

THIS IS A TWO-SIDED DOCUMENT



**Adirondack
Park Agency**

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APA Order Granting
Variance
2025-0055

Date Issued: **January 6, 2026**

In the Matter of the Application of
ROBERT AND MARTHA CRAWFORD
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 Crawford
2. Martha Crawford**

SUMMARY AND AUTHORIZATION

Robert and Martha Crawford (“applicants”) are granted a variance from the 100-foot shoreline setback required by Section 575.7(a) of Agency regulations (9 NYCRR) implementing Article 15, subject to the conditions herein. This variance allows for the replacement of an existing on-site wastewater treatment system with a new on-site wastewater treatment system within 100 feet of the mean-high water mark of Hadlock Pond, in an area classified Low Intensity Use by the Official Adirondack Park Land Use and Development Plan Map in the Town of Fort Ann, Washington 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 575.7(a) of Agency regulations establishes a minimum shoreline setback of 100 feet from the mean high-water mark of any shoreline, including Hadlock Pond, for any absorption field of any on-site wastewater treatment system. The applicants requested a variance from this shoreline setback requirement pursuant to § 806(3)(a) of the APA Act.

RELEVANT FACTS AND BACKGROUND

Variance Site

The variance site is a 0.25-acre parcel of land identified on Town of Fort Ann Tax Map Section 110.7, Block 1, as Parcel 5. Title was conveyed from Robert H. McCauley, JR. to Martha A. McCauley-Crawford and Robert W. Crawford by deed dated December 11, 2002, and recorded December 23, 2002, in the Washington County Clerk's Office at Book 923, Page 140.

The variance site has shoreline on the eastern shore of Hadlock Pond on Sunset View Way. The site is improved by a pre-existing single family dwelling and is served by a failing on-site wastewater treatment system and potable well. The neighboring shoreline parcels are also improved by single family dwellings and served by on-site wastewater treatment systems and potable water wells. The adjoining potable water well to the north of the variance site is approximately 70 feet from the failing on-site wastewater treatment system. The adjoining potable water well to the south of the variance site is approximately 30 feet from the failing on-site wastewater treatment system. Existing site constraints prevent the separation compliance between adjoining on-site wastewater treatment systems, potable water wells and shoreline setbacks.

Variance Request

The variance as conditionally approved herein involves the replacement of an existing on-site wastewater treatment system with a new on-site wastewater treatment system within 100 feet of the mean-high water mark of Hadlock Pond. The new on-site wastewater treatment system will include advance filtration design and erosion and sediment control measures.

The variance proposal is shown on the following maps and plans:

- A three-page report and letter entitled “Specific Waiver Application” dated February 11, 2025, and prepared by New York State Department of Health (Septic Waiver).
- A nine-page set of plans entitled “The Crawford Camp,” prepared by Studio A, and dated February 11, 2025 (Project Plans).

The pre-existing two-bedroom single family dwelling located on the variance site will be replaced with a two-bedroom single family dwelling in the same footprint. The replacement of the single family dwelling as depicted on the plans referenced herein does not require an order or permit from the Agency and may be undertaken without further review.

A reduced-scale copy of the Site Plan for the variance, shown on Page 7 of the Project Plans 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 the Agency regulations. On December 5, 2025, the Agency held a remote public hearing on the variance request. The hearing was held by Agency staff. There were no public comments during the public hearing. The Agency has received no written public comments expressing objections to the variance request.

VARIANCE FACTORS

Section 575.7(a) of Agency regulations establishes a minimum shoreline setback of 100 feet from a waterbody for any absorption field of any on-site wastewater treatment system. The applicants requested a variance from this shoreline setback pursuant to § 806(3)(a) of the APA Act. 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 setback requirements include protection of the water quality of Hadlock Pond.

Denial of the variance could result in continued use of a failing on-site wastewater treatment system or installing a holding tank. A holding tank would require a variance from the New York State Department of Health (NYSDOH) per section 75-A.10(a) of Appendix 75A and would only be able to be installed in a location that violates the required NYSDOH setbacks from existing potable water wells.

As proposed, the on-site wastewater treatment system will protect the water quality of Hadlock Pond through advance filtration design and erosion and sediment control measures.

Additionally, existing trees will be protected to limit areas of disturbance, as shown on the Site Plan, to enhance the stability and screening. The proposed wastewater treatment system is approximately 95 feet from the neighboring potable water well to the north and 84 feet from the neighboring potable water well to the south.

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

As proposed, and shown on the Site Plan, the on-site wastewater treatment system will use an advanced treatment system in the form of peat filter units to minimize the impacts to water quality of Hadlock Pond. The system is situated approximately 33 feet from the mean-high water mark of Hadlock Pond. The location selected represents the farthest practicable siting from nearby potable water wells

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

The proposed system is an improvement from the existing system and will be placed further away from both the applicants and the neighboring potable water wells than the existing system. The system requires very minimal grading and is not near the groundwater table.

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

The parcel is 0.25± acres in size and is improved by a pre-existing single family dwelling and served by an existing on-site wastewater treatment system and potable water well. Due to site conditions, the proximity to neighboring wells and the shoreline of Hadlock Pond, a different location would not meet the required setbacks and would still require an Agency variance.

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

There is no location on the project site that conforms to the setbacks required by NYSDOH Appendix 75A or the APA Rules and Regulations.

§ 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.

Installation of the proposed on-site wastewater treatment system in non-compliance with the approved Project Plans could cause adverse changes to the water quality of Hadlock Pond and to the neighboring potable water wells.

The proposed on-site wastewater treatment system will not have any impacts to the natural, scenic, open space or other resources of the park. Existing trees will be protected to reduce soil disturbance and erosion or sediment runoff. The treatment system will be buried and not visible from the pond and will be placed in an area of existing lawn so no vegetative clearing will occur.

Adherence to the Project Plans and Septic Waiver will minimize and protect the resources of the Park and Hadlock Pond.

§ 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 Hadlock Pond and neighboring potable wells will be ameliorated by compliance with the following conditions:

1. This authorization shall expire unless recorded in the Washington 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 the installation of the on-site wastewater treatment system on the variance site shall expire five years from the date this Order is recorded in the Washington County Clerk's office, unless the installation of the on-site wastewater treatment system has been completed in accordance with the Project Plans, Site Plan and Septic Waiver by that date or written authorization has been obtained from the Agency extending the deadline for installation. Installation of the system shall be supervised by a New York State design professional (licensed engineer or registered architect). Within 30 days of complete system installation and prior to its utilization, the design professional shall provide written certification to the Agency that the system was built in compliance with the approved plans.
4. Subject to the conditions stated herein, this order authorizes the installation of the on-site wastewater treatment system in the location and as described in the Project Plans, Site Plan and Septic Waiver. Any changes to the location, size, dimensions, or other aspects of the on-site wastewater treatment system shall require a new or amended Agency Order or a letter of compliance.
5. All deeds conveying all or a portion of the lands subject to this order shall contain references to this permit and order as follows: "The lands conveyed are subject to Adirondack Park Agency Order Granting Variance 2025-0055, issued January 6, 2026,

the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."

6. Construction of any additional structure on the variance site shall require prior written Agency authorization.
7. Prior to undertaking any ground disturbance on the variance site, silt fencing shall be installed as depicted on the Project Plans. The variance shall be undertaken in compliance with the grading and stormwater design and erosion and sediment control measures depicted and described on the Project Plans.
8. 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.
9. Outside of the limits of clearing shown on the Project Plans, no trees, shrubs or other woody-stemmed vegetation may be cut or otherwise removed or disturbed on the variance 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.

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 January, 2026.

ADIRONDACK PARK AGENCY

BY: John M. Burth
John M. Burth
Deputy Director, Regulatory Programs

STATE OF NEW YORK
COUNTY OF ESSEX

On the 6th day of January in the year 2026, 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

STEPHANIE PETITH
Notary Public, State of New York
Reg. No. 01PE6279890
Qualified in Essex County 29
Commission Expires April 15, 20

