



WORDEN HILL — MARINE —

P.O. Box 659
Canandaigua, NY 14424

October 12, 2021

Zoning Board of Appeals
Town of Canandaigua
Canandaigua, NY 14424

For: Chuck Vasilius
3439 West Lake Blvd.
Canandaigua, NY 14424

Tax map number – 98.13-1-16.11

INTERPRETATION NARATIVE

The Code Officer has interpreted the Uniform Docking and Mooring Law (UDML) regarding the labeling of all the walkway spaces around the slips as one appendage. Having re-read this section of the UDML. We can see how the Code Officer could conclude that the total area of the walkways could be added together simply based on the definition. We therefore have an issue of interpretation. The following points will hopefully show that this was not the intent and that the dock application for Vasilius should be accepted.

After discussing this with Phelps "Phil" Greene who was a member of the committee that was involved in the last two revisions to the UDML, so he has tremendous insight into what was intended. In addition to Phil, we have asked Kevin Olvany to provide a letter with his opinion. We may not have his response prior to October 15th, however we will have it for the November meeting.

Using your online copy of the UDML as a basis, section 38-9-C-1-e states that "The use of fingers. "T" or "L" shaped appendages are permitted in any configuration from the main walkway of the dock to form boat slip spaces." Please note that the verbiage is in plural form, meaning more than one T or L are permitted. And, it says "Any" configuration to form safe boat slips. It is the intent here to allow for safe docking of a person's boats. Along with that concept is to safely access those boats while they are docked. The walkways are a part of that safe access to the docked boats. We do agree that each appendage must be less than 256 square feet. But it can be also interpreted to mean that the walkway for each slip is one appendage. In the Canandaigua UDML, which was approved by the New York State Commissioner, Figure 3 (attached) shows several examples of dock shapes. Several of these examples show what was intended to be



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appendages and they are individual rectangular shapes and not collectively added together as one appendage. We would argue that using these figures as a guideline that we are proposing to build for slip spaces are indeed separate, and their square footage should not be added together as one unit. This figure also clearly shows that an appendage can be attached to another appendage.

Additionally, we can look at past history. The original 1990s version, the 2004 version and the current version are very similar in the verbiage and drawings related to dock shapes. (As a side note Phil Greene happen to be the person who drew these dock shapes and the figures that are included in the docking and mooring law.) Over the past 30 years we have built many docks using this exact configuration, in every town around the lake. Up until this time, there has never been any question as to whether this configuration of slip spaces would be allowed. After speaking to Phil, he had also noted that Jean Chrisman who was also a member of the UDML committee, as well as the past Code Officer, would never have issued permits for us to construct the 15 or more docks of this configuration, in the Town of Canandaigua, if this shape was not acceptable.

Also from a safety standpoint, walkways should allow for safe travel around the boat slip area. If you were to restrict the total slip walkway areas to 256s.f., that would yield a 128 s.f. allowance each. This would allow for a maximum walkway width of 3'. Given that there are steel pilings, 9 inches in diameter, that come through the walkway to support the roof and hoist this reduces the effective walkway width down to 21 inches in the area where the piles come through. This is fine for someone who is young and agile. It is not very safe or enjoyable for someone with disabilities of any kind. Also, keeping in mind that the operator's side of the boat is on the slip walkway side. This is where the operating controls are to raise and lower the boat.

We appreciate your time reviewing this and providing us with your interpretation.

Sincerely,

Kevin Dooley

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