



**M E M O R A N D U M**

TO: Agency Members and Designees

FROM: Terry Martino, Executive Director

DATE: February 8, 2012

RE: Regulatory Programs Committee Agenda

(1) Approval of Draft Committee Minutes for January 2012

(2) Deputy Director - Regulatory Programs Report (R. Weber)

(3) 2010-144 (T.Darrah)  
Joseph Fitzgerald  
Town of Lake Pleasant, Hamilton County  
Moderate Intensity Use

**JURISDICTIONAL PREDICATES:** Sections 806 and 809 of the Adirondack Park Agency Act and 9 NYCRR Part 575 and 578

**PROJECT STATUS/TIME CLOCK:**

1. Project Completion Date: November 1, 2011
2. Section 576.5 hearing was held on November 29, 2011
3. Public Comment Period Expires: November 29, 2011
4. 45-Day Clock: (from completion of the hearing): January 13, 2012 Clock extended by agreement to February 20, 2012
5. 60-Day Clock: December 21, 2011, Clock extended by agreement to February 20, 2012
6. 90-Day Clock: January 30, 2012, Clock extended by agreement to March 20, 2012

**DESCRIPTION OF THE PROJECT:** The variance portion of the proposed project requires seeking a 14 foot variance from the minimum 50 foot setback to the mean high water mark of Sacandaga Lake for the construction of a 1,144 square foot footprint, two-story, single family dwelling. The mean high water mark of Sacandaga Lake is at a set elevation of 1729.3 amsl and extends approximately 310 feet into the project site from the navigable portion of the lake into a wetland area. The project also requires an Agency permit pursuant to Section 809 of the Adirondack Park Agency Act for the construction of

an on-site wastewater treatment system within 100 feet of wetlands. The leach field portion of the system will be located approximately 73.5 feet from the wetlands at its closest point.

**ISSUES AND DISCUSSIONS:** The project site is a vacant lot authorized as part of a 44-lot subdivision as described by the Agency in a January 15, 1973 interim determination letter (I-83) and approved by the New York State Department of Health as described in a letter dated November 22, 1972. An Agency permit is required for the installation of the proposed on-site wastewater treatment system within 100 feet of wetlands. The construction of the proposed single family dwelling requires a variance from the structure shoreline setback restrictions due to the mean high water mark of Sacandaga Lake being at a set elevation of 1729.3 asml and therefore extending into the project site approximately 310 feet from the navigable portion of the lake into a wetland area.

**RECOMMENDATION:** Grant variance with conditions and approve the project

EPS: T. Darrah  
Attorney: S. Brewer  
RASS: M. O'Dell, G. Bendell

2011-19 (S. McSherry)  
Elk Lake Land, Inc.  
Town of North Hudson, Essex County  
Resource Management

**JURISDICTIONAL PREDICATES:** Shoreline setback variance for a structure pursuant to Section 806 of the Adirondack Park Agency Act and 9 NYCRR Part 576

**PROJECT STATUS/TIME CLOCK:**

1. Completion Date: N/A
2. Public comment period expired: December 9, 2011
3. 45-Day Clock: Extended by agreement to February 17, 2012
4. Public Hearing Date: December 1, 2011
5. Public Hearing Transcript received: December 1, 2011

**DESCRIPTION OF THE PROJECT:** The variance request involves construction of a logging bridge across the Branch, a river designated to be studied as a wild, scenic or recreational river. The bridge will be 45 feet long and 14 feet wide with a driving surface of 12 feet. New concrete abutments and footers will be installed above the mean high water mark. The

bridge will be no less than five feet above normal water levels. The crossing is the site of a previous bridge which was removed in 1968. The existing access road will be utilized. Wetlands associated with the shoreline of the Branch will not be filled or impacted by the project as proposed.

**ISSUES AND DISCUSSIONS:** Alternatives, minimum relief necessary, practical difficulty, water quality protections.

**RECOMMENDATION:** Grant variance with conditions and approve the project

EPS: S. McSherry

Attorney: E. Phillips

RASS: M. O'Dell, G. Bendell

2002-265 (C. Parker)

Patricia Stafford

Town of Putnam, Washington County

Resource Management and Moderate Intensity

**JURISDICTIONAL PREDICATES:** Section 806 of the Adirondack Park Agency Act (Article 27 of the Executive Law) and 9 NYCRR Parts 572, 575 and 576

**PROJECT STATUS/TIME CLOCK:**

1. Date of Variance hearing: November 7, 2011
2. 45-Day Clock: post-hearing Agency action date extended by agreement to February 17, 2012

**DESCRIPTION OF THE PROJECT:** The construction of a new single family dwelling on the easterly side of Black Point Road in the Resource Management area. The dwelling will be connected to the municipal wastewater collection and treatment system and the structure will be located 80 feet from the mean high water mark of Lake George at its closest point. The footprint of the proposed single family dwelling will be approximately 30 feet by 70 feet, inclusive of a 20 foot by 30 foot open deck, and a two-stall garage under the first floor. The structure will be 34 feet 6 inches tall as measured from the lowest grade to the highest point.

**ISSUES AND DISCUSSIONS:** Pursuant to Executive Law Section 806 and 9 NYCRR Part 576, a variance from the 100-foot shoreline setback in a Resource Management area is required to construct the proposed single family dwelling 80 feet from the mean high water mark of Lake George. As such, the Agency must determine:

Minimizing potential visual impacts and storm water and erosion controls were other issues reviewed. During initial review of the project, wastewater treatment was a significant issue, but development of the municipal wastewater treatment system along Black Point Road resolved that issue.

**RECOMMENDATION:** Grant variance with conditions and approve the project

EPS: C. Parker/A. Lynch  
RASS: S. Lalonde

Attorney: E. Phillips

(4) Old Business

(5) New Business

TM:REW:HEK:mlr