



## Adirondack Park Agency

**LEILANI CRAFTS ULRICH**  
Chairwoman

**TERRY MARTINO**  
Executive Director

### **MEMORANDUM**

TO: Jim Townsend, Counsel

FROM: Sarah Reynolds, Associate Counsel

DATE: December 3, 2015

RE: **Legal Guidance, August - November 2015**

Please find attached summaries of the legal guidance given to staff between August and November 2015. As possible, all legal guidance information is incorporated into public flyers, which are maintained on the Agency's website.



## **Summaries of Existing Law/Agency Practice**

### **Boathouses and Docks:**

- A structure that comports with §570.3(c) or (j) of Agency regulations is a boathouse or dock, regardless of when the structure was constructed, and may be expanded in size to the limits of the current definition. A structure that does not meet either definition may be considered a lawfully-existing, non-conforming boathouse if it is a covered structure with direct access to a navigable body of water and is used for the storage of boats and associated equipment, or a lawfully-existing, non-conforming dock if it extends horizontally from the shoreline or a boathouse and is used for swimming or water recreation. Lawfully-existing, non-conforming boathouses and docks cannot be expanded.

Boathouses and docks that are attached to other structures are analyzed separately from the attached structures for expansion purposes. For example, a pre-existing house on the shoreline with an attached dock is considered a single family dwelling and a dock: the dwelling would be allowed a minor rearward and height expansion, and the dock could be expanded to the limits of the dock definition. In certain circumstances, however, lawfully-existing, non-conforming boathouses that are part of another structure on the interior are considered only as the other structure, and not as a boathouse. For example, a pre-existing house on top of two boat slips is considered a single family dwelling, rather than a dwelling and a boathouse.

- A new structure comprised of a 1,200 square foot boathouse, 100 square feet of decks and porches, 100 square feet of other attached structures, and docks may be lawfully constructed within a shoreline setback area.

### **Campgrounds:**

- A land use involving fewer than five sites is not a campground. Tourist cabins, yurts, or other similar structures may constitute a tourist accommodation regardless of the number of sites, and fewer than five travel trailers, tents, or tent sites may constitute a commercial use when offered for a fee. Fewer than five camping structures may also create a subdivision into sites, if the structures contain dwelling units.