

Memorandum

TO: Regulatory Programs Committee

From: Cristina Lussi, Camp Majano LLC

Date: May 30, 2017

Re: Response to Staff Overview Dated May 26, 2017, sent via Email from Paul Van Cott to Cristina Lussi

On Page 6 of Staff Overview, Staff believe that Alternative A, moving the east and west gables back toward the shore so that the decks could be built on the lakeward side and within the footprint of the existing structure, would be a feasible alternative to applicant's variance request.

Staff visited the site, and walked up the stairs of the structure on April 1, 2016. Staff was told during the April 1, 2016 site visit that the idea which is now known as Alternative A would not be feasible as the east Gable would end of being in the middle of the stairs.

Furthermore, the decks proposed in Alternative A would have required applicant to cut a 10' x 10' hole in the middle of the east and west rooflines. The Alternative A decks would be located within original living space to the west, top of stair landing and storage closet to the east, and Alternative A Decks would sit directly above a storage room to the west and a cement barbeque area to the east.

Alternative A deck areas would be flat water collection areas, as they have to be water proofed, and they would also be snow retention areas in the winter which would likely lead to leaks into main rooms of single family dwelling during times of the year when camp is not accessible due to thin ice.

Proposed decks are over water and a dock, thus water filtration through the deck boards would not likely cause damage to the main frame of the building. Please see Exhibits CC 45 West Roofline area, and CC 42 East Roofline Area.

Please ask yourself if it is really practically feasible to chop two 10' x 10' decks into two areas of someone's existing covered space, and put flat rooves over a storage room and a barbeque area?

On pages 7 and 8 of Staff Overview, Staff states that Alternative B involves construction of decks over the east and west boat slips of the shoreline structure.

Applicant drew in Exhibit RR sketches of these proposed decks to show that these decks could be 3 to 4 times as large as proposed decks. Applicant has always known that these would be non-jurisdictional decks, but asserts they would require shoreline cutting for appropriate sunlight, they would be ugly in relation to the shoreline vegetation and the historic structure. Exhibit CC see photos on pages 24- 55 that show vegetation. Staff has wanted trees labeled and located rather than applicant's identification by number, diameter, and tree type. Applicant offered at hearing to mark specific trees for record but staff declined offer. Hearing recording, 1:23-1:24.

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On page 9 staff states that, "Tree removal has the potential to impact water quality and shoreline character, and staff have been unable to evaluate any impacts that would result from the removal of any trees."

What is frustrating for applicant is the fact that applicant is not proposing to cut any trees as part of their variance application. So why does there have to be any analysis of impacts? Yet, "staff analysis indicates that four trees may need to be removed to allow sunlight to reach applicant's proposed eastern deck." But if we go back to page 8, staff totally contradicts itself by testifying, "that decks over the boat slips might receive sunlight without the removal of any or a substantial number of trees." Can you understand our frustration?

Applicant has explored other non-jurisdictional alternatives with staff since December of 2015. One alternative was to remove the roof over the deck facing north, one was to put a 250 square foot deck on the shaded, treed, rear, southern side of building, and another was to build a new 1200 square foot boathouse in the vicinity with a flat roof to serve as a deck. All were rejected by applicant as more environmentally invasive than the two proposed 10' x 10' decks.

Applicant would accept a condition to have to come back to Agency to enclose proposed 10' x 10' decks.

Applicant's family has owned this shoreline property since 1974. The property encompasses some 1350 feet of shoreline. Our taxes run over \$60,000 per year for the property on Buck Island. For the staff of the APA to request the Agency to impose 50 foot cutting restrictions on either side of our shoreline structure is unduly burdensome. It is the classic case of coercing applicants to give in to onerous conditions or suffer the consequence of not receiving a sought after variance. The Joint Review Board for the Town of North Elba did not require such a condition, and the Review Board seemed pleased that we chose not to embark upon shoreline cutting as part of our planning. We would understand a shoreline cutting condition if we were disturbing the shoreline. In this matter, Staff has conceded that the environmental impact of the two decks being added to a pre-existing non-conforming shoreline structure is minimal.

There is a time and place for practical decision making. The applicant has provided voluminous material, plans, pictures and testimony. The record truly reflects the sought after variance has minimal environmental impact, and the benefit to the applicant would afford truly spectacular viewing. The natural lighting will enhance the interior feel of the building, and the need for interior lighting will diminish during daylight hours.

Thank you for your time and consideration in presenting this response to the Agency Board.

Sincerely,



Cristina Lussi
Camp Majano, LLC