

Upper Saranac Foundation
It still is, and always will be, about Water Quality.



Santa Clara Town Clerk and Town Board members
5359 State Route 30
Saranac Lake, NY 12983

June 30, 2021

RE: Requested comments from USF – Draft Commercial Marina Regulations

The Upper Saranac Foundation (USF) appreciates the opportunity to comment on the Town of Santa Clara's proposed marina regulations. Over the years, the USF has had great success partnering with the Town of Santa Clara for the betterment and protection of the Watershed.

As the Board knows, the USF has a unique knowledge of the Upper Saranac Lake (USL) watershed and is actively engaged with other lake associations as a member of the Adirondack Lakes Alliance. It is for these reasons that the USF believes it can jointly help the Town in the development of new marina regulations.

The USF feels that a significant goal of marina regulations is to ensure there is a comprehensive environmental review and opportunity for public comment on any plan to build or expand a marina; to ensure that marinas operate with care for natural resources, especially as that relates to such factors as aquatic invasive species (AIS) spread prevention, wastewater and stormwater management, and boat cleaning; and to reduce the potential impacts of intensive use on nearby residential neighborhoods.

In addition to the suggestions the USF has already submitted to the Special Committee for Marina Regulations, we would also like to provide other input. We believe these suggestions enhance what has been already submitted by the USF. Our feeling is that the current draft regulations require stronger and specific consideration of aquatic invasive species prevention, clearer steps to maintenance of water quality, and a full assessment of the watershed's capacity to accommodate use of various types of watercraft and their subsequent impact.

Included in this letter are the recommendations that were originally submitted to the Special Committee to Develop Marina Regulations by the USF. While our earlier comments provide justification and validation for regulations, the comments included here are more specific and include additional detailed suggestions as provided by other NYS government agencies for guiding marina regulations.

DRAFT MARINA REGULATIONS CONCERNS

Aquatic Invasive Species: AIS introductions pose a significant economic impact to the Town of Santa Clara related to property values, recreation, and tourism. To simply state, **“the Planning Board may**

request/require a plan to prevent the introduction or spread of invasive species” falls short of the protection needed to assure current and future water quality. Marina regulations should require actions that address preventive strategies to thwart the spread of AIS and support goals and actions that are consistent with the Upper Saranac Foundation’s **Upper Saranac Lake AIS Prevention and Preparedness Plan** to “prevent the establishment of AIS in Upper Saranac Lake” <https://usfoundation.net/wp-content/uploads/2018/12/USL-Aquatic-Invasive-Species-Prevention-and-Preparedness-Plan.pdf>

These include:

- Signage, outreach and education
- Inspection
- Decontamination
- Implementation of marina obligations

The USF recommends that regulations require marinas to support the Clean, Drain and Dry Environmental Conservation Law and direct watercraft previously used in a different waterbody to be inspected by an Adirondack Watershed Steward to assure compliance.

Carrying Capacity: While the draft marina regulations address the facility capacity regarding parking, it lacks an assessment of the impact of use on the aquatic natural resources, the ecosystem, and the surrounding waterbodies social carrying capacity. The Towns intent to guide marina regulations should allow for reasonable public access to the lake without congestion, overcrowding and safety hazards, and to preserve the natural resources of the lake especially its superior water quality.

The USF recommends that regulations should require marinas to conduct and submit a comprehensive analysis to assess the waterbodies’ capacity to withstand various watercraft uses and boater traffic. This assessment should consider impacts from boat size, noise, speeds, wakes, and wave action.

Accepted techniques and formulas for estimating boating carrying capacity can be derived from the Bosley Study Progressive Architecture Engineering (PAE) Assessment.

<https://lgpc.ny.gov/system/files/documents/2019/05/2015%20LG%20Recreation%20Study%20-%20Unabridged%20Report.pdf>

The USF recommends the Town of Santa Clara review the carrying capacity analysis requirement imposed on a marina developer in the Town of Harrietstown.

Accepted boat traffic minimum density levels of 13 acres per boat is the standard used by the Lake George Park Commission (LGPC): *2015 Lake George Recreation Study*, <https://lgpc.ny.gov/system/files/documents/2018/07/final-rec-study-5-16-16.pdf> . The LGPC study also looked at boat use coming from marinas. It was determined during the summer months that rental boats are used on average 7 days/week vs a private boat being used only 2 days/week. Thus, the type of marina boat slip use has a significant impact on watershed use and carrying capacity.

The USF recommends that regulations for development or expansion of marinas do not create projected use impacts that exceeds standard minimum density levels greater than (15 acres per boat) or increase current levels greater than 10% of existing watercraft analysis for each accessible waterbodies. This can be accomplished by:

- ***Prohibit Quick Launch Motor Boat Storage (the practice of dry vertical boat stacking storage and launching)***

- **Regulate dock berth use type percentages (no greater than 20% rental vs 80% seasonal boat owner slips)**
- **Limiting docking berths (see Special Provisions below)**

Stormwater Pollution and Erosion Prevention Planning: Stormwater control measures can significantly reduce runoff and the number of harmful materials reaching surface water, substantially mitigating impacts from runoff which would otherwise occur.

The current proposed marina regulations do not address stormwater pollution or erosion. **The USF recommends that regulations require marinas to develop and implement a Stormwater Pollution Prevention Plan (SWPP). Required plans of this type will reduce runoff, erosion, and sediment infiltration. Best management practices of a SWPP should include:**

- **measuring potential stormwater runoff volume for appropriate sizing of stormwater control**
- **limiting impervious surfaces**
- **shoreline vegetative barriers and setbacks**
- **stormwater bio-retention / detention basins**
- **green infrastructure**
- **pollution source reduction**

Lake George Park Commission Guide for Stormwater Management:
<https://lgpc.ny.gov/system/files/documents/2018/07/strmguid.pdf>

Special Provisions: Defining specific regulations assist the public in the understanding of the rules and regulations of the Town. The current proposed marina regulations charge the Planning Board to consider marina accommodations without specific guidance. Specific regulations act as a roadmap for what can be built where, how structures can be used, and what standards properties must meet, as well as:

- prevent potential public misconceptions
- prevent subjective or preferential treatment
- prohibit inappropriate behavior by elected officials
- limit interpretations of the code by elected officials

As a way to guide the Planning Board, the USF recommends the following control be added to the current drafted marina regulations:

- **No dock or wharf shall be constructed so as to exceed the following offshore distance criteria:**
 - **No dock or wharf may extend more than twenty percent (20%) of the width of the waterbody at the point of construction**
 - **No dock, wharf or mooring shall be constructed or placed so as to extend offshore more than 100 feet from the mean high water mark.**
 - **The maximum width of any dock or wharf, including all lateral projections, shall be 40 feet**
 - **No dock, wharf or mooring shall be constructed or placed so as to interfere with normal navigation or reasonable access to adjacent docks, wharfs, moorings or lands**
 - **The maximum width of any dock or wharf shall be 8 feet**

- *Every dock or wharf constructed shall have a minimum setback of 50 feet from 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 greater setback.*
- *No dock or docking facility shall contain more than 3 square feet of surface area for each foot of shoreline width up to a maximum of 1000 square feet of surface area.*
- *All floating docks shall be constructed with encapsulated floatation to cut down on debris in lakes*

Visual Impacts: Regarding visual impacts, the proposed Santa Clara regulations defer guidance to a NYSDEC document (DEP-00-2 Assessing and Mitigating Visual and Aesthetic Impacts). That same NYSDEC document, in turn, defers to “local decision makers” when the DEC is not the lead agency. Clearly, this double deferral results in zero clear guidance.

The Town needs to clearly provide guidelines that include:

- Screening
- Landscaping
- Setbacks
- Lighting

In turn, Marinas need to demonstrate to the Planning Board clear evidence that proposed designs do not diminish the public enjoyment and appreciation of the qualities of the aesthetic resource.

The USF recommends that regulations require marinas to submit a visual assessment site plan to evaluate visual and aesthetic impacts. In the case where impacts are identified, require the applicant to employ necessary measures to eliminate or mitigate adverse aesthetic effects.

Onsite Wastewater Management: Water quality can be challenged with systems not being maintained, upgraded, improperly sized, or poor and inadequate soils depths.

The USF recommends that regulations include bringing all non-conforming pre-existing systems up to current standards as part of any expansion and marina approval. The code needs to include the prohibitions of any discharge of harmful pollutants such as cleaners, detergents, paints, petroleum, oils, etc. associated with boat maintenance, or other, into the groundwater or onsite wastewater systems through floor drains or other means of disposal.

DRAFT SPECIAL USE PERMIT REGULATIONS CONCERNS

Authority of the Planning Board: The current proposed regulations charge the Town of Santa Clara Planning Board with a tremendous burden. The Planning Board will be forced to administer a series of regulations with essentially no clear guidelines and with little to no oversight.

Planning Board members may recuse themselves from granting Special Use Permits. While these decisions have implications on the entire watershed, these important judgements can fall on a few Board Members. ***To alleviate this scenario, the USF recommends that Alternate Planning Board Members be named to vote in the absence of Planning Board members.***

Pre-application conference: When waterfront developers require a Special Use Permit Pre-Application Conference with the Planning Board, the USF requests that the USF and USLA be a participating partner in these meetings.

Appeals: The current proposed regulations allow for applicants to appeal to the Planning Board. When these appeals are made, the USF requests that the USF and the USLA be a participating partner in the review of the appeal.

There is little or no recourse for others outside of the applicant to refute the Planning Boards decision. ***The USF recommends there are accommodations made for the public or organizations such as the USF and USLA who are effected by decisions of Planning Board to be able to appeal as well.***

As USF Board President, I would like to offer the services of USF Lake Manager, Guy Middleton for any further assistance in achieving goals to protect and preserve our valuable resources for future generations.

Thank you for your consideration.

Sincerely,

Tom Swayne
President, Upper Saranac Foundation
PO Box 564