five-year time limit on the requested variance will mitigate these potential impacts.

**§ 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 Great Sacandaga Lake will be ameliorated by compliance with the following conditions:

1. This authorization shall expire unless recorded in the Fulton 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 variance site, and all persons undertaking all or a portion of the project.
3. The authorization to undertake the construction of the single family dwelling shall expire five years from the date this order is recorded in the Fulton 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 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, including roof, siding and trim, of the single family dwelling authorized herein shall be a dark shade of green, grey, or brown.

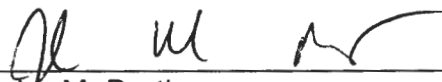
6. Any new free-standing or building-mounted outdoor lights associated with the single family dwelling authorized herein on the variance site shall employ full cut-off fixtures that are fully shielded to direct light downward and not into the sky or toward Great Sacandaga Lake or nearby properties.
7. Within the two green sections labelled "Tree Preservation" shown on the Site Plan, no trees greater than 5 inches in diameter at breast height may be cut, culled, trimmed, pruned or otherwise removed or disturbed 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.
8. The project shall be undertaken in compliance with the stormwater management and erosion control plans shown on the Stormwater and Erosion Control Plan.

### 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 10<sup>th</sup> day  
of December, 2025.

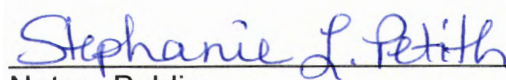
ADIRONDACK PARK AGENCY

BY:   
John M. Burth  
Deputy Director, Regulatory Programs

STATE OF NEW YORK  
COUNTY OF ESSEX

On the 10<sup>th</sup> day of December 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



