

Regulating district freezes Sacandaga backlot permits

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JOHNSTOWN — The Hudson River-Black River Regulating District board recently approved the implementation of two practices were proposed in the Great Sacandaga Lake Access Permit System rule revisions that were thrown out by the governor's Executive Chamber over the summer.

The two practices are an official freeze on the current number of backlot access permits and floating dock specifications.

Executive Director Glenn LaFave asserted Friday that the board did not change any of the rules, but the purpose of the resolutions, approved Tuesday, was to clarify the existing rules.

According to General Counsel Robert Leslie, the resolutions authorizing the clarifications mark "memorializations of past practices," and "does not rise to the level of rules." If they were rules, the regulating district would have to follow State Administrative Procedures Act.

The need for the freeze arose because a resolution approved in 2008 that recognized the practice expires Jan. 31. The board put a final date on the resolution because it anticipated revising its current Access Permit System rules, and the intent "would have been explicit," LaFave said.

"In no event shall the number of Back Lot Access Permits issued by the district exceed the number of back lot access permits in existence at the effective date of these rules," the proposed rules read.

The proposed rules also outlined the same allowable configurations as those outlined in Tuesday's resolution:

For permit areas 20 feet in width or less, the dock must now be four feet wide by 40 feet long. Docks on permit areas greater than 20 feet wide can be up to eight feet wide and 80 feet long. For floating docks with fingers or a tee, there is a five foot minimum setback from the access permit line.

The new specifications apply to any work permits for dock installation, and not to those already permitted, LaFave said.

But the Governor's Executive Chambers withdrew the proposed rules in June after an uproarious response to potential changes that would open the permitted GSL shoreline to public access, and the rule-making process ended.

The back lot permit freeze does not mean the permits will never be issued. Each permit is associated with a property. If someone were to sell their property, the new homeowner would have first rights to renew the permit. Otherwise, the lot would be available to those on waiting lists.

"The number is what's frozen," LaFave said. "The goal is not to reduce lots. We haven't issued new permits in awhile because we can't create more shoreline. The shoreline is finite."

LaFave told the board at its meeting in Johnstown Tuesday that permit holders with "huge front lots creates a situation of access," which is "problematic," as the creation of new back lots would require the permit holders to cross front lot permit areas.

"The resolution gives staff clear direction ... Let's not create a situation where there are more lots created, and more of a problem. This makes it a rule — or provides guidance to a rule," he said.

"The resolution acts as a guidance document," Leslie corrected.

"The purpose is there was a sunset [in the 2008 resolution]," said board chairman Philip Klein. "I don't see a problem passing this resolution; it's doing nothing more than affirming a rule everyone is adhering to." Not everyone agreed.

Board member and 1st Vice Chairwoman Pamela Beyor asked whether or not the resolution outlined a past practice. LaFave said the regulating district has not issued new back lot permits "in a few years."

Board member John Bartow asked what the policy fell back to if the resolution wasn't adopted. He was told policy would fall back to the original Access Permit System rules.

"Apparently the rules aren't clear, that's why we passed the resolution back in '08 — decisions were being made selectively," he said.

Both Bartow and Beyor questioned why the original resolution in question wasn't just renewed, and both voted against the resolution on the table. Board member Ronald Pintuff later suggested the original resolution be re-adopted with certain revisions, and it passed unanimously.

Beyor also voted against the floating dock resolution, but it passed with a 5-1 vote.

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