

Lake George Park Commission
Policy and Procedure Memorandum
#01-15 Decision of Policy and Direction to Staff
Structures appurtenant to Wharfs and Docks
 Adopted March 24, 2015 Resolution 2015-14

STATUTORY AUTHORITY: ECL §43-0117.4

REGULATORY ENACTMENT: 6 NYCRR 646-1 Docks, Wharfs, Moorings and Marinas and 6 NYCRR 645-2.1 Definitions

Purpose

To set forth the Commission interpretation of its regulations relating to its jurisdiction over accessory and incidental structures associated with docks and wharfs to assist applicants and staff in the preparation and review of project plans for dock applications.

Background

Although it is always a good practice to show every structure associated with a dock or wharf complex in the project plans, there are minor items which do not require permitting and therefore have not traditionally been required to be included in project plans. These interpretations are based on regulatory definitions and long standing practices. Structures not included in these lists are assessed on a case by case basis.

General Statement of Policy

This memorandum sets forth thresholds of jurisdiction over various structures associated with docks and wharfs. All jurisdictional structures must be shown on project plans.

PERMITS ARE GENERALLY NOT REQUIRED FOR THE INSTALLATION OR PLACEMENT OF THESE STRUCTURES ON EXISTING WHARFS

****As long as height limit is not exceeded****

Berthing Related

1. Whips
2. Cleats
3. Boat lift Battery boxes (as long as decking is not added to support boxes)
4. Chains or other boatlifts suspended from the ceiling of a boatcover
5. Temporary timbers used in the off season for stabilizing slips or hoisting boats.

Non-Berthing Related

6. Diving boards
7. Slides
8. Ladders or swim steps into water; steps must be less than 4' in width and no step may have a depth greater than 1'.
9. Flag poles
10. Weathervanes
11. Portable storage boxes
12. Picnic & dining tables, chairs, freestanding bars, hightop tables, fish preparation tables
13. Removable shade canopies; less than 10' x 10' and not over slips.
14. Umbrellas
15. Satellite dishes
16. Solar panels not substantially increasing the height of a roof. (see below)

PERMITS ARE REQUIRED FOR THE INSTALLATION OR PLACEMENT OF THESE STRUCTURES ON WHARFS:

1. New square footage such as stair platforms (areas of dock added for the purpose of providing a landing area for swim steps), "triangles" in berths, swim steps or stairs deeper than one foot and wider than 4', and new decking lakeward of the mean high water level. All square footage of surfaces lakeward of the mean high water level is included when calculating total square footage, except for roof and sundeck areas and areas of non-exempt swim steps or ramps landward of the normal summer lake level (319.56).
2. "Frog hooks" and similar devices designed to increase berthing capacity of docks.
3. Independent tie-off posts.
4. Boat lifts, hoists and drive on platforms.
5. Ramps (see below).
6. Storage sheds, built in cabinets and bars.
7. Boathouses, sundecks, canopies over slips, canvas & frame structures over slips
8. Permanent or retractable panels (garage door type, pull down blinds, tarps, canvas, sliding panels, etc) closing in an open-sided boatcover.
9. Frames, hangers, racks for kayaks, canoes, etc.
10. Cupolas.
11. Permanent canopies. (permanent means structurally integrated with the dock and/or permanently or seasonally anchored to the dock or sundeck)
12. Railings, fences.
13. New or modified stairs and ramps for sundeck access lakeward of the mean high water mark.

RAMPS (decked or framework only, with no excavation of shoreline or fill involved - concrete or macadam ramps require an Article 15 permit from DEC)

Boat ramps built in the lake, that is, lakeward of the mean high water level, are defined as wharfs under the regulations and require a permit and annual registration as a wharf. Boat ramps built substantially upland of the mean high water level do not require a permit from the Commission (unless used for berthing) but may require a local land use permit.

If the ramp is to be used as a commercial boat launch, a Class A Marina permit or permit modification would be required (except where project is a repair or replacement).

For the purpose of determining if a ramp is located *substantially upland* of the mean high water line (MHW); a ramp would be considered substantially upland of the MHW if it extends less than two feet lakeward of the MHW.

For the purpose of determining the square footage of a ramp, all square footage between the Mean High Water (320.20) and the normal summer lake level (319.56) should be included.

SOLAR PANELS

Jurisdiction rests on whether the panels are considered to be "structures". Parameters for defining a "structure" in this context are as follows:

The roofing material that is available with integrated photovoltaic elements is not a structure.

Solar panels that are supported entirely by the structural elements of the roof by flush mounting the panels in plane with and within 12 inches of the roof are not a structure.

Erecting elements such as braces, brackets, support columns, uprights etc., to support an array of panels above and out of the plane of the roof is a structure, requires a permit.

Any additions to the roof of a boatcover must conform with the height limit (16' from mean high water level)

Applicable Provisions of the Regulations (reference only):

645-2.1(e) Boat launch means a place or facility, including beaches, ramps, dock structures, derricks, railways, hoists, trailers, or other devices from which or by which vessels are put or placed into or removed from the waters of Lake George, but shall not include such facilities, devices or structures used exclusively as part of a residential or association dock by the owner or the owner's family.

645-2.1(cf) Wharf means any structure or device built or used as a berthing place for vessels, including any dock, pier, pile, lateral projection, walkway, quick launch facility, or structure or area used for the dry storage of vessels as part of a quick launch facility.

645-2.1(bv) Structure means anything constructed, erected or placed on, under or above the waters of the Park, or any object constructed, installed or placed on land to facilitate land use and development or the subdivision of land, such as buildings, sheds, single family dwellings, mobile homes, signs, tanks, fences, poles, docks, wharfs, piers, moorings, and any fixtures, appurtenances, additions and/or alterations thereto.

646-1.1 (a) (1) No person shall construct, erect, place, alter, modify, enlarge, or expand any dock, wharf or mooring on waters of Lake George without having first obtained a permit from the Commission; and

646-1.1 (c)(8) No structure shall be constructed on a dock, wharf or mooring which exceeds sixteen feet in height above the mean high water mark and which is not in compliance with local zoning.

646-1.1 (c) Special Requirements. All new docks, wharfs and moorings shall comply with the provisions of this paragraph:...

Regulatory design limits for docks summarized:

LAKE FRONTAGE	NUMBER OF WHARFS	NUMBER OF MOORINGS
45' TO 65'	1 straight pier	0
66' TO 150'	1 straight, T, L, OR U shaped	1
151' TO 250'	2 straight, T, F, L, U or 1 E shaped	2
251' TO 500'	3 straight, T, F, L U or 2 E shaped	3
501 +	4 straight, T, F, L U or E shaped, plus one additional for each 150 feet	4 plus one additional for each 150 feet

Length	no more than 40 feet from mean low water mark, no more than 100 feet from mean high water mark
Width	no more than 40 feet along shore, no pier greater than 8 feet or less than 2 feet wide
Size	no greater than 700 square feet per dock, measured from the mean high water mark
Height	no higher than 16 feet from mean high water
Setbacks	no closer than 20 feet from adjacent property lines as extended into lake on the same axis as the property line runs onshore where it meets the lake, or at a right angle to the mean high-water mark, whichever results in the greater setback.