

TOWN OF BALLSTON

Local Ordinance Regulating:

Docks, Moorings,

Boathouses and Marinas

On Ballston Lake

Effective: June 1, 2007

Section: SPECIAL PERMITS

USES FOR WHICH SPECIAL PERMITS SHALL BE ISSUED

DOCKS, MOORINGS, BOATHOUSES AND MARINAS

Objective: These regulations are intended to create reasonable and safe use of the waterfront of Ballston Lake in the Town of Ballston. It is the Town's intent to minimize the impact to the shoreline environment and its natural character by limiting shoreline structures and maintaining conforming construction standards.

Section: DOCKS

- a. A dock is any structure extending over the water from the shore for the purpose of berthing watercraft and which provides access to and from the docked watercraft. Only single tiered docks shall be allowed.
- b. A permit will be required for the construction of any new dock or the complete replacement of an existing dock using the same footprint as of the date of this ordinance. The permit fee is fifty (50) dollars.
- c. Dock construction can be done in any of the following configurations as long as the surface of all dock construction does not exceed three hundred-fifty (350) square feet.
- d. No dock shall be constructed in a configuration other than a straight pier, T, L, U, E or F –shaped. These configurations shall not be interpreted to indicate which side of the structure should be connected to the land.

Permitted Dock Configurations:

I T L F U E

- e. Every dock constructed shall have a minimum setback of fifteen (15) feet from the adjacent property line extended into the water. When the common property line between two properties extended into the water is in question, the common line will be defined as follows: The common line extended into the water between any two pieces of property shall be the line which bisects (cuts equally in half) the angle created by drawing a straight line from each of the outside property line points at the water's edge to the common property point. If either of the parties deems this unfair a request shall be made to the Zoning Board of Appeals (ZBA) to resolve the matter. The ZBA shall resolve the matter based on the facts and circumstances and in a matter which is as fair as possible to both parties. See appendix for illustration.
- f. No dock shall be constructed so as to interfere with normal navigation or with reasonable access to adjacent docks.

g. Each lot, regardless of size, is limited to three hundred –fifty (350) square feet of dockage. No dock shall extend more than thirty-five (35) feet from the mean high water mark which is two hundred-fifty one (251) feet above sea level.

h. No dock shall be constructed unless so designed as to withstand the forces of flowing water and wave washes in a flowing body of water such as river, lake, or stream. No dock shall be constructed unless so designed as to withstand the forces of wave wash and normal winter conditions. Pressure treated (sealed, non leaching type) lumber will be allowed for the construction of the dock except for the legs or other parts which would be in constant contact with the water. Legs of pipe with preformed pads are preferable. Docks shall be securely anchored to the shore. Dock construction with respect to wetlands shall conform to New York State Department of Environmental Conservation regulations

i. Beaching shall be allowed in lieu of docking.

j. Dock rentals are defined as the berthing of vessels other than those registered to the owner of the property, a gratuitous guest, or those having a deeded lake right to the shore front from an upland property, and other than the berthing of vessels as offered as a part of the rental of a residential unit. Dock rentals are not allowed.

k. A permit is not required for repair to an existing dock as long as no change as to size and shape of dock is made.

l. Covered docks with permanent roofs shall not be allowed.

m. Variances can be requested of the Zoning Board of Appeals (ZBA) on an as needed basis. Variances shall only be allowed if the ZBA determines that the strict application of these regulations would cause practical difficulties or undue hardship. If such is deemed the case, then a public hearing will be held wherein the views and opinions of all those concerned will be given due consideration. The ZBA would then make their determination based on all the facts, circumstances and opinions indicated and with a view towards the best interests of the lake/river and the intent of these regulations.

Section: MOORINGS (Floats, Buoys, Seaplanes, etc.)

a. Moorings for these regulations include floats, boats, seaplanes, etc., which are tied or anchored by rope, cable or other suitable material.

b. Moorings shall be placed so that the boat, seaplane etc., moored, at the

full swing of the mooring or anchor line, will be no closer than twenty (20) feet to the property line extended into the water. When the common property line between two properties extended into the water is in question the common line will be defined as follows: The common line extended into the water between any two pieces of properties shall be the line which bisects (cuts equally in half) the angle created by drawing a straight line from each of the outside property line points at the water's edge to the common property point. If either of the parties deems this unfair, a request shall be made of the Zoning Board of Appeals, (ZBA) to resolve the matter. The ZBA will resolve the matter based on the facts and circumstances and in a manner which is as fair as possible to both parties. See appendix for illustration. Moorings shall not be placed so that the full swing of the boat, seaplane, etc., extends more than fifty (50) feet offshore in a bay, fifty (50) feet on a point and/or fifty (50) feet offshore on a relatively straight shoreline from the mean high water mark.

- c. Floats shall be constructed with a minimum setback of thirty (30) feet from the property line extending into the water. The common line extended into the water is defined and resolved as in above (b) this section.
- d. When the common property line between two properties extended into the water is in question, the common line will be defined and resolved as in above (b) this section.
- e. No mooring shall be constructed so as to interfere with normal navigation or with reasonable access to adjacent moorings and/or docks.
- e. Each waterfront lot regardless of size is limited to one mooring.
- f. A permit will be required for the construction of a new float or the complete replacement of an existing float as of the date of this ordinance.
- g. The maximum size of a float shall be one hundred (100) square feet. Floats may be constructed with pressure treated lumber (sealed, non leaching type) except for the parts which could be in constant contact with the water. Parts which would be in constant contact with the water can only be constructed with untreatable lumber. Floats must be securely anchored and supported by Styrofoam or sanitized barrels or other environmentally safe floatation supports. Mooring cables, lines, etc., must be clearly marked or sunk to the bottom when not used so as not to become a navigational hazard. Floats must be equipped with two (2) or more reflectors on each side (preferable on the corners).
- h. Variances can be requested of the Zoning Board of Appeals (ZBA) on

as needed basis. Variances will only be allowed if the ZBA determines that the strict application of these rules and regulations would cause practical difficulties or undue hardship. If such is deemed the case, then a public hearing will be held wherein the views and opinions of all those concerned will be given due consideration. The ZBA would then make their determination based on all the facts, circumstances and opinions indicated and with a view towards the best interests of the lake/river and the intent of these regulations.

Section: BOATHOUSES

- a. A boathouse is defined as a structure with a roof used to berth vessels, this may require the excavation of the shoreline for its placement. A boathouse shall only be used for the purpose of housing a vessel and storing related equipment. The structure shall not include any eating, sleeping and/or sanitary facilities.
- b. A permit is required for the construction of any boathouse. Boathouses must also be permitted by the New York State Department of Environmental Conservation and the Army Corps of Engineers and meet all the rules and regulations of these agencies.
- c. Every boathouse constructed shall have a minimum setback of fifteen (15) feet from the property line.
- d. When the common property line between two properties extended into the water is in question, the common line will be defined as follows: the common line extended into the water between any two pieces of property shall be the line which bisects (cuts equally in half) the angle created by drawing a straight line from each of the outside property line points at the water's edge to the common property point. If either of the parties deems this unfair, a request shall be made of the Zoning Board of Appeals, (ZBA) to resolve the matter. The ZBA shall resolve the matter. The ZBA shall resolve the matter based on the facts and circumstances and in a manner which is as fair as possible to both parties. See Appendix for illustration.
- e. Boathouses shall not exceed eighteen (18) feet in height measured from the mean high water mark to the highest point of the structure for peak roofs and fourteen (14) feet for flat roofs.
- f. Floating boathouses shall not be allowed.
- g. Repair of an existing boathouse shall not require a permit providing such repair does not alter its size and/or shape.
- h. Variances can be requested of the Zoning Board of Appeals (ZBA) on

an as needed basis. Variances will only be allowed if the ZBA determines that the strict application of these rules and regulations would cause practical difficulties or undue hardship. If such is deemed the case, then a public hearing will be held wherein the views and opinions of all those concerned will be given due consideration. The ZBA would then make their determination based on all the facts, circumstances and opinions indicated and with a view towards the best interests of the lake/river and the intent of these regulations.

Section: MARINAS

- a. Marina means any facility located on Ballston Lake which provides services or berthing places for watercraft by engaging in the following:
 1. The sale of watercraft, marine products, or services.
 2. The rental of personal watercraft, boats over sixteen (16) feet or any type of mechanically powered watercraft.
 3. The offering of rides, instruction, or water-based recreation for a fee.
 4. The commercial storage of watercraft.
- b. Marinas will not be allowed on Ballston Lake.
- c. The rental of small fishing boats not to exceed sixteen (16) feet will be permitted to a limit of five (5) boats per dock.

Section PUBLIC BOAT LAUNCHES

- a. All boat launches must conform to the Department of Environmental Conservation and the Army Corps of Engineer regulations and conform to regulations of all other interested parties such as the Town of Ballston and Saratoga County.
- b. No public boat launch shall be constructed, expanded or operated without providing the following:
 1. Restrooms, including toilet facilities which shall be available at all times from May 1 to October 31 of each year.
 2. On site parking for towing vehicles and trailers to a maximum number of fifteen boats.
 3. A paved launching ramp to the mean high water level of the lake which is two hundred-fifty one (251) feet above sea level.
 4. A full time attendant to regulate launching, parking at the site and collect fees.
 5. Adequate garbage and debris disposal facilities which must be properly maintained.
 6. Dockage will include one dock at the launch ramp and a second dock not to exceed two hundred (200) square feet for loading and

unloading launched boats. Overnight boat parking will be prohibited.

c. If the launch is closed for a period of one year, the permit must be renewed by the Ballston Town Board.

Section: GENERAL PROVISIONS

a. All boat houses, docks, floats, moorings, and boat launches in place at the date of enactment of this ordinance shall be grandfathered. Any grandfathered dock that is closed to a property line cannot have a boat moored to it that will cross the property line.

b. Permits shall be necessary to construct a new dock or replace a structure grandfathered by this ordinance. Permits shall not be approved if the application is in violation of any town or state regulation. Permits shall be posted at the construction site.

c. Permit applications are available at the Ballston Town Hall from the Building Department. Permit applications shall contain all the pertinent, applicable information upon which approval or disapproval shall be made. No permit shall be approved if it lacks any of the required data including dimensions, set backs, configurations and a complete drawing of the proposed structure. If the permit is requesting a change in structure a drawing of the present structure and a drawing of the proposed structure are required.

d. The permit application for a new dock or change of position of an existing dock will require a survey of the property with the placement of the dock indicated on the survey. The dock placement must comply with the stated regulations of this ordinance.

e. All landowners are subject to these regulations. Town permits shall not give rights specifically restricted by deed.

f. No person shall fail to comply with the substance and/or form of any approval permit.

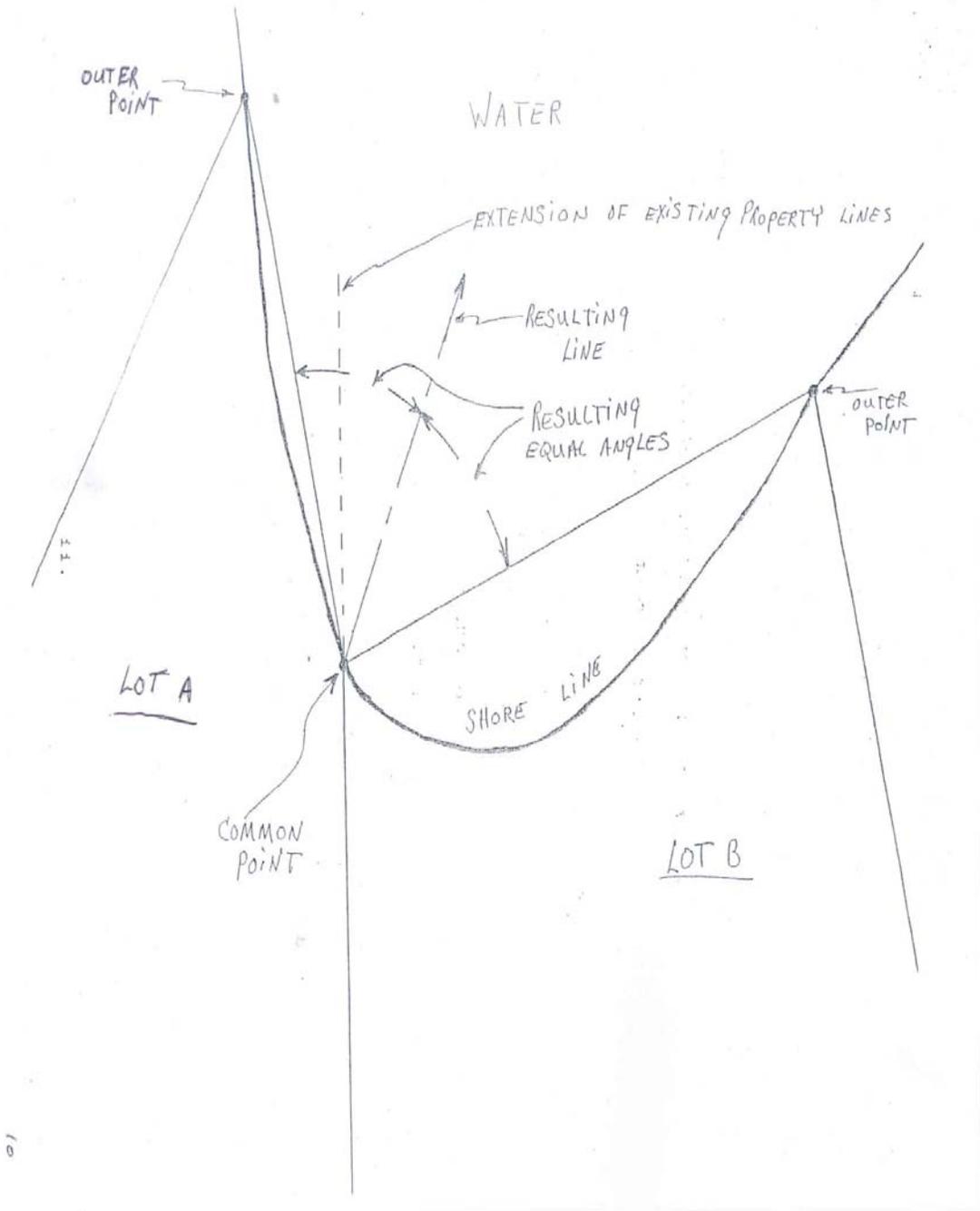
g. Should any section or provision of the regulations contained herein with reference to the existing building code or as amended hereafter be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the regulations as a whole or any part thereof other than the part so declared to be invalid.

h. It will be the responsibility of the Ballston Lake Improvement

Association to take a picture of each dock on Ballston Lake and provide these pictures with the owners' names and addresses to the Town of Ballston Building Department.

APPENDIX / ILLUSTRATIONS

PROPERTY LINE EXTENDED INTO THE WATER



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