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BOATHOUSES

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

Section 806 of the Adirondack Park Agency Act establishes shoreline setback restrictions that apply regardless of whether an Agency permit is required[1] for a new land use or development or subdivision.[2] However, a structure that constitutes a boathouse as described in this flyer is not subject to these setback requirements.[3]

Boathouse Definition

As defined under §570.3(c) of Agency regulations, a boathouse is generally *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.*

A covered dock or wharf permitted by the Lake George Park Commission for berthing boats within the Lake George Park is subject instead to the dimensional requirements of the Commission.

Measuring Footprint and Height

A boathouse with a pitched roof and eaves that extend four feet or less from its walls is measured at the perimeter of the walls. A boathouse with no walls, a flat roof, or a pitched roof with eaves that extend more than four feet beyond the structure's walls is measured at the perimeter of the roof.

The following may be attached to a boathouse without affecting the boathouse footprint measurement:

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1 Permitting requirements may apply for the construction of boathouses involving wetlands, within designated Recreational River areas, or for other reasons.

2 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, Johnsburg, 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.

3 Boathouses may not be constructed in designated Wild or Scenic river corridors under the Wild, Scenic and Recreational Rivers System Act.

- 100 square feet of combined footprint of decks and porches, provided these decks and porches are not adjacent to a dock;
- 100 square feet of combined footprint of other structures, provided they do not result in an increase in non-compliance of any lawfully-existing structure; and
- Docks as defined under §570.3(j) of Agency regulations.

The height of a boathouse is measured from the surface of the floor serving the boat berths to the highest point of the structure.

Direct Access

A boathouse must have direct access to a body of water, meaning that boats can be driven into it from the water. A structure into which canoes, kayaks, or small sailboats can be lifted or pulled may also constitute a boathouse if the structure immediately adjoins the shoreline. A storage shed, garage, or other structure that does not immediately adjoin a shoreline is not a boathouse, even if used only for the storage of boats.

Expansion and Replacement

A structure that comports with §570.3(c) of Agency regulations is a boathouse, regardless of when it was constructed, and may be replaced and expanded in size to the limits of the current definition. A structure that does not meet this 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.[4] Lawfully-existing, non-conforming boathouses may be replaced to the same dimensions, but cannot be expanded.

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.

[4] To be considered a lawfully-existing, non-conforming boathouse, a structure constructed between October 15, 1982, and May 2, 2002, must also have no bathroom or kitchen facilities. To be considered a lawfully-existing, non-conforming boathouse, a structure constructed between May 2, 2002, and September 21, 2010, must also have no bathroom or kitchen facilities and must not exceed a single story.