

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 C
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Appendix C

Construction of a new structure within the shoreline setback (other than a retaining wall or other structure for shoreline stabilization)

1. 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. construction of a structure 100 square feet or less in size;*
 - c. construction of a structure that is exempt from the Agency's shoreline restrictions (such as a dock or boathouse, as defined in Agency regulations);**
 - d. use of existing lawful structures within the shoreline setback area (this may include replacement of one structure for another); or
 - e. use of non-structural alternatives (such as a footpath instead of a boardwalk or stairs).

* Note that these alternatives are not exempted from the shoreline restrictions of the Wild, Scenic and Recreational Rivers System Act; therefore a variance is required within a designated river area (with minor exceptions).

** Note that boathouses are not exempt from the shoreline restrictions within designated Scenic and Wild River areas.
2. Does the proposal include any wastewater discharges, such as toilets, sinks, etc.? 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.

3. Attach a plan sheet depicting the 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 depict any proposed buildings or structures, including attached structures such as decks, stairs, and porches. Also provide a construction detail indicating to-scale elevation views of the proposed structure. For buildings, please also provide a floor plan prepared by a qualified professional and clearly labeled to scale with the date of preparation and name of preparer.
4. 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 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 new structure;
 - 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 new structure (minimum 10-foot field-verified contour intervals);
 - i. existing areas of steep slopes (greater than 15%) within 100 feet of the new structure;
 - 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.
5. After consultation with Agency staff, if necessary, provide a separate Stormwater Management Plan and Erosion and Sediment Control Plan prepared by a qualified professional (NYS licensed surveyor, engineer, architect, etc.). The Stormwater Management Plan must include treatment of the water quality volume associated with any new upland impervious area. To the extent practicable, the Plan should also treat existing impervious areas. For purposes of sizing, stormwater practices, and water quality treatment, 1.5 gallons of runoff per square foot of impervious area

can be assumed. For additional information describing various practices, please refer to the 2015 *New York State Stormwater Management Design Manual*. For additional information regarding erosion and sediment control, please refer to the 2016 *New York State Standards & Specifications for Erosion and Sediment Control*.

6. Variance Justification:

Minimization:

- a. Describe how the requested variance represents the minimum relief necessary from the shoreline restrictions, including how the proposed structure will be located the greatest possible distance from the mean high water mark. 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 structure, 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 due to the addition of a new structure in this area. 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.