



Adirondack Park Agency

SHERMAN CRAIG
Chairman

TERRY MARTINO
Executive Director

MEMORANDUM

TO: Regulatory Programs Committee

FROM: Richard Weber – Deputy Director, Regulatory Programs *REW*

DATE: May 30, 2017

RE: Variance Request P2016-0182, Estate of Genevieve M. Garrant

SUMMARY

The Estate of Genevieve M. Garrant, the owner of a shoreline parcel on Hadlock Pond, has requested to construct a single family dwelling on a lot having less than the minimum shoreline lot width required by the Agency Park Agency Act. The property is located in a Low Intensity Use land use area on the Adirondack Park Land Use and Development Plan Map. Under Agency law the minimum shoreline lot width in Low Intensity Use land use areas is 125 feet. The variance site contains 76.2± feet of shoreline on Hadlock Pond.

Pursuant to Agency regulations, the shoreline lot width restrictions apply to any lots which are located in whole or in part within the building setback distance, and to all new single family dwellings. Because the applicant has requested to construct a single family dwelling on a lot having less than the minimum shoreline lot width required by the APA Act, the proposal requires a variance pursuant to § 806(1)(a)(1) of the APA Act and 9 NYCRR Part 576.

The variance site is currently vacant and mostly wooded. The applicant's objective is to sell the lot as a building lot for a single family dwelling. Construction of a single family dwelling on this 76.2±-foot-wide lot requires a variance of 48.8± feet from the 125 foot shoreline lot-width requirement. The buyer has proposed the location and design for the single family dwelling. Proposed development includes construction of a three bedroom single family dwelling, 2,440± square feet in footprint and 38 feet in height, including a 192± square foot deck and a 768± square foot attached garage. The single family dwelling structure will be located 95 feet from the mean high water mark of Hadlock Pond, entirely behind the 75 foot shoreline structure setback for a Low Intensity Use land use area. The proposed on-site wastewater treatment system leaching facility will be located greater than 300 feet from Hadlock Pond. The proposed driveway is 670± feet long with a maximum finished grade of 12 percent. Shoreline tree cutting is proposed to create a filtered view of Hadlock Pond, including removal of 25% of the trees within 35 feet of the lake and trimming of branches on trees to remain.

STAFF ANALYSIS

In arriving at its determination whether to grant a variance, the Agency must consider the criteria set forth in 9 NYCRR § 576.1. It is staff's opinion that this application is approvable under these criteria.

The Estate of Genevieve Garrant is the owner of the variance site, tax map parcel 101.19-1-15 ("Lot 15"). Lot 15 was part of a larger parcel as of the May 22, 1973 enactment date of the Adirondack Park Land Use and Development Plan in that the owners on that date, Herbert and Genevieve Garrant also owned adjoining tax parcel 101.19-1-1 ("Lot 1"). Pursuant to § 573.4(g) of Agency Rules and Regulations, adjoining property under one ownership as of the May 22, 1973 enactment date of the Adirondack Park Land Use and Development Plan is deemed, for Agency purposes, to have merged into one undivided lot as of that date, even if described in different deeds or having different tax map designations.

The Adirondack Park Agency Act also requires an Agency permit for any subdivision of Low Intensity Use lands that results in the creation of a shoreline parcel smaller than 50,000 square feet (1.15± acres) in size. The Act also requires that the Agency review any land use or development related to this type of subdivision. Accordingly, a permit was required when Lots 1 and 15 were created by subdivision in 1975 as Lot 1 contains only 0.27± acres. Even though no permit was obtained, the Agency's Enforcement Division informed the applicant by letter in 2015 that further enforcement action related to this subdivision would not be pursued. However, because Lot 15, the variance site, contains less than the minimum 125 feet of shoreline required by § 806 of the Adirondack Park Agency Act, an Agency variance is required prior to construction of a single family dwelling on this lot.

The applicant's objective is to sell Lot 15 as a building lot suitable for a single family dwelling. The proposed single family dwelling will be located behind the 75 foot shoreline setback, and is further from the shoreline than the dwellings located immediately north and south of the variance site. The adjoining properties to the north and south of the variance site are already developed and no additional shoreline is available for purchase. Thus, the shoreline of the variance site has been increased to the maximum extent feasible and there is no practical way to extend the shoreline to the required 125 feet. It is important to note that many of the shoreline parcels on Hadlock Pond located in Low Intensity Use, including lots directly to the south of the variance site, have less than the minimum shoreline lot width requirement.

The proposed single family dwelling will be consistent with other development in the area and the neighborhood character of Hadlock Pond. The majority of lots along Hadlock Pond are developed and the addition of a dwelling in this context is consistent with the neighborhood character. The new dwelling will be visible from neighboring dwellings due to the lack of buffering vegetation on the variance site and adjacent lots. However, the dwelling will be well screened from the direction of Hadlock Pond by the

mature vegetation to remain between it and the shoreline. In addition, color restrictions and vegetation clearing limits will also help to limit the dwelling's visibility as seen from Hadlock Pond. The proposed filtered view is to be developed in consultation with Agency staff after construction of the authorized single family dwelling.

There is no alternative that would not require a variance from the Agency and meet the applicant's objective of selling a building lot suitable for a single family dwelling. Construction of a dwelling in any location on the lot would still require a lot-width variance from the Agency. Improving the lot with a hunting and fishing cabin or a travel trailer does not meet the applicant's objectives and would not be acceptable to the buyer. Agency staff did ask the applicant to consider a dwelling location closer to Copeland Pond Road in order to reduce the length of the driveway and amount of overall site disturbance. This alternative was not accepted by the applicant or buyer as they desire to have a dwelling closer to the water. The applicant also rejected this alternative because the applicant stated that it would require more tree and branch removal to obtain a view of Hadlock Pond and would not as easily accommodate a dwelling with a walkout basement.

Staff review indicates that construction of the proposed single family dwelling will not adversely affect the water quality or aesthetic character of the Park or Hadlock Pond. Conditions related to vegetative cutting and trimming, dwelling color, and outdoor lighting will ameliorate adverse effects of any aesthetic impacts to the shoreline character of Hadlock Pond. In addition, implementation of the proposed stormwater and erosion controls will help to mitigate any potential impacts to the water quality of Hadlock Pond. However, continued maintenance of the engineered driveway, as well as the proposed stormwater and erosion controls, will be important to ensure that mitigation of potential water quality impacts continues.

CONCLUSION

Denial of the variance would essentially preclude the applicant from selling this lot as a buildable lot for a lakefront dwelling and adversely affect the sale of the property by the estate. No alternative exists to increase the width of the lot, the proposal is consistent with the neighborhood character, and construction of the proposed dwelling will not adversely affect the water quality or aesthetic character of Hadlock Pond provided reasonable conditions are imposed. Based on its analysis of the applicant's proposal, staff recommends that the Agency grant the requested variance as conditioned in the draft Order.