



**Adirondack
Park Agency**

LS Marina, LLC

2016-0029A

June 14, 2023

Presentation Overview

- Variance Jurisdiction
- Project Location
- Background: Property History
- Background: Pre-existing Conditions
- Background: 2020 Approval
- Background: 2021 and 2022
- Main Marina Site – Current Conditions
- Character of the Shoreline
- Variance Request
- Variance Request – Additional Proposed Steps, Main Marina
- Variance Request – Additional Proposed Steps, Annex
- Changes to the Variance Request over Time
- Visual Analysis
- Review by Other Agencies
- Variance Hearing and Public Comment Letters
- Variance Review Criteria – Staff Analysis
- Staff Recommendation

Variance Jurisdiction

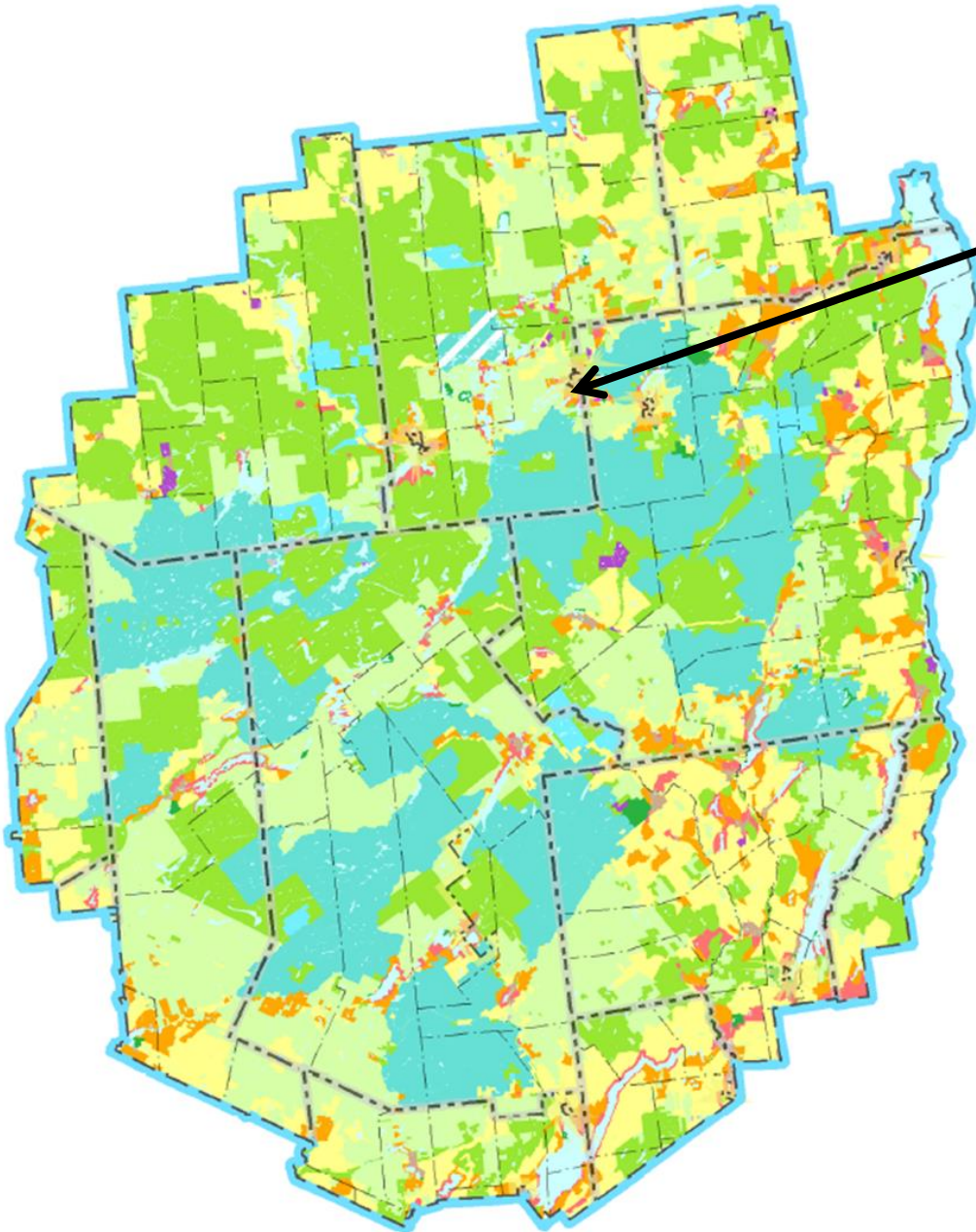
Variance Jurisdiction

- APA Act § 806(1)
 - Purpose of shoreline restrictions
 - Protection of water quality and shoreline character
- APA Act § 806(1)(a)(2)
 - Minimum shoreline setback: 50 feet in Hamlet
 - For all structures > 100 sq ft (except docks, boathouses)
- APA Act § 806(3)(a)
 - Authorizes Agency to grant variances
- 9 NYCRR Part 576
 - Factors to consider before granting a variance

Variance Review Factors

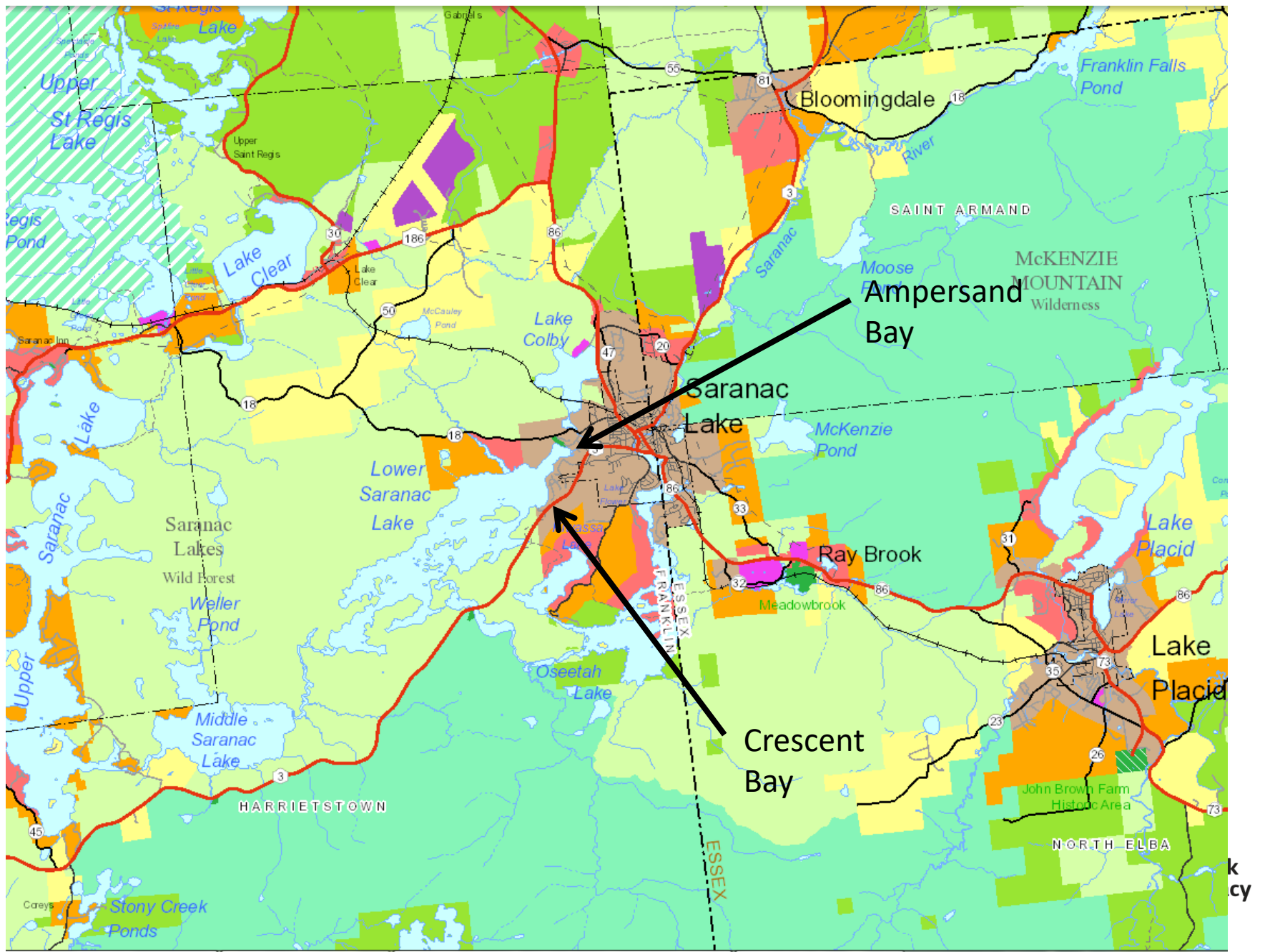
- Agency must consider:
 - Whether the application requests the minimum variance necessary
 - Whether the variance would result in substantial detriment to nearby or adjoining landowners
 - Whether there are feasible alternatives
 - The manner in which the difficulty arose
 - Whether granting the variance would adversely affect existing resources
 - Whether the imposition of conditions would minimize adverse impacts
- “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.”

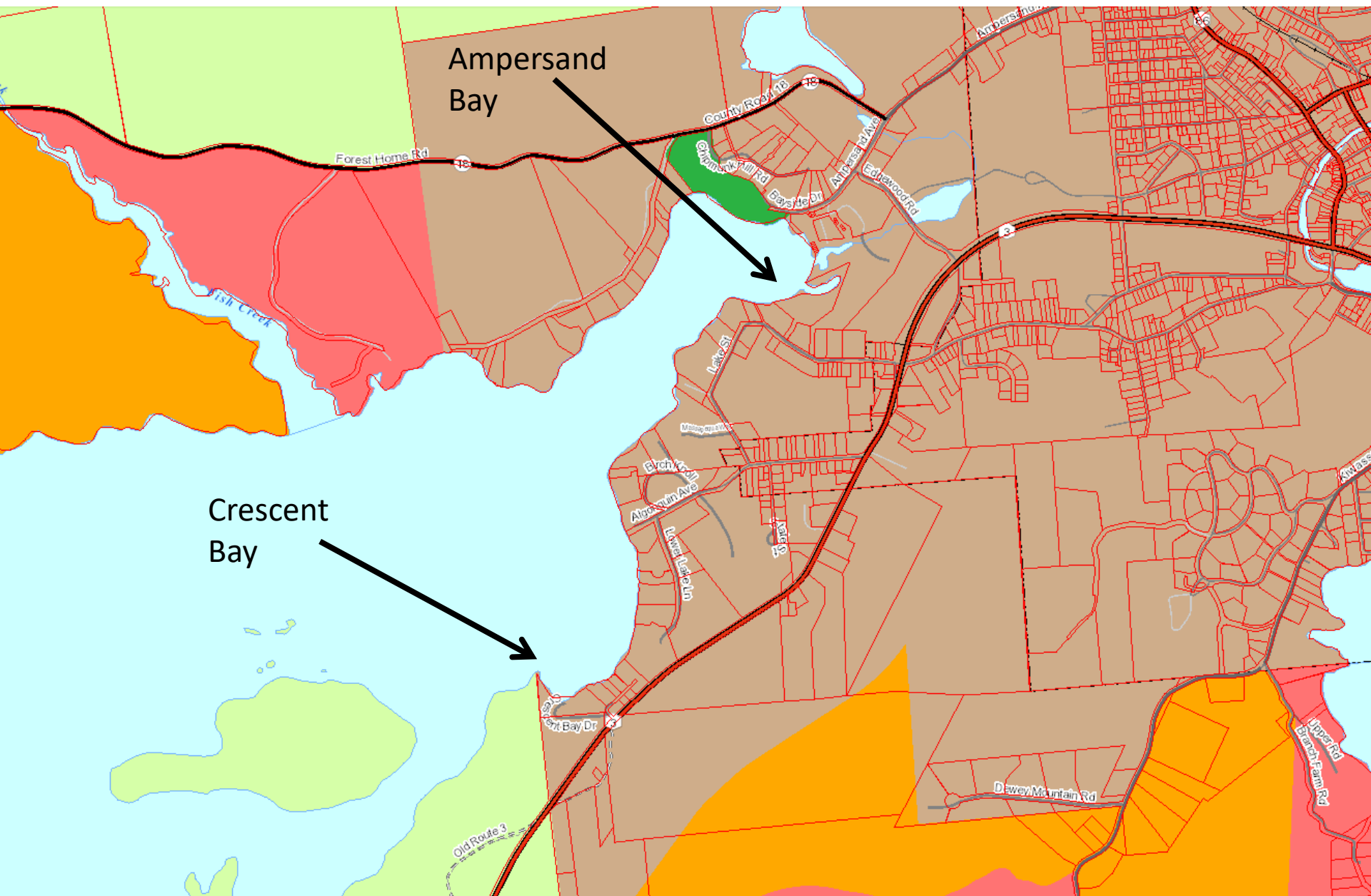
Project Location

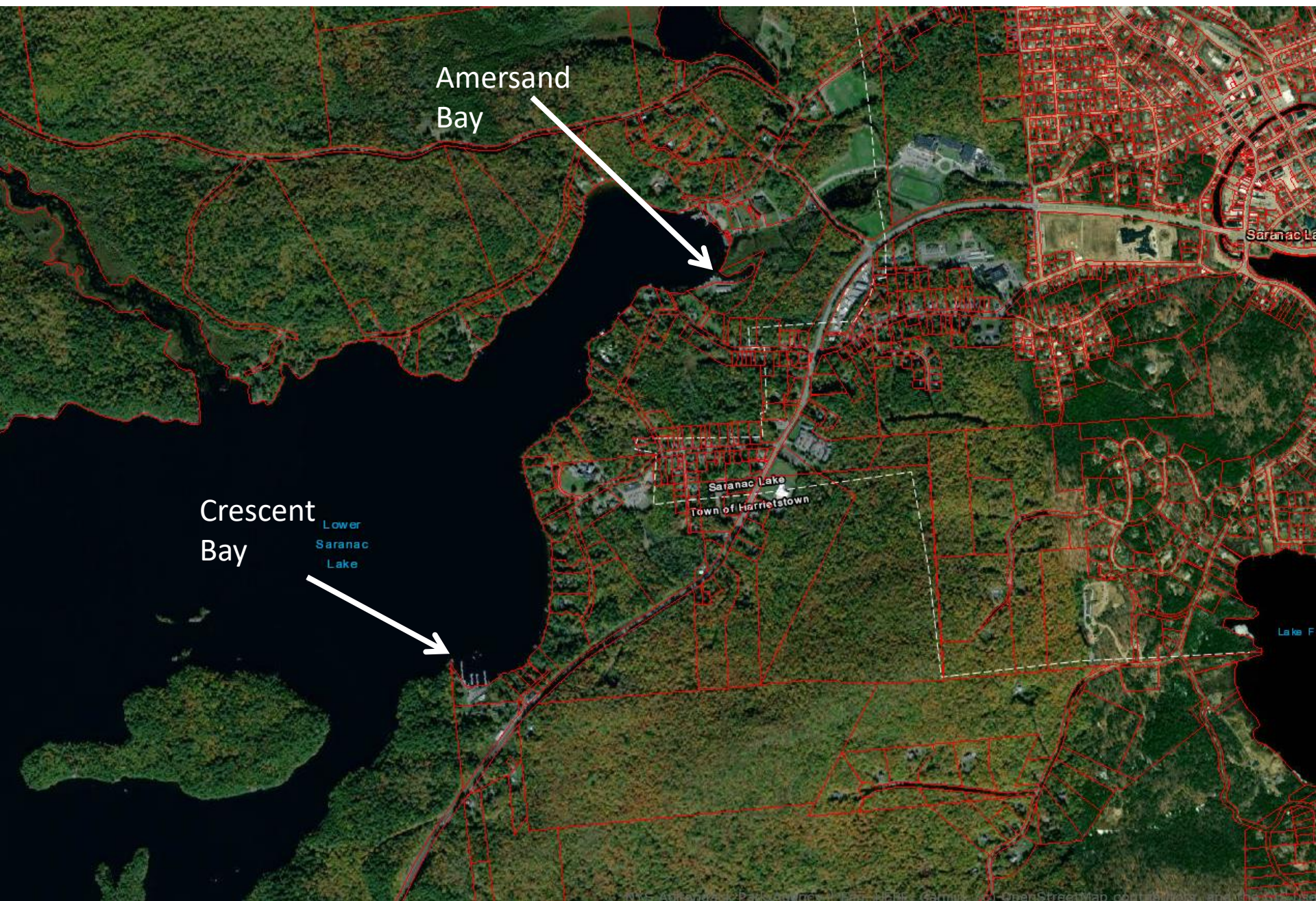


Project Location

Town of
Harrietstown
Franklin County







Crescent
Bay/
"Main
Marina"



Google

J

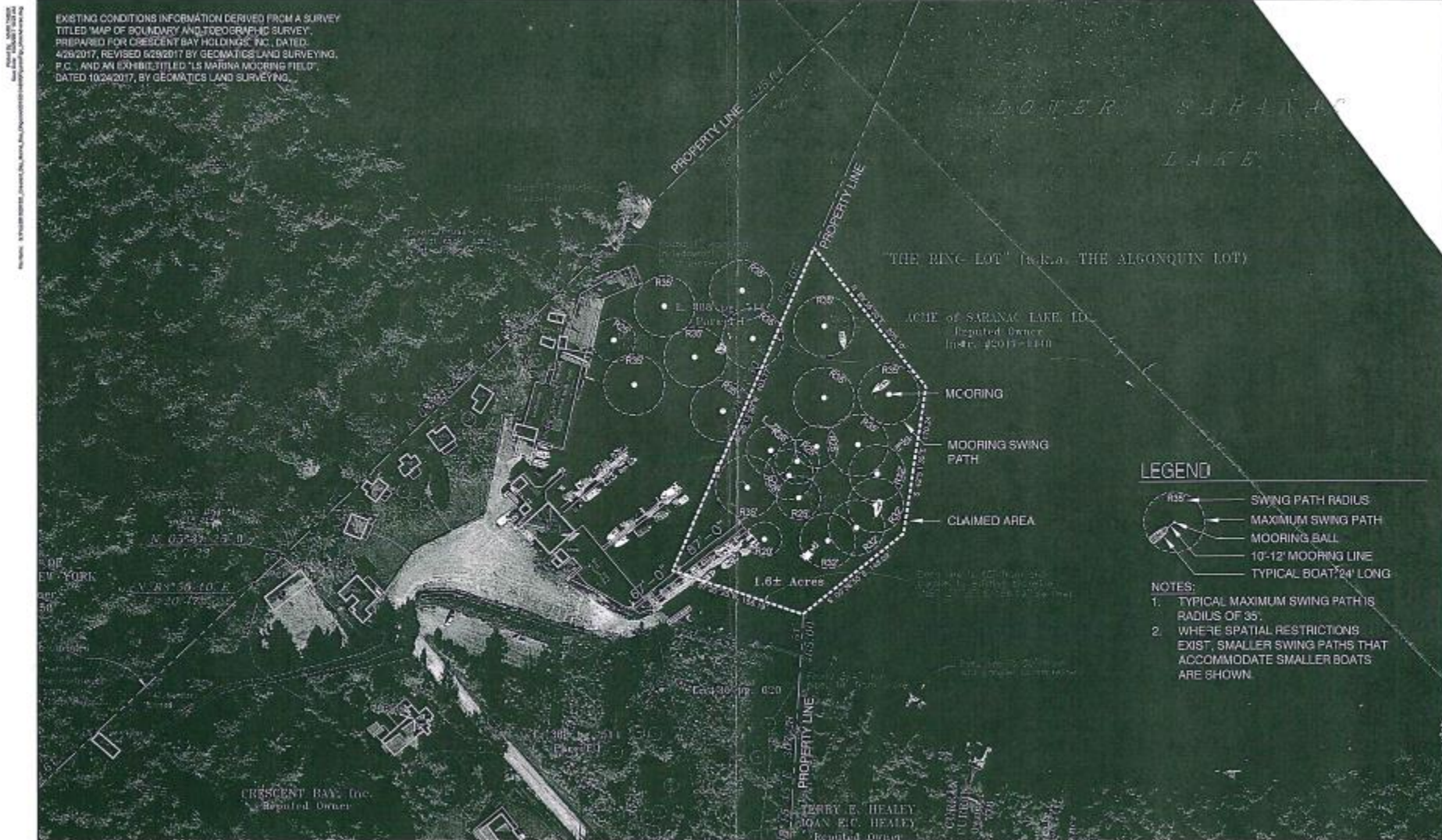
Crescent Bay
"Main Marina"
2009



Crescent Bay
"Main Marina"
2009



Crescent Bay



Saranac Lake Marina

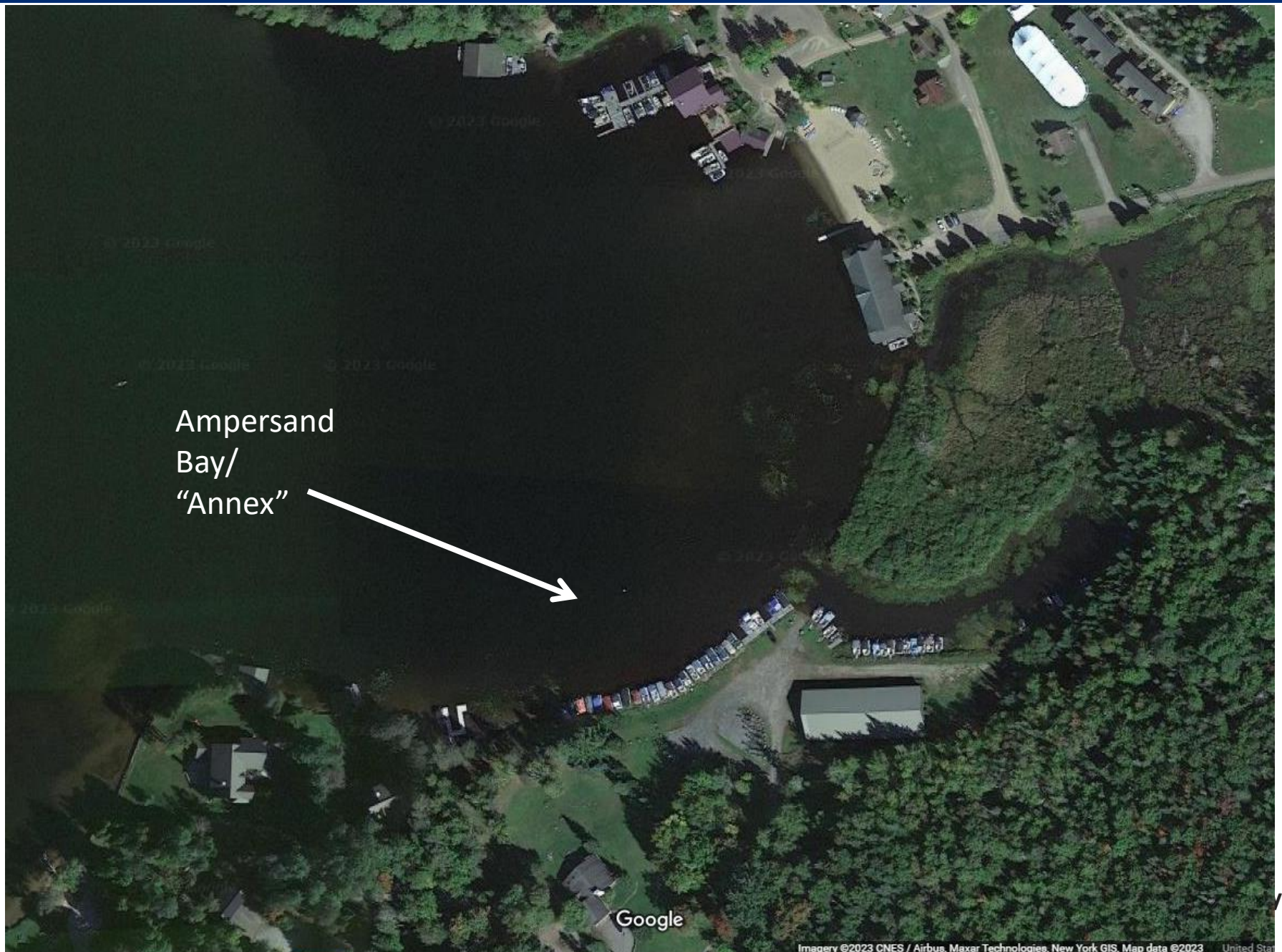
Saranac Lake, NY

THE CLAIMED LS MARINA MOORING FIELD

10/25/2017

Crescent Bay
"Main Marina"
2003







Ampersand Bay/
"Annex" 2009


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An aerial photograph of a coastal area. A large body of water, Ampersand Bay, is on the left. A blue line outlines a specific area on the right side of the bay, which includes a peninsula and some land parcels. The area is surrounded by dense green forest and some residential buildings. The text "Ampersand Bay/ 'Annex' 2009" is overlaid on the image.

Ampersand Bay/
"Annex" 2009

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Ju

An aerial photograph of a coastal area. A large body of water, Ampersand Bay, is on the left. A blue line outlines a specific area on the right side of the bay, which includes several buildings and a dirt area. The surrounding land is mostly forested. In the bottom left corner, there is a small inset image showing a close-up of a rocky shore with red and white patches.

Ampersand Bay/
"Annex" 2003

y

Background: Property History

Background / Property History [Slide 1]

- 1924 – Marina established by prior owner
- 1950s – Lagoon created by dredging at Annex site
- 2013 – Applicant submitted Jurisdictional Inquiry Form to Agency; received response through declaratory ruling that the proposed covered structures would require a variance
- 2014 – Applicant purchased most of project site
- 2014 – Variance application submitted to Agency
- 2015 – Pursuant to non-jurisdictional determinations from the Agency, applicant removed most of the pre-existing shoreline structures...

Background / Property History [Slide 2]

- 2016 – Wetland permit application submitted
- 2016 – DEC signed off on proposal as landowner of underwater lands in Ampersand Bay
- 2016 – Appeal of Third Agency Request for Information heard by Agency Board
- 2017 – Lawsuit challenging Agency jurisdiction dismissed
- 2019 – Applicant obtained deed for lands under water in Crescent Bay
- 2020 – Applicant submitted revised permit and variance proposals
- 2020 – Agency issued Permit/Variance P2016-0029...

Background / Property History [Slide 3]

- 2020 – Lawsuit filed against APA, DEC, applicant
- 2021 – DEC determined underwater lands at Ampersand Bay were not owned by NYS; petition dropped DEC/Forest Preserve claim from the lawsuit
- 2021 – Agency issued non-jurisdictional letter for docks in both bays
- 2021 – Agency approved applicant's proposed invasive species management plan; plan implementation began
- 2023 – On appeal, Agency's method for determining wetland value ratings determined invalid; P2016-29 void
- 2023 – Applicant contacted Agency re potential alternative proposals
- 2023 – Applicant submitted revised variance proposal for structures at Main Marina

Background: Pre-existing Conditions

Main Marina site – Pre-existing Conditions

1980



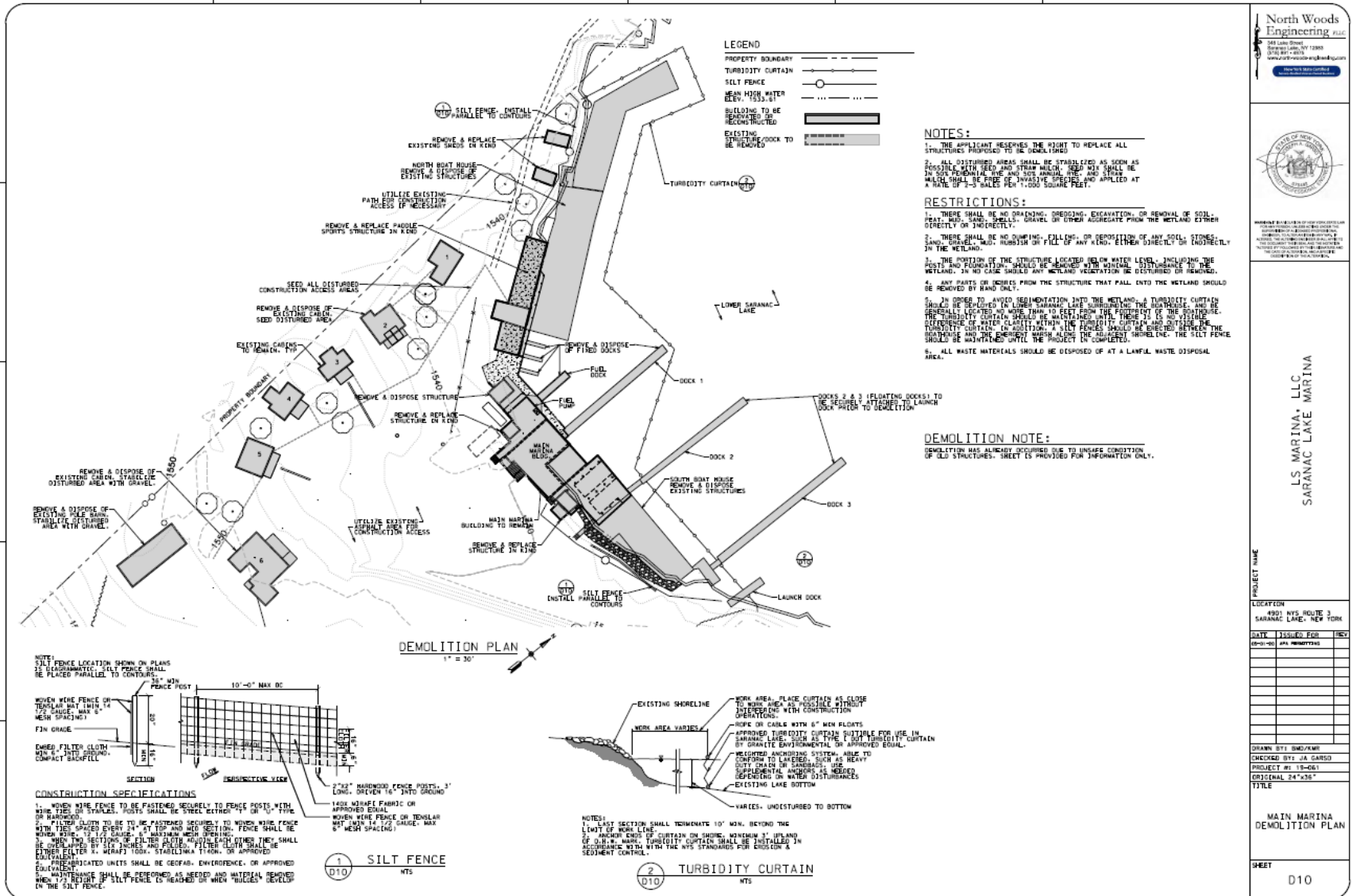
2003



2009



Main Marina site – Pre-existing Conditions



Main Marina site 2014



Main Marina site 2014



09/10/2014

Main Marina site 2014



Main Marina site 2014



Main Marina site 2014



Main Marina site 2014



Main Marina site 2014



Main Marina site 2014



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Main Marina site 2014



Main Marina site 2014



Main Marina site 2014



Main Marina site 2014



Main Marina site 2014



Main Marina site 2014



Main Marina site 2014



Main Marina site 2014



Main Marina site – after structures removed



Main Marina site – after structures removed



Main Marina site – after structures removed



[illegible]LS MARINA, LLC
SARANAC LAKE MARINA

Journal of Interpersonal Violence

4401 NYS ROUTE 3
SARASOTA LAKE, NEW YORK

DATE	ISSUED FOR	NO.
11-11-41	ATA ROUTED	

DRUMM Btl 303/1000
TRUMP Btl JA CAPSO
PROFIT no 10-001

ORIGINAL 24"x36"
TITLE

ANNE MARINA DEMOLITION PLAN

020

Annex site 2014



Annex site 2014



Annex site 2014



Annex site 2014

Photo AS-4

Annex shoreline behind northern boathouse, view south towards storage building.

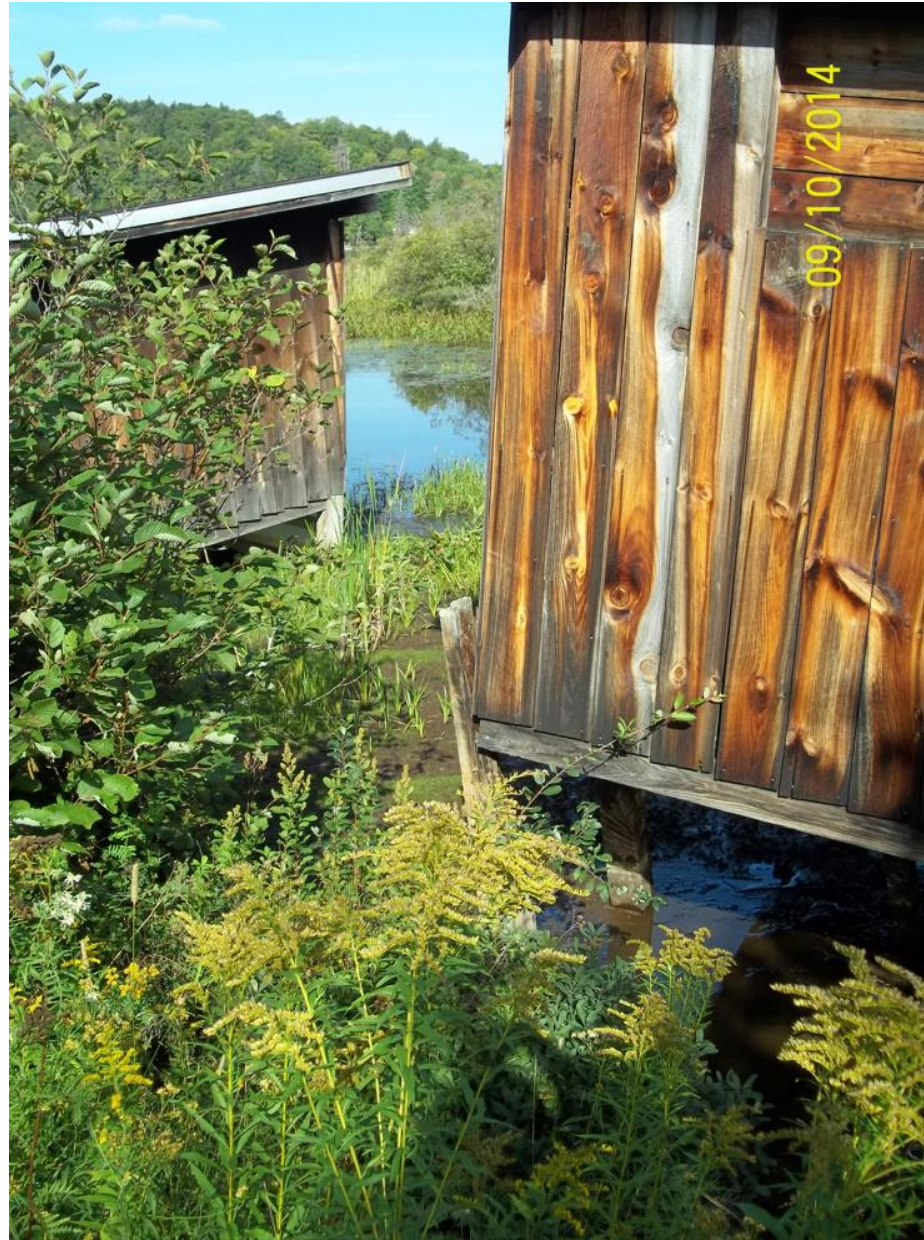


PHOTO WQ-2

treated support structure (typ.)



Annex site 2014



Annex site 2014



Annex site 2014





09/10/2014



09/10/2014

Annex site 2014



Annex site 2014



Annex site 2014



Annex site 2014



Annex site 2014



Annex site 2014



09/10/2014

ack
ency

Annex site 2015



Annex site 2015



Annex site 2015



05/06/2015

Annex site – after structures removed



Background: 2020 Approval

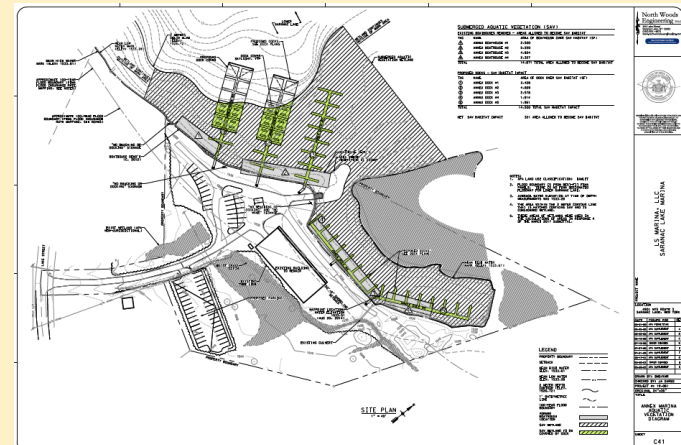
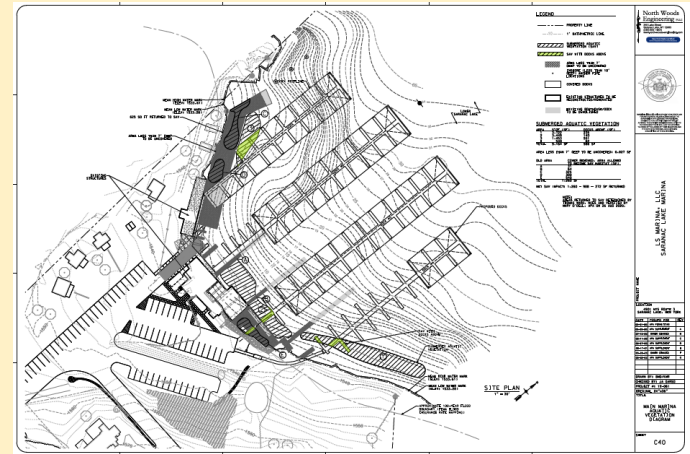
2020 Jurisdiction: Marinas in Hamlet and Location Requirements for Replacements

Expansion of a Marina:

- The APA has no general authority to regulate marinas in Hamlet land use areas

Replacement Rights – Location Requirements:

- Shoreline structures** must be replaced on the same 1) foundation, 2) location, or 3) **immediate vicinity**
- Structures involving wetlands** must be replaced on the same 1) foundation or 2) **location**



2020 Jurisdiction: Replacement Structure Size

Non-conforming shoreline structures:

- Main Marina: 33,679 sf
 - Replacement right: 12,347± sf
 - → Net **increase**: 21,350± sf
- Annex: 29,889 sf
 - Replacement right: 14,871± sf
 - → Net **increase**: 15,018± sf

Wetland involvement (structures):

- Main Marina: 2,230± sf
 - Replacement right: 1,260± sf
 - → Net **increase**: 970± sf
- Annex: 25,498± sf
 - Replacement right: 14,871± sf
 - → Net **increase**: 10,627± sf
- Both sites: All structures further from shoreline, boat slips in deeper water, less actual fill; record showed an anticipated increase of 885± sf in wetlands at Annex site

Total Variance Request Numbers 2020

Project Site Boat Slip Totals:

- 292 boat berths total
 - Pre-existing: 219
- 178 berths at the Main Marina
 - Pre-existing: 124
- 114 berths at the Annex
 - Pre-existing: 95

*** Application noted that an unlimited number of uncovered boat slips could be constructed on the site if they met the Agency's definition of the word "dock" and did not trigger the need for a wetlands permit.*

APA Approval 2020 – Findings

- The Agency found that the project would improve the water quality, wetlands, and the quality of the shoreline of Lower Saranac Lake compared to pre-existing conditions.
- Approved with conditions:
 - Structures in locations and as depicted on Project Plans
 - Installation of oswts and compost toilets
 - Comply with erosion and sediment control and stormwater plans
 - Implement buoy plan
 - Follow dredging plans
 - Agency approval required for invasive species management prior to use of new structures
 - Implement planting plan at Annex
 - No cutting of trees or shrubs within 50 feet of the lake
 - No removal of coarse woody debris from below mhwmm
 - Green and brown colors
 - Comply with lighting plan

APA Approval 2020 – Court Case

- *Jorling v Adirondack Park Agency*, 76 Misc 3d 1204(A) [Sup Ct 2021]
 - Supreme Court affirmed APA review and approval

- *Jorling v Adirondack Park Agency*, 214 AD3d 98 [3d Dept 2023]
 - Appealed on two main substantive issues:
 1. Lack of completion by DEC of a carrying capacity study for the Saranac Lakes Wild Forest prior to approval of the permit/order by APA
 2. APA's method for assigning a value rating to the wetlands at the Annex site

APA Approval 2020 – Court Case

Carrying capacity study

- Regarding the State’s “failure to conduct a carrying capacity study, as directed by the” SLMP, the Court found “that APA abided by [the] statutory and regulatory requirements” in issuing its approval.
- Given the pre-existing status and rights of the site, APA’s analysis, the changes made “at APA’s request, prior to permit approval, in order to make the project more environmentally friendly,” and the conditions in the final approval, the Court found that “APA’s determination was not rendered arbitrary and capricious by the absence of the carrying capacity study directed by the SLMP.”

Decision: *Completion by DEC of a “carrying capacity” study on nearby State lands was not necessary for APA to review and approve this private land proposal.*

APA Approval 2020 – Court Case

Wetland Value Rating

- “Nevertheless, in light of APA's misapplication of its wetlands regulations,” the Court annulled the Permit/Order.
 - The Court found that an interpretation of APA's regulations, written by APA wetland and permitting staff in 1984 to direct staff on how to distinguish between value 1 and value 2 wetlands, was “contrary to their plain meaning.”
 - Therefore, APA's assignment of a value rating of 2 to the wetlands at the Annex site “lacked a rational basis.”

Decision: *Because APA relied on an irrational interpretation of its wetland regulations, the review of the proposal at the Annex site was flawed, and the Permit/Order annulled.*

Jorling v Adirondack Park Agency, 214 AD3d 98 [3d Dept 2023]



APA Approval 2020 – Court Case Follow-up

- APA now implements § 578.6(c) of Agency regulations as interpreted by the Appellate Division, 3rd Department
- APA will continue to update its regulatory interpretations
 - Updates to the 1984 memo had been discussed many times, but none was ever finalized

Background: 2021 and 2022

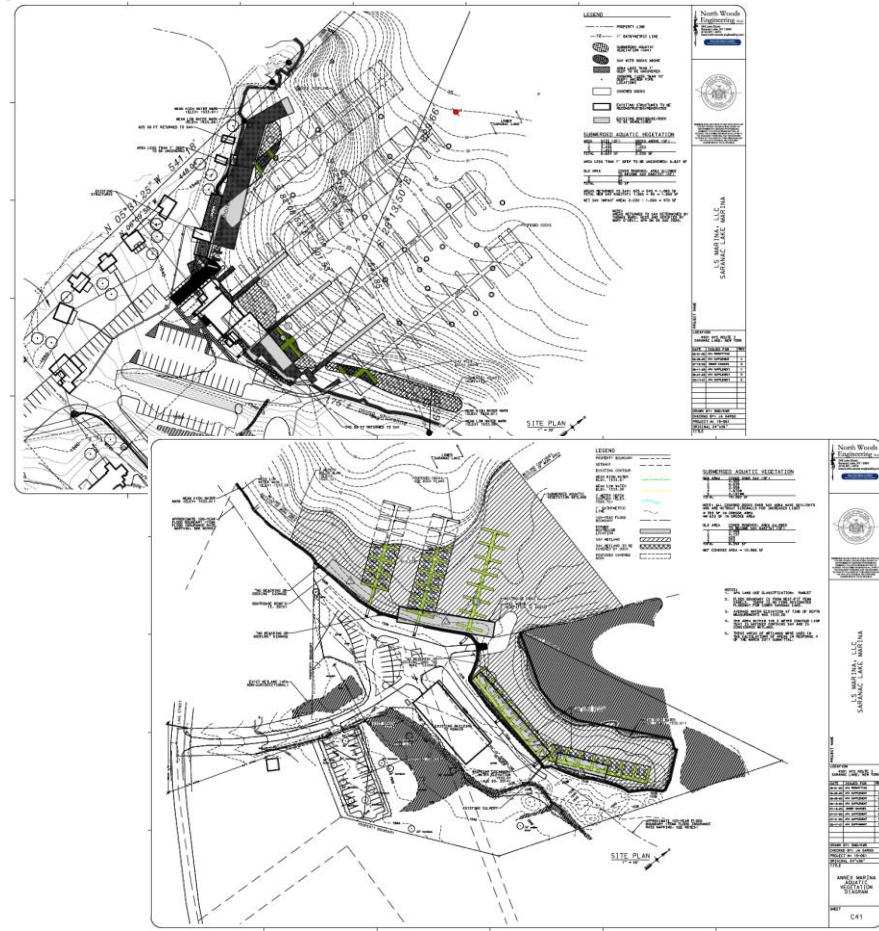
2021 Jurisdiction: Marinas in Hamlet and Location Requirements for Replacements

Expansion of a Marina:

- The APA has no general authority to regulate marinas in Hamlet land use areas

Replacement Rights – Location Requirements:

- Shoreline structures** must be replaced on the same 1) foundation, 2) location, or 3) **immediate vicinity**
- Structures involving wetlands** must be replaced on the same 1) foundation or 2) **location**



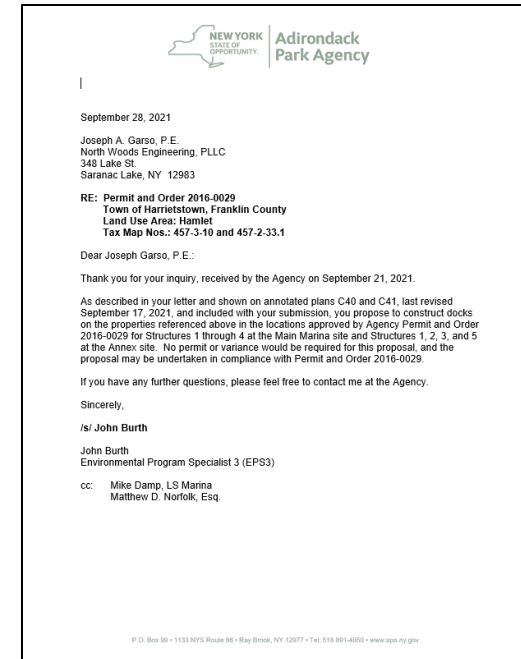
2021 Jurisdiction: Replacement Structure Size

Non-conforming shoreline structures:

- Main Marina: 0 sf
 - Replacement right: 12,347± sf
- Annex: 0 sf
 - Replacement right: 14,871± sf

Wetland involvement:

- Main Marina: 679± sf
 - Replacement right: 1,260± sf
- Annex: 7,554± sf
 - Replacement right: 14,871± sf
- Both sites: All structures further from shoreline, boat slips in deeper water, less actual fill



2021 and 2022: Invasive Species Removal

- Invasive species removal plan required by P2016-0029
- Plan for hand harvesting and potential use of DASH approved 2021
- Implemented 2021 and 2022, continuing in 2023

LS Marina, LLC - AIS Management Overview	RECEIVED	FINAL
	Date Issued: 04.2023	P2016-0029

AIS Management Areas: Crescent Bay and Applegate Bay

Project Plan. Each year, LS Marina, LLC will contract for a hauler of 200 tons (two weeks) with Invasive Species Removal Company, LLC for the removal of all identified aquatic invasive species found by the New York State Department of Environmental Conservation (NYDEC) within the present vicinity of the Marina and two docks. In the event an aquatic invasive species (AIS) is identified which requires a different means of control, a sample of said AIS will be provided to LS Marina, LLC to determine which additional measures may be necessary for future management. In this event, currently scheduled harvest activities will continue as previously planned to ensure the project goals and timelines can be met. Updates to the project plan will be made when appropriate measures are determined.

Should harvesting conditions deteriorate from week to week, there will be no additional work(s) scheduled for the completion of work on a follow-up on the harvest areas. Because of the many variables and intricacies of AIS management, this report provides the ability to meet and react to the current state of the management areas. The management efforts will ensure the marina is conducting the current AIS activities within these operating areas while helping to restore and maintain a healthy marine aquatic habitat.

In general, the AIS harvesting plan has been based off the report Aquatic Plant Communities at Two Locations on Lower Saratoga Lake, which outlined, among other things, plant type, densities, and the hydrologic level of the area. Using this information, the harvest areas have been planned up to a depth of 10 ft (with an indicated area harvest depth of 7 ft) to allow for any possible variation in foliage due to equipment limitations (e.g. GPS accuracy limitations) or natural changes in the plant communities. Should AIS be found at depths greater than currently planned, the harvest areas will be updated to incorporate these areas and increase which depths as determined necessary.

Harvesting activities will occur during the AIS growing season (generally between June and October) with the long-term goal of addressing the AIS both early and late throughout its growing cycle to better manage the invasive plants. Priority will be given to any high-boiler traffic to reduce the likelihood of boats with equipment and transport services entering to other areas of the lake. Furthermore, the objective of the management activities is to attain a density of "None" (as defined by the NYDEC) and not less than unity by the end of the fourth harvest year.

The current harvesting plan is to solely utilize hand harvesting in the areas to meet the objectives of the long-term management goals. In conjunction to other management options, hand harvesting has been chosen to be the most impactful in addressing AIS while minimally affecting native plant communities, allowing these native plants the opportunity to naturally regenerate harvested areas. Other management work which may be considered pending the results and progress of meeting the stated goals and timeline is the installation of barrier barriers of the installation of dense aquatic vegetation (DASH). Should DASH be utilized, it will only be used as a plant cover device with covers in a filter which will be employed to prevent DASH from being dislodged by the waves. Additionally, there will be no active dredging or sediment dredging DASH operations and the discharge water will be returned to the lake or a velocity that does not result in resuspension of sediment.

Crescent Bay Management Area: 1.2 acres (Figure 1) Crescent Bay has a small population of plants with a very limited growth of AIS established within the area. Overall, the area has a small littoral and the bottom depth drops quickly as you get further from the shoreline. The docks in this area are necessary

Prepared as a voluntary courtesy by:
Invasive Species Removal Company, LLC
P.O. Box 389, Saratoga Lake, NY 12863
www.invasives.com

Figure 1
Prepared as a voluntary courtesy by:
Invasive Species Removal Company, LLC
P.O. Box 389, Saratoga Lake, NY 12863
www.invasives.com



LS Marina, LLC - AIS Management Overview

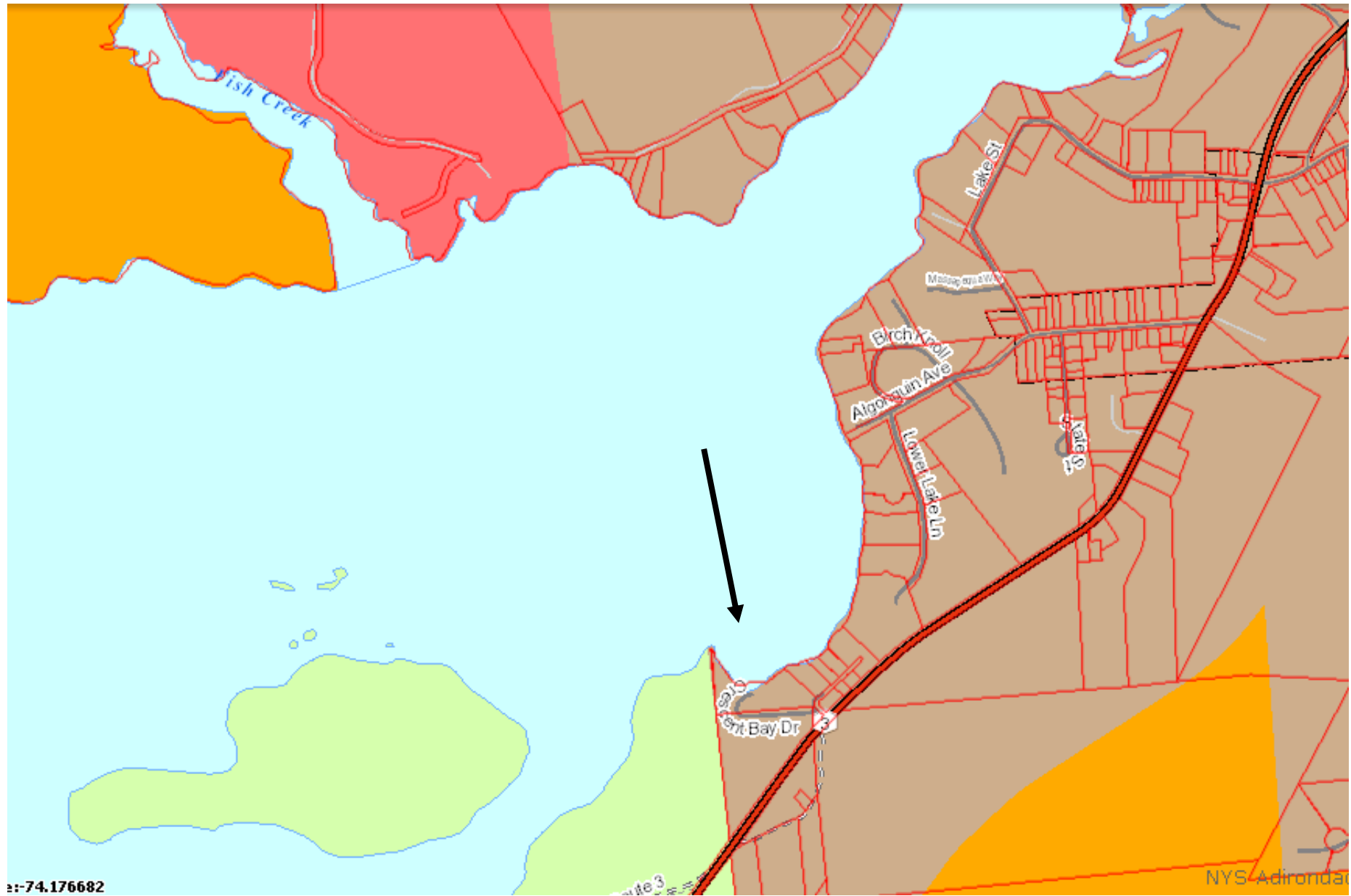


LS Marina, LLC - AIS Management Overview

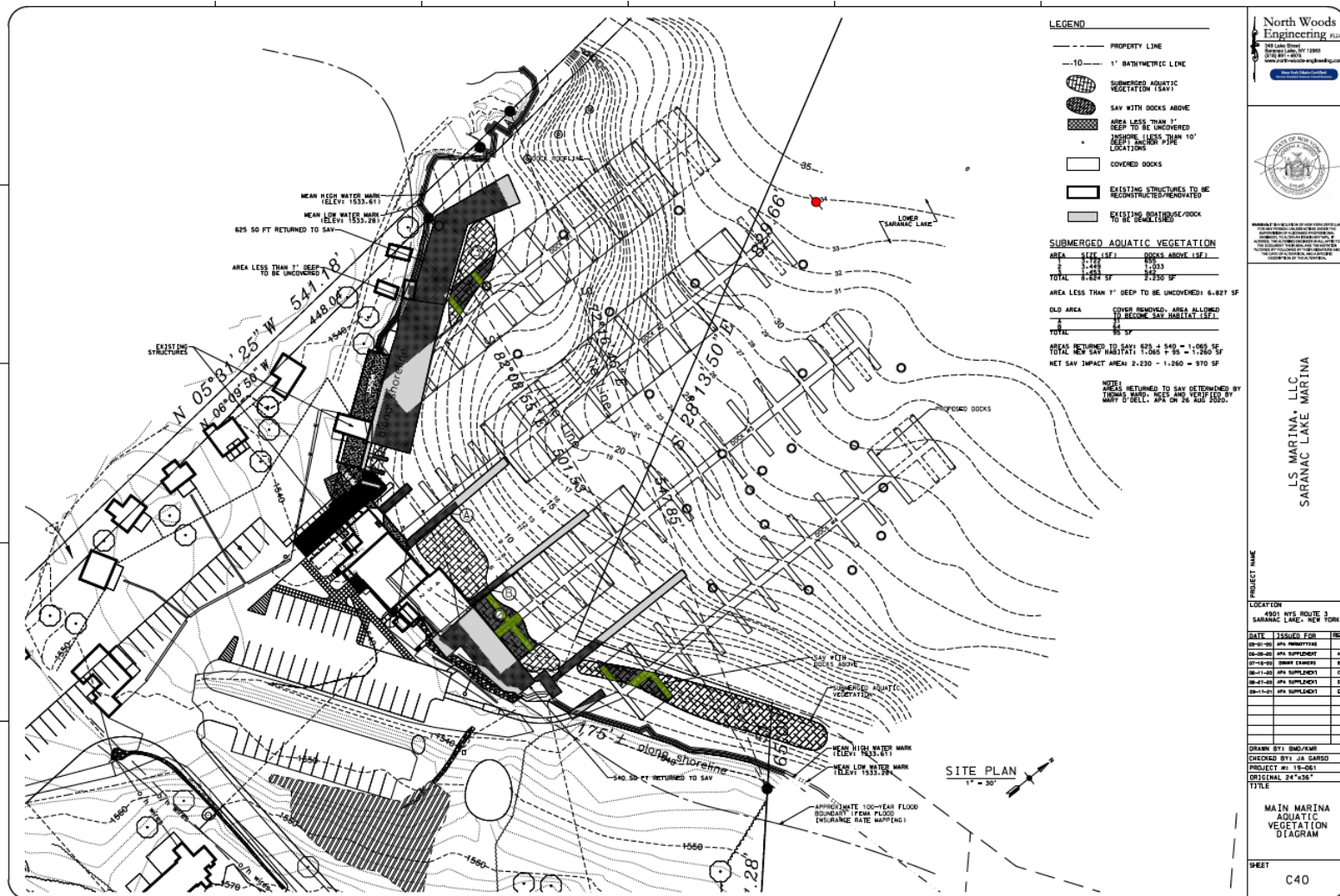
Figure 2
Prepared as a voluntary courtesy by:
Invasive Species Removal Company, LLC
P.O. Box 389, Saratoga Lake, NY 12863
www.invasives.com

Main Marina site – Current Conditions

Crescent Bay



Main Marina site – 2023



**** No new boat slips ****

Main Marina site April 2023



Main Marina site April 2023



Main Marina site April 2023



Main Marina site April 2023



Main Marina site April 2023



Main Marina site April 2023



Main Marina site April 2023



Main Marina site April 2023



Main Marina site May 2023



Main Marina site May 2023



Main Marina site May 2023



Main Marina site May 2023



Main Marina site May 2023



Main Marina site May 2023



Main Marina site May 2023



Main Marina site May 2023

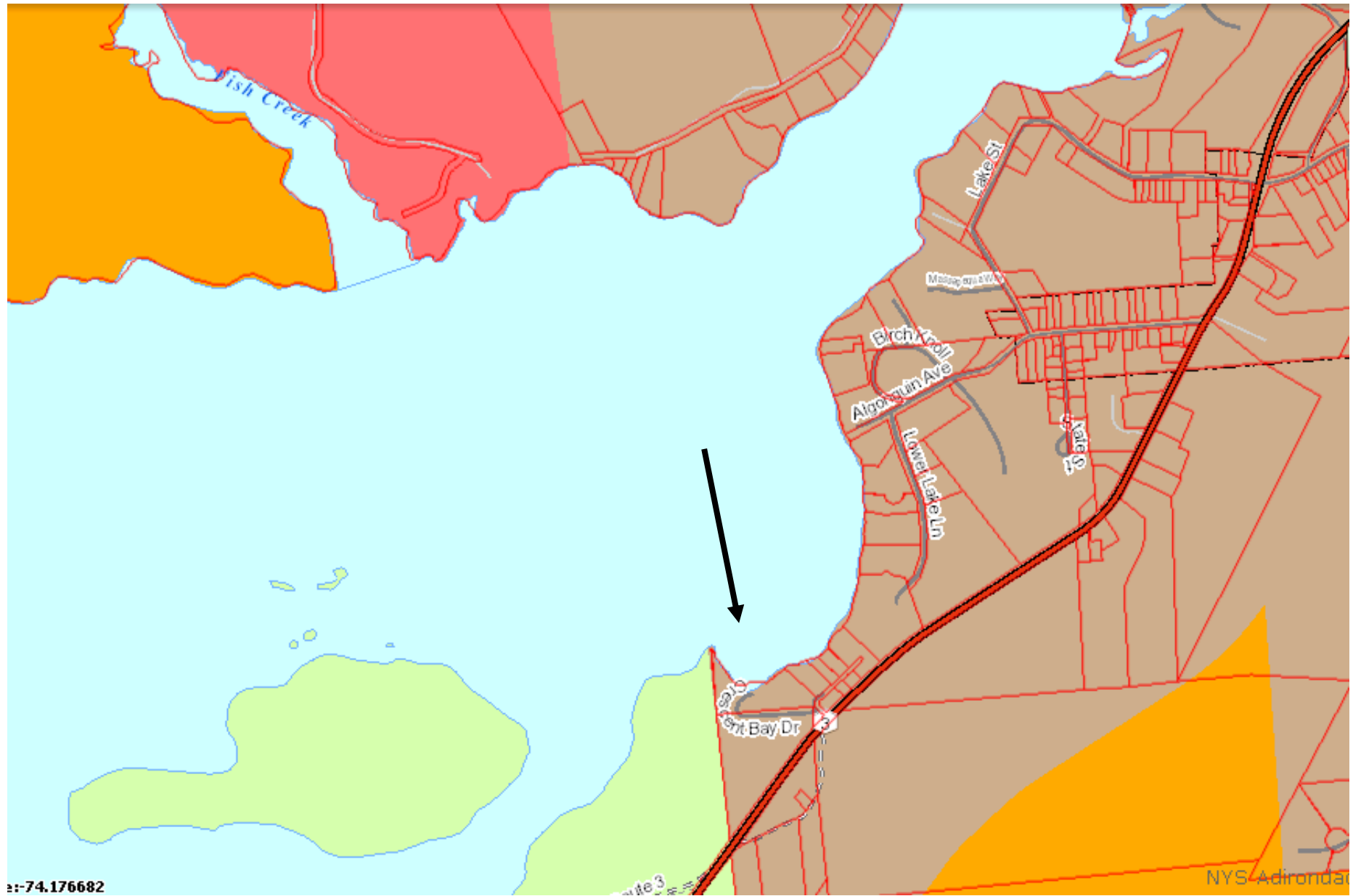


Character of the Shoreline

Crescent Bay



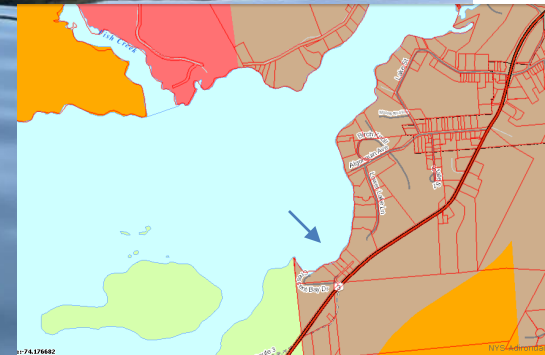
Main Marina site



Crescent Bay



Crescent Bay



Crescent Bay



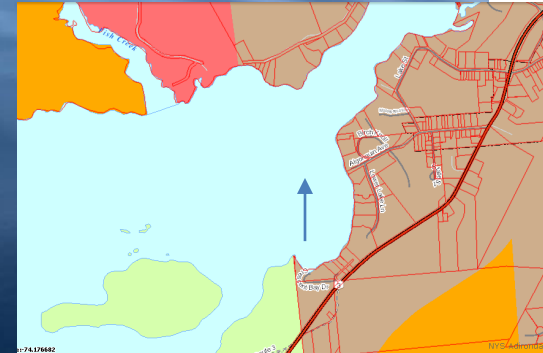
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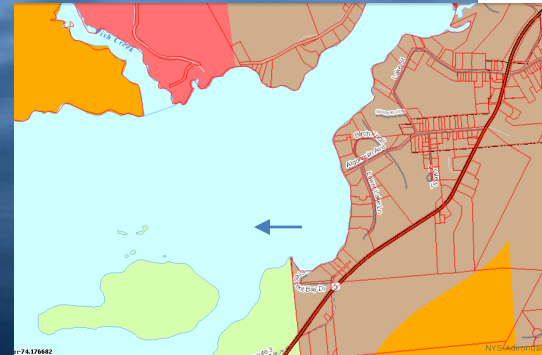
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Crescent Bay



Crescent Bay



Crescent Bay



Variance Request

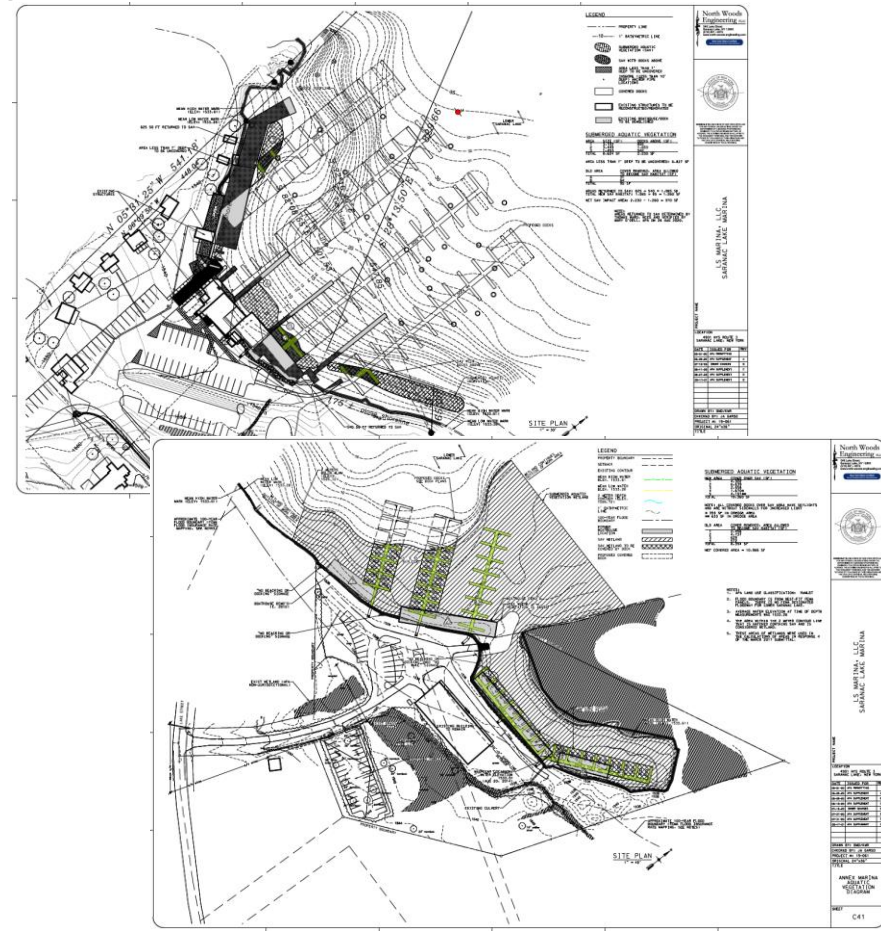
2023 Jurisdiction: Marinas in Hamlet and Location Requirements for Replacements

Expansion of a Marina:

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Replacement Rights – Location Requirements:

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- Structures involving wetlands** must be replaced on the same 1) foundation or 2) **location**



2023 Jurisdiction: Replacement Structure Size

Non-conforming shoreline structures:

- Main Marina: 49,077± sf
 - Replacement right: 12,347± sf
 - → Net **increase**: 36,730± sf
- Annex: 14,040± sf
 - Replacement right: 14,871± sf
 - → Net decrease: 831± sf

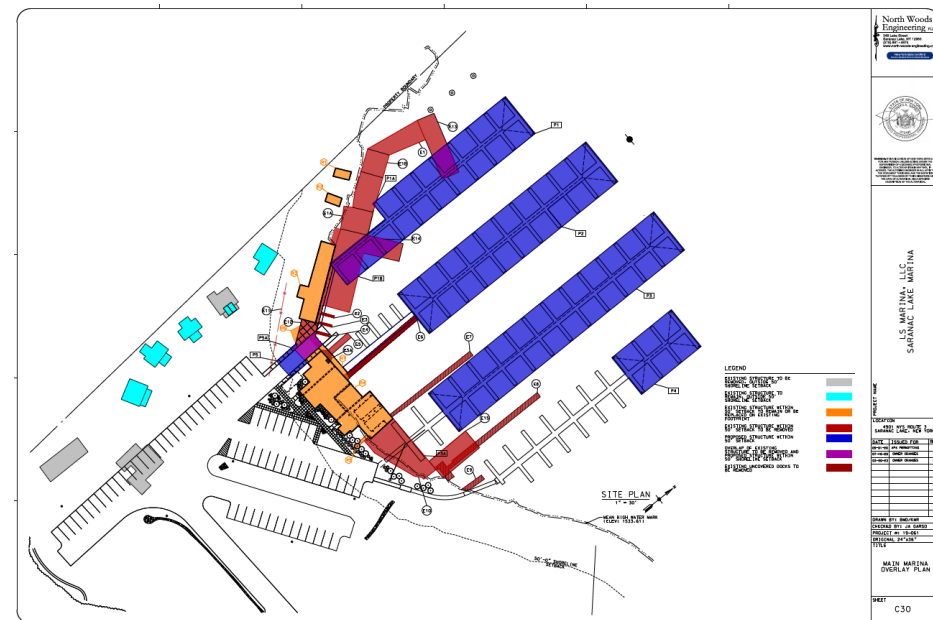
Wetland involvement:

- Main Marina: 988± sf
 - Replacement right: 1,260± sf
 - → Net decrease: 272± sf
- Annex: 14,550± sf
 - Replacement right: 14,871± sf
 - → Net decrease: 231± sf
- Both sites: All structures further from shoreline, boat slips in deeper water, less actual fill

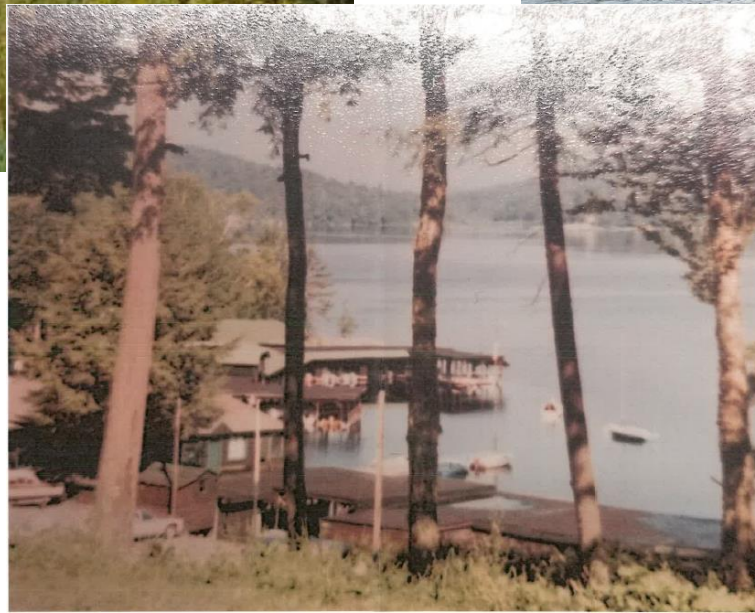
Variance Request 2023

- 48,500± sf non-conforming structures proposed below mhwmm
 - Covered slips, measured at edge of roofline
- 577± sf non-conforming structure proposed above mhwmm
 - Upgrades to boat ramp (unchanged from prior approval)
- 14,907± sf structures removed from Crescent Bay shoreline since 2015
 - → Net increase: 36,730± sf

Red = structures removed
 Orange = pre-existing structures to remain
 Blue = proposed non-complying structures

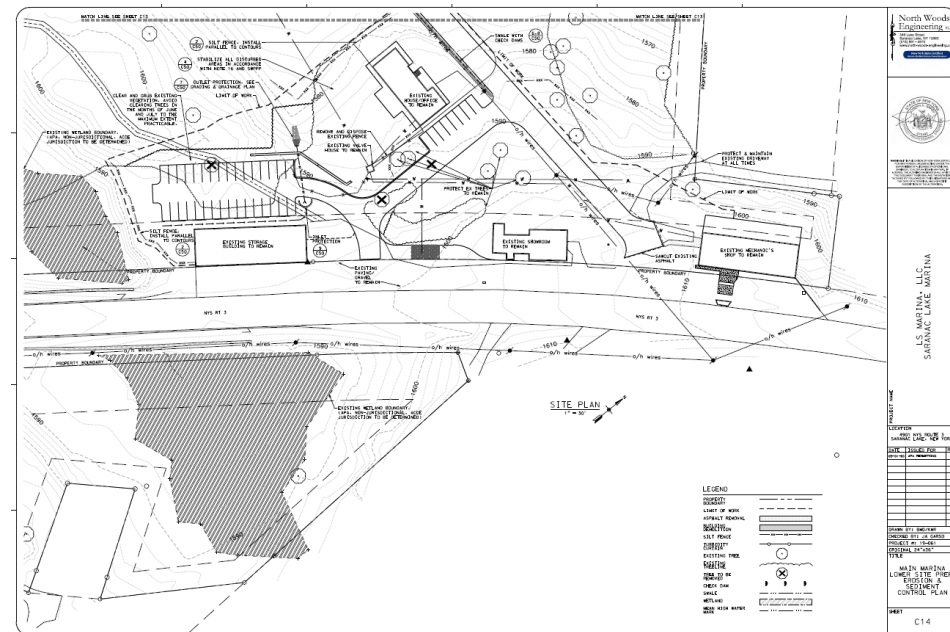
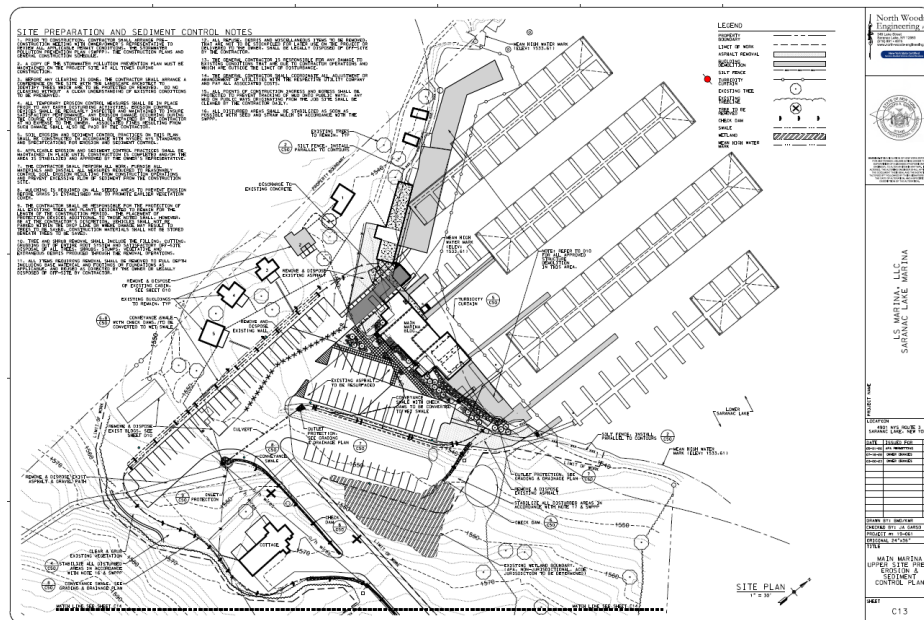


Main Marina – Prohibition on Reconstructing the Pre-existing Shoreline Structures



Variance Request – Additional Proposed Steps, Main Marina

Main Marina – Erosion and Sediment Control



* *Unchanged from prior approval*

GRADING NOTES:

1. EXISTING GRADE TO BE MAINTAINED.
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LEGEND:

- EXISTING BUILDING
- PROPOSED BUILDING
- EXISTING PARKING
- PROPOSED PARKING
- EXISTING DRIVE
- PROPOSED DRIVE
- EXISTING SIDEWALK
- PROPOSED SIDEWALK
- EXISTING CURB
- PROPOSED CURB
- EXISTING FENCE
- PROPOSED FENCE
- EXISTING UTILITY
- PROPOSED UTILITY
- EXISTING TREE
- PROPOSED TREE
- EXISTING LANDSCAPE
- PROPOSED LANDSCAPE
- EXISTING WATER
- PROPOSED WATER
- EXISTING ROAD
- PROPOSED ROAD
- EXISTING RAILROAD
- PROPOSED RAILROAD
- EXISTING AIRPORT
- PROPOSED AIRPORT
- EXISTING PORT
- PROPOSED PORT
- EXISTING CANAL
- PROPOSED CANAL
- EXISTING LAKE
- PROPOSED LAKE
- EXISTING RIVER
- PROPOSED RIVER
- EXISTING OCEAN
- PROPOSED OCEAN
- EXISTING MOUNTAIN
- PROPOSED MOUNTAIN
- EXISTING HILL
- PROPOSED HILL
- EXISTING VALLEY
- PROPOSED VALLEY
- EXISTING PLAIN
- PROPOSED PLAIN
- EXISTING DESERT
- PROPOSED DESERT
- EXISTING TROPICS
- PROPOSED TROPICS
- EXISTING ARCTIC
- PROPOSED ARCTIC
- EXISTING ANTARCTIC
- PROPOSED ANTARCTIC
- EXISTING SPACE
- PROPOSED SPACE
- EXISTING TIME
- PROPOSED TIME
- EXISTING ENERGY
- PROPOSED ENERGY
- EXISTING INFORMATION
- PROPOSED INFORMATION
- EXISTING COMMUNICATIONS
- PROPOSED COMMUNICATIONS
- EXISTING TRANSPORTATION
- PROPOSED TRANSPORTATION
- EXISTING INFRASTRUCTURE
- PROPOSED INFRASTRUCTURE
- EXISTING UTILITIES
- PROPOSED UTILITIES
- EXISTING SERVICES
- PROPOSED SERVICES
- EXISTING FACILITIES
- PROPOSED FACILITIES
- EXISTING EQUIPMENT
- PROPOSED EQUIPMENT
- EXISTING MATERIALS
- PROPOSED MATERIALS
- EXISTING METHODS
- PROPOSED METHODS
- EXISTING TOOLS
- PROPOSED TOOLS
- EXISTING TECHNIQUES
- PROPOSED TECHNIQUES
- EXISTING PROCEDURES
- PROPOSED PROCEDURES
- EXISTING STANDARDS
- PROPOSED STANDARDS
- EXISTING SPECIFICATIONS
- PROPOSED SPECIFICATIONS
- EXISTING REQUIREMENTS
- PROPOSED REQUIREMENTS
- EXISTING CONSTRAINTS
- PROPOSED CONSTRAINTS
- EXISTING OPPORTUNITIES
- PROPOSED OPPORTUNITIES
- EXISTING RISKS
- PROPOSED RISKS
- EXISTING BENEFITS
- PROPOSED BENEFITS
- EXISTING COSTS
- PROPOSED COSTS
- EXISTING REVENUES
- PROPOSED REVENUES
- EXISTING PROFITS
- PROPOSED PROFITS
- EXISTING LOSSES
- PROPOSED LOSSES
- EXISTING GAINS
- PROPOSED GAINS
- EXISTING IMPROVEMENTS
- PROPOSED IMPROVEMENTS
- EXISTING DEGRADATIONS
- PROPOSED DEGRADATIONS
- EXISTING RESTORATIONS
- PROPOSED RESTORATIONS
- EXISTING PRESERVATIONS
- PROPOSED PRESERVATIONS
- EXISTING PROTECTIONS
- PROPOSED PROTECTIONS
- EXISTING MONITORINGS
- PROPOSED MONITORINGS
- EXISTING EVALUATIONS
- PROPOSED EVALUATIONS
- EXISTING REVISIONS
- PROPOSED REVISIONS
- EXISTING CORRECTIONS
- PROPOSED CORRECTIONS
- EXISTING ENHANCEMENTS
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- EXISTING OPTIMIZATIONS
- PROPOSED OPTIMIZATIONS
- EXISTING MAXIMIZATIONS
- PROPOSED MAXIMIZATIONS
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- EXISTING AVOIDANCES
- PROPOSED AVOIDANCES
- EXISTING MITIGATIONS
- PROPOSED MITIGATIONS
- EXISTING ADAPTATIONS
- PROPOSED ADAPTATIONS
- EXISTING TRANSITIONS
- PROPOSED TRANSITIONS
- EXISTING REVERSALS
- PROPOSED REVERSALS
- EXISTING PERMANENCES
- PROPOSED PERMANENCES
- EXISTING TEMPORARIES
- PROPOSED TEMPORARIES
- EXISTING CONTINGENCIES
- PROPOSED CONTINGENCIES
- EXISTING UNCERTAINTIES
- PROPOSED UNCERTAINTIES
- EXISTING RISKS
- PROPOSED RISKS
- EXISTING BENEFITS
- PROPOSED BENEFITS
- EXISTING COSTS
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- EXISTING REVENUES
- PROPOSED REVENUES
- EXISTING PROFITS
- PROPOSED PROFITS
- EXISTING LOSSES
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- PROPOSED RESTORATIONS
- EXISTING PRESERVATIONS
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- EXISTING PROTECTIONS
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- EXISTING MONITORINGS
- PROPOSED MONITORINGS
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- PROPOSED EVALUATIONS
- EXISTING REVISIONS
- PROPOSED REVISIONS
- EXISTING CORRECTIONS
- PROPOSED CORRECTIONS
- EXISTING ENHANCEMENTS
- PROPOSED ENHANCEMENTS
- EXISTING OPTIMIZATIONS

-
- The site plan shows a proposed development on a sloped lot. Key features include:
- Proposed Buildings:** A large multi-story building with a central courtyard, and several smaller structures.
 - Parking:** Multiple parking lots, including a large one on the left and smaller ones near the buildings.
 - Infrastructure:** Streets including S. Main Street, S. 1st Street, and S. 2nd Street. A bridge is shown crossing a waterway to the left.
 - Topography:** Contour lines indicating the slope of the land.
 - Legend:**
 - PROPOSED BUILDING
 - EXISTING BUILDING
 - PROPOSED PARKING
 - EXISTING PARKING
 - PROPOSED DRIVEWAY
 - EXISTING DRIVEWAY
 - PROPOSED WALKWAY
 - EXISTING WALKWAY
 - PROPOSED FENCE
 - EXISTING FENCE
 - PROPOSED LANDSCAPE
 - EXISTING LANDSCAPE
 - Scale:** 1" = 20'.
 - North Arrow:** Pointing towards the top right.

* *Unchanged from prior approval*

Variance Request – Additional Proposed Steps, Annex

Annex – Prohibition on Reconstructing the Pre-existing Shoreline Structures

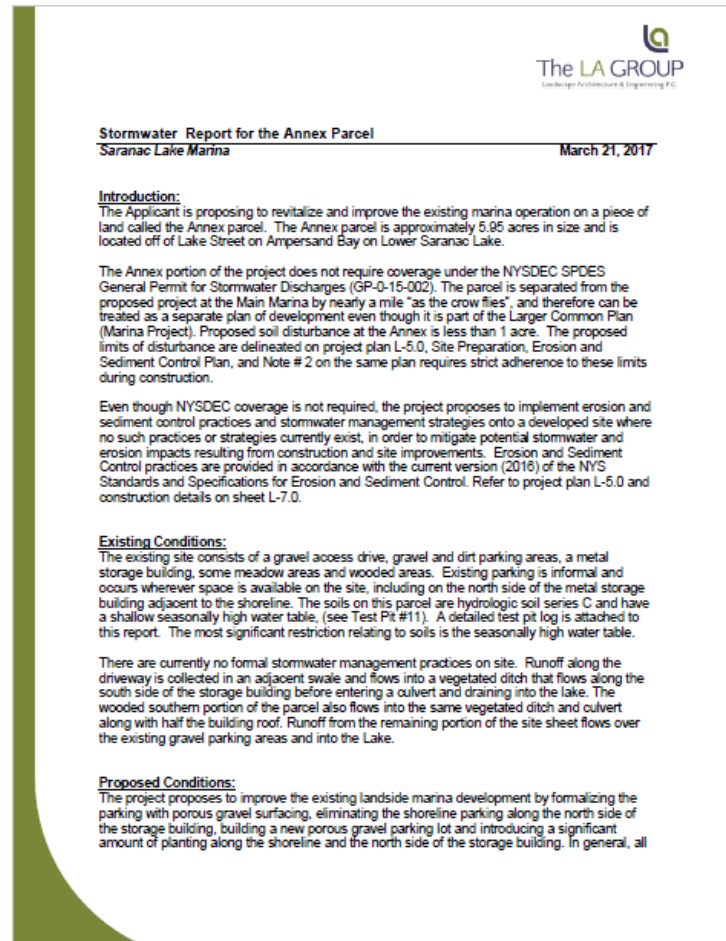


Annex – Stormwater



* *Unchanged from prior approval*

Annex – Stormwater Management



** Unchanged from prior approval*

Annex – Upland Lighting Plan

- No lighting above the mean high water mark / in the parking area



Annex – Wastewater Treatment

**Engineering Report
Water and Sanitary Sewer**

For

**Crescent Bay Marina
Main Marina Annex Marina
4899 NYS Route 3 498 Lake Street
Saranac Lake, New York**

Prepared For:

**LS Marina, LLC
2210 Saranac Ave.
Lake Placid, NY 12946**

Prepared By:

**The LA Group, P.C.
40 Long Alley
Saratoga Springs, New York 12866**



**July 2014
(Updated Feb. 2, 2016)
(Updated June 10, 2016)**

Annex site:

- No apparent pre-existing system
- Proposal involves porta-johns/compost toilets for public use

** Unchanged from prior approval*



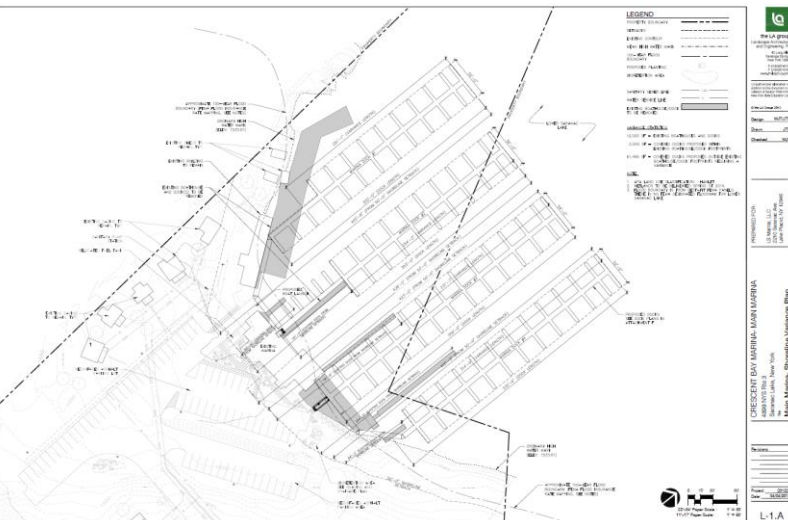
**Adirondack
Park Agency**

Changes to the Request Over Time

Original Variance Proposal

2014 application: 115,260+ sf non-conforming structures

- 77,054+ sf at the Main Marina
 - 64,707± sf more than could have been lawfully reconstructed
 - Plus upland retaining walls, walkways, and expansions of pre-existing cabins
- 38,206+ sf at the Annex
 - 23,335± sf more than could have been lawfully reconstructed
 - Plus upland retaining walls and walkways



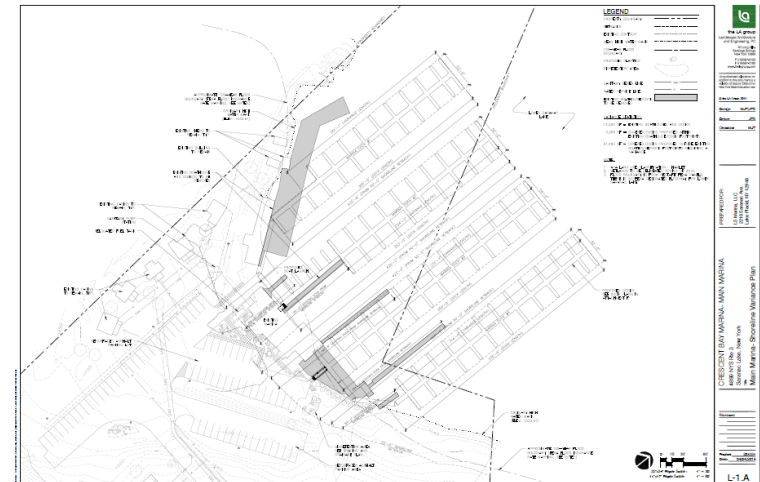
Changes during the course of review above and below the mhw

Above the mhw:

- All proposed retaining walls, walkways, and expansions of pre-existing cabins were eliminated

Below the mhw:

- 66,183± sf reduction in size of variance structures
 - (3,800± sf in 2016)
 - (44,626± sf in 2020)
 - (17,757± sf in 2023)



Visual Analysis

Visual Analysis



Crescent Bay Marina

PHOTO VIEWPOINT DIAGRAM

Visual Analysis – Location 1 exist.

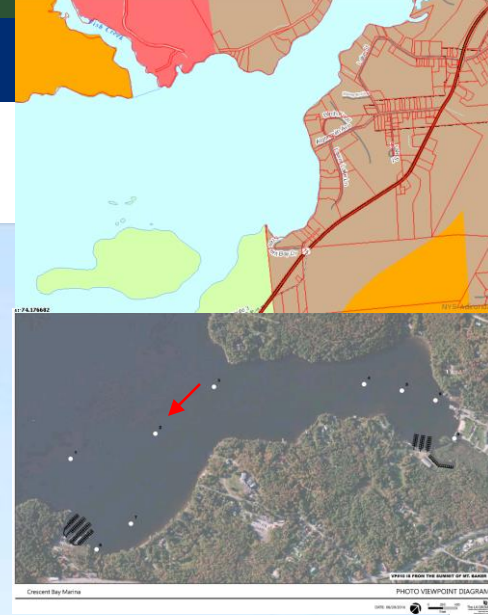


Visual Analysis – Location 1 prop.

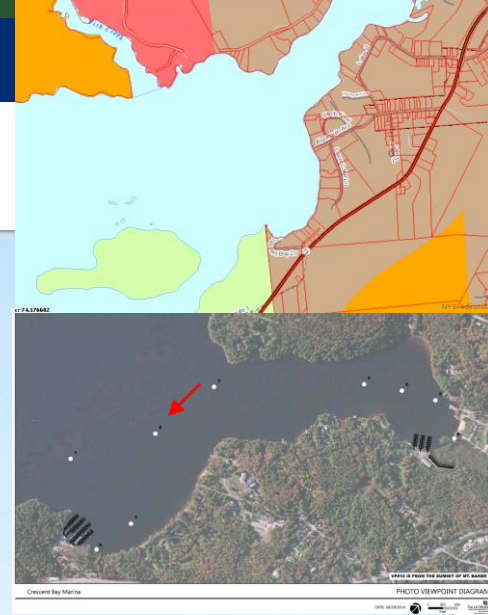


1. (JUNE 2016)

Visual Analysis – Location 2 exist.



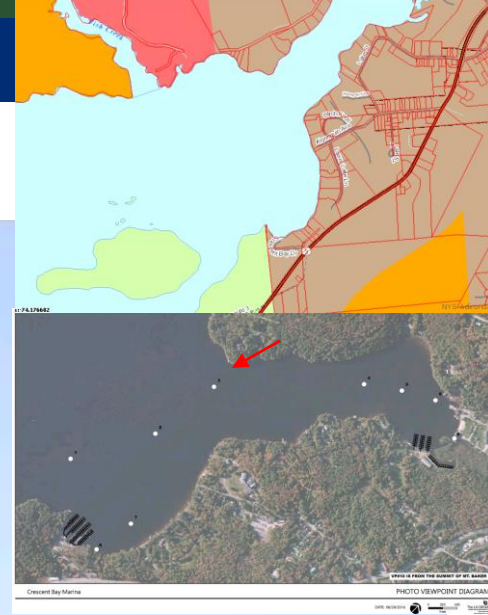
Visual Analysis – Location 2 prop.



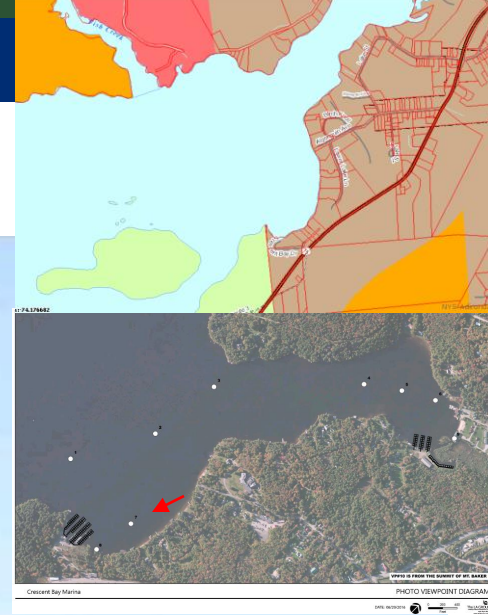
Visual Analysis – Location 3 exist.



Visual Analysis – Location 3 prop.



Visual Analysis – Location 7 exist.

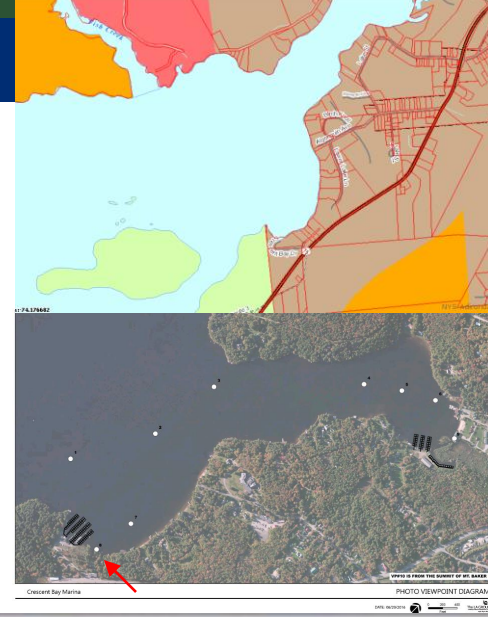


Visual Analysis – Location 7 prop.



June 14, 2023

Visual Analysis – Location 8 exist.



Visual Analysis – Location 8 prop.



Visual Analysis – Loc. 10 (Baker Mtn) existing



10.

Visual Analysis – Loc. 10 (Baker Mtn) proposed



MAIN MARINA
T. DO NOT BYPASSATION & TOPOGRAPHY

ADJUTANT
T. DO NOT BYPASSATION & TOPOGRAPHY

10.

Review by Other Agencies

Review by Others

- NYS Department of Environmental Conservation
 - Permits from 2020 proposal still in effect; modification to the Docking Facility and Excavation and Fill required, application has been submitted
- U.S. Army Corps of Engineers
 - Pre-construction notification from 2020 proposal has expired; new notification required
- Town of Harrietstown
 - Resolution Granting Site Plan Approval issued 2015
 - Confirmed no new review required 2023
- NYS Office of Parks, Recreation and Historic Preservation
 - Letter of No Impact issued 2014

Variance Hearing and Public Comment Letters

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

- June 5, 2023 by teleconference
- In attendance:
 - Agency staff
 - Applicant
 - Authorized representative
 - 24± members of public, 13 provided comments
 - 11 in favor – 11 local landowners
 - 2 opposed – 1 local landowner and his attorney

Public Comment Letters

- 50 Total Letters
 - 31 in support, including:
 - Local landowners
 - Multiple comments from some individuals
 - 18 opposed, including:
 - Local landowners
 - Advocacy groups
 - Multiple comments from some individuals
 - 1 advocacy group partially in support, partially opposed

Comments in Favor of the Variance [SLIDE 1]

- Applicant's efforts to rebuild and modernize the marina
- Environmental, aesthetic, and safety benefits that have been observed
- Site aesthetics will be further improved by the proposed covers
- Lack of need for a carrying capacity study for the proposal
- Lack of overcrowding of Lower Saranac Lake by boaters
- Agency already granted a variance for a larger proposal on the site...

Comments in Favor of the Variance [SLIDE 2]

- Potential for environmental harm from requiring all non-shorefront owners to trailer boats into the lake for each use
- Employment opportunities offered to the community
- Lake accessibility for non-shorefront owners
- Safety benefits to marina customers
- Protection of boats themselves
- Lack of invasive species control programs in Lower Saranac Lake and associated need for marina's continuing management actions

Comments Opposed to the Variance

- Misunderstanding of land ownership issues within Ampersand Bay
- Need for a carrying capacity study for review of the proposal
- Concerns over potential impacts to wetlands at the Annex site
- Disagreement with the Agency's review process
- Agency jurisdiction
- Request for an adjudicatory hearing

Variance Review Criteria – Staff Analysis

Variance Review Factors

- Agency must consider:
 - Whether the application requests the minimum variance necessary
 - Whether the variance would result in substantial detriment to nearby or adjoining landowners
 - Whether there are feasible alternatives
 - The manner in which the difficulty arose
 - Whether granting the variance would adversely affect existing resources
 - Whether the imposition of conditions would minimize adverse impacts
- “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.”

Whether application requests the minimum relief necessary

- Minimization efforts:
 - Removed numerous proposed retaining walls, walkways, and expansions of pre-existing cabins to reduce total variance footprint above mhwmm to $577\pm$ square feet
 - Reduced variance footprint below mhwmm by $66,183\pm$ square feet
 - Reduced proposed structures over wetlands by $19,592\pm$ square feet

Whether granting the variance will create a substantial detriment to adjoining or nearby landowners [SLIDE 1]

■ Visual impacts

- Covers will be visible from Hamlet lands within Crescent Bay and from Moderate / Low Intensity Use across the Bay, with a portion of the furthest covers visible from the Saranac Lakes Wild Forest.
- Covers may provide an aesthetic benefit compared to the existing uncovered docks.
- Structures will be green and brown, lighting will be downward facing
- Existing boat ramp will be stabilized and planted
- Wetlands and other vegetation will continue to regrow along the shoreline.

Whether granting the variance will create a substantial detriment to adjoining or nearby landowners [SLIDE 2]

- Water quality impacts
 - Stormwater and erosion controls will reduce existing impacts to water quality
 - Pre-existing wastewater treatment systems of unknown origin will be replaced with a conventional system for staff and porta-johns/compost toilets for customers
 - Invasive species removal will continue
 - Covers may prevent fluids and debris from washing off boats into the lake
 - No increase in boat traffic; conditions will limit boat numbers going forward

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

- No variance required for:
 - Reconstruction of the pre-existing buildings along the shoreline
 - Construction of unlimited number of additional docks

The manner in which the difficulty arose

- Applicant on notice when purchased property
 - 2013 – applicant notified in writing that construction of covered structures would require a variance
 - 2014 & 2019 – obtained ownership of the variance site
- No variance required for:
 - Reconstruction of the pre-existing buildings along shoreline
 - Construction of unlimited number of additional docks

Whether granting the variance will adversely affect existing resources [SLIDE 1]

- 48,500± sf of proposed covers over existing slips will be visible from Hamlet lands within Crescent Bay and from Moderate / Low Intensity Use across the Bay, with a portion of the furthest covers visible from the Saranac Lakes Wild Forest
 - Covers will be green and brown
 - May be considered an adverse visual impact
 - May be considered an aesthetic benefit

Whether granting the variance will adversely affect existing resources [SLIDE 2]

- Existing water quality and shoreline aesthetics will be positively impacted by:
 - Restriction against reconstruction of the 27,218± sf of pre-existing structures along the shoreline
 - Implementation of buoy plans to avoid disruption to neighbors and shoreline vegetation
 - Replacement of wastewater systems of unknown components with an OWSTS and compost toilets that meet all APA and DEC standards
 - Implementation of erosion and sediment control and stormwater plans where currently there are no controls
 - Removal of the gravel boat launch at the Main Marina and stabilization with plantings
 - Plantings to screen the existing boat storage structure at the Annex
 - Implementation of shielded, downward-facing lighting at the Main Marina; restriction against any upland lighting at the Annex
 - Review of new boat rental slips

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

Conditions regarding wastewater treatment, stormwater/erosion and sediment control, buoys/navigation channels, invasive species management, structure color, outdoor lighting, signs, plantings, vegetative cutting and removal, and adherence to the approved plans will ensure that there will be no adverse effects from the granting of the variance.

Balancing Test

“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

- Adverse consequence to the applicant: the proposed boat slip covers and improved boat launch could not be constructed
- Public purposes of shoreline restrictions: protection of water quality and shoreline quality of Lower Saranac Lake...

Balancing Test - protection of water quality

[SLIDE 1]

- 12,347± sf of pre-existing buildings removed from along the shoreline; will not be rebuilt
 - Removed barriers to wildlife movement between the littoral zone of the lake and the riparian area adjacent to the lake
 - Wetland vegetation has since grown in this area, helping to:
 - stabilize the shoreline and
 - prevent erosion and sedimentation into the lake
- Moving boat slips to deeper water will decrease turbidity

Balancing Test - protection of water quality

[SLIDE 2]

- No difference to water quality from the proposed covered structures v. uncovered docks below mhwmm
 - Covers may improve water quality by preventing the washing of fluids and debris off boats and into the lake
- Stormwater and erosion controls will reduce existing impacts to water quality
- Gravel boat launch will be removed, area stabilized and planted
- Pre-existing wastewater treatment systems of unknown components will be replaced with a conventional system for staff that complies with all current standards, plus porta-johns/compost toilets for customers
- Buoy plans will protect shoreline vegetation
- Invasive species management will continue

Balancing Test - protection of water quality

[SLIDE 3]

Additional benefits – Annex site:

- 14,871+ square feet of pre-existing buildings and other structures removed from along the shoreline; will not be rebuilt
 - Removed barriers to wildlife movement between the littoral zone of the lake and the riparian area adjacent to the lake
 - Wetland vegetation has since grown in this area, helping to:
 - stabilize the shoreline and
 - prevent erosion and sedimentation into the lake
- Reduction in boat slips within wetlands and moving boat slips to deeper water will decrease turbidity

Balancing Test - protection of water quality

[SLIDE 4]

Additional benefits – Annex site:

- Stormwater and erosion controls will reduce existing impacts to water quality
 - Impervious parking area will be constructed
 - Plantings will stabilize shoreline
- Porta-johns/compost toilets will be installed
- Buoy plans will protect shoreline vegetation
- Invasive species management will continue

Balancing Test - protection of shoreline quality [SLIDE 1]

- Visual impacts
 - Covers will be visible from Hamlet lands within Crescent Bay and from Moderate / Low Intensity Use across the Bay, with a portion of the furthest covers visible from the Saranac Lakes Wild Forest
 - Covers will be green and brown
 - Lighting will be downward facing, with upland lighting replaced
 - Gravel boat launch will be stabilized and planted
 - Shoreline and wetland vegetation will continue to regrow

Balancing Test - protection of shoreline quality [SLIDE 2]

Additional benefits – Annex site

- Lighting will be downward facing, no upland lighting allowed
- Plantings will help to screen existing upland development

Balancing Test - Impacts from Denial

- The applicant or a future owner could reconstruct the 27,218± square feet of pre-existing buildings along the shoreline that have been removed, resulting in
 - Worse impacts to the shoreline/littoral zone
 - Worse impacts to water quality
 - Increased turbidity in wetlands
- The applicant or a future owner could also construct an unlimited number of additional docks without covers without Agency review
- The Agency would have no authority to enforce the stormwater, erosion and sediment control, wastewater, lighting, planting, buoy, or invasive species control plans, or to limit the number of boat slips available for rent

Staff Recommendation

Balancing Test: 9 NYCRR § 576.1(b)

Staff Analysis

Given the specifics of the pre-existing marina, its location, the details of the proposal, and staff's proposed conditions, the public purposes of the shoreline restrictions will be better served through approval of the variance request than through denial.



**Adirondack
Park Agency**

LS Marina, LLC

Project Number 2016-0029A

June 14, 2023