

The Post-Star

Letter from LGPC says agencies' rules would be in conflict

## APA reviews public comments on boathouse rules

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In its monthly meeting on Thursday in Ray Brook, the Adirondack Park Agency lightly touched on the process of changing boathouse and dock rules to eliminate rooftop decks, even in the wake of a contentious public hearing in Lake George last week and opposition from the Lake George Park Commission.

"In Lake George we had a robust attendance," attorney John Banta told the agency's commissioners on Thursday when reporting on regulatory hearings.

In his brief report to the group, Banta said all the other public hearings on the issue were sparsely attended, with only one formal comment made in meetings in both Albany and Old Forge.

A video of the hearing at APA headquarters in Ray Brook is posted on the agency's Web site, Banta said.

The agency did not take any action on the proposed changes on Thursday, as the public comment period in which the agency is still receiving e-mails and letters will be open until Tuesday because Monday is a holiday.

But even before the commissioners see those comments, one woman already had a question of how the regulations would change the view of a lake shore where large vessels lined its shore because boathouses couldn't be built large enough to accommodate them.

Other APA members said it was too soon to ask that question.

APA spokesman Keith McKeever said it might be at least until February or March before the agency takes any action on the proposals, which have drawn ire in the local community.

The regulations would limit boathouses to 900 square feet and mandate pitched roofs, eliminating rooftop decks. Agency officials argue that since decks themselves are subject to shoreline setbacks, these decks should not be allowed. Articulating docks, which suspend over the water in the winter to prevent ice from destroying permanent docks, would also not be allowed.

At a public hearing in Lake George last week, residents were unanimous in their opposition to the rules, and nearly 15 people including local politicians and even the chairman of the Lake George Park Commission spoke against the proposed rules.

No one at the meeting, where more than 50 residents filled the meeting room, spoke in favor of the changes.

At the meeting, Bruce Young, the LGPC chairman, proposed that the southern Lake George basin be exempt from those rules because they would conflict with LGPC regulations.

Since then, the commission wrote a three-page letter to the APA detailing how the two agencies' regulations would conflict.

"The 900-square-foot limit will create a conflict between our two regulatory programs and prohibit, except when a variance is granted, structures that are currently approvable under the LGPC regulations," the letter states.

Boathouses are limited to a height of 16 feet under park commission regulations, but the new APA rules would limit them to 15.

The new APA rules also don't limit how many boathouses one property can have, and the LGPC letter states that this may allow for bigger properties with extensive shorelines to build multiple smaller boathouses.

"This would exacerbate efforts to carefully site and cluster shoreline development," the letter states.

According to the letter, park commission rules dictate the size of the boathouse depending on the size of the lot.

The letter also addresses the much-criticized proposal to eliminate flat roofs, and thus rooftop decks.

"Pitched roofs occupy more space vertically than flat roofs and can obstruct a neighbor's view from a window or patio at a critical level on the horizon," it states.

"Their use for lounging or sunning is so benign and has become so customary that their prohibition seems disproportionate to any real environmental or aesthetic objective."

The letter encourages the APA to include boathouses and docks approved by the LGPC to their new rules, thereby excluding those from further restrictions.

"The uncertainty created for applicants under such conditions creates the kind of regulation-induced stress and duplication that is not sustainable and understandably undermines confidence in governmental decision making," the letter states.

McKeever said APA officials plan to meet with the LGPC, but eliminating the duplication makes sense.