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 NEW YORK STATE Adirondack Park Agency P.O. Box 99, 1133 NYS Route 86 Ray Brook, New York 12977 Tel: (518) 891-4050 www.apa.ny.gov	DRAFT APA Permit and Order 2026-0048
	Date Issued: XXXX
In the Matter of the Application of: VILLAGE OF SARANAC LAKE for a permit pursuant to section 809 of the Adirondack Park Agency Act and 9 NYCRR Part 578 and variance pursuant to section 806 of the Adirondack Park Agency Act.	To the County Clerk: Please index this Permit and Order in the grantor index under the following name(s): 1. Village of Saranac Lake

SUMMARY AND AUTHORIZATION

This permit and order authorizes the construction of a shoreline access structure in wetlands and within the mean high water mark of Lake Flower in an area classified Hamlet by the Official Adirondack Park Land Use and Development Plan Map in the Village of Saranac Lake, Essex County.

This authorization shall expire unless recorded in the Essex County Clerk's Office within 60 days of issuance of a signed and notarized permit and order. The signed and notarized permit and order shall be recorded in the names of all persons listed above and in the names of all owners of record of any portion of the project site on the recordation date.

The project shall not be undertaken or continued unless the project authorized herein is in existence within five years of the date the permit and order is recorded in the Essex County Clerk's Office. The Agency will consider the project in existence when the authorized shoreline access structure has been constructed.

The project shall be undertaken in compliance with all conditions stated herein. Failure to comply with this permit and order is a violation and may subject the permittee, successors, and assigns to civil penalties and other legal proceedings.

This permit and order does not convey any right to trespass upon the lands or interfere with the riparian rights of others in order to undertake the authorized project, nor does it authorize the impairment of any easement, right, title or interest in real or personal property.

Nothing contained in this permit and order shall be construed to satisfy any legal obligations of the permittee to comply with all applicable laws and regulations or to obtain any governmental approval or permit from any entity other than the Agency, whether federal, State, regional, or local.

APPLICABLE LAWS

Pursuant to Section 809(2)(a) of the Adirondack Park Agency Act and Adirondack Park Agency regulations at 9 NYCRR Part 578, a permit is required from the Adirondack Park Agency prior to any deposit of fill in or excavation of a wetland in the Adirondack Park. The wetland impacted is a deepwater marsh with a value rating of "2."

Section 806(1)(a)(2) of the APA Act establishes a minimum shoreline setback of 50 feet from the mean high water mark for all accessory structures and principal buildings greater than 100 square feet in size. The applicant requested a variance from this structure setback requirement pursuant to section 806(3)(a) of the APA Act. The shoreline subject to the minimum setback requirements is Lake Flower.

PROJECT AND VARIANCE SITE

The project and variance site (site) is a 1.94±-acre parcel of land located on Lake Flower Avenue (NYS Route 86) in the Village of Saranac Lake, Essex County, in an area classified as Hamlet on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 32.263, Block 1, Parcel 1.000, and is described in a deed from the Village Improvement Society, Inc. to the Village of Saranac Lake, dated June 1, 1949, and recorded June 20, 1949, in the Essex County Clerk's Office at Book 269, Page 45. The site comprises the publicly accessible "Baldwin Park."

The site contains approximately 707.4± feet of shoreline on the eastern side of Lake Flower. With the exception of the northernmost 40± feet of shoreline, the shoreline of the site contains shrub-swamp, wet meadow, and emergent wetlands, with deepwater marsh wetlands located within the mean high water mark of Lake Flower. These wetlands are associated with a larger wetland complex with a value rating of "2". Additional wetlands not described herein or depicted on the Site Plan may be located on or adjacent to the project and variance site.

The site is improved by a 500±-square-foot concrete patio, a granite monument, and tennis and basketball courts totaling 16,000± square feet of asphalt surface. The existing concrete patio and asphalt courts range between 6 and 18 feet from the wetland boundary. Existing development is located within grass lawn with slopes ranging from 1 to 8%. The lawn terminates at the approximate wetland boundary. A floating U-shaped dock with a maximum width of 4 feet is seasonally installed in the southern extent of the project site for short-term mooring of boats by the public.

The eastern shoreline of Lake Flower exhibits dense un-screened commercial and residential shoreline development, and is in close proximity to the roadbed of Lake Flower Avenue/NYS Route 86. Lake Flower has several publicly-accessible docks, car-top watercraft access, and a NYS Department of Environmental Conservation boat ramp; however, none of the existing access provides Americans with Disabilities Act (ADA)-compliant paddling access.

PROJECT DESCRIPTION AND VARIANCE REQUEST

The project and variance as conditionally approved herein involves the construction of a shoreline access structure consisting of a floating curbed dock, canoe and kayak launch and access gangway to provide public ADA-compliant paddling access to Lake Flower. The width of the largest dock section measures 9.75 feet. The gangway, the portion of the dock attached to the gangway, and the kayak launch measure less than 8 feet in width. Railings associated with the gangway and transfer bench will not exceed four feet in height. The shoreline access structure will be installed and removed seasonally, and stored off-site.

The 9.75-foot dock section supports an ADA-compliant transfer bench and railing, and is designed to accommodate maneuvering of wheelchairs or other mobility devices around the transfer bench. The overall dimensions provide for a stable, level, transfer surface, and side-by-side positioning of caregivers or assistants.

The floating dock is accessed via a 5-foot-wide gangway originating above the mean high water mark, in a portion of shoreline that avoids terrestrial wetlands. A 5-foot-wide concrete access path will terminate 17± feet from the mean high water mark in a location that provides the gangway a suitable slope for ADA-compliant access.

The shoreline access structure consisting of the accessible dock, canoe and kayak launch, and portion of the gangway located within the mean-high water mark of Lake Flower will be located within deepwater marsh wetlands, with the entire footprint shading wetlands. The floating dock will be supported by 5, 3-inch diameter, support pipes. A submerged stump will be removed within wetlands beneath the footprint of the 9.75-foot-wide dock.

Construction of the gangway and access path may involve vegetation removal within an area of existing mowed lawn and terrestrial shrubs. Plantings of native trees and shrubs are proposed elsewhere through the site. A vegetated swale will be constructed on the site to provide improved stormwater management over existing conditions.

The shoreline access structure will be visible from Lake Flower Avenue/NYS Route 86, adjoining property, and other recreational users of Lake Flower.

The project and variance approved herein is shown on the following Project Plans:

- A 17-page plan set titled “Baldwin Park Improvements, Village of Saranac Lake, New York, 12983”, prepared by LaBella Associates, and dated May 1, 2026 (Site Plan); and
- A 248-page report titled “Stormwater Pollution Prevention Plan”, prepared by LaBella Associates, and dated April 2026 (SWPPP).

A reduced-scale copy of Sheet C120 (Site Plan) and Sheet C121 (Accessible Kayak Launch Plan and Elevation) of the Site Plan is attached as a part of this permit and order for reference. The original, full-scale maps and plans described in this paragraph are the official plans for the variance, with copies available upon request from Adirondack Park Agency headquarters in Ray Brook, New York.

PROCEDURAL HISTORY OF VARIANCE REQUEST

Following receipt of the variance application, the Agency notified all parties required by Agency regulations. On June 25, 2026, the Agency held a public hearing on the variance request via teleconference. The hearing was attended remotely by Agency staff. No representative of the applicant or member of the public attended the hearing. One written comment in support of the project was submitted by the Village of Saranac Lake Parks and Trails Advisory Board.

VARIANCE FACTORS

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. The Agency has considered the standards and factors set forth in 9 NYCRR § 576.1(b)-(c).

§ 576.1(b): Whether the adverse consequences to the applicant resulting from denial are greater than the public purpose sought to be served by the restriction.

The public purposes served by the Agency's structure setback requirements include protection of the water quality and aesthetics of Lake Flower.

Baldwin Park is an established public park comprised of tennis and basketball courts totaling 16,000± square feet of asphalt surface between 6 and 18 feet from the wetland boundary, and shoreline access structures. Construction of the vegetated swale in compliance with the project plans will improve upon the existing stormwater runoff patterns of the site. Moreover, construction of the shoreline access structure in accordance with the Project Plans will not result in adverse impacts to the aesthetic character of the Lake Flower but rather provide greater public access in a confined, developed site capable of handling public gathering.

Denial of the variance request would preclude the installation of the structure which is designed to provide greater paddling access at Baldwin Park to Lake Flower and the connected Saranac chain of lakes. Therefore, the adverse consequences from denial would be greater than the public purpose because the proposed project would further and enhance the public purpose.

§ 576.1(c)(1): Whether the application requests the minimum relief necessary.

The proposed project requests the minimum relief necessary. An accessible canoe and kayak launch requires additional width to meet maneuvering, transfer, and safety requirements defined by the ADA and its design standards. The 9.75-foot-wide dock section supports an ADA-compliant transfer platform and railing to the adjoining canoe and kayak launch. The dimensions are designed to accommodate wheelchair access around the transfer bench and provide for a stable, level, transfer surface for an assisted person. The proposed gangway location avoids terrestrial wetlands, reducing the structural access necessary above the mean high water mark, and the associated wetland impacts. Railings associated with the gangway and transfer platform do not exceed 4 feet in height, and comply with Agency dock requirements.

§ 576.1(c)(2): Whether granting the variance will create a substantial detriment to adjoining or nearby landowners.

The project will not result in substantial detriment to nearby landowners. There is existing public access at Baldwin Park. The shoreline access structure will be available to the public, including

the adjoining landowners. The shoreline access structure will not conflict with the existing aesthetic character of the shoreline of Lake Flower, and will not result in undue adverse visual impacts in context of surrounding development. No objections were received during the public hearing, or during the comment period from adjoining or nearby landowners.

§ 576.1(c)(3): Whether the difficulty can be obviated by a feasible method other than a variance.

As part of the review process, the applicant considered construction of a dock with a maximum width of 8 feet. An accessible canoe and kayak launch requires additional width to meet maneuvering, transfer, and safety requirements defined by the ADA and its design standards. The proposed 9.75-foot dock section supports an ADA-compliant transfer bench and railing. The 9.75-foot dock width is designed to accommodate wheelchair access around the transfer bench while providing a stable, level, transfer surface for an assisted person. An 8-foot-wide dock could not support the transfer bench providing ADA-compliant access. The existing dock at Baldwin Park is currently not ADA-compliant. Improvement or replacement of the existing dock to provide an ADA-compliant canoe and kayak launch would involve a structure of the same size as the proposed shoreline access structure, and would impact the terrestrial wetlands that are being avoided with this proposal. None of the existing public access points on Lake Flower provide ADA-compliant paddling access.

§ 576.1(c)(4): The manner in which the difficulty arose.

The difficulty is not self-created. The applicant seeks to provide the public with ADA-compliant paddling access to Lake Flower, which does not otherwise exist on this water body and interconnected chain of lakes.

§ 576.1(c)(5): Whether granting the variance will adversely affect the natural, scenic, and open space resources of the Park and any adjoining water body due to erosion, surface runoff, subsurface sewage effluent, change in aesthetic character, or any other impacts which would not otherwise occur.

Construction of the shoreline access structure without temporary erosion and sediment controls could cause erosion and surface runoff, leading to adverse changes to water quality and the aesthetic character of Lake Flower. In addition, construction of these structures without restrictions on size, vegetative cutting, and exterior lighting could result in impacts to the aesthetic character of the shoreline of the Lake Flower. When brought from off-site, any equipment required to complete the project, including hand tools, has the potential to distribute propagules of invasive plant species to the development site, which many have adverse impacts on nearby aquatic and terrestrial ecosystems.

§ 576.1(c)(6): Whether the imposition of conditions upon the granting of the variance will ameliorate the adverse effects noted above.

The conditions included in this permit and order will ameliorate any potential adverse effects from the authorized variance. Conditions regarding cutting, lighting, erosion and sediment control, invasive species prevention, and adherence to the approved plans will ensure that there will be no adverse effects from the granting of the variance.

PERMIT AND ORDER CONDITIONS

THE PERMIT AND ORDER ARE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. This authorization shall expire unless recorded in the Essex County Clerk's Office within 60 days of the date of issuance.
2. This permit and order is binding on the applicants, all present and future owners of the project site, and all persons undertaking all or a portion of the project, for as long as the shoreline access structure remains on the site. Copies of this permit and Project Plans shall be furnished by the permittee to all subsequent owners or lessees of the project site prior to sale or lease, and by the permittee and/or any subsequent owner or lessee to all persons undertaking any development activities authorized herein.
3. The authorization to undertake installation of a shoreline access structure in wetlands shall expire five years from the date this permit and order is recorded in the Essex County Clerk's office, unless construction of the structure has been completed in accordance with the plan sheets by that date or written authorization has been obtained from the Agency extending the deadline for construction.
4. In addition to complying with all terms and conditions of this permit, all future activities on the project site shall be undertaken in compliance with the requirements of the New York State Adirondack Park Agency Act, Freshwater Wetlands Act, and the Adirondack Park Agency's implementing.
5. All deeds conveying all or a portion of the lands subject to this permit shall contain references to this permit as follows: "The lands conveyed are subject to Adirondack Park Agency Permit and Order 2026-0048, issued **XXXX**, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
6. The project shall be undertaken as depicted on the Project Plans referenced herein. Any changes to the locations, sizes, dimensions, or other aspects of the structures shall require prior written Agency authorization.
7. Prior to undertaking construction of any additional dock or boathouse on the project site, written authorization of plans for the dock or boathouse, including all attached upland structures, shall be obtained from the Agency.
8. The undertaking of any activity involving wetlands not authorized herein shall require a new or amended permit.
9. No structures greater than 100 square feet in size, other than the shoreline access structure authorized herein, shall be constructed within 50 feet (measured horizontally) of the mean high water mark of Lake Flower.
10. The project shall be undertaken in compliance with the Stormwater Pollution Prevention Plan (SWPPP) referenced herein. Any changes to the SWPPP shall prior written Agency authorization.

11. When brought from off-site, all equipment, including but not limited to trucks, excavators, tractors, etc., and hand excavation tools such as shovels, rakes, and picks, to be used on the project site shall be clean and free of soil, mud, or other similar material. If washed on the project site, equipment shall be washed in one location to prevent the distribution of propagules among different wash sites.
12. Installation of any lighting on the shoreline access structure authorized herein shall require prior written Agency authorization.
13. Within the wetland limits depicted on the site plan, no vegetation may be cut, culled, trimmed, pruned or otherwise removed or disturbed on the project site without prior written Agency authorization, except for the removal of dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
14. The shoreline access structure authorized herein shall be stored in an off-site location when seasonally removed from the water.

CONCLUSIONS OF LAW

Class A Project

The Agency has considered all statutory and regulatory criteria for project approval set forth in the Adirondack Park Agency Act and 9 NYCRR Part 574, the Freshwater Wetlands Act and 9 NYCRR Part 578, and all standards and factors for issuance of a variance set forth in 9 NYCRR Part 576. The Agency hereby finds that the project, as conditioned herein:

- a. is consistent with the land use and development plan;
- b. is compatible with the character description and purposes, policies and objectives of the Hamlet land use area;
- c. is consistent with the overall intensity guidelines for the Hamlet land use area;
- d. complies with the shoreline restrictions of section 806 of the Adirondack Park Agency Act, except as approved in the variance granted herein;
- e. does not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational, or open space resources of the Park or upon the ability of the public to provide supporting facilities and services made necessary by the project taking into account the commercial, industrial, residential, recreational or other benefits that might be derived from the project;
- f. secures the natural benefits of wetlands associated with the project, consistent with the general welfare and beneficial economic, social, and agricultural development of the state; and
- g. results in minimal degradation or destruction of the wetland or its associated values, and provides an essential public benefit.

Variance

The Agency has considered 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 request meets the approval criteria, provided the authorized activities are undertaken as described herein and in compliance with the conditions set forth above.

Dated:

Ray Brook, New York

ADIRONDACK PARK AGENCY

By: _____
John M. Burth
Deputy Director, Regulatory Programs

STATE OF NEW YORK
COUNTY OF ESSEX

On the _____ day of _____ in the year _____, before me, the undersigned, a Notary Public in and for said State personally appeared John M. Burth, 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 they executed the same in their capacity, and that by their signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public