



October 4, 2021

Adirondack Park Agency
1133 NY 86
Ray Brook, NY 12977
apajif@apa.ny.gov

Enclosed please find an Application for Variance from Shoreline Restrictions for Andrew P Hawkins Boathouse Addition. **APA Project Number J2021-0117.**

Application includes:

- 1) Completed "Application for Variance from Shoreline Restrictions"
- 2) Signed "Local Government Notice Form"
- 3) Pictures of lake bottom and shoreline
- 4) Franklin County Property Deed
- 5) Letter of Authorization
- 6) Complete list of all nearby landowners within 500 ft of property line. (Last page of application)
- 7) Project Narrative
- 8) Drawings:
 - 1) S-1.0 - Site Plan
 - 2) A-1.0 - Floor Plan
 - 3) A-2.0 - Lakeside Elevation
- 9) Existing Views
 - 1) A-4.0-1 View at 400' from South
 - 2) A-5.0-1 View at 450' from Southeast
 - 3) A-6.0-1 View at 250' from Southwest
- 10) Views of Proposed
 - 1) A-4.0A - Southern View of New Boathouse
 - 2) A-4.0B - Southern View of Existing Boathouse with Attached New Slip
 - 3) A-5.0A - Southeast View of New Boathouse
 - 4) A-5.0B - Southeast View of Existing Boathouse with Attached New Slip
 - 5) A-6.0A - Southwest View of New Boathouse with Existing Boathouse in Background
 - 6) A-6.0B - Southwest View of Existing Boathouse with Attached New Slip

Please get back to us if any information is missing, needed or would be helpful for the efficiency of the Variance process. We look forward to your confirmation.

Respectfully Submitted,

Victoria Sturgeon
Project Manager

CC: Andrew P. Hawkins - Property Owner

Please send all application materials to apasubmissions@apa.ny.gov

RECEIVED

Date: October 19, 2021

<p>ADIRONDACK PARK AGENCY Division of Regulatory Programs PO Box 99, 1133 NYS Route 86 Ray Brook, New York 12977 Telephone (518) 891-4050 www.apa.ny.gov</p>	 <p>Adirondack Park Agency</p>	<p>APPLICATION FOR VARIANCE FROM SHORELINE RESTRICTIONS</p>
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APPLICATION

Background: The Adirondack Park Agency Act and Agency regulations implementing the NYS Wild, Scenic and Recreational Rivers System Act establish shoreline restrictions on lands associated with lakes, ponds, rivers, and streams. A variance must be obtained from the Agency before undertaking any development activity that does not comply with these restrictions.¹

Instructions: Please complete questions 1 through 12 below. As part of the application, please also complete the appendix (or appendices) specific to the type of variance being requested. **Three** copies of the completed application and applicable appendices must be submitted to the Agency at the address listed above. **All maps, plans, photographs, and other graphics must also be provided in electronic format (Adobe Acrobat or PDF), unless otherwise agreed to by Agency staff.** Note that a permit application is also required for any proposal that involves both a shoreline restriction variance and an Agency permit. To determine which appendices must be included as part of the application, please check which of the following activities apply to the proposal (it may be useful to reference the [Agency's Shoreline Restrictions flyer](#)):²

- Appendix A** - Expansion of an existing single family dwelling within the shoreline setback
- Appendix B** - Expansion of an existing structure other than a single family dwelling within the shoreline setback Existing Non-conforming Boathouse
- Appendix C** - Construction of a new structure within the shoreline setback (other than a retaining wall or other structure for shoreline stabilization)
- Appendix D** - Construction of a retaining wall or other structure for shoreline stabilization
- Appendix E** - Construction of a dwelling without the minimum required shoreline lot width
- Appendix F** - Construction of a wastewater absorption field within 100 feet of a water body
- Appendix G** - Removal of shoreline vegetation in excess of Agency standards

¹ Please note that a variance may not be required if the site is located in a Town that administers an Agency-approved local land use program (ALLUP). The communities with an ALLUP are: Arietta, Bolton, Caroga, Chester, Chesterfield, Colton, Day, Edinburg, Hague, Horicon, Indian Lake, Johnsbury, Lake George, Newcomb, Queensbury, Village of Lake George, Westport and Willsboro.

² Available at: <https://www.apa.ny.gov/Documents/Flyers/ShorelineRestrictions.pdf>

1. Applicant

Name(s): Andrew P Hawkins & Lisa A Walsh

Mailing Address: 50 East 72nd St
New York, NY 10021

Telephone (Daytime): (917) 864 - 0801

Fax/E-mail: _____

2. Current Variance Site³ Landowner(s):
(if different from Applicant)

Name(s): _____

Mailing Address: _____

Telephone (Daytime): _____

Fax/E-mail: _____

3. Applicant's Legal Interest in Variance Site (check the one that applies):

- owner
 lessee
 signed purchase agreement holder
 option holder
 other. Specify: _____

If the applicant has an executed contract or agreement to purchase or lease the property, please provide a copy in order to establish the applicant's legal interest in the variance site (purchase price and other confidential information may be redacted).

4. Applicant's Authorized Representative:

By filling in the name and address below and signing this application, the applicant is authorizing the designated representative to act as his/her agent in all matters relating to this variance application before the Adirondack Park Agency. The applicant acknowledges that all contact regarding the application will be through his/her Authorized Representative. Please note that the applicant is ultimately responsible for the accuracy of the information provided in this application.

Name: Michael Bird A.I.A. - Architect of Adirondack Design

Mailing Address: 30 Riverside Drive
Saranac Lake, NY 12983

Telephone Number (daytime): (518) 891-5224 FAX/E-mail: info@adkgreatcamps.com

5. Recorded Deed:

Provide a copy of the current deed, including the recording information, for the variance site. Copies of deeds are available from the County Clerk's Office.

³ The variance site is usually the deeded parcel on which the activity requiring a variance is proposed to occur.

6. Variance Description:

Submit a narrative description of the proposal, including proposed dimensions. Attach additional sheets if necessary.

Expansion of existing, non-conforming, Boathouse. See attached narrative.

7. Variance Site Information:

Road/Highway: N/A Water body/River/Stream: Spitfire Lake

Size of the variance site: @ 7.02 acres

Town(s): Town of Brighton, NY County: Franklin County

Tax Map Designation (from the tax bill for the property):

Section: 395. Block: 1 Parcel: 4.100

Section: _____ Block: _____ Parcel: _____

Local Zoning District: N/A (Town of Brighton)

Local Setbacks (feet): Shoreline: N/A Front: N/A Back: N/A Side: N/A

(a) On May 22, 1973 did the owner of the variance site also own any adjoining property?

No X

Yes _____

Provide the Tax Map Numbers:

Section: _____ Block: _____ Parcel: _____

Section: _____ Block: _____ Parcel: _____

(b) Has any portion of the total contiguous landholding described above been sold, given away or otherwise subdivided since May 22, 1973?

No X

Yes _____

If yes, please list the lots or parcels conveyed from the original parcel and the size of each in square feet or acres.

Parcel Number from current tax map	Date of Conveyance	Lot Size (sq. ft. or acres)	Conveyed by sale or gift?
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_____	_____	_____	_____
_____	_____	_____	_____

(c) Are there any structure on the variance site?

No _____

Yes X

Provide the information on the following page; attach additional sheets if necessary.

Application for Variance from Shoreline Restrictions

Date of Construction	Size (sq. ft. of footprint)	Height (feet)	Type/Use (e.g. store, garage)
1. <u>2003</u>	<u>@1,584 Sq Ft</u>	<u> </u>	<u>Single Family Dwelling</u> APA File J 2001 298
2. <u>2002</u>	<u>@256 Sq Ft</u>	<u> </u>	<u>Cabin</u>
3. <u>2002</u>	<u>@947.74 Sq Ft</u>	<u>24'-5"</u>	<u>Boathouse</u>

(d) Describe any other structures that existed within the shoreline setback area on the variance site on August 1, 1973 that have since been removed or demolished. Include the date that the structure was removed or demolished, and note whether the structure was used for residential, commercial, or accessory purposes. Attach additional sheets if necessary.

None

(e) Describe any exterior alterations or expansions (including changes to structure height) made to any structures located within the shoreline setback area since August 1, 1973. Attach additional sheets if necessary.

None

8. Prior Agency Action:

(a) Have there been any previous discussions with Agency staff regarding the variance site, or has any Agency staff visited the property?

No X
 Yes Staff person's name: _____
 Date of Contact: _____

(b) Has the variance site been the subject of any past Agency action, such as an Agency permit, variance, jurisdictional determination, enforcement case, or wetland flagging determination?

Unknown
 No
 Yes X If known, provide the following number and date:
 Past Permit or Variance Number: _____ date: _____
 Jurisdictional Inquiry Number: J2021-0117 date: 4/6/2021
 Enforcement Case Number: _____ date: _____
 Wetland Boundary Flagging: _____ date: _____
 Site Visit _____ date: _____

9. Nearby Landowners:

A current list of the names, mailing addresses, and tax map references for all landowners with property located within 500 feet of the boundaries of the variance site must be submitted by the applicant prior to the public notice and comment period required for the variance request. Attached is a sheet which may be used to provide the required list of adjoining landowners. Note that this information is typically available from the Real Property Tax Services at County Offices or from the Town/Village assessors.

10. Historic Resources:

Does the variance site have any buildings that are more than 50 years old, or does the variance site or surrounding area contain any structures or districts that are listed or deemed eligible to be listed on the State or National Register of Historic Places? Does the variance site involve any known archeological resources?

No X

Yes Describe: _____

11. Other Regulatory Permits and Approvals:

The Agency cannot approve a variance for a proposal which has been denied a variance or permit or which is a prohibited use under local zoning requirements and other local laws or ordinances, unless authorized by a use variance or other means. The proposal should be designed to meet the regulatory requirements of other involved municipalities and agencies.

- (a) Local Government Notice Form: Provide a completed copy of the enclosed Local Government Notice Form to the municipality in which your proposal is located. The form should be filled out and signed by an appropriate official (e.g., Zoning Administrator, Planning Board Chairman or Supervisor, if no Zoning Administrator or Planning Board Chairman) and returned with the variance application. Please read the form for further instructions.

- (b) Municipal Approval Documents: If local approval has been obtained for the proposal, then provide documentation (e.g., permit, site plan approval or final subdivision plat) to the Agency which confirms that the proposal has been approved pursuant to all applicable town and county laws including any necessary approvals from the planning and zoning boards. Also, please provide a copy of the relevant minutes of all local meetings at which the proposal has been discussed. Please note that this last request is continuous and information should be provided to the Agency as it becomes available.

- (c) State and Federal Agency Contacts: Complete the following table and indicate whether any of the following agencies have been contacted. Please provide copies of any applications and other correspondence between the applicant and the agencies listed below. To allow a coordinated review, your APA application will remain incomplete until applications have been submitted to all involved agencies.

Item 9 of Application

Provide names, mailing addresses, and tax map references (tax map, block and parcels numbers) for all landowners with property located within 500 feet of the boundaries of the variance site.

Example: 155-1-27 Mr. John Doe Main Street Jay, New York 12941	395.-1-3.3 Paul Smiths College PO Box 265 Paul Smiths, NY 12970	395.-1-5.200 Cathers Family Limited 905 Lincoln Drive Phoenixville, PA 19460
395.-1-4.300 Jeannie Laforara 43 Mapleleaf Drive Williamsville, NY 14221	395.-1-4.200 Anthony Laforara 43 Mapleleaf Drive Williamsville, NY 14221	395.-1-3 Nancy Nash Higbee 7 Reynolds Pl Greenwich, CT 06831
395.-1-2.200 Caroline Brune Nordman 4074 Spring Lake Okatie, SC 29909	395.-1-5.100 Earle George 1632 Yardley Drive Westchester, PA 19380	



APA Application for Variance from Shoreline Restrictions - NARRATIVE

APA Project Number: J2021-0117
Andrew P Hawkins - Existing Non-Conforming Boathouse Addition
24 B Canoe Bay, Spitfire Lake, Brighton, NY
October 1, 2021

My client, Andrew Hawkins, wishes to construct another slip for his boats in order to house them in an enclosed structure for both summer usage and winter storage.

Mr. Hawkins' property is boat access only, and owning several boats is typical for boat access only properties due to continuous mechanical issues with boats. For properties that are boat access only, the owner's boats are equivalent to the use of cars in most homes, and just as new homes constructed today are equipped with a 3 car garage, one should expect the need for 3 boat slips to be equally desirable.

The current Boathouse located on the east side of the property has 2 enclosed slips and an open slip to the west of the enclosed slips. The ridge height of the boathouse is 24'-5" above the dock. We propose to add one slip to the east by adding a dock to create the slip and covering the slip with a hip roof coming off of the existing Boathouse roof. The addition will be 26'-11" x 16'-3". The ridge height of the addition would be 15'-5".

Our previous application for a Non-jurisdictional Determination was denied due to the existing 24'-5" ridge height which does not meet the current boathouse defined regulation. Thus the expansion was denied.

We have considered building a new 1-slip boathouse at the West end of the property which is perfectly legal to build following the new boathouse guidelines. However, we have 2 grave concerns and hardships with constructing a boathouse in that location.



A boathouse in that location would create greater man made structures on the shore-line creating a negative visual impact for everyone viewing the property from various angles from the lake.

The water depth all along the shore on the West side of the property is extremely shallow. Forty feet from the shore the water depth is only 3' deep. In order to get the proper water depth to safely land a boat without damaging the propeller, a new boathouse would have to extend a total of 57'-11" out into the lake. A structure this far into the lake will have a severely negative visual impact not only for my clients point of view but also many of the neighboring properties. The lake shore to the East of the existing boat house turns 90 degrees at the property corner and heads South. The Cathers (the neighbors to the East) will be looking at the new single slip boathouse from their camp sticking way out into the lake. This would be both very odd looking due to it being so far from the shore but also interrupting their view up the lake toward St. Regis Mountain.

Shore owners across the lake to the south, would view a structure that would appear to be sitting in the middle of the lake and not nestled nicely into the shore line. It will look odd to see the roof line of the structure and have the trees so far behind it, not nestled into the shoreline like so many others.

Shore owners to the west however would have the most awkward view of a new boathouse. It would stick so far out from the shoreline sticking nearly 60' in the water. It would nearly block the view of the existing boathouse from this angle. In fact the existing boathouse would be visible to the left of the new boathouse or back behind the new boathouse due to being so far out into the water.

In addition I don't believe the Army Corps of Engineers nor the DEC would permit a boathouse so far from shore as it would negatively impact the navigable waters of the lake.

Michael L. Bird, A.I.A.

Website: www.adkgreatcamps.com ♦ Email: adk_michael@mac.com
Rhinebeck, New York. ♦ Phone 518-637-2524
30 Riverside Drive, Saranac Lake, New York 12983 ♦ Phone 518-891-5224



These negative factors clearly show the addition of a new boathouse on the west side of the property is far less acceptable than a subtle expansion of a one slip addition on east side of the existing boathouse in the corner of the lake. It would have extremely low impact to the shoreline no matter what angle it was viewed from. It would be far less destructive to the lake due to requiring far less construction in the water and far less invasive to the surroundings. In the end this addition would hardly be noticed.

I have included renderings from various angles of both the one slip boathouse addition, the simple one slip addition to the existing structures as well as photos from the same locations showing the existing views from those locations.

Sincerely,

Michael Bird A.I.A.



LOCAL GOVERNMENT NOTICE FORM
for Project/Variance Application to the Adirondack Park Agency

The Adirondack Park Agency will not deem an application complete until the appropriate municipal official in the Town/Village where a project is located has completed, signed and returned this form to the Agency.

If the Town/Village where the project site is located has zoning or other regulations which apply to the proposal, the Adirondack Park Agency will be unable to issue a permit if: (a) the Town/Village has either refused to grant a necessary permit or variance, or (b) the proposal is a prohibited use in that jurisdiction.

To be completed by the Applicant: APA Project Number (if available): J2021-0117

Authorized Applicant Name: Michael Bird A.I.A. - Architect Landowner Name: Andrew P Hawkins & Lisa A Walsh
Project site location: Town/Village: Town of Brighton, NY Tax Map Number: 395.-1-4.100
Project type/description: Addition to Existing, Non-Conforming Boathouse

If the project involves a subdivision, please provide the appropriate local official a copy of the proposed plat as part of the project description with the plan title and date recorded in the space provided above.

To be completed by the Town/Village:

Does the Town/Village have land use controls? Yes No
If Yes, please complete 1-9 below. If No, please skip to #9 below.

- 1) If the Town/Village has zoning, provide Zoning District Name(s):
2) How is the "use" defined under the local code?
Is the "use" allowed in the zoning district(s)? Yes No
3) Is the project prohibited by any local law or ordinance? Yes No
4) Does this project require a municipal permit? Yes No
a) If Yes, is the required permit a building permit only? Yes No
b) If No, identify the type of permit required:
5) Does this project require a municipal variance? Yes No
If Yes, identify the type of variance required (e.g., area, setback, etc.)
6) Does the project require any other municipal approval? Yes No
If Yes, identify the approval required:
7) Has the municipality received an application for this project? Yes No
If Yes, has the municipality issued any decision on this project? Yes No
8) Provide explanation for any decisions on this project or inconsistencies the project may have with local laws or any comments you wish to provide to the Agency about the project:

9) Please provide a daytime contact telephone number with the best days/times to be reached, and/or an email address for the official signing this form, should Agency staff have further questions regarding municipal review of this project: (518) 327-9360 best times THURSDAY 5:30-7:30
e-mail: PBZAING06@GMAIL.COM

Signature of Zoning Official or Planning Board Chair (or Supervisor/Mayor if no such official exists)

PAUL BLAIN CODE OFFICIAL
Name and Title (Print)

10-14-21
Date

Please return this completed & signed form to the address or fax number below.



November 12, 2020

To Whom It May Concern:

Please allow this letter to serve as authorization for Michael Bird of Adirondack Design to act on my behalf regarding the filing of all permit applications and appearing at any regulatory agency hearings relative to property owned by me located at Canoe Bay, 24B on Spitfire Lake, NY. Specifically, he is authorized by me to sign and present information to all necessary regulatory agencies and to take any necessary steps to receive permitting for this project site.

If you have any questions regarding this matter, please do not hesitate to call me at

917 864 0807

Sincerely,

A handwritten signature in blue ink, appearing to read "Andrew Hawkins", is written over a horizontal line. The signature is stylized and cursive.

Signature

Andrew Hawkins

Print Name