



**Lake George
Park Commission**

Regulatory Permit Program

2023 Annual Report

**Lake George Park Commission
PO Box 749 Fort George Rd
Lake George NY 12845**

LGPC ENVIRONMENTAL PERMITS PROGRAM 2023 ANNUAL REPORT

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INTRODUCTION

The Lake George Park Commission is charged by NYS to protect the natural resources of Lake George to the best of its ability, within its granted authorities. These authorities include oversight and permitting of all marinas, docks, moorings and tour boats on the lake, public safety through its Marine Patrol division, stormwater management from land development activities, invasive species prevention and management, and other activities.

The Environmental Permits Program of the Lake George Park Commission entails all permitting and regulatory activities derived under NYS Environmental Conservation Law Article 43 and the Commission's regulations under 6NYCRR 645 & 646. This program is responsible for administrative processing of applications for permits including jurisdictional determinations, State Environmental Quality Review Act reviews, processing of all permit applications, issuance of delegated permits, referral of applications to the Project Review Committee for decision by the full Commission, and appearance at public meetings of the Commission. Additionally, this program maintains the records on authorized dock & mooring configurations on all privately owned lakefront properties and is regularly called upon to assist in regulatory interpretations pertaining to permits and registrations.

Program staff assist permit applicants in properly planning projects and completing required forms as required under regulation. They explain the Commission's standards and permit requirements, conduct technical reviews of applications and evaluate proposed projects against established regulatory criteria. Other responsibilities include response to public inquiries, pre-application conferences with applicants and coordination of reviews with other agencies including municipalities, the Department of Environmental Conservation, the Office of General Services, the Office of Parks, Recreation and Historical Preservation, the Army Corps of Engineers and the Adirondack Park Agency. Program staff routinely review regulations and procedures as part of efforts to improve services, reduce processing time, avoid duplication of efforts and reduce unnecessary red tape.

2023 INITIATIVES & UPDATES

New Wastewater Regulations

In spring of 2023, the Commission formally adopted and began administration of Wastewater Management regulations at 6NYCRR 646-3. These regulations include the following substantive standards:

Wastewater Inspection Program:

- Recurring 5-year inspection of septic systems located within 500' of Lake George and within 100' of DEC streams
- Annual inspection fee for landowners in the routine inspection program:
 - \$50/yr -residential system, \$100/yr – commercial system

New Design Standards for all Wastewater Systems in the Lake George Park:

- Vertical separation of absorption area to bedrock and seasonal high groundwater increased to minimum 3'
- Absorption area has a minimum 100' setback to waterbodies for all new and replacement systems
- Septic systems for redevelopment projects must meet current codes
- Eliminate 30% reduction in absorption area/trench length allowed by DOH for Enhanced Treatment Units (ETUs) and Open-Bottom Gravelless Chambers
- Systems that require variances from environmental standards must employ additional methods, measures, and/or practices to reduce phosphorus release to the environment

2023 PROGRAM STATISTICS

Dock and Mooring Program

The purpose of the dock & mooring program is to reduce congestion, overcrowding, and safety hazards and to protect the resources of the lake. Standards within Commission regulations at 646-1 limit the scope of projects and establish environmental and navigational review criteria. Specific design limitations on the number, size, and configuration of docks and moorings establish density thresholds. These limitations sometimes require interpretation and complex review of project applications. These applications often involve substantive comments by adjacent owners. The Commission pays keen attention to the careful siting of structures, and through determinations on issues under its purview, resolves conflicts which might otherwise be raised to judicial review.

Applications for 14 new docks and 121 dock modification were processed in 2023. Of these, 13 involved construction of a new boathouse or sundeck, and 49 were limited to the placement of a boat lift or PWC lift. Additionally, 19 applications were processed solely for crib repair (Article 15 Standard Activity Permit), and another 24 applications involved crib work associated with the construction of a new or modified dock. Five (5) new mooring applications and one (1) mooring modification were processed. Nine (9) dock variance requests were reviewed by the Board with 7 approved, 1 denied, and 1 tabled.

To date, compliance inspections have been conducted on 514 new docks and dock modifications constructed between Jan 1, 2012 and December 2023. Of the 514 dock complexes inspected, 75% have been found to be in compliance with their permits, 11% were not in compliance with their permits, but were either in compliance with regulatory limits or easily corrected and approved without enforcement action, and 14% were referred to LGPC Law Enforcement for further action. Ultimately, all of the docks reviewed have been brought into compliance or settled in a manner acceptable to the Commission. Full compliance inspections started in 2012 regarding dock construction has helped to greatly reduce issues of long-standing non-compliant docks on Lake George, and also reduce tensions among adjacent landowners on the lake. Compliance rates have greatly

increased over 10+ years of dock inspection effort; the average compliance rate in the first five years was 59% compared with 88% in the most recent five years.

Marina Program

The most significant goals of the marina program are to ensure that there is a comprehensive environmental review and opportunity for public comment on any plan to build or expand a marina; to ensure that marinas operate with care for natural resources, especially as that relates to such factors as waste management, wastewater and stormwater management, fuel handling, and boat cleaning; and to reduce the potential impacts of intensive uses on nearby residential neighborhoods.

Under the program, marinas include traditional boatyards and launches, tour boat terminals, resorts and restaurants that rent slips, neighborhood marinas offering boat berthing only, as well as homeowners who let friends or relatives berth their boat for the season. Regulatory standards address a wide range of issues for the traditional full-service marinas including; expansion, quick launching, PWC rentals, fuel handling, boat cleaning, pump-outs and waste management.

In 2023, the Commission received applications for 35 marina permit renewals, 4 marina modifications, and 2 new Class A Marinas. Six (6) new Class B marinas (landowner docks allowing one slip for non-family seasonal berthing) were registered during the year.

Recreational Use Program

Statutory authority over certain vessels offering food, beverage, amusements, etc. has been in effect since 1961. Regulations requiring operational permits for parasails, seaplanes, tour boats, and new recreational uses, were promulgated in 1991. Parasails, Tour Boats and Seaplanes in operation prior to the adoption of the permit requirements were issued permits as a matter of right, but still must adhere to the adopted restrictions. The program's purpose is to maintain oversight over the existing uses, allow public scrutiny of new proposals in order to protect existing recreational users and to provide for reasonable public access to the lake. Review of these applications can be extensive and time consuming due to the many potential impacts on the lake and other existing recreational uses.

There are approximately 40 active Tour Boat operations permitted on the Lake.

There were five active seaplane berthing permits in 2023; one in the Northwest Bay area, two in Queensbury and two in the town of Putnam.

There are two operating permits for Parasails. The owner/operators are JDQ Enterprises and National Watersports. Both are located in Lake George Village.

Stormwater Management Program & Stream Corridor Protection

The Commission's Stormwater Management regulations were adopted in September of 1990, shortly following the creation of the Commission as a full NYS agency in 1988. These new regulations subsequently survived a court challenge in 1993, and were substantially

revised in September of 1998. These regulations were updated in 2021 to include new technical standards including a stormwater retrofit requirement for all jurisdictional projects. The 2021 stormwater updates were promulgated concurrent with new, complimentary regulations creating 35’ stream corridor protections. The goal of the Stormwater Management and Stream Corridor regulatory program is the protection of water quality, given that stormwater runoff is the primary contributing factor to water quality degradation of Lake George. Control of stormwater runoff and erosion is required for new development projects, and existing development is assessed for potential improvement to runoff conditions. Most of the permits issued for stormwater management are for single family homes, and would fall below jurisdictional thresholds for stormwater management elsewhere in the State.

Towns have the option to adopt local ordinances and administer the permit program themselves or to have the Commission administer the program. The program is administered by the Commission in the Towns of Hague, Ticonderoga, Putnam, Dresden, and Fort Ann. Bolton, Lake George, the Village of Lake George, and Queensbury administer the stormwater program themselves.

In 2023 there were fifteen (15) minor and six (6) major Stormwater Management applications reviewed by the Lake George Park Commission. There were 35 stormwater jurisdictional requests received. These numbers do not include the stormwater permits in the more developed areas of the Lake George watershed (Queensbury, Lake George and Bolton Landing), which manage the Commission’s stormwater program within their municipalities by their own dedicated staff.

Permit activity trends over the past several years are shown in the next section below.

PERMIT ACTIVITY TRENDS

Table 1: Compliance Status of Dock Construction Permits

Year	Compliant		Approved*		Non-Compliant		Total
2012	30	58%	14	27%	8	15%	52
2013	24	63%	9	24%	5	13%	38
2014	29	58%	8	16%	13	26%	50
2015	29	59%	11	22%	9	18%	49
2016	30	59%	8	16%	13	25%	51
2017	32	94%	2	6%	0	0%	34
2018	12	75%	1	6%	3	19%	16
2019	28	78%	4	11%	4	11%	36
2020	26	100%	0	0%	0	0%	26
2021	52	90%	0	0%	6	10%	58
2022	40	83%	0	0%	8	17%	48
2023	51	91%	0	0%	5	9%	56
Total	383	75%	57	11%	74	14%	514

**Dock did not match permit but was in compliant with regulations and approved without enforcement.*

Table 2: Applications/Requests Received

Year	'14	'15	'16	'17	'18	'19	'20	'21	'22	'23
New Docks	21	15	15	10	12	11	10	14	17	14
Dock Modifications	100	108	88	88	97	86	117	108	106	121
Vessel Lift Only	x	49	27	33	28	23	29	41	33	49
New Cribs & Repairs	57	55	82	50	71	59	35	55	47	43
Crib Work Only	x	x	x	x	x	x	x	35	24	19
New Moorings	9	9	13	9	13	9	9	8	9	7
Moorings Modification	0	5	1	2	1	3	3	0	1	1
Existing Mooring	2	2	0	0	2	5	0	0	0	0
Stormwater (SW)	19	20	16	22	23	24	21	44	32	21
SW Jurisdiction	12	20	25	31	27	27	31	57	39	35
Logging NOI ¹	x	x	x	x	x	x	x	5	2	7
Stream Corridor ¹	x	x	x	x	x	x	x	2	0	1
New Class A Marina	6	3	9	6	5	7	3	6	4	2
Marina MOD/Renewal ²	9	25	30	39	27	25	x	x	x	x
Class A Marina MOD	x	x	x	x	x	x	10	9	4	4
Class A Marina Renewal	x	x	x	x	x	x	5	12	13	35
New Class B Marinas ³	3	5	111	10	6	14	11	4	3	6
Recreational Uses ⁴	2	4	4	16	25	19	x	1	0	0
New Tour Boat	x	x	x	x	x	x	2	11	3	4
Tour Boat Modification	x	x	x	x	x	x	4	9	3	2
New Seaplane	x	x	x	x	x	x	2	0	0	0
Seaplane Modification	x	x	x	x	x	x	2	0	0	0
New Parasail	x	x	x	x	x	x	0	0	0	0
Parasail Modification	x	x	x	x	x	x	2	0	0	0
Total Received	238	269	394	283	307	284	267	345	283	303

Permit renewals	x	x	x	x	x	x	48	95	113	108
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¹Logging Notice of Intent and Stream Corridor first required by regulation in 2021

²In 2020, data analysis began differentiating between marina modifications and marina renewals

³The increase in Class B Marina registrations was a response to the LGPC outreach and education

⁴The 2017 increase is due to charter boats included among Tour Boats. In 2020, Rec Uses were itemized by individual permit types (parasail, tour boat, seaplane).

Table 3: Annual Applications Reviewed by the Commission Board

'09	'10	'11	'12	'13	'14	'15	'16	'17	'18	'19	'20	'21	'22	'23
10	30	15	22	16	20	20	24	30	22	33	19	22	16	21

Table 4: Applications Reviewed by the Commission Board in 2023

Date	Applicant	Project	Variance	Town	Final
Jan 24	Haraden	Dock mod	Yes	Qsby	Approve
Mar 31	Royal Anchorage	Dock mod	Yes	Putnam	Approve
	Dave Massaroni	Marina mod	No	Bolton	Approve
	Bruce Olsen	Boathouse	Yes	Fort Ann	Approve
	Torren Moore	Marina mod	No	Qsby	Approve
Apr 25	Vito Caselnova	Tour Boat app	No	LG	Approve
May 30	McMullen	Dock mod	No	Fort Ann	Tabled
	Pleasant Waters	New Class A	No	Bolton	Approve
	Drew Zeinhart	Tour Boat App	No	Bolton	Approve
	Scrimshaw	Dock mod	Yes	LG	Approve
June 27	Michael Cyr	Dock mod	No	Bolton	Approve
	Gene Porter	Dock mod	No	Ti	Approve
	Snug Harbor	Marina mod	No	Ti	Approve
July 25	Baskevich	Dock mod	Yes	Fort Ann	Denied
	Michael Serini	Dock mod	Yes	Qsby	Approve
	Richard Scanlon	Tour Boat	No	LG	Approve
Sept 26	Fairview	Dock mod	Yes	LG	Approve
	J&D Marina	Marina Mod	No	Qsby	Approve
Nov 28	Carleton Mahony	Dock mod	Yes	Qsby	Approve
	Quirk-The Anchor	Tour Boat	No	LG	Approve
	Trout House	Dock mod	Yes	Hague	Approve

LGPC staff are responsible for ensuring that all projects are as ready for Board deliberation as possible, including analyses of alternatives, potential impacts and public input. The goal is to make all applications ready for decision, as all regulatory requirements are met for consideration.

LGPC REGULATORY PROGRAM FRAMEWORK

Statutory Authority: Article 43 of the Environmental Conservation Law

Regulatory Authority: Subparts 645-5, 645-6, 645-8, 646-1, 646-2, 646-4, 646-5, 646-7, AND 646-9 of Title 6 New York Compilation of Rules and Regulations

Delegated Authority: Section 15-0505 ECL, 6NYCRR Part 608 Excavation/Fill activities related to wharf or dock construction on Lake George

In accordance with its statutory responsibilities, the Commission has developed rules and regulations governing the review and approval of projects and activities as follows: the construction, placement or modification of wharfs, docks and moorings, the operation of marinas, tour boats, parasails, seaplanes and new recreational uses, the erection of on-premise advertising signs, the control and management of stormwater runoff, stream corridor management, and the prohibition of aquatic invasive species introduction.

In order to provide for the administration of the rules, the Commission has promulgated comprehensive regulations governing the processing of permit applications, public comments and hearings on proposed projects and decisions.

The regulations have been promulgated through many rulemaking processes since revision of Article 43 on January 1, 1988 and each involved substantial public participation efforts. Additionally, jurisdiction over excavation and fill activities associated with docks pursuant to 6 NYCRR Part 608 was delegated to the Commission by the Department of Environmental Conservation in 1992.

Board of Commissioners Review and Staff Delegation of Authority

The Lake George Park Commission's ten-member appointed Board is charged with deciding approval of permit applications, to impose conditions on projects and whether to hold hearings or require environmental reviews, except where that responsibility has been delegated to staff as noted below.

The Commission Board renders such decisions at its regular monthly meeting only after the written public comment period has expired and staff has provided for public comment and conducted environmental and regulatory reviews. A Board quorum vote of six members is required for permit decisions. The Commission Board also bears responsibility for regulatory interpretations and regulatory reforms.

By Policy and Procedure Memo 03-99, the Commission Board has delegated to staff the authority to review and act on certain applications and registrations including the following:

- the registration of an existing dock
- the construction of docks or moorings involving no variance
- Article 15 permits related to dock activity
- stormwater management permits not requiring a variance from standards
- class A marina permits involving an existing marina with no material increase in the facility or scope of permitted activities
- the registration of class B marinas
- letters of jurisdiction/non-jurisdiction
- the renewal or transfer of any permit previously issued by the Commission

- involving no material change in the permit scope or activities
- the modification to any permit previously issued involving minor changes to the project design or permitted activities

Excluded from the delegation are approvals for:

- Marina construction, or any increase in scope of permitted activities
- special permits for new recreational uses or for new or modified seaplanes, tour boats, or parasail operations
- all applications which require a variance to any standards of 6 NYCRR 645 or 646
- projects which would elicit considerable public interest or potential conflict

The Project Review Committee

The Project Review Committee is responsible for organizing the Commission's review of monthly permit applications which will be reviewed by the full Board. The Committee is made up of Commission members appointed by the Chair of the Commission.

The Committee conducts on-site visits to applicant properties to get an understanding of the proposal and the site itself. Following this, at the regularly scheduled public meetings, the full Board of Commissioners hears oral statements from the applicant, affected members of the public and interested parties. Ultimately, the full Board takes a vote and reaches a decision on the application.

The Chief Permit Administrator

The Executive Director of the Commission is the Chief Permit Administrator pursuant to the bylaws of the Commission. The Chief Permit Administrator is responsible for ensuring that decisions of the Commission on applications are promptly implemented either in the form of a permit or letter of denial.

In addition, the Chief Permit Administrator oversees the function of staff in conducting environmental reviews, in holding hearings and addressing issues of public comments, and in ensuring a timely processing of permit applications and the accuracy of decisions rendered thereon. Pursuant to the Commission's By-laws, the Chief Permit Administrator may delegate authority for permit issuance to a Deputy, which traditionally has been the Commission's senior Environmental Analyst.

Environmental Analysts/Deputy Permit Administrator

The significant workload of the Commission's regulatory program is conducted by two Environmental Analysts. The senior analyst is designated as the Deputy Permit Administrator and serves as coordinator of the Environmental Permits program. The two analysts conduct the day-to-day functions of the program under the supervision of the Executive Director.

The Environmental Permits staff are responsible for disseminating information to the public on permit requirements, consulting with applicants on proposed projects, making initial determinations of jurisdiction, preparing public notices and project summaries,

conducting environmental reviews and preparing staff positions on conformance of proposals to specific statutory and regulatory criteria, preparing permits and keeping accurate and up-to-date records on permit decisions and facilities.