



New York State
Adirondack
Park Agency

Andrew P. Hawkins

Lisa A. Walsh

P2022-0194

March 15, 2023

Variance Record

- Application, maps, plans, photos, etc.
- Audio recording of variance hearing
- 10 comment letters received
- Staff's Summary Memorandum
- This presentation



Presentation Overview

- Applicable Laws
- Applicants' Objectives
- Variance Location
- Existing Site Conditions
- Background/Property History
- Variance Request
- Character of Shoreline
- Public Hearing & Comment
- Variance Factors



Applicable Laws



Applicable Laws

- APA Act § 806(1)
 - Purpose of shoreline restrictions
 - Protection of water quality and shoreline character
- APA Act § 806(1)(a)(2)
 - Minimum shoreline setback: 100 feet in Resource Management
 - For all structures > 100 sq ft (except docks, boathouses)
- APA Act § 806(3)(a)
 - Authorizes Agency to grant variances
- 9 NYCRR § 575.5
 - lawfully existing non-conforming boathouses may be replaced in kind in the same location but may not be expanded.
- 9 NYCRR Part 576
 - Factors to consider before granting a variance



Applicants' Objectives



Applicants' Objectives

- Expand the current non-conforming boathouse with a third covered boatslip in order to house an additional boat in an enclosed structure for both summer usage and winter storage.

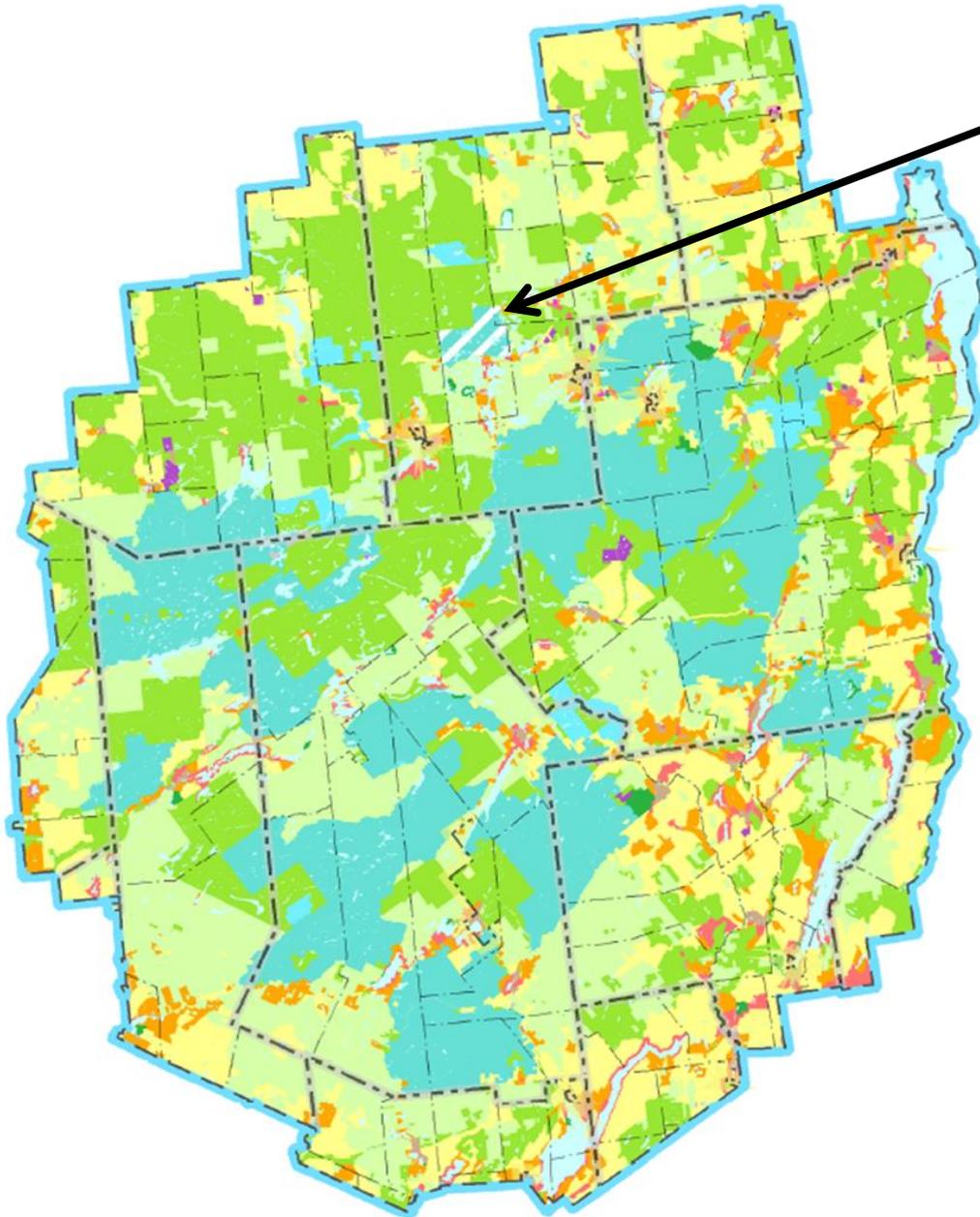
Variance Request

- Agency Variance needed
 - An increase of 13 feet 6 inches in width and 20 feet 6 inches in length for an increase $277\pm$ square feet of footprint.
 - Entirely within shoreline structure setback
- $1029\pm$ existing + $277\pm$ variance = $1306\pm$ sq ft boathouse
- 25 ft 4 inches in total height of the structure



Variance Location



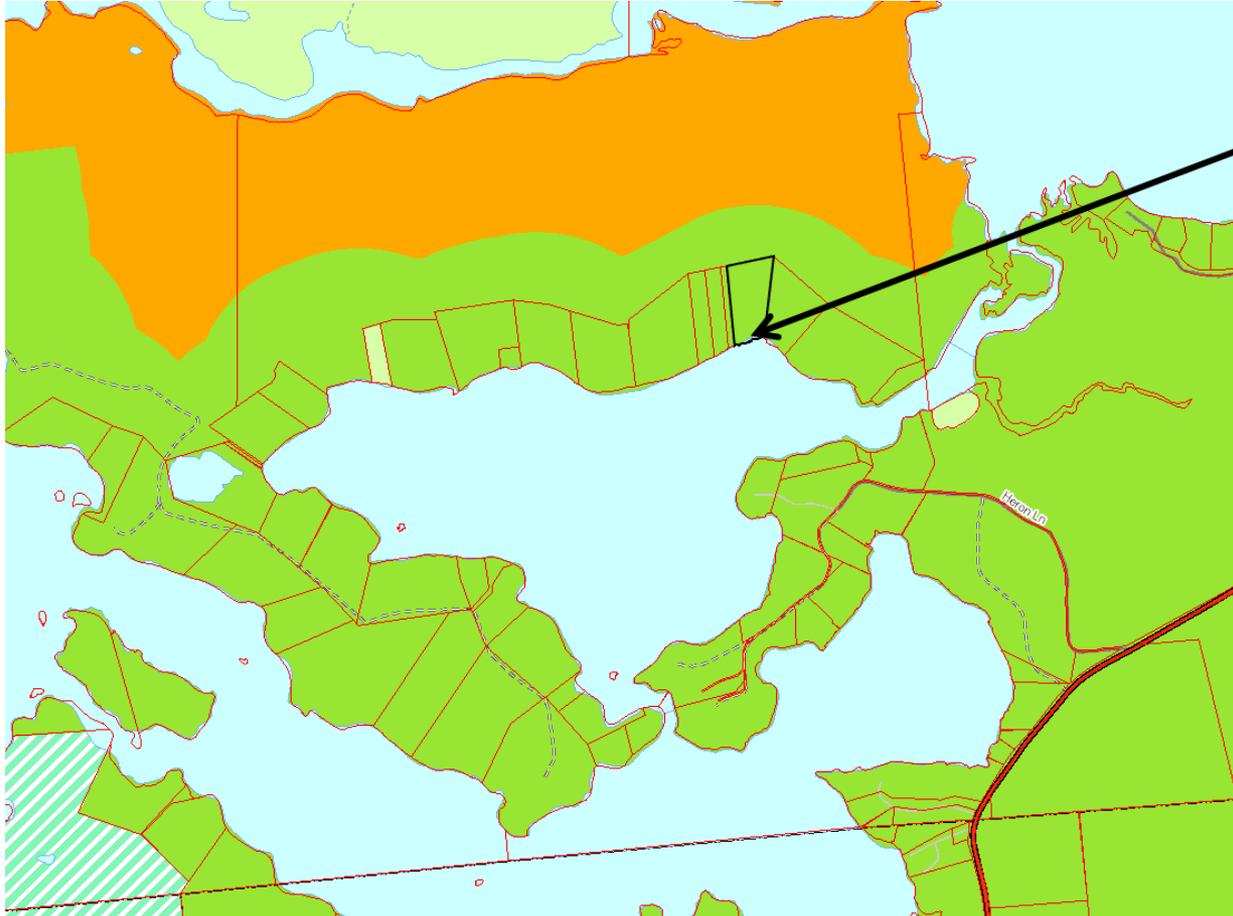


Variance Location

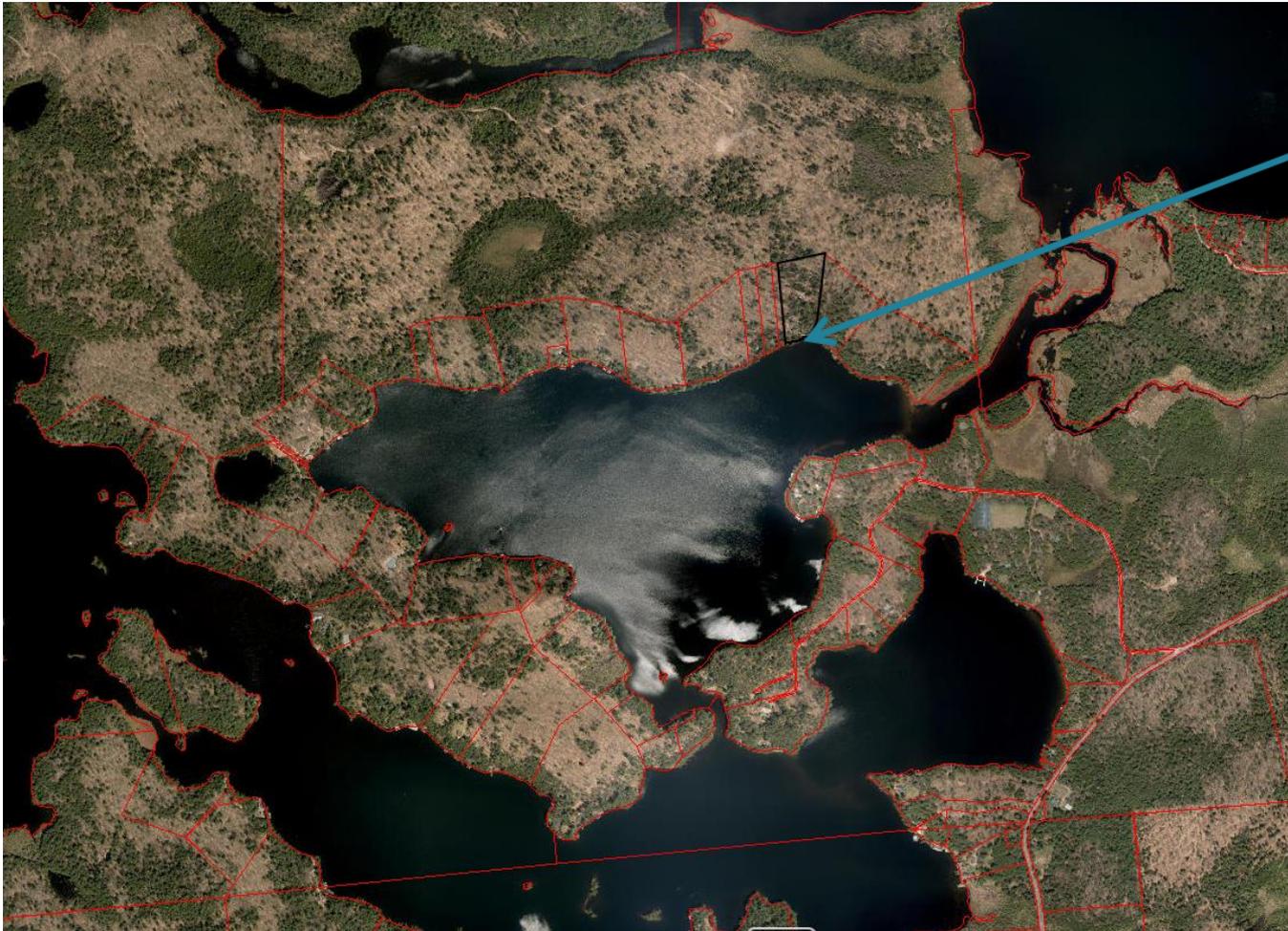
Town of Brighton
Franklin County



Variance Location



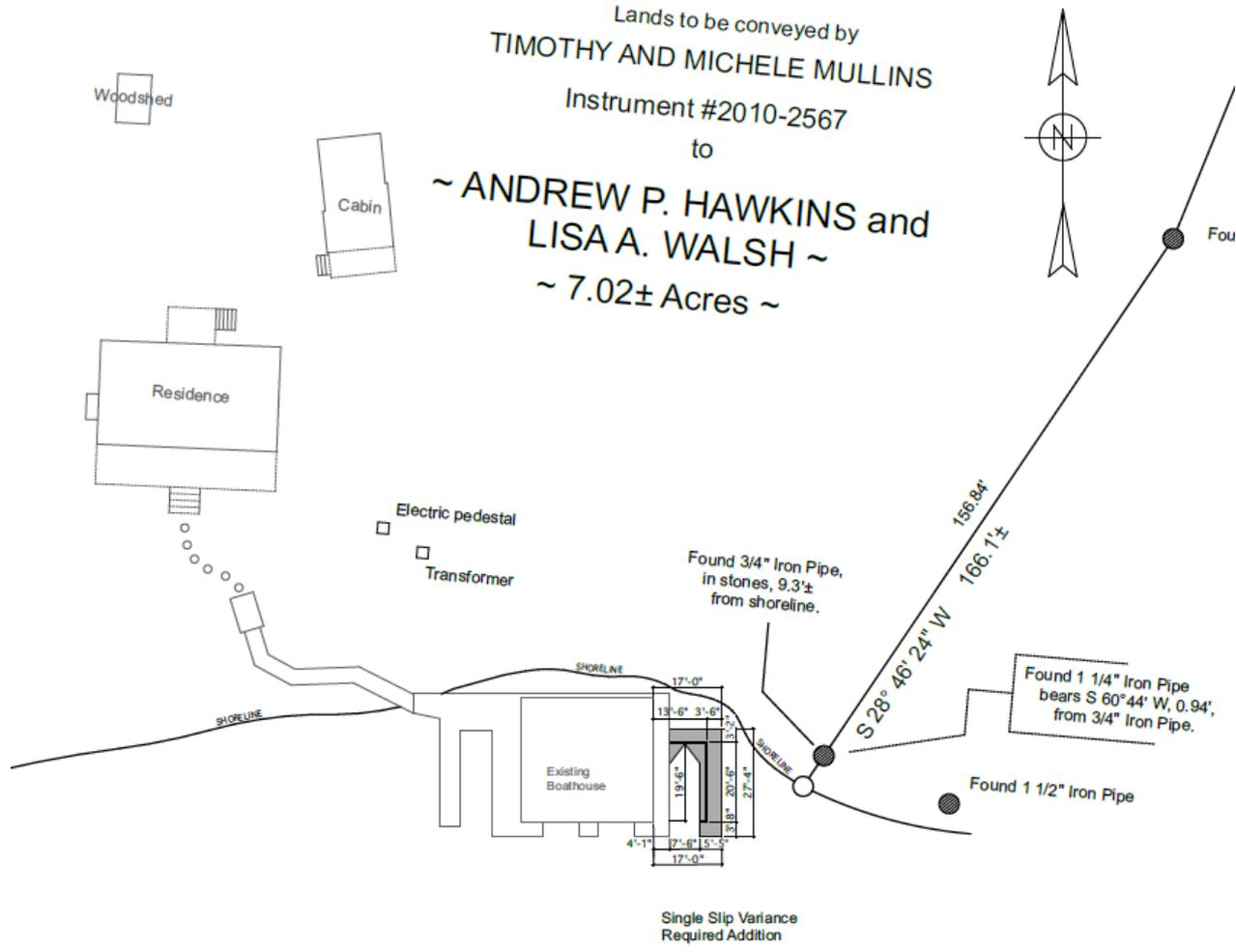
Variance Location



Existing Site Conditions



Survey Map

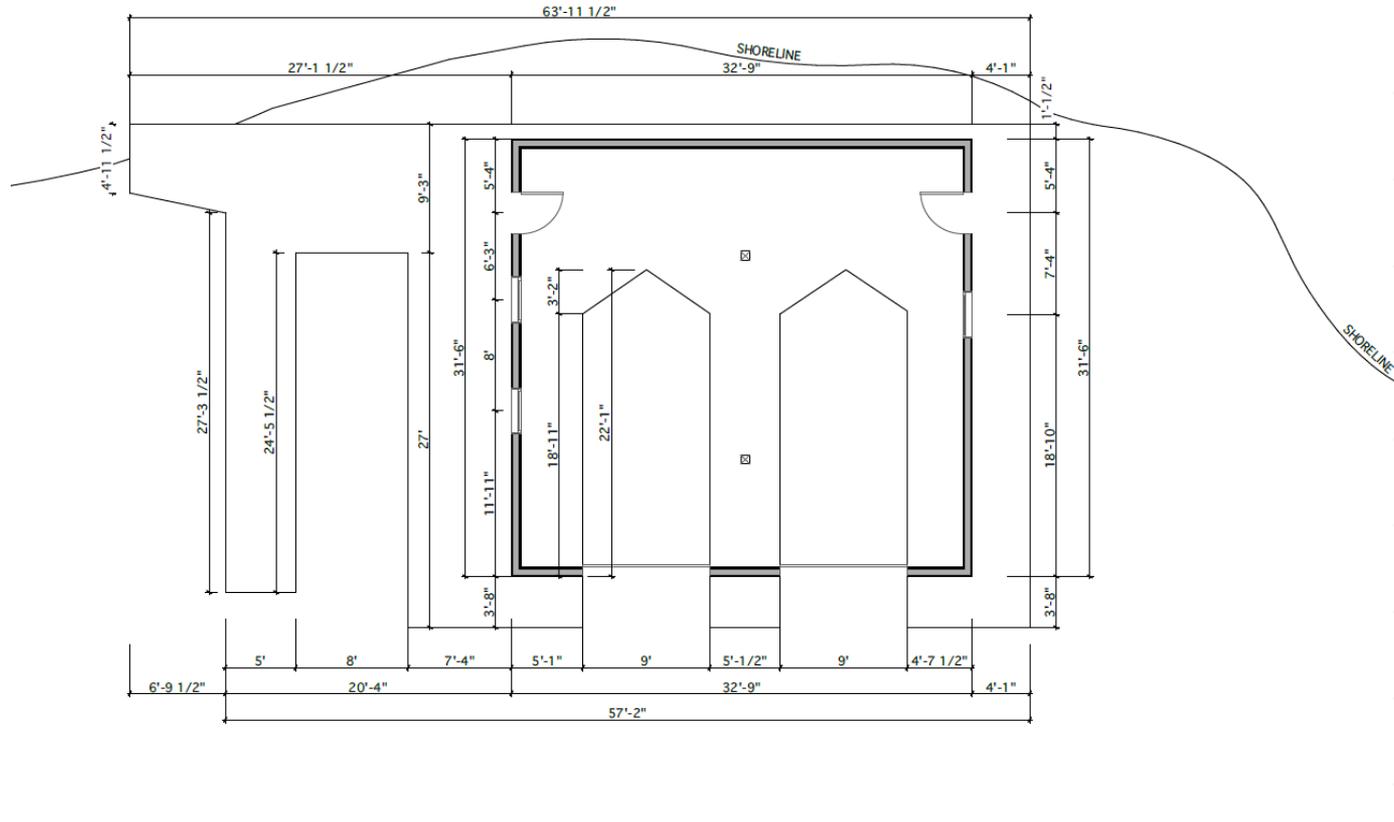


~ SPITFIRE LAKE ~

Existing Floor Plan

FLOOR PLAN
EXISTING PLAN

OWNER: ANDREW HAWKINS & LISA WALSH
LOCATION: SPITFIRE LAKE
TOWN: BRIGHTON
COUNTY: FRANKLIN



Existing Conditions



Background / Property History



Background / Property History

- June 20, 2001 – Agency issued J2001-0298 determining the single family dwelling and accessory structures, including the boathouse, could be replaced.
- June 28, 2016 – Applicants purchased the property.
- April 6, 2021 – Agency issued J2021-0117 determining the 276.5 sq ft footprint expansion of the existing non-conforming boathouse required an Agency variance.
- June 14, 2022 – Board voted to deny applicants a variance for a 437.1 sq ft footprint expansion.
- June 14, 2022 – Applicants applied for the variance being presented here today.



Variance Request – in more detail



Applicants' Objectives

To expand the current non-conforming boathouse with a third covered boatslip in order to house an additional boat in an enclosed structure for both summer usage and winter storage.





Boathouses

As defined under §570.3(c) of Agency regulations adopted August 1, 2010, a boathouse is:

- a covered structure with direct access to a body of water that is used only for the storage of boats and associated equipment
- does not contain sanitary plumbing of any kind
- does not exceed a single story in that the roof rafters rest on the top plate of the first floor wall
- has a footprint of 1200 square feet or less and a height of fifteen feet or less.

A structure that constitutes a boathouse is not subject to the setback requirements.



Variance Request

Existing Structure Totals

- 1029 sq ft footprint
- 25 ft 4 inches height
- 31.4 ft wide
- 32.75 ft long*

Proposed Structure Totals

- 1306± sq ft footprint
- 25 ft 4 inches height
- 45 ft wide
- 32.75 ft long*

*Length perpendicular to shore



Variance Request

P2021-0249

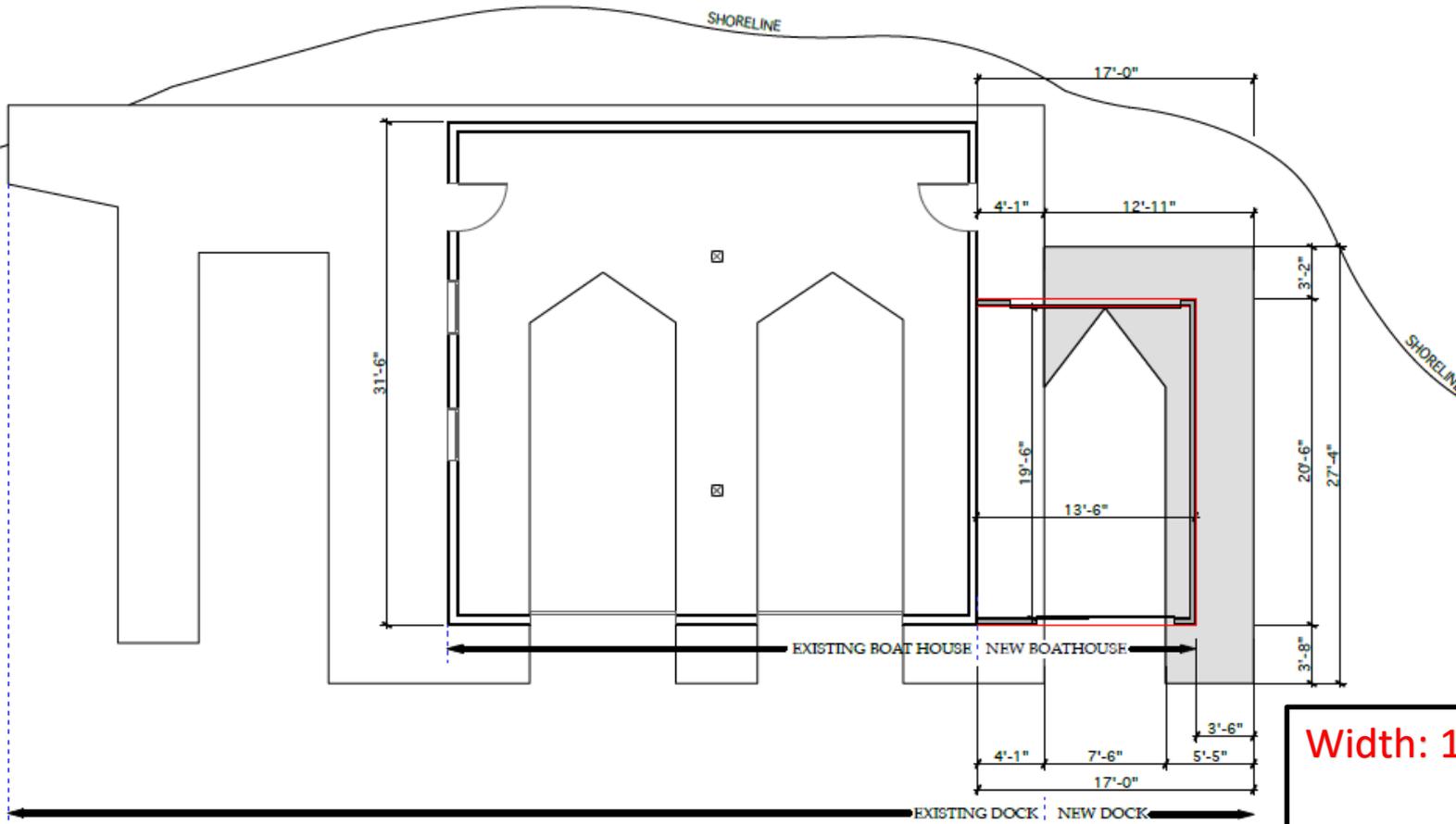
- 1466± sq ft footprint

P2022-0194

- 1306± sq ft footprint



Proposed Floor Plan

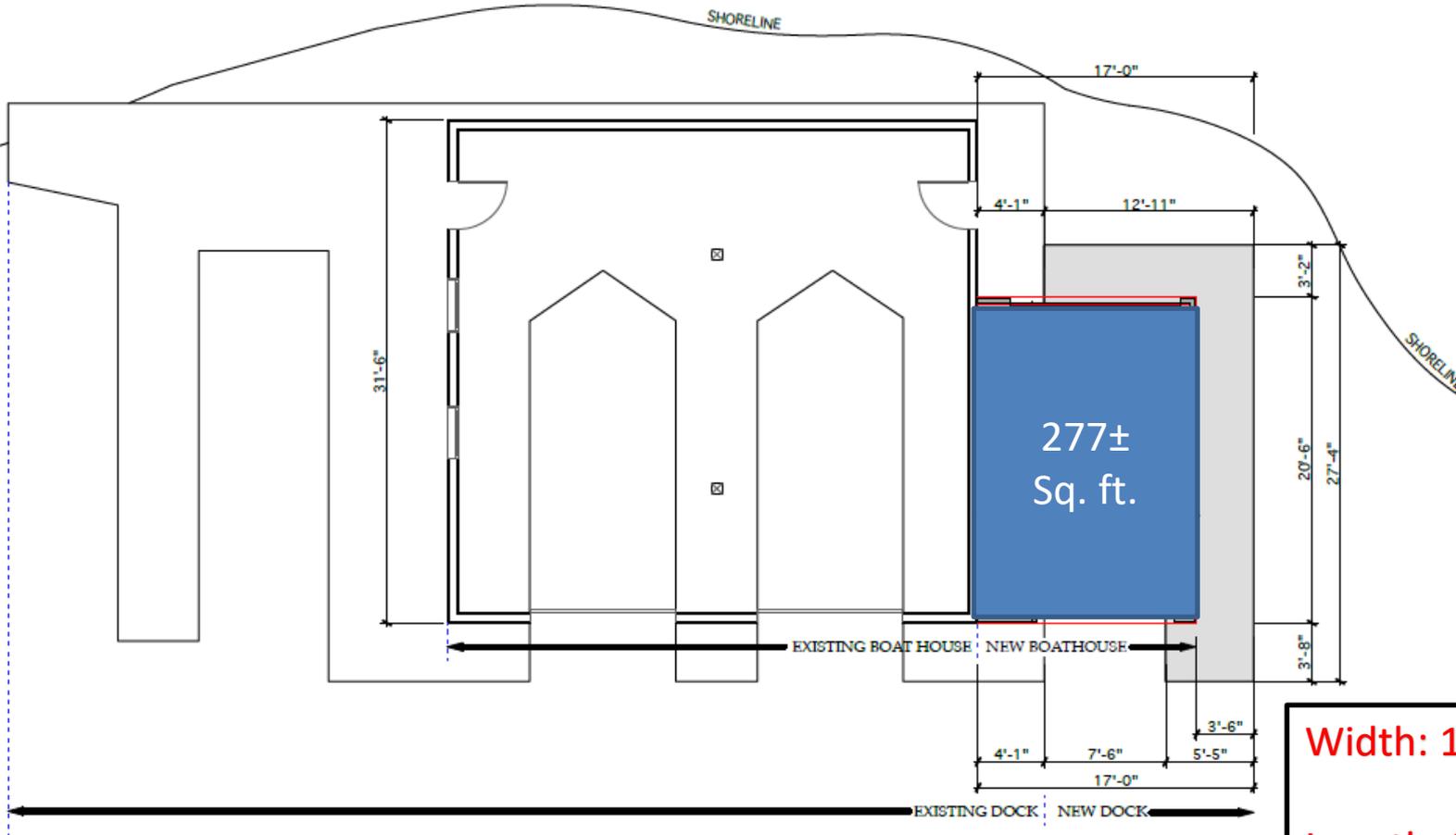


NEW BLDG. ADDITION AREA = 276 SQ.FT.

LEGEND	
NEW WALLS	
EXISTING WALLS	
NEW DOCK	
EXISTING DOCK	

Width: 13 ft. 6 in.
Length: 20 ft. 6 in.

Proposed Floor Plan



NEW BLDG. ADDITION AREA = 276 SQ.FT.

LEGEND	
NEW WALLS	
EXISTING WALLS	
NEW DOCK	
EXISTING DOCK	

Proposed Elevation Drawings



ADDITION	
EXISTING	











Character of Shoreline



Character of Shoreline

- Spitfire Lake is a navigable water body with approximately 3.3 miles of shoreline.
- Approximately 36 parcels between 1 acre and 442 acres in size.
- Shoreline sizes range from 200 feet to 2800 feet.
- Most parcels are developed.
- The proposed variance site is approximately 7.02 acres with 275 feet of shoreline.





Character of Shoreline Near Variance Site

- Lots are developed with a mix of pre-existing and newer single family dwellings.
- The shoreline of lots to the east are developed with existing non-conforming boathouses and docks.
- The shoreline of lots to the west remain primarily undeveloped, except for docks.



Character of Shoreline



Character of Shoreline



Character of Shoreline to the West



Character of Shoreline



Character of Shoreline to the East



09.29.2022





**Provided by
Applicants**



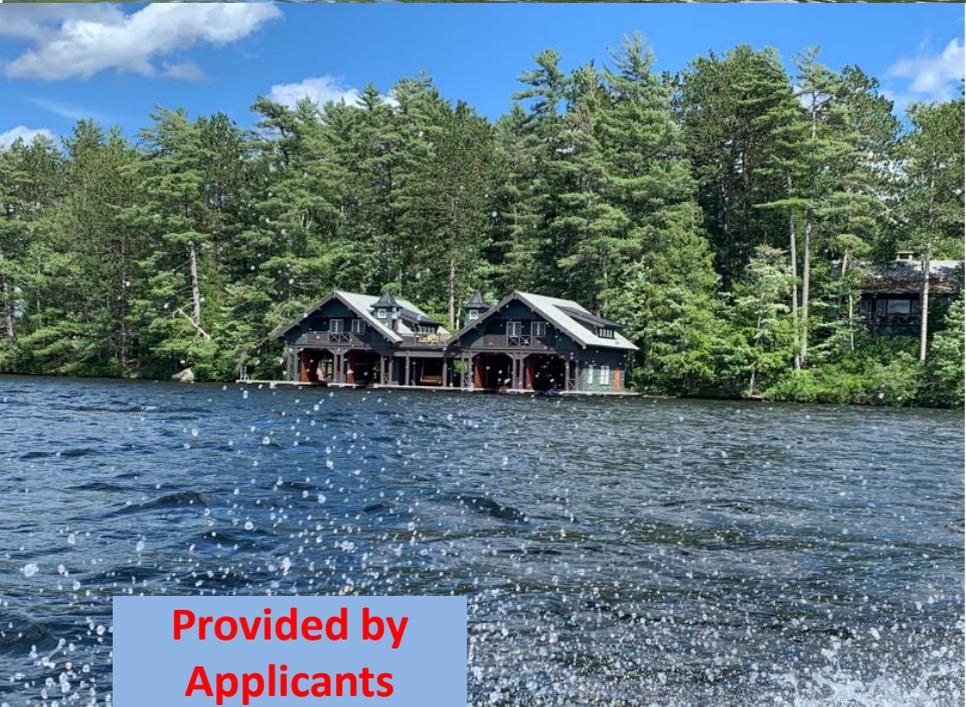


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Public Comment and Review by Others



Public Hearing pursuant to APA Act § 806 and 9 NYCRR Part 576.5

- On March 1, 2023 a remote public hearing was held.
- In attendance:
 - Agency staff
 - Applicants
 - Authorized representatives
 - Four Members of the Public
 - Four comments in support during the hearing.
- 10 Comment Letters
 - 1 with concerns about variance proposal
 - 9 in support of variance proposal



Comment Letters

- Concerns:
 - Decreased water quality, visual impacts.
- In support:
 - Better than a new boathouse
 - Consistent with the other 3-slip, 2-story boathouses on lake.
 - Increased site safety
 - Environmentally sensitive request and environmentally pleasing.



**Variance Factors
set forth in
9 NYCRR
§ 576.1(c)**



(1) Whether application requests the minimum relief necessary

- The expansion will not extend further into Spitfire Lake than the existing structure and has been designed to house the smallest wooden boat owned by the applicants. The expansion is also proposed to be 12 feet less in height than the existing structure, and 1 foot 8 inches lower than the maximum height of 15 feet allowed for boathouses under Agency regulations.
- While not increasing the height of the overall structure, the proposal would result in a shoreline structure that is 106± square feet in footprint larger than any lawful new boathouse on this parcel.



(2) Whether granting the variance will create a substantial detriment to adjoining or nearby landowners

- The expansion will be approximately five to ten feet from the nearest property line and approximately 250 feet from the nearest dock/boathouse, located on adjoining property.
- The proposed expansion will be visible from Spitfire Lake and screening is not possible due to the location of the existing structure below the mean high water mark.
- The proposed expansion is consistent with the design of the existing structure and other similar structures along the developed portions of Spitfire Lake.
- The proposed expansion will not extend further into the lake than the existing non-conforming boathouse.



(3) Whether the difficulty can be resolved by a feasible method other than a variance

Potential alternatives to a variance discussed:

- Modify the existing structure to conform with the boathouse definition.
- Utilizing off site storage.
- Constructing on-site dry covered storage.
- Constructing two-tiered dry storage within the existing boathouse.
- Constructing a second boathouse on the property.



(3) Whether the difficulty can be resolved by a feasible method other than a variance

Applicants evaluation of alternatives:

- Modifying the existing structure was not possible and would require the boathouse to be torn down and rebuilt.
- Utilizing off site storage would not meet the goals of the applicant and is not commercially available on connected lakes.
- Constructing on-site dry covered storage requires structures within the shoreline setback and would involve clearing large amounts of shoreline.
- Constructing a two-tiered dry storage within the existing boathouse was not feasible or safe.
- Constructing a second boathouse on the property was costly and may be detrimental to the environment.



(4) The manner in which the difficulty arose

- The current boathouse was constructed around 2003 to replace a pre-existing boathouse.
- Definition of a boathouse adopted August 1, 2010.
- Applicants purchased the property in 2016.
- Recently acquired a wooden boat that applicants state requires an enclosed structure for both summer usage and winter storage. The applicants own two additional wooden boats that are already stored in the existing non-conforming boathouse.



(5) Whether granting the variance will adversely affect existing resources

- The proposed shoreline structure would:
 - be visible from Spitfire Lake and screening of the structures is not possible.
 - would not involve any upland earth disturbance, require any tree removal, or increase surface water runoff into Spitfire Lake.
 - be in the style of the existing shoreline structure and consistent with the character of existing development along the shoreline.



(6) Whether the imposition of conditions upon the granting of the variance will minimize potential adverse effects

- Conditions restricting the structure to earth tone colors, requiring that all exterior lights be fully shielded and directed downward, and other limitations would mitigate potential visual impacts of the expansion.
- Requiring all equipment when brought from off-site to be clean to reduce the spread of invasive species.
- The applicants have proposed to add a deed restriction to their property prohibiting any further boathouse construction on the variance site as part of their variance request.



Staff Conclusion



Balancing Test: 9 NYCRR § 576.1(b)

“A variance will be granted when the adverse consequences to the applicant resulting from denial are greater than the public purpose sought to be served by the restriction.”

Staff Analysis

- Denial of the requested variance would impact the applicants' ability to house an additional boat in covered storage on their property in the existing structure.
- Granting the requested variance may set a precedent for approving structures larger than allowed under Agency regulations along residential Adirondack shorelines, contradicting the Agency's 2010 boathouse regulation.



Staff Recommendation





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March 15, 2023

- (1) Whether application requests the minimum relief necessary**
- (2) Whether granting the variance will create a substantial detriment to adjoining or nearby landowners**
- (3) Whether the difficulty can be resolved by a feasible method other than a variance**
- (4) The manner in which the difficulty arose**
- (5) Whether granting the variance will adversely affect existing resources**
- (6) Whether the imposition of conditions upon the granting of the variance will minimize potential adverse effects**

