

**THIS ORDER AMENDS APA VARIANCE ORDER 2016-0100, ISSUED JUNE 14,  
2017. THIS IS A TWO-SIDED DOCUMENT**

 <p><b>NEW YORK</b> STATE OF OPPORTUNITY.</p> <p><b>Adirondack Park Agency</b></p> <p>P.O. Box 99, 1133 NYS Route 86 Ray Brook, New York 12977 Tel: (518) 891-4050 Fax: (518) 891-3938 www.apa.ny.gov</p>	<p>APA Order Granting Variance <b>2016-0100A</b></p>
<p>In the Matter of the Application of</p> <p><b>CAMP MAJANO, LLC</b></p> <p>for a variance pursuant to Executive Law § 806</p>	<p>Date Issued: July 24, 2017</p> <p>To the County Clerk: This order must be recorded on or before September 22, 2017. Please index this Order in the grantor index under the following names:</p> <p><b>1. Camp Majano, LLC</b></p>

**SUMMARY AND AUTHORIZATION**

This order amends APA Order Granting Variance 2016-0100 (“Variance Order”) to allow for the addition of three caissons and two tiebacks to support the two decks approved by the Variance Order, in an area classified Rural Use by the Official Adirondack Park Land Use and Development Plan Map in the Town of North Elba, Essex County.

Nothing contained in this amended Order shall be construed to satisfy any legal obligations of the applicant to obtain any governmental approval or permit from any entity other than the Agency, whether federal, State, regional or local.

**APPLICABLE LAWS**

Section 806(1)(a)(2) of the APA Act establishes a minimum shoreline setback of 75 feet from the mean high water mark of Lake Placid for all accessory structures and principal buildings greater than 100 square feet in size in a Rural Use land use area. The applicant requested a variance from this structure setback requirement pursuant to § 806(3)(a) of the APA Act and an amendment to the variance order pursuant to §576.9 of APA Regulations.

**RELEVANT FACTS AND BACKGROUND**

**Variance Site**

The variance site is located on the northeast side of Buck Island on Lake Placid in the Town of North Elba, Essex County, on an 18.6±-acre property in an area designated as Rural Use on the Adirondack Park Land Use and Development Plan Map. The tax map numbers for the property are: Section 33.016, Block 1, Parcel 2 and Section 33.015, Block 2, Parcel 9. The variance site is described in more detail in the Variance Order.

### **Amendment Request**

The Variance Order authorized the addition of two 10-foot by 10-foot decks on the front/north side (lake side) of an existing shoreline structure, each supported by one post/caisson, resulting in an increase in footprint of 200 square feet within the mean high water mark of Lake Placid.

The applicant's letter dated June 27, 2017, with attachments, requested a change to the variance granted by APA Order Granting Variance 2016-0100. As described in that letter, the applicant requested modifications "to shore up support for potential ice damage," to improve the safety of the decks above. Specifically, the amendment request is for installation of three additional caissons (for a total of five) and two horizontal tiebacks (steel supports). The three new caissons – two under the dock beneath the east deck and one beneath the west deck – will be pile driven into the lake bottom and extend 18 inches above the water. The caissons will be less than 12 inches in diameter and not filled with concrete. The two horizontal tiebacks will extend from the caisson/post authorized in the Variance Order and supporting the southwest corner of the west deck to the outside corners of the building.

The additional caissons and tiebacks will not increase the width or height of the existing shoreline structure. These additional elements will not extend further toward the lake than the most lakeward part of the structure, a covered porch on the northern side. In the June 27, 2017 letter, the applicant also requested "to cover the steel supports [tiebacks] with decking material to create a 10' by 10' deck under the approved west facing 10' x 10' deck above." To provide access to this deck, the applicant proposed changing an existing window to a door.

### **PROCEDURAL HISTORY**

Through the June 27, 2017 letter and an additional submission dated June 30, 2017, the applicant requested an amendment to APA Order Granting Variance 2016-0100. Following receipt of the amendment request, at the July 13, 2017 Agency meeting, the Agency Board determined that the addition of caissons and tiebacks to support the two decks approved by the Variance Order does not constitute a material change to "variance conditions, the applicable law, environmental conditions or technology since the date of issuance" of the Variance Order. The Agency granted the requested variance amendment for those elements of the applicant's proposal, but found that the additional deck constitutes a material change and will require a new variance.

### **DISCUSSION**

The Agency may grant a variance where there are practical difficulties in carrying out the restrictions set forth in Section 806(1)(a)(2) of the APA Act. The Agency considered the standards and factors set forth in 9 NYCRR § 576.1(b)-(c) in granting the Variance Order, and the Agency's analysis is set forth in detail in that Order. Review of those standards and factors was considered by the Agency in relation to the variance

amendment request. The requested addition of the caissons and tiebacks does not change the analysis of those standards, factors, and conclusions set forth in the Variance Order.

The potential for any adverse effects from this Order Granting Variance Amendment will be ameliorated by compliance with the following conditions:

1. This Amended Order shall be recorded in the Essex County Clerk's Office by September 22, 2017.
2. The addition of caissons and tiebacks shall be undertaken as proposed and described herein. In addition to those two caissons authorized by APA Order Granting Variance 2016-0100, there shall be no more than three additional caissons and two additional tiebacks. Any changes to the locations, sizes, dimensions, or other aspects of the structures shall require a new or amended Agency Order or a letter of compliance.
3. The addition of a deck to cover the tiebacks shall not be constructed without a new variance order.
3. All conditions in the Variance Order remain in full force and effect.

### **CONCLUSION**

The Agency has considered all of the standards and factors for issuance of a variance as set forth in 9 NYCRR Part 576. The Agency hereby finds that the applicant's variance amendment request for the addition of caissons and tiebacks to support the two decks authorized by the Variance Order meets the approval criteria, provided the authorized activities are undertaken as described herein and in compliance with the conditions set forth above.

A variance of the terms of the Executive Law is not personal and runs with the land. Recording of this Order Granting a Variance Amendment is intended to provide notice to subsequent owners of the variance site.

ORDER issued this        day  
of                   , 2017.

ADIRONDACK PARK AGENCY

BY: \_\_\_\_\_  
Richard E. Weber III  
Deputy Director (Regulatory Programs)

STATE OF NEW YORK  
COUNTY OF ESSEX

On the        day of                    in the year 2017, before me, the undersigned, a Notary Public in and for said State, personally appeared Richard E. Weber III, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

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Notary Public

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