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Santa Clara Town Clerk and Town Board members
Santa Clara, New York

RE: Requested comments from USLA - DRAFT Commercial Marina Regulations

As the Town Board may be aware the USLA and the USF have participated and attended all of the Special Committee meetings, submitting written comments after each session. Since the first Committee meeting where USLA Vice President's (Dave Powalyk) opening remarks asked "the Committee to think of USLA as a partner during this project and not as the general public", USLA has attempted to assist in crafting appropriate sustainable commercial marina regulations. USLA researched New York State laws, Agency regulations, and the marina regulations of many localities both within and outside the Adirondacks. We also have read all of the materials distributed by TSC and/or provided by Chazen.

As the Committee also realized this was a major commitment of time and effort over a very short period of time. The Town's decision to hire Chazen Companies helped to focus the effort somewhat, however their guidance did not deliver sustainable clear regulations that protect the Town and property owners while also enabling commercial development.

In continuing our collaboration, we would like to submit the following comments and suggestions as part of the Town Board's review of the Draft Marina Regulations document.

USLA would like to begin by acknowledging some of the suggestions incorporated into the draft regulations to this point:

- Revised definition of commercial marinas
- Adopting DEC and/or APA written regulations when available
- Lighting regulations to prevent light pollution

USLA has continued to express general concerns regarding the decision to define "non-specific" marina regulations. By defining "specific" regulations, the town:

- Avoids financial impact on taxpayers due to a greater potential of Town litigation caused by the lack of specific regulations
- Prevents the misperception of possible subjective or preferential treatment and inappropriate behavior by elected officials
- Assists both the general public and commercial entities in their understanding of the rules and regulations of the Town
- Avoids changes in the application of regulations due to personal preferences when elected officials change
- Ensures rules and regulations are applied equally and fairly to each and every commercial property
- Reduces the workload on town officials by not having to repeatedly explain the process.

USLA recommends the following:

- Adopt the Lake George Park Commission specific regulations and code as the template for TSC commercial marina code. LGPC has defined specific regulations and code that appears to have addressed most of the TSC marina issues and concerns including dock sizing, navigational interference, and the number of docks permitted based upon lake frontage. Even though Lake George is five (5) times larger than Upper Saranac Lake their regulations provide a good template.
 - o A number of the TSC Committee members were concerned with establishing a specific dock length of 100 feet as being too long. This could easily be addressed with some minor language changes to the LGPC's regulations that would require justification to establish 100-foot docks or conversely to reach a minimum water depth for boat docking.
- In the section regarding applicant's ability to appeal the decision of the TSC Planning Board, organizations like USLA and USF or for that matter the public should have the ability to appeal the Planning Board's decisions in a similar manner.
- All references to "docks" should also include "moorings" and "Anchorage area" as these occur outside of typical dock locations and extend the marinas area of usage.

- The draft document, Section X.4 states *“Locations and lengths of other dock (proposed or existing) as well as docks within 500 feet of the property boundaries”*.
 - This section is not totally clear and now that recreation (GR) zoned properties are included, perhaps it should read “or within 500 feet of proposed marina location when marina location is more than 500 feet from all GR property boundaries” since the largest property zoned as GR has miles of shoreline.
- The proposed Special Use Permit states that “Intensity” is one the criteria used in determining the outcome of applications.
 - How will intensity be determined without conducting an “impact study” or in the case of marinas a “Carrying Capacity analysis” of the surrounding area?
 - Would a facility that docks 20 boats that proposes an increase to dock 100 boats result in a 500% increase in “intensity”?
 - An Area Impact Study must be required for any commercial development when expansion exceeds a predefined percentage that is specifically defined in regulations. This was discussed during Committee meetings but left out of final draft. This would enable the fair treatment of development requests.
- Aquatic invasive species should be addressed as defined by the USF and also meet the revised 2021 NYS AIS Travel Law.

Our USLA membership continues to express their thoughts and concerns regarding commercial land use regulations to our Government Affairs Committee. When combined with our research and investigation we provide those concerns to you.

We will continue to share our conversations and outcomes with our 550 members and guide them to participate in the public comment sessions that follow. We hope that our interactions enable the business, residential, and State owned facilities to coexist within our Adirondack community and maintain the delicate balance necessary for all.

The Upper Saranac Lake Association appreciates the opportunity to participate in this manner with the Town of Santa Clara (TSC) Town Board.

If you have any questions regarding these comments, please let us know.

Regards,

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President, USLA

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CC: USLA Governmental Affairs Committee
Guy Middleton