



**PERMIT AND ORDER WRITING FORM – P#2016-0029**

Assigned EPS: JMB Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_

**APPLICANT**

Project Sponsor(s): **LS Marina, LLC**  
Landowner(s): **LS Marina, LLC**  
Authorized Representative: **Matthew Norfolk, Esq., North Woods Engineering, PLLC, North Country Ecological Services, Inc.**

**PROJECT SITE**

Town/Village: **Harrietstown**  
County: **Franklin County**  
Road and/or Water Body: **NYS Route 3, Lake Street, Lower Saranac Lake**  
Tax Map #(s): **457.-3-10, 457.-2-37.1**  
Deed Ref: **Instrument #s 2014-1669, 2019-3801**  
Land Use Area/s: **H MIU LIU RU RM IU**  
Project Site Size: **17.94± acres**  
 Same as Tax Map #(s) identified above  
 Only the H / MIU / LIU / RU / RM / IU portion of the Tax Map #(s) identified above  
 Other (describe): **Main Marina: 4.85± acre portion of TMP 457.-3-10 and 8.00± acres under water, Annex: 5.09± acre TMP 457.-2-37.1**  
Lawfully Created? **Y N**  Pre-existing subdivision:  
River Area: **Y N** If Yes: Wild - Scenic - Recreational Name of River:  
CEAs (include all): **Wetland - Fed Hwy - State Hwy - State Land - Elevation - Study River**

**PROJECT DESCRIPTION**

**Installation of new structures involving wetlands and the installation of new structures greater than 100 square feet in size within the shoreline setback area for rehabilitation and expansion of the pre-existing Crescent Bay Marina.**

**JURISDICTION (including legal citation)**

**Section 809(2)(a) of the Adirondack Park Agency Act and Adirondack Park Agency regulations at 9 NYCRR Part 578, Section 806(1)(a)(2) of the APA Act**

**PRIOR PERMITS / SETTLEMENT AGREEMENTS BEING SUPERSEDED**

**None**

**FINDINGS OF FACT – ENVIRONMENTAL SETTING**

**Lakes, Ponds, Navigable Rivers and Streams**

Water Body Name: **Lower Saranac Lake**  
Length of Existing Shoreline (feet): **Main Marina: 665± feet**  
Length of Existing Shoreline (feet): **Annex: 1335± feet**  
Minimum Lot Width:  
Structure Setback (APA Act):

Check if none

MHWM determ: **Y N**  
MHWM determ: **Y N**  
Meets standard: **Y N**  
Meets standard: **Y N**

Structure Setback (River Regs): Meets standard: **N/A**  
 Y **N** Cutting proposed within 6 ft of MHWM? If Yes, < 30% vegetation? Y N  
 Y **N** Cutting proposed within 35 ft of MHWM? If Yes, < 30% trees 6" dbh? Y N  
**N/A** Cutting proposed within 100 ft of river area? (If Yes, include under jurisdiction)

**Non-Navigable Streams in proximity to development** **Check if none [X]**  
 Permanent Stream  Intermittent Stream Classified? Y N  
 DEC Environmental Resource Mapper stream classification:

**Wetlands**

Y **N** Jurisdictional wetland on property  
 If Y:  If Yes, RASS biologist consulted  
 → Covertypes: **Main Marina: deepwater marsh**  
**Annex: deepwater marsh, shrub swamp, emergent marsh**  
 → Located < 200 ft from proposed development or along shoreline Y N  
 → If Y, value rating: **Main Marina: Value 3, Annex: Value 2**

**Wildlife**

Y **N** Rare/threatened/endangered species  If Yes, RASS ecologist consulted  
 Y **N** R/T/E or other unique species habitat  If Yes, RASS ecologist consulted  
 Y **N** Northern Long-Eared Bat occurrences in Town  If Yes, RASS ecologist consulted  
 Y **N** Forest management plan existing or proposed  If Yes, RASS forestry analyst consulted  
 Y **N** Biological Survey required by RASS ecologist  If Yes, completed

**Ecological / Special Districts**

Y **N** Natural Heritage Sites  If Yes, RASS ecologist consulted:  
 Y **N** Aquifer  If Yes, RASS engineer consulted  
 Y **N** Agricultural District

**Slopes**  RASS engineer consulted if structure proposed on >15%, driveway on >12%, or wwts on >8/15%  
 Existing slope range: **Main Marina: some areas >20%, <8% in location of wwts; Annex: <10%**  
 Building area(s) if authorizing development: **0%**

**Soils**

Y **N** Deep-hole test pit completed? (Necessary for every building lot)  Check if N/A  
 If Yes, soil data information determined or approved by RASS soil analyst  
 NRCS Mapped Soil Series or Other Comments:

**Character of Area**

Nearby (include all): **Residential – Commercial – Industrial – Agricultural – Forested**  
 Adjoining Land Uses / State Land: **Residential waterfront, Ampersand Bay Resort, Saranac Lakes Wild Forest**  
 Is nearby development visible from road? Y N  
 → If Y, name road and describe visible development: **Nearby development visible from Hamlet land use area NYS Route 3 and Lake Street. Also visible from Lower Saranac Lake**

**Additional Existing Development** (ex: dam on site, etc.):

**\*\*\* Attach Individual Lot Development Worksheet (if a subdivision, attach one for each lot)**

**FINDINGS OF FACT – COORDINATED REVIEW**

Y	N	Archeologically Sensitive Area, according to OPRHP	[ ]	If Yes, APA APO consulted
Y	N	Structures > 50 years old on or visible from site		OPRHP Letter Dated 9/2/14
Y	N	Within Lake George Park	[ ]	If Yes, LGPC consulted / application submitted
Y	N	Greater than 1 acre disturbance / SWPPP required	[ ]	If Yes, DEC application submitted
Y	N	Public water supply	[ ]	If Yes, DEC / DOH application submitted
Y	N	Greater than 1,000 gpd wastewater	[ ]	If Yes, DEC application submitted
Y	N	Disturbing bed or bank of water body	[ X ]	If Yes, DEC application submitted
Y	N	Creating 5 or more lots less than 5 acres each	[ ]	If Yes, DOH application submitted
Y	N	Army Corps involvement	[ X ]	If Yes, ACOE consulted
Y	N	Agency-approved Local Land Use Program	[ ]	If Yes, Town/Village consulted

**PERMIT CONDITIONS AND IMPACT ANALYSIS**

**Merger N/A**

Justification if merger required:

**Deed Covenant N/A**

Non-building lot being created? Y N

If yes and lot is not being merged by condition, no PBs? Or no structures at all? Justification:

**Easement N/A**

Easement proposed or required? Y N

If Y, consult with Legal for conditions. Justification:

**Construction Location and Size (may be different for each subdivision lot)**

Is new development (other than oswts) being authorized without further Agency review? Y N

→ If Y: Structure height limit and justification: 14.5± feet height limit for covered boat storage to minimize visual impacts

Structure footprint limit and justification: 577± square feet of structures shoreward of the mean high water mark and 36,368± square feet of structures lakeward of the mean high water mark. Minimize visual impacts and impacts to wetlands

→ If N:

→ Acceptable development sites identified for all subdivision lots with PB allocation? Y N

→ Review of future development required? Y N

→ If Y, justification:

**Guest Cottages (if authorizing a dwelling) N/A**

Proposed and reviewed? Y N

If N, guest cottages potentially allowed? Y N

→ Justification for any conditions:

**Boathouses (if project site contains shoreline)**

Proposed and reviewed? Y N

If N, boathouses potentially allowed? Y N

→ If N, justification:

→ If Y, review required (beyond definition limits)? Y N

→ If Y, justification: Compliance with shoreline restrictions and protection of wetlands

**Docks (if project site contains shoreline)**

Proposed and reviewed? Y N  
If N, docks potentially allowed? Y N  
→ If N, justification:  
→ If Y, review required (beyond definition limits)? Y N  
→ If Y, justification: **Compliance with shoreline restrictions and protection of wetlands**

**Outdoor Lighting (if authorizing development)**

Plan proposed and reviewed? Y N

**Building Color (if authorizing development)**

If color condition required, justification: **Minimize visual impacts of covered structures**

**Tree Cutting / Vegetation Removal**

Town with Northern Long-Eared Bat occurrences? Y N  
If Y, consult with RASS for conditions. Justification:

Vegetative cutting restrictions required? Y N  
If Y, restrictions required (choose all that apply):  
[ ] within feet of limits of clearing  
[ ] within feet of road  
[ X ] within **50 feet of lake**  
[ ] Other:  
OR [ ] on entire site outside limits of clearing

Extent of cutting restriction necessary within the area noted above:

[ ] Cutting of all vegetation prohibited  
[ ] Cutting of trees of diameter dbh prohibited  
[ X ] Other: **Cutting of trees or shrubs prohibited**  
Justification: **Protect wetlands and water quality**

**Plantings**

Plan proposed and reviewed? Y N  
If N, plantings required? Y N  
→ If Y, species, number, location, and time of year: **Species, number and location as depicted on Annex Planting Plan to be planted first spring or fall planting season after final grading**  
Justification: **Protect wetlands, water quality, and screen existing storage building**

**Wetlands**

Consult with RASS for conditions. Justification: **Construction of structures and dredging as depicted and described on the Project Plans to limit impacts to wetlands**

**Density (may be different for each subdivision lot) N/A**

Located in Town with ALLUP? Y N (If Y, stop. Town oversees density.)  
Authorizing PB on substandard-sized lot created pre-2000 with no permit? Y N  
If N and N, list existing PBs, including whether they are pre-existing/year built:

Mathematically available # of new PBs (in addition to existing or replacement):  
Extinguishing PBs? Y N If Y, number:

**Wastewater (if authorizing construction of a new PB without further review)**

Municipal system connection approved?	Y	N
Community system connection approved by RASS?	Y	N
Proposed on-site system designed by engineer and approved by RASS?	Y	N
If N, has RASS field-verified location for conventional standard trench system?	Y	N
If N, has RASS field-verified location for conventional shallow trench system?	Y	N
Suitable 100% replacement area confirmed for existing / proposed system?		N/A- approved system is replacement at Main Marina. Composting toilets at both sites.

Consult with RASS for additional conditions.

**Stormwater Management (if authorizing development)**

Consult with RASS for conditions. Justification: project shall be undertaken in compliance with the SWPPP, the Annex Stormwater Plan, and the Project Plans, including the Annex Planting Plan to protect water quality and wetlands

**Erosion and Sediment Control (if authorizing development)**

Consult with RASS for conditions. Justification: project shall be undertaken in compliance with the SWPPP, the Annex Stormwater Plan, and the Project Plans, including the Annex Planting Plan to protect water quality and wetlands

**Infrastructure Construction (if authorizing development) N/A**

Construction necessary before lot conveyance:  
Justification:

**For permits that will not include conditions related to Building Color, Vegetation Removal, or Plantings**

Explain why no condition is needed:

**Additional Site / Project-Specific Concerns / Conditions Needed:** Installation of buoys and channel markers as depicted on plans to limit impacts to wetlands and habitat. Measures to prevent spread of invasive species and manage existing Eurasian water milfoil.

**Y N Public comments received** If yes, #: 233 comment letters received during public comment period in 2020. 51 comment letters received between 2014 and 2017. Public Hearing held for variance on August 21, 2020, with 23 members of the public offering comment.

**Y N Applicant submitted response:** Addressed several issues in public hearing presentation.