



# SHORELINE RESTRICTIONS

This is a supplement to the Citizen’s Guide, which provides basic information about Adirondack Park Agency regulations.

Pursuant to §806 of the Adirondack Park Agency Act, the following restrictions apply regardless of whether an Agency permit is required for a new land use or development or subdivision.<sup>1</sup> Additional restrictions may also apply to the shoreline of rivers included in the New York State Wild, Scenic, and Recreational River System.

## STRUCTURE SETBACKS

(these setbacks do not apply to docks and boathouses; see below)

Any new structure<sup>2</sup> exceeding 100 square feet in size must comply with the following minimum setback distances from the mean high water mark (the average annual high water level) of any lake or pond or any river or stream navigable by boat, including canoe:

<b>Hamlet</b>	<b>50 feet</b>	<b>Rural Use</b>	<b>75 feet</b>
<b>Moderate Intensity Use</b>	<b>50 feet</b>	<b>Resource Management</b>	<b>100 feet</b>
<b>Low Intensity Use</b>	<b>75 feet</b>		

Structures that are only partially located within the setback, as well as individual structures that are attached to each other, are measured in their entirety for the purpose of implementing these restrictions.<sup>3</sup> The setback is measured horizontally along the shortest line between any point of the structure and any point on the shoreline at the mean high water mark. The Agency will locate the mean high water mark upon request of any landowner contemplating development.

Structures that lawfully exist within a shoreline setback area may be replaced or rebuilt in the same location or immediate vicinity. Effective December 31, 2008, the following changes to the dimensions of a lawfully existing structure within the setback area require a variance, whether the changes occur through expansion or replacement: (i) location of the structure any closer to the mean high water mark; (ii) any increase in height; (iii) any increase in footprint; or (iv) any increase in width. However, an increase in the dimensions of a lawfully existing single family

<sup>1</sup> The shoreline restrictions of APA Act §806 are incorporated in the Agency-approved local zoning program for the Towns of Arietta, Bolton, Caroga, Chester, Chesterfield, Colton, Day, Edinburg, Hague, Horicon, Indian Lake, Johnsbury, Newcomb, Queensbury, Westport, and Willsboro, and the Town and Village of Lake George. Advice on requirements and variance procedures may be obtained from the local code enforcement officer.

<sup>2</sup> The term structure includes decks, stairways, porches, sheds, fences, picnic shelters, cabins, lean-tos, etc. Motor vehicles and trailers that are registered with the DMV, have a current inspection sticker, and are not connected to an in-ground wastewater treatment system are generally not considered structures subject to the setback requirements.

<sup>3</sup> Structures may be considered attached for Agency purposes if they are less than ten feet apart or structurally integrated. However, existing stairways, ramps, patios, walkways, docks, and boathouses are considered individual structures for replacement purposes if they extend toward the mean high water mark from another structure, regardless of their attachment to that structure. Please contact the Agency for more information.

dwelling by up to two feet in height<sup>4</sup> and/or 250 square feet of footprint to the rear (non-shoreline side) does not require a variance. A one-time addition of a stoop no larger than 25 square feet providing access to the rear or side of a lawfully existing single family dwelling or mobile home also does not require a variance. There are minor expansions allowed for other types of lawfully existing shoreline structures, as well; please contact the Agency for more information.

No variance is required for any replacement or expansion undertaken outside the shoreline setback area.

### **DOCKS AND BOATHOUSES**

A structure that constitutes a dock or boathouse pursuant to the definitions referenced below is not subject to the shoreline setback requirements.

**Dock** is defined under §570.3(j) of Agency regulations. In general, a dock is a floating or fixed structure no more than eight feet in width, including at its attachment to a shoreline or boathouse, that could be used for securing and/or loading or unloading water craft and/or for swimming or water recreation.<sup>5</sup> A structure that meets this definition is considered a dock below the mean high water mark and a boardwalk, deck, or other structure upland of the mean high water mark. Docks that are hoisted or suspended above water level for storage must conform to additional parameters.

**Boathouse** is defined under §570.3(c) of Agency regulations. In general, a boathouse is a covered structure with direct access to a body of water that is used only for the storage of boats and associated equipment, does not contain sanitary plumbing of any kind, does not exceed a single story in that the roof rafters rest on the top plate of the first floor wall, and has a footprint of 1200 square feet or less and a height of fifteen feet or less. The footprint of a boathouse is measured at the exterior walls, or at the perimeter of the roof if the roof is flat or there are no exterior walls. The height of a boathouse is measured from the surface of the floor serving the boat berths to the highest point of the structure. A structure within the Lake George Park may be a boathouse even if it does not meet this definition, provided the structure is in compliance with a permit from the Lake George Park Commission.

### **MINIMUM LOT WIDTHS**

Any subdivision creating a new parcel on which a new principal building will be constructed must comply with the following lot widths, as measured along the shoreline at the mean high water mark. This standard applies even when no Agency permit is required for the subdivision.

<b><i>Hamlet</i></b>	<b><i>50 feet</i></b>	<b><i>Rural Use</i></b>	<b><i>150 feet</i></b>
<b><i>Moderate Intensity Use</i></b>	<b><i>100 feet</i></b>	<b><i>Resource Management</i></b>	<b><i>200 feet</i></b>
<b><i>Low Intensity Use</i></b>	<b><i>125 feet</i></b>		

Additional shoreline lot width may be required for (i) providing deeded or contractual access to water bodies and (ii) the creation of lots in designated Scenic and Recreational River areas.

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<sup>4</sup> For the purpose of implementing 9 NYCRR §575.5, the height of buildings with roof ridgeline(s) is measured at the highest point of the highest roof ridgeline. The height of buildings without roof ridgeline(s) is measured at the highest point of the structure.

<sup>5</sup> When a dock contains interconnected components extending parallel to the shoreline, each component must be no more than eight feet in width and must contain a minimum of three feet of space on each side to allow for the berthing of a boat.

## **SEWAGE SYSTEM SETBACKS**

Any new leaching facility (including a seepage pit, drainage field, outhouse, or pit privy) receiving any form of household effluent<sup>6</sup> must be set back at least 100 feet from any water body, including an intermittent stream with a defined bed and bank. The setback is measured horizontally along the shortest distance from the mean high water mark to the closest point of the leaching facility. New York State Department of Health standards also require that the absorption field (leaching facility) of any new on-site sewage disposal system be installed at least 100 feet from the source of any water supply system.

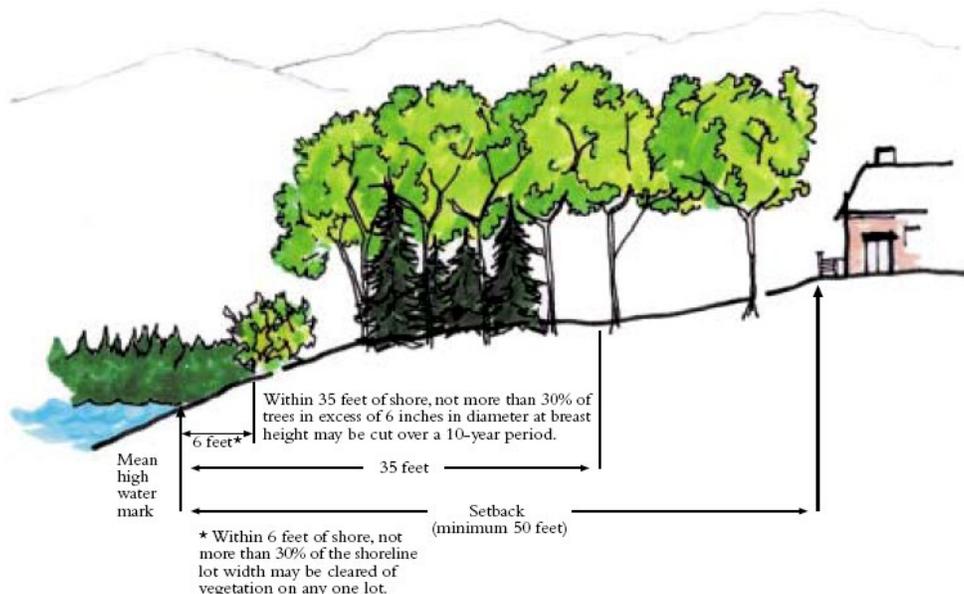
Alteration or replacement of a lawfully existing leaching facility located within 100 feet of a water body must occur in conformance with the setback requirements to the greatest extent possible, with the leaching facility located no closer to the mean high water mark, and must provide enhanced treatment.

Upon the expansion of any structure to allow for an actual or potential increase in occupancy, the leaching facility serving the structure must be located at least 100 feet from all water bodies.

## **SHORELINE CUTTING RESTRICTIONS**

Except to allow for the removal of diseased vegetation and rotten or damaged trees, all vegetative cutting on a parcel with shoreline on a lake, pond, or navigable river or stream must comply with the following restrictions:

- (a) Within 35 feet of the mean high-water mark, no more than 30 percent of the trees in excess of six inches diameter at breast height (4-1/2 feet above ground) may be cut over any 10-year period.
- (b) Within 6 feet of the mean high-water mark, no more than 30 percent of any vegetation may be removed.



<sup>6</sup> Effluent from sewage treatment plants is not considered household effluent.

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This flyer is intended to provide general information regarding Agency jurisdiction. Other provisions or restrictions may apply if an Agency permit or variance is required or if the property has previously been subject to Agency review.

Please contact the Agency with any questions at 518-891-4050. For a binding written response as to whether a specific proposal requires Agency review, please submit a Jurisdictional Inquiry Form (JIF). The JIF form is available on the Agency website at [www.apa.ny.gov/Forms/jiform.pdf](http://www.apa.ny.gov/Forms/jiform.pdf).