

TOWN OF MILO, NEW YORK

ESTABLISHED 1818



DEPARTMENT OF DEVELOPMENT SERVICES

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To: General Public

Date: July 9, 2026

Reference: Department Snippet
Keuka Lake – Low water mark establishes ownership boundary

Question: What elevation differentiates ownership between NYS and the owner of a lot at Keuka Lake?

Answer: Under NYS case law, Keuka Lake is considered navigable water, and the NYS owns the lake bottom up to the low water mark. Consequently, private upland owners own the shoreline only to the low water mark, while NYS claims title to all submerged lands beyond that point.

Key Legal Distinctions for Keuka Lake:

- **The Low Water Mark Boundary:** Under New York precedents, such as *Rogers v. South Slope Holding Corp.*, the boundary between the public (the State) and the adjacent private property is the low water mark. The State officially designates this low water level at 712.5 feet.
- **The "Foreshore" Area:** The land lying between the low water mark (712.5 feet) and the mean high-water level (715.3 feet) can be privately owned by the lakeshore parcel holder, but it is heavily regulated by the NYS Department of Environmental Conservation (DEC).
- **Public Trust Doctrine:** Even on private land below the high-water mark, navigable waters and the submerged lake beds are held in trust for the public, guaranteeing rights like navigation and fishing.

Legal Cases:

- *ROGERS v. SOUTH SLOPE HOLDING CORPORATION* (1997). Supreme Court, Yates County, New York. Date Filed: March 20th, 1997. Citations: 172 Misc. 2d 33, 656 N.Y.S.2d 169, 1997 N.Y. Misc. <https://caselaw.findlaw.com/court/ny-supreme-court/1425050.html>
- *Martin v Gauvin* 2009 NY Slip Op 50214(U) [22 Misc 3d 1121(A)] Decided on February 11, 2009 Supreme Court, Yates County Falvey, J. Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431. <https://law.justia.com/cases/new-york/other-courts/2009/2009-50214.html>