



A NOTE TO DOCK OWNERS REGARDING MODIFICATIONS TO EXISTING NON-CONFORMING WHARFS

An “existing wharf” is one that was registered with the Department of Environmental Conservation in 1981 or received a permit since that time. Existing Wharfs are exempt from current limitations and may be repaired, maintained and replaced in-kind. Many existing wharfs are “non-conforming” as they would not meet the current limits on size, shape or placement. When planning a modification to such a structure it is important that the proposed new construction conform with the current limits.

Policy & Procedure Memorandum #02-96 sets forth instructions to staff on how to review proposed modifications to existing non-conforming wharfs. Records of Decision 96-01, 02 & 03 document specific decisions that the Commission has made pursuant to the memorandum. The attached sketches illustrate past decisions.

For information regarding proposed modifications to a specific dock, please contact Molly Gallagher of this office. A pre-application meeting can be set up to discuss options.

Common questions

Can I construct a boathouse or sundeck on my non-conforming wharf?

If the boathouse or sundeck would fall within the 20 foot setback or exceed the off-shore distance limit, a variance would be required.

Can I extend the piers of my non-conforming wharf?

If the extensions would fall within the 20 foot setback or exceed any other dimensional requirement such as offshore distance, width or square footage, a variance would be required.

Can I move my dock from its current 10 foot setback to a 15 foot setback?

Yes, as long as the dock does not then intrude on the 20 foot setback to the opposite property line. A permit is required, but not a variance.

Can I convert my seasonal non-conforming wharf to a crib wharf?

Yes, as long as there are no modifications to the size, shape or location. A permit is required but not a variance.

Can I raise my boathouse roof?

If the boathouse falls within the 20 foot setback or exceeds the off-shore distance limit, , a variance would be required.

See the attached sketches for other common modifications.

DIAGRAM 1

This illustrates a modification to an Existing Wharf which would be allowable under the Policy & Procedure Memorandum as the new construction would comply with current limits as long as all other aspects of the modifications, including amount of lakefront, comply.

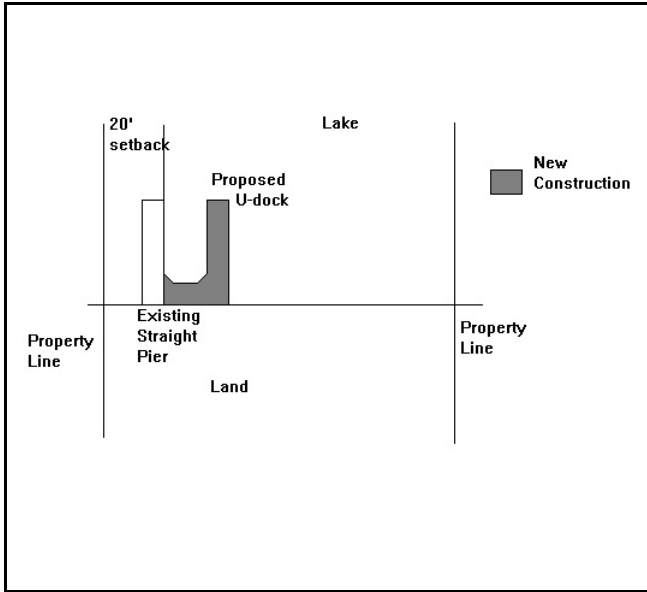


DIAGRAM 2

This illustrates a modification to an Existing Wharf which would require a variance because the new construction does not comply with the 20' sideline setbacks. This increases the non-conformity of the existing structure.

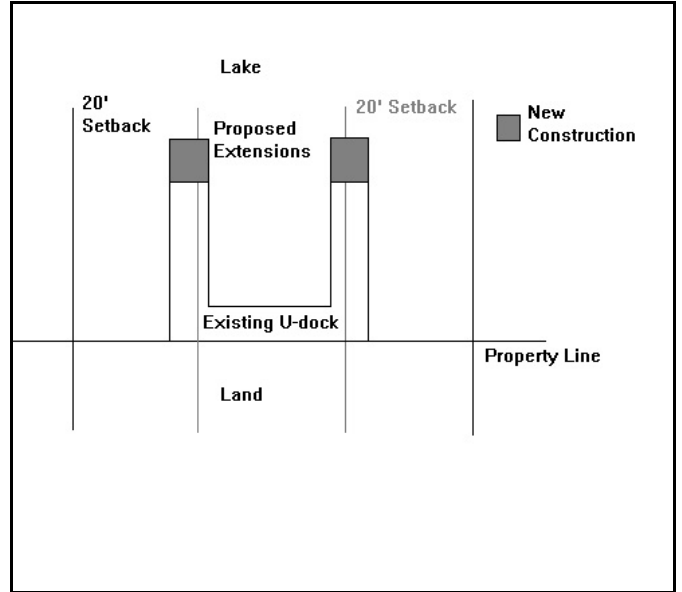


DIAGRAM 3

This illustrates a modification to an existing F-shaped wharf which would not require a variance. Although the conversion of an F-dock to a U-dock does result in new construction within the setback in this case, the Commission has determined that this does not increase the non-conformity of the structure.

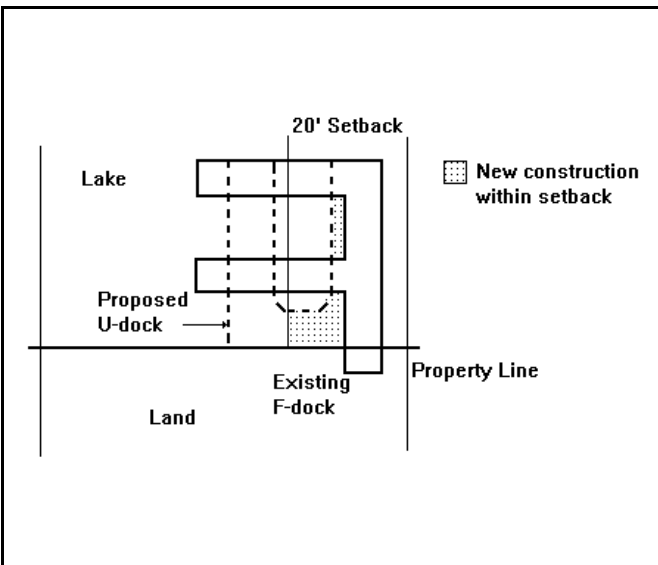


DIAGRAM 4

This illustrates a modification to replace a peak roof boathouse with a sundeck. Although the project does result in new construction within the setback in this case, the Commission has determined that this does not increase the non-conformity of the structure.

