

## BERTHING OVER A PROPERTY LINE

The Park Commission administers regulations 6NYCRR 645 & 646 which set forth minimum lakefrontages and dimensional limitations on docks and moorings. Permits are required for the placement of new docks and moorings and there are limits on numbers, location and configuration of these structures. Structures that were in place prior to the current rules are exempt from these limits. Such “grandfathered” structures may have been registered as Existing Wharfs in the 1981 registration process or permitted prior to 1988 by the Department of Environmental Conservation.

A 20 foot setback is required for new docks and moorings so that berthing is kept within the owner’s riparian space and does not interfere with access to neighboring frontages. However, there are many “grandfathered” structures which do not have such generous setbacks. In some cases, a boat berthed at a legal pre-existing, non-conforming dock or mooring may intrude upon a neighbor and/or may limit access to a neighboring structure.

Although the structure may be grandfathered, berthing “over the property line” is not. The Commission’s regulations contain the following provision:

*646-1.6(k) No vessel shall be berthed at a dock, wharf or mooring without the prior consent of the adjoining landowner so as to encroach beyond the adjacent property line extended into the lake on the same axis as the property line runs onshore where it meets the lake, or at a right angle to the mean high-water mark, whichever results in the lesser setback.*

To determine the extension of a property line, identify these two projections:

1. property lines extended into lake on the same axis as the property line runs onshore where it meets the lake.
2. property lines extended into the lake at a right angle to the mean high-water mark.

The line to use for berthing is the one which gives greater latitude to the subject boat.

