

## NOTICE REGARDING SUBDIVISIONS OF LAKEFRONT PROPERTIES

The Lake George Park Commission administers regulations 6NYCRR 645 & 646 which set forth minimum lakefrontages and dimensional limitations on docks and moorings. It is important for sellers and prospective buyers of lakefront properties to understand these rules and how they apply to the potential development of their shoreline. We strongly encourage prospective buyers to consult with the Park Commission prior to purchase to ensure that existing wharfs are properly permitted. We also routinely advise prospective buyers of vacant lakefront that the only way to be sure that a dock may be constructed on the property is to have a permit in hand for the construction of the desired dock. A prospective buyer may apply for a permit with the current owner's permission and then have that permit transferred after purchase.

It is especially important to consult with the Commission prior to the design of subdivisions or lot line adjustments of lakefront parcels. Dock limits set in 1988 were intended to minimize congestion and crowding along the shoreline by setting a density "cap" based on lakefrontage. Dock (or mooring) clustering is allowed and at times encouraged so as to leave larger stretches of undisturbed shoreline, but when such properties are then subdivided, undevelopable lots may be inadvertently created. The angle of a property line in relation to the shoreline can be crucial in designing docks to conform to property line setbacks. The amount of lakefront allotted per parcel of a subdivision is equally essential in determining how many docks can be constructed on that parcel.

The presence of existing wharfs on a parcel which is to be subdivided is especially critical in determining the future development potential of subdivided lots. The Commission's rules contain a provision designed to prevent circumvention of dock limits through the subdivision of lakefront property. The pertinent section (646.1(c)(7)(v)) reads as follows:

***In determining the maximum number of permitted docks, wharfs or moorings, the Commission may review any subdivision of land created on or after the effective date of these regulations which involved the lot or parcel in issue to determine the maximum number of docks, wharfs or moorings permitted and base such number upon the total footage of lakefront prior to the subdivision.***

Thus, if a parcel has already been developed to the maximum allowed under the rules and the docks have been clustered to one side of the lakefront, subdividing the lakefront will not allow additional docks to be constructed. For example, a parcel with 350' of lakefront and three existing wharfs has exhausted its dock potential. Subdividing 100' of vacant lakefront from this lot without a corresponding reduction in the number of docks left on the 250' parcel will result in an undevelopable shoreline, even though a dock would normally be allowed on 100' of lakefront.