



M E M O R A N D U M

TO: Regulatory Programs Committee

FROM: Richard Weber, Deputy Director, Regulatory Programs

DATE: June 4, 2014

RE: John Lease, III/Town of Willsboro Variance Request (P2014-51)

Summary

The applicants seek variances for the installation of two 25' X 25' x 12' Engineered Log Jams (ELJs) and approximately 136 linear feet of "rockery crib wall" along a sharp bend of the bank of the Boquet River in the Town of Willsboro, Essex County, for the purpose of stabilizing and protecting the eroding river bank. The structures require variances pursuant to 9 NYCRR Part 577 because they will be installed on the shoreline of a recreational river area in a Resource Management land use area. The Town of Willsboro proposes to install the structures on lands owned by John Lease, III (formerly owned by Willsboro Industries).

Two additional ELJs are being constructed on adjoining Hamlet lands, where a Part 577 variance from the Agency is not required. The Town of Willsboro, which administers the Agency's Executive Law § 806 shoreline restrictions as part of its approved local land use program, granted variances for all four ELJs at its April 15, 2014 Zoning Board of Appeals meeting.

Attached is an "Aerial Photo of Project Site" showing the bend in the river. Also attached is a photograph showing "Existing Conditions" (which was included in the Applicant's Power Point presentation at the public hearing) showing the highly eroded bank of the bend at the project site. While there is no photo simulation of the project design, attached is a modified portion of Sheet ER.1, "Erosion Control and Sediment Control and Landscaping Plan" that depicts how the four ELJs and "rockery crib wall" will stabilize the site. It also shows the highlighted boundary between Hamlet and Resource Management land use areas.

Public funding for the project comes from two grants: small grant for improvements for the fishing access; and, a large DEC shoreline stabilization grant (\$775,000) which will expire at the end of the year [Exhibit 11]. To protect fish habitat work in the river must be completed by the end of the summer.

Staff Analysis

The project was the subject of a pre-application review in 2013 through which jurisdiction, design alternatives and potential impacts were discussed prior to submission of this application for a variance.

This is not the typical variance application in which a private landowner seeks to develop along a shoreline and the Agency must consider how to protect shoreline aesthetics and water quality. Here the Town seeks to restore and stabilize the shoreline and provide vegetation to improve water quality, the aesthetics of the river corridor and provide enhanced fishing access.

In arriving at its determination whether to grant a variance, the Agency must consider in its deliberations the standards and factors set forth in 9 NYCRR §576.1, though it is not necessary to make a finding on each. For the Agency's consideration during its deliberations, staff's discussion of these standards and factors can be found in the Discussion on pages 5-9 of the Draft Order.

Based on its analysis of the applicants' request, staff recommends that the Agency grant the requested variances. Not granting the variance would, through ongoing erosion, continue the adverse impacts on the shoreline and water quality. The proposed shoreline stabilization design, storm water and erosion controls, and plantings obviate the necessity of additional site specific conditions in the Draft Variance Order.

REW:MJG:PVC:TES:SHR