

ADIRONDACK PARK AGENCY Division of Regulatory Programs PO Box 99, 1133 NYS Route 86 Ray Brook, New York 12977 Telephone (518) 891-4050 www.apa.ny.gov	 Adirondack Park Agency	APPLICATION FOR VARIANCE FROM SHORELINE RESTRICTIONS APPENDIX B
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Appendix B

Expansion of an existing structure other than a single family dwelling within the shoreline setback

1. Please check which of the following applies to the proposal within the shoreline setback area:¹
 - ☐ **Closer:** The structure will be located closer to the mean high water mark than the closest point of the existing structure.
 - ☐ **Width:** The structure will be wider than the widest point of the existing structure, as viewed from the shoreline.
 - ☐ **Height:** The structure will be taller than the highest point of the existing ridgeline within the shoreline setback area. *Note that a minor increase in height may not require a variance as described in question 2(d) below.
 - ☐ **Footprint:** The structure will have a greater footprint, including in-fills, within the shoreline setback area.
2. Please evaluate the alternatives listed below. If any of the following alternatives could meet the applicant's objectives, please contact the Agency before completing the remainder of this application because a variance may not be required. If the alternatives listed below are not feasible, please provide a narrative describing why and include any supporting documentation:
 - a. construction outside the shoreline setback area;
 - b. use of existing lawful footprints within the shoreline setback area;
 - c. construction of a boathouse and/or dock that meets Agency regulations; or
 - d. construction of a "minor expansion" of an existing lawful structure:
 - For accessory structures² constructed before August 1, 1973 (other than docks, boathouses, decks, and dams), up to 100 square feet of new footprint may be added to the rear (non-shoreline side) of the existing structure, and the structure may be increased up to two feet in height.

¹ Note that boathouses and docks are subject to different parameters for replacement and expansion. Please contact the Agency for additional information.

² Examples of accessory structures subject to this provision include garages, gazebos, fences, and sheds.

- For principal buildings³ constructed before August 1, 1973 (other than single family dwellings and mobile homes), up to 100 square feet of new footprint may be added to the rear (non-shoreline side) of the existing structure, and the structure may be increased up to two feet in height.⁴
 - For decks constructed before August 1, 1973, up to 100 square feet of new deck may be added to the rear (non-shoreline side) of the existing deck.⁵
 - Dams may be expanded in height and footprint pursuant to engineered plans and an engineer's certification showing that 1) the modified dam will result in the same "normal pool elevation" for the impoundment, and 2) the modified dam has been designed in accordance with the engineering criteria for New York State Department of Environmental Conservation dam safety.⁶
3. Is there an on-site wastewater treatment system that will be impacted by the proposal? If yes, please provide a detailed design report and plans prepared by a NYS licensed professional engineer for any new, expanded, or replacement on-site wastewater treatment system. Alternatively, provide an evaluation prepared by a NYS licensed professional engineer of the existing system that demonstrates compliance with applicable local and state standards. For additional information, please refer to the Agency's publication "Minimum Requirements for Engineering Plans for On-Site Wastewater Treatment Systems," available at https://www.apa.ny.gov/Documents/Guidelines/OnSite_Wastewater.pdf.
 4. Attach a plan sheet(s) depicting the existing and proposed structure(s) prepared by a qualified professional (NYS licensed surveyor, engineer, architect, etc.) and clearly labeled to scale, with the date of preparation and name of preparer. The plan sheet should clearly depict any expanded width or footprint in the setback area.
 5. If the proposal will result in an increase of more than two feet in height, provide to-scale elevation views of the existing and proposed structure(s) clearly depicting any proposed height increase.
 6. For buildings, provide a floor plan prepared by a qualified professional (NYS licensed surveyor, engineer, architect, etc.) and clearly labeled to scale with the date of preparation and name of preparer.
 7. Attach a site plan map prepared by a qualified professional (NYS licensed surveyor, engineer, architect, etc.) and clearly labeled with the scale, north arrow, date of

³ Examples of principal buildings subject to this provision include certain commercial use structures, such as restaurants and retail shops, and certain tourist accommodation structures.

⁴ For expansion of an existing single family dwelling or mobile home, please use "Appendix A, Expansion of an Existing Single Family Dwelling within the Shoreline Setback."

⁵ An existing deck attached to a single family dwelling or mobile home is considered a part of that residential structure. Therefore, attached decks are subject to the expansion provisions for dwellings and mobile homes; please use "Appendix A, Expansion of an Existing Single Family Dwelling within the Shoreline Setback."

⁶ Note that components not considered to be part of the dam, such as decks, viewing platforms, and detached rip-rap may require a variance.

preparation, and name of preparer. Draw the map to an appropriate engineer's scale between 1" = 10' and 1" = 50' to show the entire variance site. Depict and label the following on the plan, as applicable:

- a. property boundary lines, including dimensions of each line, and any applicable local setbacks from roads, water bodies, property lines, etc.;
 - b. existing structures (single family dwellings, mobile homes, sheds, docks, decks, boathouses, etc.), including location and size;
 - c. proposed footprint of the structure expansion (clearly differentiate between existing and proposed footprints);
 - d. APA land use areas;
 - e. mean high water mark of any lake, pond, or navigable river or stream (to be determined or verified by Agency staff);
 - f. centerline of all non-navigable streams, including intermittent streams;
 - g. wetlands as delineated in the field by Agency staff or a qualified wetlands biologist;
 - h. topography within 100 feet of the dwelling (minimum 10-foot field-verified contour intervals);
 - i. existing areas of steep slopes (greater than 15%) within 100 feet of the dwelling;
 - j. existing and proposed paved and unpaved roads, driveways, and parking areas, including locations, dimensions, and construction materials;
 - k. existing and proposed on-site wastewater treatment systems and water supplies, including all components;
 - l. existing areas of vegetation and cover types (fields, woodlands, shrub areas, lawns, etc.);
 - m. proposed erosion and sediment control measures such as plantings, sediment basins, silt fence, and straw bales;
 - n. proposed stormwater management practices such as eave infiltration trenches, rain gardens, and infiltration basins;
 - o. proposed areas of vegetative clearing; and
 - p. proposed landscape plantings, including plant names and size.
8. For dam expansion proposals, provide an Engineering Design Report, prepared by a New York State Licensed Professional Engineer, and any associated plan sheets.
9. Variance Justification:

Minimization:

- a. Describe how the requested variance represents the minimum relief necessary from the shoreline restrictions. As part of this description, please describe and provide photographs and/or other documentation of any characteristics of the variance site that make further minimization of the request difficult or impossible. These characteristics may include the existence of slopes, boulders, ravines, wetlands, and other features, as well as the size or dimensions of the lot.
- b. Describe any efforts that were made *prior* to the current proposal to minimize the request. Include a description of any efforts to minimize the footprint, width, and height of the proposed expansion, and to maximize the distance from the mean high water mark.

Potential Impacts:

- c. Describe the extent to which the variance, if granted, would create impacts to the natural, scenic, open space, or other resources of the Park. Describe and provide photographs depicting the existing character of the shoreline near the variance site, on the same and opposite sides of the water body, and describe how the variance, if granted, would produce a change in the character of the shoreline in this area. Provide supporting facts and documentation. Please note that supplemental information may be requested as part of the application review, including photo-simulations or photographs altered to depict post-development conditions.
- d. Describe any potential impacts that the variance, if granted, would cause to water quality, including stormwater runoff, erosion, and sedimentation. Also describe how any new or enhanced wastewater treatment system or other project components could impact water quality. Please include any potential benefits to water quality from the proposal.
- e. Describe any other effects, such as grading, stormwater runoff, and visual impacts that the variance, if granted, would have on adjoining and nearby properties. Provide supporting facts and documentation, including photographs, as appropriate.

Variance Site History:

- f. Describe how the need for a variance arose. This may involve the characteristics of the variance site and/or changes to the site that have occurred over time.

Adverse Consequences:

- g. Describe and provide supporting documentation of any adverse consequences that would result from denial of the variance.