

Town of Fowler Planning Board Meeting Minutes for April 17, 2023, proposed boat and water access dock regulations.

Attendees: Planning Board Chairman Stephen Gale, Planning Board Members: Daniel Kingsley, Vicky Cappellino, Leo Knight. **Absent:** Planning Board Member Roger Refici and Code Enforcement Officer Glenn Besaw. **Also in Attendance:** Town Supervisor Rick Newvine, Deputy Town Supervisor Karen Simmons, Councilperson Scott Cleveland, Town Clerk Tami Gale, Pete Henry, Julianne Henry, Mike Hatch, Thomas Conklin, Michael Cappellino, Tom Sleeman Sr, Tom Sleeman Jr, Julie Spillman, Marty Spillman, Marisa Griebisch-Wells, Kurtis Wells, Roy Smith, Karen French, Herb French, Jackie Roberts, Arnie Roberts, Mike Tersmette and Dave Spillman.

The meeting was called to order at 6:00PM. Planning Board Chair Gale reported that over the last five or six months, the Code Enforcement Office has received calls from residents of Sylvia Lake complaining that other residents of the lake are threatening to build docks that will either block them or other camp owners from access to the lake. After several discussions with the Code Enforcement Officer, the Town Board has asked the Planning Board to come up with regulations for boat and water access docks. Chairman Gale informed attendees that everyone will have a chance to speak and asked everyone to be courteous to one another and not to speak over others. Chairman Gale reported that Code Enforcement Officer Glen Besaw could not attend the meeting, due to illness and that he would read a letter left from Code Enforcement Officer Besaw on what he recommends for the regulations. The Letter was read as follows:

Planning Board,

I apologize for not attending in person. I didn't want to share this cold with anyone. Below are some ideas for dock regulations that I believe would benefit the town and its residents.

- 1) Docks should be constructed of permissible materials, as determined by DEC standards.***
- 2) There should be a setback regulation with adjoining properties so as not to infringe on others having access to the waterfront.***
- 3) There should be a size regulation to avoid "overly built docks" that may pose a danger or inhibit the free use of the water way.***
- 4) Docks should be built in a manner extending 90 degrees from the shoreline as determined by the Authority Having Jurisdiction (AHJ).***
- 5) Docks should not extend into the waterway farther than is necessary, so as not to pose a hazard to water traffic.***
- 6) Any alteration to an existing dock that changes the dimensions, will be considered an "addition."***
- 7) Dock canopies should not interfere with others' view of waterway.***

These are a few of the issues that I believe would alleviate much of the conflicts between residents on waterways and ensure the integrity of the shoreline. With a regulation in place in the local law, the board would also have the option to look at each case individually and issue a variance, when the regulation cannot be complied with, due to unusual circumstances.

Thank you.

Glen Besaw

Chairman Gale advised attendees the meeting was being recorded. The floor was opened to the public to voice their concerns over dock regulation.

First to speak was Marisa Griebisch. Ms. Griebisch reported on concerns that both her husband and her have about a regulation on dock length due to their camp being in a low swampy area of the lake. She stated, depending on the water levels, in the past they have had to lengthen the dock just to meet the water, normally late in the season.

Ms. Griebisch stated where they own is less crowded, and having a lengthened dock would not be a bother to anyone. Her concern is that any regulations drawn up to satisfy some people would infringe on those who have similar conditions as they do. Chairman Gale replied that it would be part of the application for a variance, and that if a longer dock was needed, both the Code Enforcement Officer and the Planning Board would look at the requests individually and approve accordingly. He reported it is already a requirement for people to complete a building permit application for boat & water access docks, under the Local Land Use Law.

Planning Board Member Vicky Cappellino asked Ms. Griebisch if it was due to the depth of the water that they must go so far out. Ms. Griebisch responded it was.

Ms. Griebisch asked if it is for both permanent and temporary docks. Chairman Gale stated that since he started research on dock regulations, the one constant point, whether it was the US Army Corp of Engineers or the DEC, is that a dock is not supposed to be permanent, that in some way it must be able to be removed. Ms. Griebisch stated that would be one of the concerns of what the definition of Permanent/Removeable/Temporary are. Chairman Gale stated that in his research there were not many definitions of what Permanent/Removeable/Temporary are when it comes to docks.

Next to Speak was David Spillman Sr. Mr. Spillman asked if there were to be a regulation on docks, would it include the river as well. The Planning Board members unanimously answered yes. Chairman Gale stated the regulations would cover the Lakes (Sylvia and Chub), as well as the Oswegatchie River and Mattoon Creek, and that in the Local Land Use Law, the town is divided into two parts, the Residential -Agricultural District, and the Shoreline District (Rivers, Lakes, and Creeks) , so any regulation would include those bodies of water as well.

Mr. Spillman asked who would pay for all this... to keep track of docks and regulate them? Chairman Gale stated that it would be the Code Enforcement Officers job to keep track of, and through the building permit process, he would visit the site of the dock being built. Chairman Gale stated the lake should be enjoyed by everyone, not just the residents of Fowler or the camp/homeowners of the lake, and that if the Code Enforcement Officer didn't receive so many complaints, the Town Board would not have asked us to do consider dock regulation, and the Planning Board would not be having this meeting, but here we are. The Planning Board wants to make regulations to be as fair as possible for everyone.

Thomas Conklin spoke next, and asked if there is any recommendation to the length or size of a dock that you are going to allow? Chairman Gale stated No, that as of right now, this is still in its preliminary stage. He reported that the few towns that have regulations in place, have such based on the amount of water frontage, example for every 50 lineal feet of water one dock is allowed up to 100 feet as long as it does not impede on a neighbor, or waterway.

Mr. Conklin asked if this will be just for new docks built after the regulations are passed and if it will include floating docks. Chairman Gale stated yes it will only be for any dock built after the regulation is passed, and yes it includes floating docks. He reported the current Land Use Law states a permit is needed for docks, not specific to Floating or non-floating docks.

Mr. Conklin asked if building a floating dock would affect the assessment of the camp. Chairman Gale stated he cannot answer that question, that is up to the Town Assessors, and not the Planning Board. He stated that question... will have to be asked to them. Town Supervisor Ricky W. Newvine added he did not believe that it would, and stated Assessor Kathy Besaw could advise on the matter.

Roy Smith asked if one would need a permit or variance to change or add board to an existing dock. Chairman Gale stated, no if you are just fixing or replacing old board but if you are adding on new footage, then yes you would need a permit.

Tom Sleeman asked if you currently need a permit to build a dock. Chairman Gale answered yes you have always needed a permit to build a dock. It has been on the building permit application as long as the Local Land Law has been on the books, since 2019. He reported you can look all of it up on the Town of Fowler website www.fowlerny.com, it's all there including any updates or changes to the Land Use Law.

Thomas Conklin stated, that one of the big concerns, is that if someone is not familiar with Sylvia Lake, is that it fluctuates three to four feet, just like Ms. Griebisch had previously said, and if the board regulated it to sixty feet, a lot of residents would not be able to use a boat. Mr. Conklin asked the Planning Board to please keep that in mind. Chairman Gale stated they would keep that in mind, that everyone on the Planning Board understands that the lake fluctuates a lot throughout the year, and we will keep it in mind when we come up with proposed dock regulations.

Mr. Conklin stated that last year on his end of the lake, he had to help some people get their boats unstuck from the sand when the water level dropped quickly, he stated some of the docks were thirty to forty feet and had to be built out longer. Planning board member Dan Kingsley answered that is where the variance process will come in, so no one is stuck without use of their boat or the water.

Mr. Conklin asked what the policy for a variance was, as in: application, advertise the meeting, then have meeting; that someone could come to the meeting that does not like long lake docks and voice their displeasure.

Chairman Gale said yes, that is process, but as the Planning Board, we make things fair for everyone, no one can control the level of the lake, but we must take into consideration the concerns of the residents when we decide on anything. He reported they will listen to all sides and make sure it is fair, and an approval or denial is made as quickly as possible.

Ms. Griebisch stated she feels the rest of the residents of the lake are going to take the brunt of this, over two other people who can't get along, and being petty with one another, and stated it's ridiculous. Chairman Gale agreed, but reiterated the reasons the town feels there is a need for the regulation. He reminded attendees that CEO Besaw has received 40 to 50 calls since September from residents of the lake.

Kurt Wells asked if the complaints are from one or two people. Chairman Gale stated he did not know that information. He would have to ask CEO Besaw that question.

Ms. Griebisch asked if there was someone building a dock right now. Chairman Gale answered there is nothing pending that requires a Planning Board meeting. He reported CEO Besaw handles all building permits, unless there are unique or specific situations that are brought to the Planning Board for a decision.

Mike Hatch commented that most likely half the people here and if not more than half the people on that lake are not aware they need a permit to build a dock. He stated that if we emphasize that, then Glen (CEO Besaw) would be the gate keeper. Chairman Gale stated he would get a hold of whoever runs the Sylvia Lake website to

have the building permit requirement notice added. It was discussed most, if not all lake residents, look at the website, and would know they will need a permit to build a dock, and the advertising may help stop or prevent most situations.

Chairman Gale stated that he has been told many times from the County Planning Board that when making decisions, you make them “in good faith”, “in good faith for your neighbors” and “in good faith” for you as well, and maybe that is where we need to go.

Chairman Gale reported that is why we are here today to get opinions and ideas from the people the proposed regulations could affect, and to not overreact to a situation. He reported that includes writing the proposed regulations, and keeping it to what it needs to cover, plain and simple.

Mr. Dave Spillman stated the Sylvia Lake Association has pretty much set standards for the lake and most of the people abide by the association’s recommendations, because they want to be good neighbors.

Chairman Gale reported the dock regulations will be for all bodies of water, not just Sylvia Lake, it just happens to affect Sylvia Lake the most because it is the most populated.

Chairman Gale asked if there were any further questions. With no further questions or comments, Chairman Gale stated that if anyone has questions or concerns for the Planning Board, that his phone number is on the Town of Fowler Website, or you can call 315-244-1431.

With no further discussion or questions, the meeting was adjourned at 6:31 pm

Respectfully Submitted,

Stephen R. Gale