Town of Irondequoit
Local Waterfront Revitalization Program

Adopted:
Town of Irondequoit Town Board, April 21, 1988

Approved:
NYS Secretary of State Gail S. Shaffer, August 9, 1988

Concurred:
U.S. Office of Ocean and Coastal Resource Management, December 7, 1988

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STATE OF NEW YORK
DEPARTMENT OF STATE
ALBANY, N.Y. 12231-0001

GAIL S. SHAFFER
SECRETARY OF STATE

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Mr. James Burgess, Chief
Coastal Programs Division
Office of Ocean and Coastal
Resource Management
1825 Connecticut Avenue, NW
Washington, DC 20235

Dear Mr. Burgess:

Enclosed is the Town of Irondequoit Local Waterfront Revitalization Program (LWRP). The LWRP has been adopted by the municipality and approved by the New York State Secretary of State. In addition, your office has concurred on its incorporation into the State's Coastal Management Program as a routine program implementation action. Copies of this document are also being transmitted to State agencies, as well as selected federal, county, and local agencies.

Should you have any questions or concerns regarding this document, feel free to contact either myself or Charles McCaffrey of this office at (518) 474-9201.

Sincerely,

George R. Stafford
Director
Division of Coastal Resource
and Waterfront Revitalization

GRS:gn

Enclosure

Town of Irondequoit
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This Local Waterfront Revitalization Program has been adopted and approved in accordance with the provisions of the Waterfront Revitalization and Coastal Resources Act of 1981 (Executive Law, Article 42) and its implementing regulations (6 NYCRR 601). Federal concurrence on the incorporation of this Local Waterfront Revitalization Program into the New York State Coastal Management Program as a Routine Program Implementation has been obtained in accordance with the provisions of the U.S. Coastal Zone Management Act of 1972 (P.L. 92-583), as amended, and its implementing regulations (15 CFR 923).

The preparation of this program was financially aided by a federal grant from the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Management, under the Coastal Zone Management Act of 1972, as amended. Federal Grant No. NA-82-AA-D-CZ068.

The New York State Coastal Management Program and the preparation of Local Waterfront Revitalization Programs are administered by the New York State Department of State, Division of Coastal Resources and Waterfront Revitalization, 162 Washington Avenue, New York 12231.

STATE OF NEW YORK
DEPARTMENT OF STATE
ALBANY, N.Y. 12231-0001

GAIL S. SHAFFER
SECRETARY OF STATE

August 9, 1988

Honorable Eugene Mazzola
Supervisor
Town of Irondequoit
1280 Titus Avenue
Rochester, NY 14617

Dear Supervisor Mazzola:

It is with great pleasure that I inform you that, pursuant to the Waterfront Revitalization and Coastal Resources Act, I have approved the Town of Irondequoit's Local Waterfront Revitalization Program (LWRP). The Town is to be commended for its thoughtful and energetic response to opportunities presented along its waterfront.

I will notify State agencies shortly that I have approved the Town's LWRP and will provide them a list of their activities which must be undertaken in a manner consistent to the maximum extent practicable with the Irondequoit LWRP.

Again, I would like to commend the Town of Irondequoit on its efforts to develop the LWRP and look forward to working with you in the years to come as you endeavor to revitalize your waterfront.

Sincerely,

Gail S. Shaffer

GSS:lc

U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
Office of Ocean and Coastal Resource Management
Washington, D.C. 20235

DEC 7 1988

George Stafford
Director
Division of Coastal Resources
and Waterfront Revitalization
Department of State
162 Washington Street
Albany, N.Y. 12231

Dear Mr. Stafford:

The Office of Ocean and Coastal Resource Management concurs with your request to incorporate the Town of Irondequoit Local Waterfront Revitalization Program (LWRP) into the New York State Coastal Management Program as a routine program implementation change. We received comments from five Federal agencies, none objecting to incorporating the LWRP as a routine program implementation.

In accordance with the Coastal Management Regulations, 15 CFR 923.84, Federal Consistency will apply to the Town of Irondequoit LWRP after you publish notice of our approval.

Sincerely,

James P. Lawless
for Donald E. Critchfield
Acting Director

RESOLUTION ADOPTING THE
TOWN OF IRONDEQUOIT
LOCAL WATERFRONT REVITALIZATION PROGRAM

WHEREAS, the Town of Irondequoit entered into a contract with the New York State Department of State, dated September 1, 1984 for preparation of a Local Waterfront Revitalization Program; and

WHEREAS, a Draft Local Waterfront Revitalization Program (DLWRP) was prepared under said contract with the guidance of the Waterfront Revitalization Program Advisory Committee and consulting assistance of Phoenix Associates; and

WHEREAS, a Draft Environmental Impact Statement (DEIS) was prepared for the Local Waterfront Revitalization Program in accordance with the requirements of Part 617 of the implementing regulations of Article 8 of the Environmental Conservation Law and Chapter 37 of the Town of Irondequoit Municipal Code; and

WHEREAS, a DLWRP and DEIS were referred to appropriate local, county, State, and federal agencies in accordance with State and Federal requirements; and

WHEREAS, a workshop and public hearing was advertised and held by the Town Board on November 20, 1985 and May 1, 1986 respectively to receive and consider comments on the DLWRP: and

WHEREAS, a Final Environmental Impact Statement (FEIS) was prepared and accepted by the Town Board as complete on March 3, 1988.

NOW THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Irondequoit, New York, that the Local Waterfront Revitalization Program for the Town of Irondequoit is hereby approved and adopted.

April 21, 1988

LOCAL WATERFRONT REVITALIZATION PROGRAM

REVIEW COMMITTEE

Gordon R. Britton, Chairman
Berley S. Berinstein
Victor Ciaccia, Jr.
Marlene Crisco
Louise Fowler
Clarence P. Hauser
Robert Isaac
Dale S. McQuiston (Deceased)
Eugene A. Rich
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Krishan C. Mago, Town Planner

TOWN BOARD

Eugene C. Mazzola, Jr.	Town Supervisor
Peter C. Pecor	Deputy Town Supervisor
Donald A. Deming	Town Board Member
Christopher J. Enos	Town Board Member
Robert H. Quinn, Jr.	Town Board Member

TOWN OF IRONDEQUOIT LWRP

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Proposed Land and Water Use Map

SECTION I

INVENTORY AND ANALYSIS

INVENTORY AND ANALYSIS

TOWN OVERVIEW

The Town of Irondequoit, located in the northcentral portion of Monroe County immediately to the north of the City of Rochester, incorporates approximately 16.5 square miles of land area. The community is bounded on three sides by water -- the Genesee River on the west, Lake Ontario on the north, and Irondequoit Bay on the east, and contains approximately 7 miles of shoreline.

THE WATERFRONT

This waterfront setting is one of the community's greatest assets, offering significant potential for recreational enjoyment and opportunities for selective new development which will enhance the Town's living environment, as well as expanding its tax base. However, the natural characteristics of Irondequoit's waterfront also present environmental concerns and development constraints. These special characteristics have not always been adequately addressed in past development decisions.

UNDEVELOPED LAND

Very little undeveloped, non-park land remains in Irondequoit (less than 1,500 acres, constituting approximately 14% of the Town's total area.) The Town Conservation Board has estimated that almost two-thirds of this undeveloped land (approximately 1,000 acres) is environmentally sensitive and presents constraints which would require development controls. These areas are characterized by steep slopes and/or wetlands and are located (1) along Irondequoit Bay, (2) to the south and west of Durand Eastman Park, and (3) in the Seneca Flats area near the Genesee River. The remainder of Irondequoit's potential development sites, which do not present significant natural constraints on development, are relatively small infill parcels, dispersed throughout the southcentral portion of the community.

POPULATION GROWTH

Although Irondequoit's population grew rapidly between 1950 and 1970 (reaching a total of 63,675 persons), the population has declined over the last decade (to 57,648 in 1980). This decline is not considered particularly serious, however, because it reflects national demographic trends and is counterbalanced by an increase in the number of households over the same period.

More importantly, Irondequoit experienced a significant shift in the age composition of its population over the 1970-80 period, with population in the 24 years and under age group declining sharply and elderly population increasing dramatically. As a result, Irondequoit now has a larger percentage of elderly as a proportion of total population (16.7%) than Monroe County as a whole (10.9%) and the Rochester SMSA (11.0%).

INCOME AND EMPLOYMENT

Household income data from the 1980 Census shows that Irondequoit households compare quite favorable with those in Monroe County and the Rochester SMSA as a whole. Mean household income in Irondequoit in 1980 was over 8% higher than the mean for all Monroe County households, and over 11% higher than that of Rochester SMSA households. Irondequoit also had a larger percentage of all households with incomes over $35,000 than either the County or he SMSA and a lower percentage of households with incomes under $20,000. Employment data shows that the pattern of jobs held by Irondequoit residents is similar to that for the County as a whole, with the bulk of jobs in the manufacturing category.

PROPERTY OWNERSHIP

A complex set of jurisditional relationships exists within Irondequoit. Monroe County owns approximately 110 acres along Irondequoit Bay. This area is known as Irondequoit Bay Park West. Monroe County also owns 17 acres of tax-foreclosed land in the Seneca Flats area. The Town and its waterfront revitalization program boundary are actually divided into two distinct sections, or areas, due to the fact that the Culver Road right-of-way which runs north from the City of Rochester, as well as the 965 acre Durnad-Eastman Park, are actually contiguous to and physically a part of the City. The City leases Durand-Eastman Park to Monroe County for operational and maintenance purposes.

The State also owns some important parcels of land in Irondequoit. The majority of these land holdings are included in or adjacent to the Keeler (Route 104) and Sea Breeze (Route 47) Expressway rights-of-way. In addition, the State Office of Parks, Recreation and Historic Preservation owns an important 20-acre parcel of land on the northwest shore of Irondequoit Bay in the Sea Breeze area. (This parcel is to be used in developing a boat launch and fishing pier as part of the larger U.S. Army Corps of Engineers project opening a channel between the Bay and Lake Ontario.)

The Town itself owns relatively little land. Major Town-owned parcels include the Town Hall site on Titus Avenue (35 acres), the Pinegrove Senior Citizen and Community Center, the Bateau Terrace Tot Lot on Lake Ontario, the Newport Road Landfill (27 acres), and Winton Park (4.5 acres). The Town also owns several small sites formerly used as sewage treatment plants and pumping stations. Two of these (one located on Pattonwood Drive in the Summerville area and the other adjacent to the Sea Breeze Amusement Park) present special opportunities for re-use because of their waterfront locations, and the Town is currently seeking developers for these sites.

EXISTING LAND USE AND ZONING (see Existing Land Use Map in attached map envelope) (see Existing Zoning Map in attached map envelope)

RESIDENTIAL

As an older suburb of the City of Rochester, Irondequoit is a predominantly single family, "white collar," residential community. Although the character and median value of Irondequoit's residential areas vary, the Town as a whole is known for its good quality housing and pleasant neighborhoods.

Over 70% of Irondequoit's housing stock was constructed before 1960. Some Irondequoit neighborhoods (including Sea Breeze and Summerville/White City in the waterfront area) were developed as summer cottage colonies prior to the adoption of minimum development standards. Although 80% of the Town's housing units are owner-occupied, a large percentage of the community's newer residential development has taken the form of multifamily rental units. This higher density housing is located primarily in southeast Irondequoit, along the western portion of the Ridge Road corridor, and in the vicinity of the Irondequoit Plaza/Titus Mall shopping center.

RETAIL/COMMERCIAL

Although Irondequoit does not have a traditional downtown district, there are a number of important retail areas within the community including the Ridge Road corridor (which contains several subregional shopping centers, as well as a substantial amount of strip commercial development), the Titus/Hudson commercial district; and several small scale shopping centers and neighborhood commercial concentrations.

OFFICE AND INDUSTRIAL

Industrial investment in Irondequoit has been sporadic. The most significant operations are two facilities of the Eastman Kodak Company (which are located within the Ridge Road corridor). Irondequoit has accommodated a greater number of office projects than it has industrial developments. A modest, but constant flow of moderately-sized office buildings has resulted from investments mostly by local entrepreneurs. These buildings are located primarily along the Ridge Road corridor and on Titus and Hudson Avenues in the vicinity of Irondequoit Plaza/Titus Mall.

PARKS AND RECREATION

The major parks in, or adjacent to, Irondequoit (Durand Eastman, Seneca, and Bay Park West) are owned and/or operated by Monroe County. Although the ratio of parkland to total area in Irondequoit is quite acceptable for an older, established community, the Town itself controls relatively little park land and has, therefore, entered into agreements with the two school districts within Irondequoit for part-time use of school recreation facilities.

Major Town facilities include the Pinegrove Community Center (with adjacent playfields owned by the West Irondequoit School District), the 4.5 acre Winton Park, the 15 acre Woodcraft Day Camp located behind the Town Hall,

and the 16 acre Densmore playfield (leased from the East Irondequoit School District). The Town has also provided a number of small tot lots and has cooperated with the East and West Irondequoit School Districts in developing neighborhood recreational facilities at six school sites. The Town provides library facilities at two locations: on Ridge Road in East Irondequoit and on Cooper Road in west Irondequoit.

TRANSPORTATION

Irondquoit's existing street system adequately serves the community's current access and circulation needs. Existing and projected traffic volumes are such that, in general, only light to moderate levels of traffic g=congestion are found now and are anticipated to occur over the next 10-15 years. Connections to the regional expressway system are good, although congestion levels at the existing Stutson Street and Route 104 bridges across the Genesee River result in some difficulty for Irondequoit residents. The Route 104 Expressway on the community's southern border, and the Sea Breeze Expressway in eastern Irondequoit (bordering the waterfront area) provide the Town with an excellent arterial highway system.

WATER SERVICE

The extent of the availability of public water within Irondequoit is impressive. Nearly every road, public or private, has some type of water service. Water Service, therefore, is generally not a limiting factor for land development around the Bay and Lake, excepting as it affects fire protection. The Sea Breeze Water District (which serves the northeastern portion of Irondequoit's waterfront area) buys water from the Monroe County Water Quthority. The older lines in this district are of substandard size and, therefore, cannot support additional development. The County Water Authority, which obtains water from Lake Ontario, serves the remainder of the development in Irondequoit and most of Monroe County.

SANITARY SEWERS

Most of Irondequoit is served by sanitary sewers, however some sections of the Town's waterfront remain dependent upon on-site systems. Areas not served by sanitary systems include the older residential sections on or in the vicinity of the Bay's southern end. The on-site systems found in these areas are often inadequate due to such factors as: age, proximity to the water, lack of sufficient space, difficult topography, and high water tables. The replacement of such systems with public sewers is very costly due to the necessity of providing pumping facilities or force mains.

INVENTORY OF STUDY AREA

Irondequoit's LWRP study area is generally that portion of the Town of Irondequoit which adjoins the west shore of Irondequoit Bay and the south shore of Lake Ontario (excluding that portion of the lakeshore within Durand Eastman Park which is in the City of Rochester). For purposes of description, the study area has been divided into four sub-areas which correspond to sections identified for special study in Irondequoit's recently completed Master Plan.

SOUTHEAST IRONDEQUOIT AREA

This area is bounded on the west by the Keeler Street and Sea Breeze Expressways, on the south by the City of Rochester line, and on the north by the northern property line of Irondequoit Bay Park West. For purposes of this description, the boundary has been extended easterly to the wetlands located immediately to the south of Empire Boulevard along Irondequoit Creek. This area has the following features:

* The wetlands immediately south of Empire Boulevard are owned partially by the County of Monroe and partly by private individuals. The wetlands are considered part of Ellison Park and include two channels, the largest being Irondequoit Creek. The remainder of the land is generally covered with cattails and small areas of other marsh plants, including purple loosestrife. The entire area, to some extent, acts as a filter for water entering the Bay. Management of the wetlands will eventually have an impact on the water quality of Irondequoit Bay. The Ellison Park Park Master Plan recommends that private lands in the wetlands should eventually be purchased by Monroe County and added to the Park. Little development is proposed for this area in the Plan. The Town notes the City of Rochester's support for the purchase by Monroe County of the private lands contained within the wetland areas of Ellison Park to help ensure further protection and enhancement of sensitive environmental areas.

* Empire Boulevard separates the wetlands from Irondequoit Bay proper. This major east-west arterial contains scattered commercial establishments built on fill, and affords excellent views of the Bay and its surrounding wooded slopes. Small undeveloped areas, above flood level, exist on both sides of Empire Boulevard.

* Older, established residental areas are located between the Sea Breeze Expressway and Bay Park West. Monroe County owns a narrow piece of land along the Bay from the Boulevard to the Park along which are located a few houses. Topography in this area is typical of most of the west side of Irondequoit Bay, with a narrow strip of low flood-prone waterfront abutting steep wooded slopes. The plateau areas above the slopes are level and have been almost fully developed with single family homes.

* Bay Park West is typical of the topography in the area. Steep slopes continue into a series of heavily wooded ridges and valleys covering most of the Park. The Park presently contains a road running along the shore servicing local traffic, a small run-down marina, and a gravel launch ramp capable of launching small boats. The water depth in this area is shallow, limiting the size of boats that can be accommodated. This situation will worsen as the water quality of the Bay improves, producing a thicker and healthier weed growth in the shallow areas.

* For this reason, the Park Master Plan has called for little additional marina activity in Bay Park West. The existing marina will be rehabilitated and stabilized for the short term, before weed growth becomes a serious barrier to operation. A boat launch might be added, with fishing piers and observation areas taking advantage of the view along the shoreline. The interior of the Park should remain predominantly wooded and undisturbed except for a trail system. A new entrance road will probably be added at the Park's west end adjacent to the Sea Breeze Expressway, eliminating the necessity of driving through residential areas to get to the Park.

* The Plan also recommended purchasing the Isaac Property, a large vacant parcel adjoining the Park on the north. This property has recently been purchased by the State for inclusion in the Park. It will eventually contain the majority of the Park's active water activities, since it contains some open and flat land and has a shoreline bordering on deeper water. (A consultant will be hired by the County to prepare detailed plans and studies of this area.)

IRONDEQUOIT BAY CENTRAL AREA

This area begins at the northern edge of Bay Park West and continues north to the Route 104 Bay Bridge. It is bounded on the east by Irondequoit Bay and on the west by the Sea Breeze Expressway.

The area includes:

* A small rod and gun club adjacent to the Isaac Property noted above.

* Immediately north of the Isaac Property is a large condominium complex, Bay Village, which includes a limited number of private docking spaces. A vacant parcel suitable for low density residential development is located to the west of the complex on Glen Haven Road.

* Densmore Creek, and the steep wooded slopes that border the creekbed, bisect the area. An extensive wetlands area extends from the lower portion of Densmore Creek to the point where it empties into Irondequoit Bay.

* A series of small cottage-type residences line the shore from the Bay Village complex to the Newport House, a restaurant and party

house presently undergoing redevelopment as a marina/restaurant facility. (A force main is planned to service the sanitary wastes of this structure.) The redevelopment of the property will also include a parking lot.

* The Town Landfill lies between Newport Road and the approach to the Irondequoit Bay Bridge and is partially bordered by wetlands. The landfill closed and it is anticipated that the site will be turned into a passive recreation facility. However, because the landfill is listed on the New York State Inactive Hazardous Waste Disposal Sites Registry, detailed investigations of the site will have to be conducted in order to provide sufficient data with which to assess the potential hazards to public health.

* Steeply wooded slopes divide the narrow waterfront in this area from the plateau above. The plateau is predominately in single family, low density residential use. Most of the prime development sites on the plateau have been developed leaving little additional land suitable for development, with the exception of the State Tunnel site located at the intersection of the Keeler Street and Sea Breeze Expressways.

SEA BREEZE/IRONDEQUOIT BAY NORTH AREA

This area, which includes the Sea Breeze neighborhood, is bounded on the north by Lake Ontario and on the east by Irondequoit Bay north of the Route 104 Bay Bridge.

This area is characterized by:

* A generally narrow strip of waterfront along the Bay. The shoreline area backs up to steep wooded slopes, except in the vicinity of the low lying sand spit which separates Irondequoit Bay from Lake Ontario.

* Small residences, a few small marinas, and a sailing school occupy the bayshore to Point Pleasant. Many of these uses are located in the flood zone of the Bay.

* The most predominant feature along this section of the Bay is Point Pleasant, which is the site of a recently constructed sixteen unit luxury condominium development.

* German Village, a row of older residences located on a narrow strip of land between the Bay and very steep slopes, is situated immediately north of the Point Pleasant development, with which it shares parking facilities. Over the last few years, this area has experienced rising property values and extensive rehabilitation efforts.

* The northwest shore of the Bay is generally undeveloped. Much of this land, however, is in a flood plain and is a designated wetland. The area between the top of the wooded slopes and the Expressway is, typically, in single family residential use.

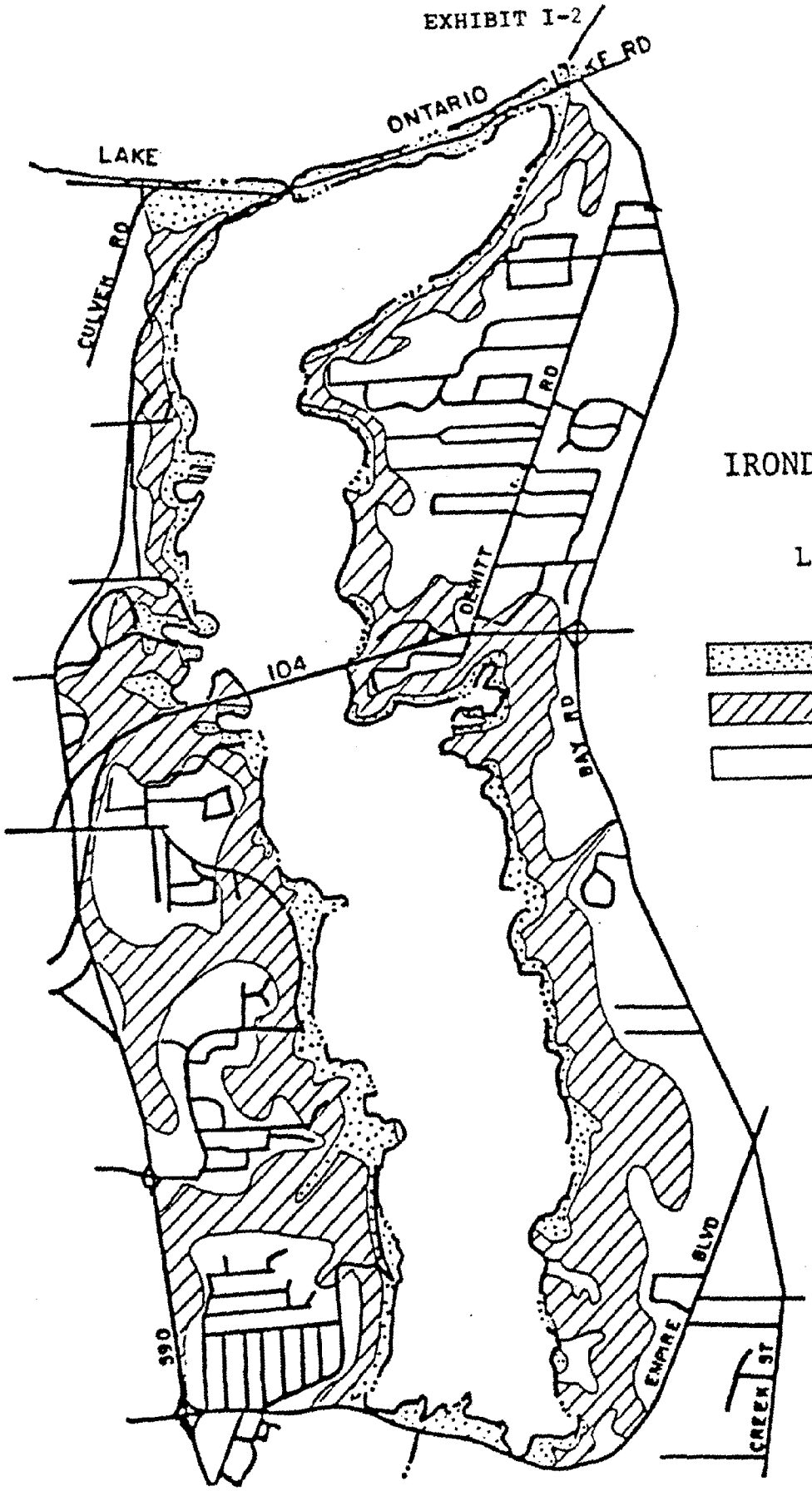
* The area west of the Expressway, south of Lake Ontario, and east of Durand Eastman Park is known as Sea Breeze and contains a large number of older, single family residential uses. These homes, some of which are in need of rehabilitation, are generally located on small lots and in close proximity to each other.

* The Sea Breeze area is divided by Culver Road, which functions as the neighborhood's main arterial. Culver Road, in Sea Breeze, is characterized by strip-commercial development generally in need of upgrading and a large amusement park, Dreamland Park, which is a Rochester area landmark. The lower end of Culver Road, in the vicinity of its terminus at the Expressway, is characterized by fast-food restaurants and vacant land suitable for development, including the former site of a Town sewage treatment plant which has been cleared.

* The sand spit dividing Lake Ontario from Irondequoit Bay is bisected by a channel which separates the Town of Webster from Irondequoit. The channel has been widened and deepened by the Army Corps of Engineers to enable large boats to enter the Bay. As part of this project the bridge which carried Route 18 traffic over the outlet was severed. The removal of the Route 18 bridge opened the way for construction of the navigation channel, a breakwater on the west side and a jetty on the east side of the channel. Associated recreational improvements are being developed by the New York State Office of Parks and Recreation and Historic Preservation. The need to replace the Route 18 bridge continues to be very controversial, with the Towns of Irondequoit and Webster and Monroe County supporting the construction of a replacement. However, questions relating to cost, responsibility, and the size and type of replacement which should be built have, to date, complicated resolution of this critical issue.

* The sand spit is divided, north and south, by Route 18 and the adjacent right-of-way of the Hojack Line, which has been abandoned in this area. Except for the raised roadbed of the former railroad, the spit is flat for its entire length. Land uses on the Irondequoit side include a row of cottages located on small lots in a narrow strip of land between the railroad right-of-way and the Lake.

EXHIBIT I-2



IRONDEQUOIT BAY

LANDFORMS

SHORE ZONE

STEEP SLOPES

PLATEAU

DURAND EASTMAN PARK

* Irondequoit's lakefront and LWRP area are divided by Durand Eastman Park, which is located within the City of Rochester. The Park encompasses approximately 7,500 feet of shoreline along Lake Ontario and contains 965 acres. A contiguous piece of land to the west, owned and operated by the Monroe County Pure Waters Authority, is the site of a large sewage treatment plant.

  The beach within the Park is a long, narrow sand and pebble strip which backs up to the elevated right-of-way of the abandoned Hojack Line. Paralleling the railroad right-of-way is Lakeshore Boulevard, bisecting the beach area from the rest of the Park. The Park, south of Lake Shore Boulevard, consists of a public golf course, natural areas used for picnicking and hiking, and a number of small lakes and streams. The topography of the Park consists primarily of steep ridges divided by narrow valleys and its vegetation is mostly mature deciduous material with a smaller percentage of evergreens.

SUMMERVILLE/WHITE CITY PLANNING AREA

This area is located immediately south of Lake Ontario and extends from Durand Eastman Park to the City line in the vicinity of the mouth of the Genesee River. To the south, it is bordered by the Hojack Line, St. Paul Boulevard, Pattonwood Drive, and Thomas Avenue. The Genesee River, which adjoins the Summerville area on the west, is entirely within the City of Rochester.

* White City, due to its origins as a summer colony, suffers from an inadequate infrastructure system and is characterized by high densities and small narrow houses, some of which are substandard. The Bateau Terrace Tot Lot found in this area is presently the only Town-owned recreation facility located on the water. It consists of two distinct parts: a beach area and the tot lot proper, which is located at the top of the bluffs that overlook the Lake.

* The Gold Coast area, which is located on the Lake between White City and Durand Eastman Park, consists of luxury housing on large parcels.

* Summerville (which is bordered by White City on the east, Lake Ontario on the north, and the City of Rochester on the west) is an older residential neighborhood in generally good condition, with the exception of the First, Second, and Third Streets area. Some neighborhood commercial uses are located near the terminus of St. Paul Blvd. Housing located south of Rock Beach Road and the Hojack Line is mostly newer and in better condition.

* The lakefront in the Summerville/White City area consists of a wide, sandy beach which backs up to bluffs that diminish in height in the vicinity of the Genesee River. The beach, while private, is used by the public.

* Single family homes are located on the bluffs south of the beach, with the exception of a large condominium complex located at the terminus of St. Paul Boulevard.

* A number of commercial enterprises are located south of the condominium complex and east of the City controlled land along the Genesee River, and include large marinas, boat sales operations, and the Rochester Yacht Club with its large boat basin. Adjoining this area to the east are two large vacant parcels; one of which is the site of a former Town sewage treatment plant on Pattonwood Drive. Abandoned structures belonging to the treatment plant remain on the Town-owned site.

* Immediately south of the Stutson Street Bridge, the area's only river crossing, is an underutilized parcel which is in close proximity to the Genesee River and adjacent to a marina that leases City-owned land.

VACANT/DETERIORATED/UNDERUTILIZED SITES

As part of the Inventory and Analysis of Irondequoit's Local Waterfront Revitalization Program, eight (8) sites have been identified which possess development potential. These sites consist of either vacant parcels or areas which are deteriorated and/or underutilized. Because of such characteristics as size, location, visibility, value, and proximity to the waterfront, the sites which have been identified are considered to have the highest potential for development in the waterfront study area.

In its attempt to identify potential development sites, the Town took into consideration the presence of such environmentally sensitive features as wetlands, steep slopes, watercourses, flood plains, and wood lots. Also taken into consideration were such limiting factors as: site accessibility, surrounding land uses, and the absence of utilities and other infrastructure improvements.

The eight sites that were ultimately identified are located on or near the three bodies of water which abut Irondequoit (the Genesee River, Lake Ontario, and Irondequoit Bay), with the greatest number being situated in proximity to Irondequoit Bay. Most of the sites consist of more than one parcel and vary greatly in size and current use. The sites are in both private and public ownership.

SITE 1: STUTSON ST.- THOMAS AVE.

The area bounded by Stutson Street Bridge on the north, the City line on the west, the Conrail right-of-way on the south, and Thomas Avenue on the east consists of approximately eight acres of land in private ownership. The site, which is 80 percent wooded, contains the vacant and deteriorated buildings of the former Morse Lumber Company.

The site is separated from the Genesee River by narrow strip of land in the City of Rochester, which is leased from the City for marina use. Joint development of both parcels for water-related recreational use is both

feasible and desirable. In this regard, it should be noted that the City of Rochester, in the draft of its LWRP, has proposed for the same site a boat launch facility, as well as associated public access and water-related recreational activities.

SITE 2: MUNICIPAL TREATMENT PLANT SITE

The eleven acre former Irondequoit Northwest Treatment Plant site and the adjoining nine acre parcel owned by Shumway Marina represent the best prospect for development in the Summerville/White City section of Irondequoit's waterfront. The potential exists for combining the Town-owned parcel and the adjacent Shumway property and developing the site for mixed uses having a maritime theme. However, the Town-owned portion of the site is listed on the State's Registry as the location of inactive hazardous waste site. The N.U.S. Corporation sampled this site on May 9, 1984 and results indicate hydrocarbons in the soil. The site is being investigated under the New York State Superfund. Until such time as the site is completely tested and there is no risk from contaminants, development of the site is prohibited.

SITE 3: LAKESHORE DEVELOPMENT SITE

The area, which includes First, Second, and Third Streets off of Saint Paul Boulevard, may present an attractive waterfront redevelopment opportunity. This area (which currently contains a mix of vacant parcels, older housing and small commercial establishments) represents the only suitable waterfront location in Summerville/White City for the development of higher density residential uses. Not only is the area located adjacent to an existing condominium development, but it is already zoned for more intensive residential use.

SITE 4: NORTHEAST SEA BREEZE AREA

The Sea Breeze area is bounded by Lake Ontario on the north, Irondequoit Bay on the east, and Durand Eastman Park on the west. The area's waterfront location represents a tremendous asset which is not now being used to its maximum advantage. Underutilized and vacant land in the northeastern portion of the area represents Irondequoit's most outstanding opportunity to capitalize on the waterfront's development and recreational potential.

The opening of the Irondequoit Bay to Lake Ontario, and the development of a State marina, fishing pier, and boat launch located adjacent to the new outlet will create a powerful incentive for new development in the northeastern portion of the Sea Breeze area. These public recreational improvements can be coordinated with new private development to take maximum advantage of Sea Breeze's enhanced recreational and economic development potential.

IRONDEQUOIT BAY OPPORTUNITY SITES

The remaining four opportunity sites are located on or near Irondequoit Bay east of the Sea Breeze Expressway, and are situated on the plateau and slopes overlooking the Bay, as well as on the waterfront.

Most of the prime development parcels in this area have already been used for low-density, single family residential development; several multifamily residential projects have also been developed in this area. In addition, a former research facility (Ward's) has been converted to office space and a few bayfront parcels are currently zoned for water-related use. The opening of the channel connecting Irondequoit Bay and Lake Ontario is expected to greatly increase the value of the remaining Bay area vacant and underutilized sites.

SITE 5: NEWPORT ROAD

This site contains three major parcels including the Town's 27 acre municipal landfill located on Newport Road, the site of the Newport House situated on the Bay at the end of Newport Road, and an extensive vacant parcel (known as the Cassara property) located adjacent to the Newport House parcel and consisting of bay frontage and steep, wooded slopes. Development potential of this area is limited due to environmental and other constraints. The Town landfill site was used for the disposal of landscaping and C&D debris from 1957. However, the site received 15,000 tons of waste from the Rubbish Disposal Company. The site is now closed but is generating leachate. The site is located up gradient from a designated wetland and a principal acquifer. A phase I investigation report has been completed for the site but no groundwater, surface water or air sampling has ever been conducted at the site. Until such time as the site is completely tested and there is no risk from contaminants development of the site is prohibited.

SITE 6: STATE TUNNEL PROPERTY

The 27 acre vacant site, which is located at the junction of the Sea Breeze and Keeler Street Expressways, could be donated to the Town by the State in the next few years. The site has been considered for use as a park; however, given its non-central location and proximity to the County's Bay Park West, the appropriateness of the site for town-wide recreational use is questionable. The overall scarcity of developable land in Irondequoit and this site's outstanding visibility and accessibility suggest that a high image office/industrial or mixed use development should be given serious consideration.

SITE 7: GLEN HAVEN

This site consists of two separate areas in the vicinity of the Bay Village condominium complex: a vacant parcel located on South Bay View Road immediately to the west of the Bay Village condominium project, and three undeveloped parcels located south of Bay Village on the bayshore (these parcels have recently been acquired by the State for incorporation into Bay Park West, and negotiations are now underway between the State and the County regarding their operation and development).

SITE 8: EMPIRE BLVD.

An underutilized site located on either side of Empire Blvd. at the southern end of Irondequoit Bay offers an excellent opportunity for new

waterfront commercial development. The site's high visibility, excellent accessibility via Empire Boulevard, and waterfront location make it ideal for this type of use. However, for this type of development to become attractive on this site, sanitary sewers must be provided in Empire Boulevard. (Feasibility studies for the Empire Boulevard sewer have been conducted and the legal process for establishing a sewer district is progressing.)

MAJOR AREAS OF CONCERN

1. BAY DEVELOPMENT CONSIDERATIONS

The area adjoining Irondequoit Bay has many unique and sensitive environmental features. These features serve as a resource for recreation, visual beauty, and the functioning of many complex and critical natural processes. Increasing pressures for development around Irondequoit Bay, however, threaten these natural features, and care must be exercised to balance development pressures with resource protection needs.

a. WETLANDS/WILDLIFE HABITATS: Irondequoit Bay has been classified by the New York State Department of Environmental Conservation as a Class 1 Wetland, which is the highest classification that can be given to a wetland. Therefore, New York State will retain permit granting authority for activities in wetlands around Irondequoit Bay. (At the present time, DEC is considering the entire shoreline area of the Bay as a Class 1 Wetland.)

DEC has identified three types of wetlands in the Irondequoit Bay area: Significant Wetland Habitats, Fringe Emergent Wetlands, and Submergent Wetlands and Aquatic Resource Areas. Each of these serves such important functions as: shoreline erosion protection, wildlife habitat, fish habitat, spawning and nursery areas, improving water quality, open space and passive recreation areas.

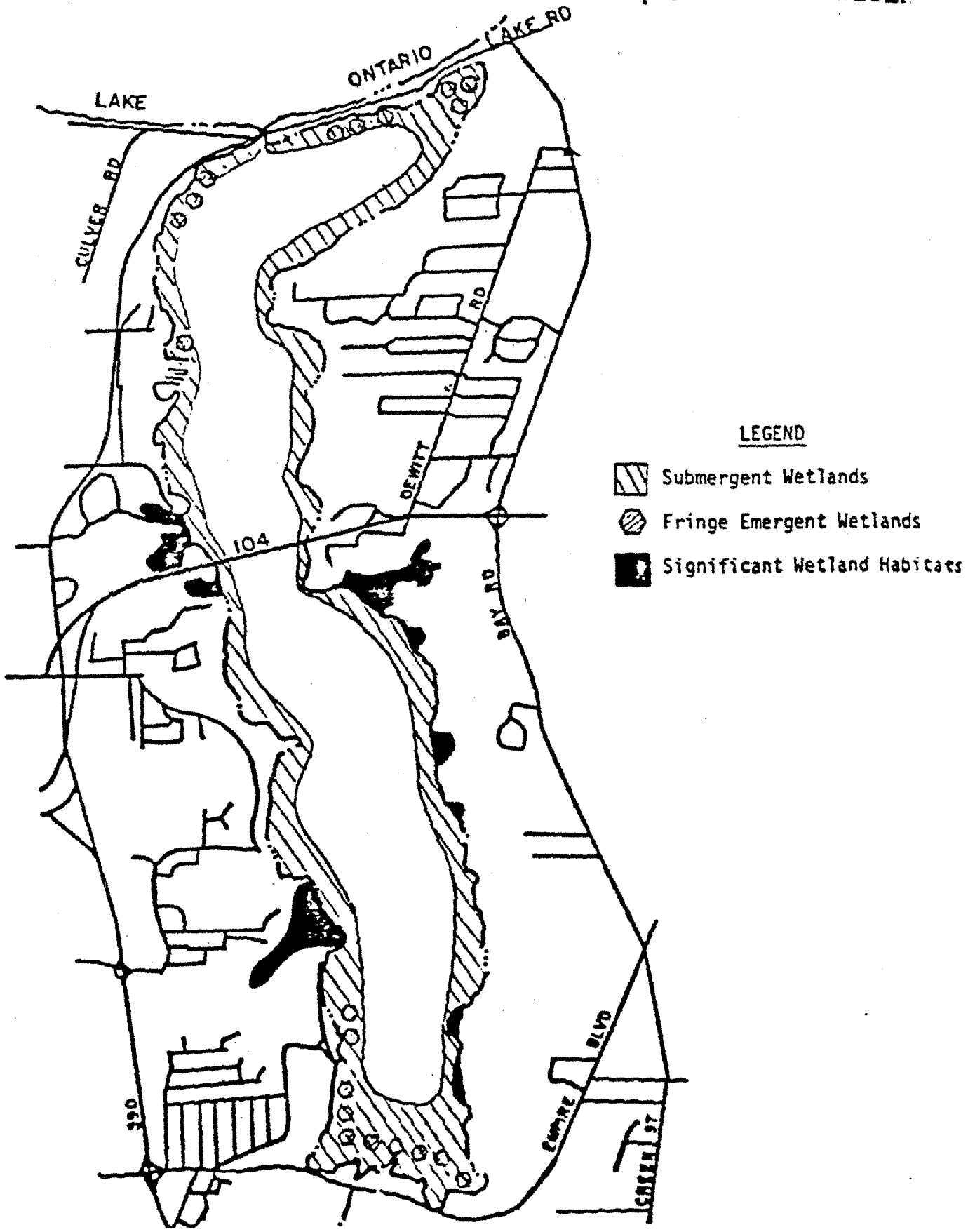
Irondequoit Bay is substantially enclosed by a narrow band (200 - 600 feet wide) of submergent aquatic vegetation. This aquatic bed is made up of milfoil, coontail and pondweeds, and constitutes a Class I wetland. A major limiting factor influencing the development of this vegetative type is the amount of light reaching the bottom substate. (It is anticipated that as the quality of Bay water increases, water turbidity will decrease and allow more light to reach the bottom and the aquatic bed to expand.)

This submergent wetland plays an important role for Bay fish and wildlife populations. Fish use this habitat for spawning, feeding, escape cover, or nursery habitat. Waterfowl and wading birds use these areas to forage for food; reptiles and amphibians likewise may spend much of their life cycle in close association with the aquatic bed.

Emergent wetlands are found at various locations around the Bay. (Large cattail marshes are found south of Empire Boulevard in the vicinity of Irondequoit Creek.) Emergent wetlands provide excellent fish and wildlife habitats, and when associated with other wetland cover types (such as submergent vegetation), or with upland cover types, the habitat values are increased. The "edges" between different cover types are the areas where the greatest diversity of habitat and wildlife exist.

EXHIBIT I-3

IRONDEQUOIT BAY WETLA



Floating wetland vegetation is found in the coves and embayments of the Bay and at the Bay's south end. (Water lily and duckweed are the most abundant species of floating vegetation.) This type of vegetation is valuable as a feeding and nursery area for reptiles, amphibians, fish, and waterfowl. Again, when in association with other wetland types, diversity is added.

Shrub wetlands are found in various coves on both sides of the Bay. This wetland covertype is normally adjacent to the upland area and provides a transition zone between the wetlands and the upland. (Shrub areas are usually only seasonally flooded in spring and fall.) Waterfowl use shrub wetlands during spring and fall migration; furbearers and song birds use these areas during various times of the year.

DEC and the U.S. Corps of Engineers, in conjunction with the U.S. Fish and Wildlife Service, have performed several wildlife habitat surveys of Irondequoit Bay. Although these surveys are preliminary in nature, they indicate that there are several important wildlife habitats in the Bay area that are worthy of protection.

Four types of wildlife habitat areas have been identified for Irondequoit Bay:

1. Wetland habitats including submergent wetlands (Class 1 wetlands within 200-600 feet of the shore), emergent cattail marshes, floating wetlands, and shrub wetlands found in coves around the Bay (see above).

2. Aquatic resources habitat, including shoreline structures important to fish feeding and spawning.

3. Upland habitat, including wooded slope areas.

4. Significant fish and wildlife resource areas (both wetland and upland areas) that have unique combinations of several of the above wildlife habitats. In Irondequoit, these areas have been tentatively identified as: Massaug Cove, Newport Cove, Densmore Creek Wetland, Glen Haven/Snider Island, and the south end emergent fringe area.

Irondequoit Bay supports a large number of freshwater fishes dominated by some warm-water species not normally considered gamefish, such as: white perch, alewife, or bowfin. With improved water quality, a shift in abundance to species commonly sought after as sport fishes, such as: largemouth bass, smallmouth bass, northern pike, and salmonids, is expected. The following map shows thoses areas of the Bay where good shoreline structure, vital for a productive and diverse fishery, exists. This structure is composed of natural wave-washed beaches, submergent vegetation, overhanging shoreline vegetation, gravel/rubble bottoms, and/or submerged trees and woody debris.

EXHIBIT I-4

FISH SPECIES COMMON TO THE IRONDEQUOIT BAY

Golden shiner
Carp
Spottail
Emerald shiner

Largemouth bass
Smallmouth
Pumpkinseed
Black crappie
Rockbass

White perch

Channel catfish

Black bullhead
Brown bullhead

Walleye
Johnny darter
Yellow perch

Alewife
Gizzard shad

White sucker

Northern pike

Longnose gar

Sea lamprey

*Rainbow trout
*Brown trout
*Coho salmon
*Chinook salmon
*Atlantic salmon

*Seasonal inhabitants

EXHIBIT I-5

COMMON AQUATIC PLANTS ASSOCIATED WITH IRONDEQUOIT BAY

SUBMERGENT

Coontail
Watermilfoil
Sago pondweed

EMERGENT

Longleaf pondweed
Broadleaf cattail
Narrow leaf cattail

FLOATING

Water lily
Duckweed

SHRUB*

Willow
Red osier dogwood
Silky dogwood
Buckthorn
Green ash - sapling stage
Red maple - sapling stage
Arrowwood

* Shrubs are not normally considered truely aquatic plants but these species are used as wetland indicators by biologists with the DEC (Region 8).

EXHIBIT I-6

BREEDING BIRDS OF THE IRONDEQUOIT BAY AREA

POSSIBLE

Chimney Swift
Red-headed Woodpecker
Alder Flycatcher
Rough-winged Swallow
Brown Creeper
Chestnut-sided Warbler
Green Heron
Least Bittern
Sora
Killdeer
Common Snipe
Willow Flycatcher
Least Flycatcher

PROBABLE

Tree Swallow
White-eyed Vireo
Yellow-throated Vireo
Mourning Warbler
Hooded Warbler
Rufous-sided Towhee

CONFIRMED

Mallard
Blue-winged Teal
Wood Duck
Red-tailed Hawk
American Kestrel
Ring-necked Pheasant
Virginia Rail
Common Gallinule
American Woodcock
Rock Dove
Mourning Dove
Yellow-billed Cuckoo
Black-billed Cuckoo
Screech Owl
Great Horned Owl
Ruby-throated Hummingbird
Belted Kingfisher
Common Flicker
Pileated Woodpecker
Red-bellied Woodpecker
Hairy Woodpecker
Downy Woodpecker
Eastern Kingbird
Great Crested Flycatcher
Eastern Phoebe
Eastern Wood Pewee
Bank Swallow
Barn Swallow
Blue Jay
Common Crow
Black-capped chickadee
Tufted Titmouse
White-breasted Nuthatch
House Wren
Long-billed March Wren
Gray Catbird
Brown Thrasher
American Robin
Wood Thrush
Veery
Cedar Waxwing
Starling
Red-eyed Vireo
Warbling Vireo
Yellow Warbler
Cerulean Warbler
Common Yellowthroat
American Redstart
House sparrow
Red-winged Blackbird
Northern Oriole
Common Grackle
Brown-headed Cowbird
Scarlet Tanager
Cardinal
Rose-breated Grosbeak
Indigo Bunting
House Finch
American Goldfinch
Chipping Sparrow
Field Sparrow
Swamp Sparrow
Song Sparrow

[1]Based on data from the N.Y.S. Dept. of Environmental Conservation and the Federation of N.Y.S. Bird Clubs Breeding Bird Atlas Project (1980-83), with additional information provided by Mr. Robert Spahn of Webster, N.Y.

The present improved condition of the sports fishery in Lake Ontario and its adjoining bays and tributaries, including Irondequoit Bay, is a direct result of the State's intensive stocking program. 1984 stocking figures show that Irondequoit Creek alone received 19,100 Brown Trout yearlings, 17,000 Rainbow Trout yearlings, and 10,800 Atlantic Salmon yearlings.

The major portion of upland wildlife habitat is made up of "transitional hardwoods." This forested area provides habitat for characteristic woodland wildlife species, such as whitetail deer, eastern cottontail, eastern gray squirrel, woodcock, raccoon, and songbirds, among others. When these woodlot areas are situated directly adjacent to the open water or wetland areas of the Bay, the habitat values increase. Great blue herons, American bittern, wood duck, osprey and others are among the common species which use both wetland and upland habitats. In addtition to avian wildlife, many species of mammals use the Bay area. All are dependent for some part of their existence on the cover provided by the wetlands, open water, and wooded areas.

Irondequoit Bay and Creek habitat located within the City of Rochester and the Towns of Irondequoit, Webster, Perinton and Penfield in Monroe County is expected to be designated by the New York State Secretary of State as a fish and wildlife habitat of statewide significance. The habitat includes the entire bay area, emergent wetlands immediately south of the bay and approximately seven miles upstream on Irondequoit Creek. The Bay and Creek supports a significant warm water fishery and provides angling opportunities for salmonids especially utilized by migrating waterfowl during the spring and fall as a staging and feasting area.

Detailed information of this habitat is appended to the Inventory and Analysis section including: a description of its location, physical features and fish and wildlife values, a location map and a listing of knowledgeable contacts.

b. STEEP SLOPES: Development activities on or adjacent to the steep slopes around Irondequoit Bay, which consist of silty sands, can result in increases in erosion and sedimentation, degradation of the water quality of the Bay and its tributary streams, slope slippage, destruction of the natural character of the Bay area, and property damage. The manner in which stormwater drainage is handled, disturbance of soils, and removal of vegetation can all affect slope stability.

Slopes of 15 percent or greater may be subject to failure if disturbed either through removal of vegetation, which acts to stabilize the slope, or grading of slope areas, which exposes them to erosion by wind and water. Natural percolation of stormwater is reduced when vegetation is removed from slope areas, or imprevious surfaces (such as buildings and paved surfaces) are constructed.

Concentration of surface runoff from upland development areas to slope faces may cause excessive erosion and further reduce slope stability. Development related activities may increase the risk of slope failure and cause damage to property. Additionally, increased boat traffic resulting

from the bay opening may enhance the natural erosion at critical slope toe areas. Disturbances may also contribute to water quality degradation through siltation.

Making large cuts and fills at the top or base of a steep slope, concentrating volumes of stormwater in one location, or placing structures in or too close to slope areas, may disturb the established equilibrium of the soil profile to the point where the upper portion of the slope will begin to slip. This can result in extensive losses to real estate which is built on or near the top or toe of the slope.

c. WATER LEVEL/FLOODPLAINS: The level of Irondequoit Bay is determined by Lake Ontario. The levels of the two bodies of water are the same (the mean high elevation under the IGLD datum is 246.8 feet and under the USGS datum 248.03 feet), except for brief periods when the Lake is tilted from strong winds or when the volume of discharge from Irondequoit Creek is exceptionally high. (The level of the Lake is controlled by international agreement, through which the Lake is permitted to fluctuate between 242.8 and 246.8 feet.) The levels of the Lake and the Bay will, however, vary significantly due to major fluctuations in the cycle of precipitation.

The shoreline area and wetlands of Irondequoit Bay have been identified as floodprone in studies done by the Federal Emergency Management Administration. (These areas have been mapped and flood elevations cited as part of the local flood insurance program.) Building activity in these floodprone areas is regulated by the National Flood Insurance Program and the Town's Floodplain Management ordinance. Building activity within floodprone areas can affect the flood handling capabilities of a body of water such as Irondequoit Bay, as well as being exposed to significant damage from high water levels.

d. SOIL CHARACTERISTICS: The characteristics of the soils in the Bay area have been determined largely by glacial history, as well as topography, drainage, and vegetation. Plateau soils north of Ridge Road are predominantly deep, sandy, and very well drained and they have considerable amounts of gravel. Plateau soils south of Ridge Road have much less gravel and sand and are higher in silt and clay content. They are underlain by glacial till (the relatively dense material deposited and compacted by the glacier.) These soils are generally moderately well drained and deep.

The slopes around the Bay are formed predominantly from sediments laid down in the pre-glacial Genesee River valley, although some bedrock outcrops are found in the deeper stream valleys. The material is predominantly of fine sands and silts of nearly uniform consistency, and the composition makes the material highly susceptible to erosion. The soils are stabilized by the native vegetation and are well drained.

The sand bar at the north end of the Bay is the result of beach deposits. It is a uniform sand and has a high water table. It is relatively unstable material and has low bearing strength. Soils along the creeks and the

flatter areas of the shoreline are alluvial, which means that they are derived from recently deposited sediments. They are usually of a fine consistency, poorly drained, and have a high water table.

e. COASTAL EROSION HAZARD AREAS: The New York State Department of Environmental Conservation has tentatively identified coastal erosion hazard areas in Monroe County. Coastal erosion hazard areas are those coastal shorelines described as follows:

* Structural hazard areas which are receding at an average rate of one foot or more per year; and

* Natural protective features areas including: beaches, dunes, sandbars, spits, shoals, barrier bays, barrier islands, bluffs, and wetlands.

All of Irondequoit's Lake Ontario shoreline and much of its Bay shoreline have been preliminarily designated as erosion-hazard areas, which will be subject to the regulations of Article 34 of the Environmental Conservation Law.

2. HISTORIC RESOURCES

The Irondequoit waterfront is rich in Indian history. Irondequoit Bay was considered the gateway to the Iroquois Nation. Trails through the area ran west to Niagara, east to Oswego, and north and south along both sides of Irondequoit Bay to the lakeshore.

The first recorded visit of white men to the Irondequoit area took place on August 20, 1669, by the French explorer LaSalle. The area was the site of major conflicts between the French and the Seneca Indians. The unsuccessful attacks were led by the Marquis de Denonville, as the governor of New France (Canada). Even earlier, traders seeking furs for export to France, England, and the Netherlands followed the bay route, and control of the Bay was important to each of the three countries.

Historically, Lake Ontario and Irondequoit Bay have served as major resort areas and recreation resources for Monroe County and the greater Rochester area. Once accessible by trolley lines, the bayshore and lakeshore during the latter part of the nineteenth and early part of the present century were dominated by resort hotels and amusement parks which were great attractions, particularly during the summer months.

With the advent of the automobile, however, the Bay and Lake became less popular in favor of more distant recreation areas. Once flourishing commercial ventures fell into disrepair, water quality declined, and interest in these bodies of water waned. As a result, with the exception of the Dreamland Amusement Park in Sea Breeze, none of the commercial and recreational structures built during this era have survived, a fact which is reflected by the absence on either the Federal or State Historic Place Registers of structures located within Irondequoit's waterfront.

Although portions of Irondequoit's waterfront contain housing built during the early part of this century, little of historic or architectural significance is to be found in these areas. This can be explained by the fact that most early housing constructed within the waterfront began as temporary residences occupied during the summer months only. Over the years, as economic conditions changed and the summer colonies evolved into year- round residential neighborhoods, structures which had originally been designed for part-time occupancy only were converted into permanent residences. Such residences tend to be modest in scale and appearance and often lack the amenities which structures built at a later time (when more stringent building and zoning codes were in force) contain.

With regard to potentially archaeologically significant areas within Irondequoit's waterfront, it should be noted that the entire planning area has been designated as being archaeologically sensitive on the New York State Archaeological Site Inventory map.

No above ground structures or monuments have survived from Irondequoit's prehistoric past or from the period of early European exploration and settlement (seventeenth and eighteenth centuries). The only significant site dating from protohistoric times that might be in Irondequoit's waterfront area is that of a garrison constructed by Denonville in preparation for his invasion of the Senecas in 1687. However, there is controversy over the location of the garrison, and arguments, based on circumstantial evidence, have been presented for sites on both the Irondequoit and Webster sides of the Irondequoit Bay outlet.

3. SCENIC RESOURCES AND VISUAL QUALITY

Lake Ontario and Irondequoit Bay both constitute major scenic resources for the Town of Irondequoit, as well as the entire greater Rochester area. Irondequoit Bay in particular, because of its setting of steep, heavily wooded slopes and wetlands, provides views of exceptional beauty.

In the case of Lake Ontario, the best views within the waterfront available to the general public are found at four locations:

* the channel connecting the Bay and Lake
* the area of Culver Road's terminus in Sea Breeze
* the top of the bluffs overlooking Windsor Beach in White City
* Summerville Beach in Summerville

It should also be noted that excellent views of the Lake are provided from that portion of Lake Shore Boulevard which passes through Durand Eastman Park. Although the Park is located within the City of Rochester, its proximity to Irondequoit makes it and the views which it affords a resource for all Town residents, as well as a positive influence on the visual quality of Irondequoit's own waterfront.

The most accessible areas for viewing Irondequoit Bay are located at the Bay's north and south ends. From these two areas (Empire Boulevard on the south and the sand bar and Bay opening of the north), spectacular views of the entire length of Irondequoit Bay are provided. (Good views of the wetlands south of the Bay are provided from Empire Boulevard as well). Also, the Irondequoit Bay Bridge and its approaches provide excellent views of the Bay and the surrounding area at the midpoint of that body of water.

Views which are less accessible to the public due to such factors as: topography, land ownership patterns, heavy tree cover, existing development, and lack of roads are provided at several locations. These include: Point Pleasant, Birds and Worms, Newport Point, and Bay Shore Boulevard (in the vicinity of Bay View). Although undeveloped, the site of Bay Park West provides good views of the Bay from its extensive shoreline.

As alluded to above, views of both the Lake and Bay are limited not only by such natural features as steep slopes and wood lots, but also by the pattern of development and land ownership that exists in Irondequoit's waterfront. Irondequoit's waterfront, like those of many other highly developed, older communities, is primarily in private ownership. This fact explains the built-up nature of the areas abutting the water that in many cases has blocked the public's views of the Lake and Bay. Development of this type has in some cases also detracted from the visual quality of the waterfront, particularly along portions of the bayshore and lakeshore where houses and commercial uses have been built directly on the water.

4. WATER SURFACE ANALYSIS

LAKE ONTARIO: Lake Ontario is the twelfth largest freshwater body in the world by area (7,340 sq. miles), but because of its depth (average: 283 ft., maximum: 802 ft.), ranks as the tenth largest lake by volume (393 cubic miles of water). The Lake is 193 miles at its longest and 53 miles at its widest. It drains a watershed of 30,000 sq. miles within New York State and the Province of Ontario in Canada. Including most of the major indentations of the shore, the Lake has approximately 726 miles of coastline, with a coast which is considered fairly even. Well over half of the Lake's floor lies below sea level.

Lake Ontario's drainage basin receives, on average, 44 inches of precipitation annually, and the Lake has a water retention period of six years. More than 6.1 million people live near the Lake's shores in Ontario Province and New York State, and 2.5 billion gallons of water are withdrawn each day for farming, power, drinking and other domestic uses, mining, manufacturing, and commercial purposes. Non-consumptive uses of lake waters include shipping, fishing, and other recreational pursuits.

Lake Ontario contains an extensive trout, bass and salmon fishery developed by stocking programs in New York State and the Province of Ontario. Boat and shore based fishermen catch salmon and trout in the nearshore waters of the Lake, as well as in Irondequoit Bay, during the spring and fall fish migration periods.

IRONDEQUOIT BAY: Irondequoit Bay is an extension of Lake Ontario located on the south shore of that body of water, and is about four miles east of Rochester Harbor and 29 miles west of Great Sodus Bay, the nearest Federal harbors. The Bay is bounded by the Towns of Irondequoit (north, west, and south sides), Penfield (south and east sides), and Webster (east and north sides) in Monroe County. Irondequoit Bay is a natural harbor oriented in a north-south direction with steep banks rising up to 150 feet above the water surface along the east and west shores, a barrier beach or sand bar at the north end, and a wetland at the south end.

Irondequoit Bay is about four miles long and varies in width from 1/4 to 3/4 miles, except near the Lake where it broadens to about 1-1/4 miles. The Bay has about 2.6 sq. miles of water surface and about 10 miles of shoreline (approximately 4.5 miles of which are in the Town of Irondequoit). The profile of the Bay's depth indicates large shallow areas at the north and south ends of the Bay and a deep basin near the center of the Bay.

The deep basin is a narrow, elongated feature extending from a point at mid-bay off Ides Cove to a point off the Newport Yacht Club (the maximum depth of this basin about 78 feet). The deep basin and its slightly shallower extension to the south are the ultimate deposition sites for the sediment load entering the Bay from Irondequoit Creek and the other Bay tributaries. The shallow areas, particularly during periods of low water level, present problems for navigation.

WATER QUALITY: The water of Irondequoit Bay has suffered severly from the effects of urbanization. For several decades sewage effluent from the City of Rochester, adjoining communities, and the municipalities along Irondequoit Creek to the south has impaired water quality in the Bay.

Because the Bay is at the foot of a large watershed, water quality abuses originating in the watershed's upper reaches have had a major negative impact on the Bay's water. Such abuses have included partially treated effluent from several sewage treatment plants, as well as oil, herbicides, fertilizers, insecticides, animal wastes, road salt, and other pollutants carried into the Bay from its tributaries. High nutrient loads from partially treated effluent combined with nutrient-rich sediment from agriculture and urban runoff have been responsible for algae blooms whose decomposition causes noxious odors, unsightly conditions, increased alkilinity and reduced available oxygen in the water that adversely affects fish life.

The extensive amount of road salt carried into the Bay from its watershed inhibits the mixing of the Bay's lower waters, extending the annual period of low-oxygen, stagnant, and biologically undesirable conditions in the deeper portion of the Bay. Surface algae and sediment reduce the amount of sunlight which can penetrate to lower depths, thus causing a sterile vegetative condition.

The inadequate operation of private septic systems on the shoreline and elsewhere in the watershed adds to the deterioration of water quality and may create unsanitary conditions at the point of discharge. The sediments,

especially in the wetlands at the mouth of Irondequoit Creek, are thought to be heavily polluted. (The Irondequoit Creek wetlands play a significant role in maintaining water quality in the Bay by slowing the rate of flow of creek water before it enters the Bay and, thereby, removing large quantities of suspended solids in the water.)

High water levels, combined with other natural processes and various human activities, have eroded the steep slopes around the Bay (primarily on the east side), causing additional land slides to occur and aggravating existing ones. This has created scars along the bay slopes. Increased erosion of the shoreline, in addition to causing property damage, has also added to the sediment load in the Bay.

The quality of the Bay's water has improved noticeably over the last several years as a result of the comprehensive sewage treatment program of Monroe County's Pure Waters Agency. This program has diverted sewage from the treatment plants on Irondequoit Creek and Bay to an expanded and improved treatment facility in Durand Eastman Park which discharges directly into Lake Ontario. It should be noted, however, that the possibility of a discharge of combined sewage and stormwater into the Bay continues to exist under certain storm conditions, which do not occur frequently. (The overflow, when it does occur, is at Densmore Creek.)

Pursuant to the Federal Clean Water Act of 1977 (PL 95-217), the NYS DEC has classified the States coastal waters and other waters in accordance with consideration of best use in the interest of the public and has adopted water quality standards for each class of water. The classifications are currently being reevaluated. Irondequoit Bay and Creek have been classified as having "B" water quality meaning that it is suitable for bathing and other usages except as a source of water supply for drinking, culinary or food processing purposes.

Irondequoit's sole source of water supply is surface water piped in from other localities. However, the Town of Webster uses groundwater from Irondo-Genesee Acquifer. Several of Websters wells are located on Irondequoit Bay Barrier Bar immediately east of the outlet separating Webster form Irondequoit and in close proximity to Lake Ontario. Future development should be reviewed to prevent negative impacts upon the water quality in the Irondo-Genesee Acquifer.

In addition to the improvements to sewage treatment facilities, Monroe County is actively taking measures to improve Bay water quality through other techniques. (The County has recently, with Federal and State financial assistance, taken action to reduce the phosphorus level of the Bay by sealing the Bay's bottom with alum.) The County is also undertaking a water quality program to reduce non-point sources of pollution in the Irondequoit Bay Basin. (The Irondequoit Bay Water Quality Management Plan has been prepared as part of this program.) Purification of the Bay, however, will be a slow, yet continual process once all present abuses are terminated.

Because of the large quantities of nutrients and salt already in the Bay, improvements in its water quality will be gradual, eventually bringing the

quality to the level which existed in 1940. One potential negative impact resulting from the reduction of nutrients will be a decrease in surface algae blooms, allowing more sunlight to penetrate the Bay, thus promoting the growth of weeds in the shallow areas of the northern and southern ends of the Bay and impairing navigation in those areas.

CURRENT WATER USE: Although Irondequoit Bay provides an excellent setting for such activities as waterskiing, sailing, motorboating, fishing, snowmobiling, ice fishing, and skating, its potential as a major recreational resource for the greater Rochester area has not been fully realized. This situation can be attributed to several factors, the most significant of which include: poor water quality, limited public access points, inadequate public and private recreational facilities, and lack of a proper channel connecting the Bay with Lake Ontario.

Also, a variety of conflicts have been experienced in the recreational use of the Bay, and these can only be expected to increase as Bay usage intensifies as a result of the Bay opening project. Among the more serious conflicts are those between sail boats and motor boats and conflicts between boaters and shoreline residents, particularly during periods of high water level, when wakes may cause considerable property damage.

The Irondequoit Bay Plan attributed the low level of boat usage of the Bay to two major factors. First is the lack of high-quality facilities for mooring and launching boats (the private facilities tend to be expensive and in some cases are in a state of disrepair, and there are currently no public facilities available). Second is the poor water quality of the Bay, a condition which, as noted above, is gradually improving.

The same factors have also had a negative effect on the use of the Bay for recreational fishing. However, the Bay has always been popular with area fishermen and they can be found in every area of the Bay that has access. With the opening of the Bay to Lake Ontario, gradual improvement of water quality, an ongoing sport fishery restocking program, and the provision of public launch and berthing facilities (which will be discussed below) use of the Bay for recreational fishing can be expected to increase substantially.

5. WATER-DEPENDENT USES

Water-dependent uses are considered to be those uses which could not exist without a waterfront location. Water-enhanced uses are those uses which either benefit from, or provide a complement to, a waterfront location.

As already noted in the Study Area Inventory, with the exception of cottages, year-round homes, and a few multi-family residential developments (including the Harbor Square and Point Pleasant condominiums on the Bay and the Westage condominium complex on the Lake in Summerville), relatively few water-dependent or water-enhanced uses are to be found within Irondequoit's waterfront. Those that are, with some minor exceptions, are located on Irondequoit Bay and consist of such uses as marinas, boat sales and repair operations, and private boat and fishing clubs. These uses are generally

found in isolated locations along the bayshore. (A more complete description of these uses is to be found in the Inventory of Study Area section.)

Existing marina facilities on the Bay are often underutilized, as demonstrated by a survey conducted in 1976 by the Army Corps of Engineers that counted 425 boats using the Bay compared to 625 available berths. The completion of the Bay opening project in the summer of 1986, has increased the demand for using the Bay for boating and can be expected to bring about the redevelopment of existing marinas and the construction of new ones. In addition, public facilities for both mooring and launching are now in the planning stage for Monroe County's Bay Park West and the State-owned land at the northwest corner of the Bay. (The towns adjoining the Bay have not indicated that they plan to develop any public facilities of this type.)

The number of boats of all types that will eventually use the Bay is speculative, but could be as high as 2,000 according to the Army Corps of Engineers. (Boats using the Bay in 1985 numbered approximately 450 to 500.) Based on information gathered by the Corps as part of the Environmental Impact Statement prepared for the Bay Opening Project, a little over 2,000 boats (2,035) could be accommodated at existing, enlarged, and new marina facilities around the Bay (the State, County, and towns bordering the Bay indicated general preferences for marina development locations and a rough number of boats at each location).

Based upon the preferences indicated, approximately three quarters of the boats using the Bay might be accommodated by both public and private facilities on the Irondequoit side of the Bay. The locations preferred for these facilities include: Pt. Pleasant, Missaug Cove, New Port, Densmore Creek, Glen Haven, Empire Blvd., the State-owned property at the Bay's northwest corner, the County-owned Bay Park West, and scattered residential sites (see boating facilities map). However, development on most of these sites will have an impact upon one or more of the Bay's sensitive environmental features, including significant fish and wildlife resource areas, and must, therefore, meet the review criteria and development standards found in Section V, part B, which has been adopted by Irondequoit as part of its LWRP.

6. PUBLIC ACCESS AND RECREATION

As noted above, the use of Irondequoit Bay for water oriented recreation is expected to increase dramatically because the Bay has been opened to Lake Ontario. Recreational boating will increase with improved access to the Lake, and the Bay will serve an important "harbor of refuge" function for boats using Lake Ontario. The Bay, in its unopened state, served as a recreation area for boaters willing to use undeveloped launch sites, or able to dock and launch their boat at one of the remaining active marinas around the Bay. A number of private boating clubs offering docking and launching facilities have also been active on the Bay. In addition to increasing boating activity, the opening is also changing the mix of boats now using the Bay. Larger sailing craft are expected, since access to the Lake from the Bay is virtually unrestricted except for the eight foot channel depth.

Although opportunities for private access to the Bay are increasing, locations for access by the public to Irondequoit Bay and the lakeshore within Irondequoit's waterfront area are much more limited. Public, water-related recreational facilities and resources in the Town are, at present, either very limited or undeveloped. This state of affairs, however, will begin to change as waterfront land and resources currently owned by the State and Monroe County are developed over the next several years for recreational purposes.

The public land and resources in question include the Irondequoit Creek Wetlands, the County's Bay Park West, and State-owned property at the Bay's northwest corner, all on Irondequoit Bay. Also included are the various facilities and improvements which will be provided by the State in conjunction with the Bay opening project, which is now being completed by the Army Corps of Engineers. Once the Irondequoit Landfill on Newport Road reaches the end of its useful life (in two to three years), the possibility exists that its site will be used for a passive recreation facility.

IRONDEQUOIT CREEK WETLANDS: The Ellison Park Master Plan recommends several short and long range improvements to the Irondequoit Creek Wetlands that will make this natural resource much more accessible to the public. These improvements include: development of a new entrance road, construction of a parking lot at the entrance to the area, building a trail system (including a board walk) into the wetlands, creating an informal picnic area, and extending the existing trail system. The Plan also calls for the purchase by the County of the remaining private parcels in the wetlands and their incorporation into Ellison Park.

BAY PARK WEST: Bay Park West and the recently purchased Isaac Property located immediately to the north constitute the Town's most significant opportunity for providing the public with a water-related recreational facility on Irondequoit Bay. The Park is currently undeveloped and, therefore, underutilized, but plans are now being prepared by Monroe County that, when implemented, will insure the realization of the Park's potential for increasing the public's access to and use of the Bay.

Short range improvements to the Park recommended in the Park Master Plan include paving of the existing boat launch parking area and demolition of County-owned residences. Longer range plans include the creation of a new entrance road on the Park's west side that will provide more direct public access and eliminate the need to drive through residential neighborhoods to reach the Park, as is currently the case. Also recommended are the stabilization of the existing boat marina; construction of a new boat launch ramp with parking, picnic areas, toilets and other support facilities; and construction of fishing piers and overlooks of the Bay, taking advantage of the views along the shoreline. The interior of the Park will remain predominantly wooded and undisturbed except for a trail system.

The recent purchase of the large, vacant Isaac Property by the State and its lease to the County for park usage will permit the eventual construction of such active water uses as marinas, which otherwise would be impractical to provide. This is due to the fact that the Isaac Property

contains a considerable amount of open and flat land and has a shoreline bordering on deeper water. The shoreline of the original park area, by contrast, borders shallow water, limiting the size of boats that can be accommodated. (This situation is expected to worsen as the Bay's water quality improves, producing a thicker and healthier weed growth in shallow areas.)

TOWN LANDFILL: The Town owns 27 acres along Newport Road overlooking Irondequoit Bay, a major portion of which is presently operated as a landfill (scheduled for termination in the next few years.) The remainder of the site contains abrupt slopes and rolling hills, woods, marsh, water frontage along the Bay, and numerous overlook views. Future use of the municipal landfill site, after termination of the landfill operation, includes a proposed passive recreation facility.

Relatively difficult access, steep topography, potential settling of the landfill, and the otherwise attractive natural character of much of this site restrict the feasibility of major permanent structures or intensive use activities. A plan prepared in 1972 showing possible development of the site as a park proposed including such facilities as: picnic areas, parking, play equipment, ski and coasting slopes, fishing pier, trails, and overlooks. Prior to any development of the site, however, extensive tests will have to be conducted to insure that no toxic wastes are present.

STATE-OWNED BAY PROPERTY: Both the Irondequoit Bay Plan and the Town's new Master Plan mention the State's ongoing interest in developing land which it owns at the northwestern corner of the Bay for a large marina (containing up to 500 berths). The site in question is well suited for marina use given its proximity to the recently widened Bay opening and two major highways, as well as the availability of utilities in the area.

The site's steep slopes, lack of flat land, and shallow water depth, however, all present obstacles to marina development that may be very costly to overcome, as well as environmentally damaging. Further, development of a marina on this site only becomes truly practical if, as has been proposed in the Town's Master Plan, the adjacent Sea Breeze Expressway is relocated to the west of its present location. By doing so, the site will become less isolated from the adjoining Sea Breeze area and land will become available on which to provide parking and other necessary support facilities.

BAY OUTLET PARK: The opening of a channel (8 feet deep and 100 feet long) from Irondequoit Bay to Lake Ontario by the Army Corps of Engineers is now completed, and, for the first time in recent history, has made the Bay accessible to boats of all types and sizes which currently use the Lake only. As a later phase of this project, the State has agreed to construct a boat launch facility (two double launch ramps and parking for up to 150 cars and boat trailers) on the Irondequoit side of the new channel. These plans will formalize what has been historically an informal launch and access arrangement at the north end of the Bay.

A breakwater will also be constructed to the west of the channel and a jetty to the east (both on the Lake side of the channel), with fishing access provided on both these piers. In addition, comfort stations and

walkways will be constructed. These facilities will greatly increase public access to both the Bay and Lake Ontario and enhance opportunities for public enjoyment of valuable, but currently underutilized, bayfront and lakefront resources. (A decision at some future date to replace the bridge carrying Route 18 over the new channel would inhibit public access at this location, and would necessitate a major revision of the State's improvement plans including the size and location of facilities.)

LAKE ONTARIO: FACILITIES AND ACCESS

With the exception of the Bateau Terrace Tot Lot, there are no public recreation facilities on Lake Ontario within the Town of Irondequoit. Access to the Lake, however, and enjoyment of its resources by the residents of Irondequoit and the greater Rochester area is provided by Durand Eastman Park (a major 965 acre County-operated facility located within the City of Rochester on Lake Ontario).

Because the Park is surrounded on three sides by the Town of Irondequoit and because it is easily accessible from all parts of the Town, Irondequoit residents are able to take full advantage of this major public recreational resource, including its 7,500 feet of lake shoreline.

Various maintenance and safety improvements proposed in the Durand Eastman Park Master Plan, which was completed as of February 1987 and also contained in the County's Capital Improvement Program, will have the effect of upgrading access to the waterfront area of the Park and increasing the public's enjoyment of this unique resource. These improvements include a major beach clean-up, a new parking area, and safe pedestrian crossings. Another major improvement to the Park that will result not only in better access to the lakefront, but also the provision of better views of the Lake from Lake Shore Boulevard, is the leveling of the abandoned Hojack Line railroad bed which currently acts as both a physical and visual barrier to the lakefront.

Within the Town itself are to be found Windsor and Summerville Beaches, which although not in public ownership constitute a major water-related recreational resource. These beaches, which consist of a wide expanse of sand stretching from the Westage Condominiums on the west to the White City neighborhood on the east, have for many years been the center of controversy revolving around the legal rights of neighborhood residents and the public. Questions which still exist with regard to ownership of the beaches and the public's right to use them have resulted in an informal arrangement, overseen by the Town, that permits their use by the public. This agreement allows the Town to supervise the beaches and, thereby, insure that public usage does not negatively impact on the surrounding residential neighborhoods or the owners' property rights.

Because of the complex nature of the legal questions concerning ownership of the beaches, it would appear that the present arrangement for their use by the public is both realistic and fair to all parties concerned. Further, given the residential nature of the surrounding neighborhoods, the lack of parking facilities, and the poor access to the beaches from major

streets, purchase and development of the beaches by local governments to facilitate more active use by the public seems neither practical or advisable.

BATEAU TERRACE TOT LOT: The Town-owned and operated Bateau Terrace Tot Lot located in the White City area includes a small portion of Windsor Beach. However, because of poor access, the lack of parking, and the residential nature of the surrounding area, the Town has no plans for facilitating greater public use of the waterfront section of this facility.

APPENDIX

SECTION I: INVENTORY AND ANALYSIS

COASTAL FISH AND WILDLIFE HABITAT RATING FORM

Name of Area: Irondequoit Bay and Creek

SEP 18 1987

County(ies): Monroe

Town(s): Irondequoit, Webster, Penfield, Perinton, Rochester

7.5′ Quadrangle(s): Rochester East, NY; Webster, NY; Fairport, NY

	(IS) Individual Score		(R) Replace-ability		(ISxR) Final Score
ECOSYSTEM RARITY (ER): One of the major coastal bay and tributary systems in the Great Lakes coastal region.	25	x	1.2	=	30.0
SPECIES VULNERABILITY (SV): Least bittern (SC) and sedge wren (SC) nesting. Additive division: 16 + 16/2 = 24.	24	x	1.2	=	28.8
HUMAN USE (HU): A major recreational fishing area on Lake Ontario, attracting anglers from throughout western and central New York.	9	x	1.2	=	10.8
POPULATION LEVEL (PL): Concentrations of many warmwater fish species and salmonids are unusual in the Great Lakes Plain ecological region.	9	x	1.2	=	10.8

REPLACEABILITY (R): Irreplaceable. 1.2

SIGNIFICANCE = [(ERxR)+(SVxR)+(HUxR)+(PLxR)] = 80.4

SIGNIFICANT COASTAL FISH AND WILDLIFE HABITAT

PROJECT NARRATIVE

IRONDEQUOIT BAY AND CREEK

LOCATION AND DESCRIPTION OF HABITAT:

Irondequoit Bay and Creek are located approximately four miles east of downtown Rochester, N.Y. The bay and creek encompass approximately 2,000 acres located in the City of Rochester and the Towns of Irondequoit, Webster, Perinton, and Penfield, Monroe County (7.5' Quadrangles: Rochester East, N.Y.; Webster, N.Y.; and Fairport, N.Y.). The fish and wildlife habitat includes the entire bay area, a large emergent wetland area at the south end of the bay, and Irondequoit Creek, upstream approximately seven miles from the bay to the confluence with Thomas Creek, just south of the Penn Central Railroad tracks. Irondequoit Bay is separated from Lake Ontario by a sandy barrier beach formation, and is bordered by relatively steep wooded slopes and bluffs. However, much of the western shoreline has been developed for residential and commercial uses. Irondequoit Creek is a very large, medium gradient, coolwater stream, which drains approximately 170 square miles of predominantly suburban and rural residential lands.

FISH AND WILDLIFE VALUES:

Irondequoit Bay and Creek comprise one of the few major coastal bay and tributary systems in the Great Lakes Plain ecological region of New York. The wetland area at the south end of the bay is one of the largest coastal marshes on western Lake Ontario. Irondequoit Bay supports a diverse and productive warmwater fishery, including such species as smallmouth bass, largemouth bass, northern pike, brown bullhead, white perch, white bass, longnose gar, and lake herring. Extensive beds of submergent and emergent wetland vegetation, found in most coves and tributary mouths, are important spawning and nursery areas for many of these species. Irondequoit Bay and Creek also have significant concentrations of steelhead (lake-run rainbow trout), coho salmon, and brown trout. These salmonids migrate through the bay and enter the creek to spawn (unsuccessfully in most instances) between late August and December. Steelhead also migrate into Irondequoit Creek between late February and April. Seasonal runs of salmonids occur as far inland as the confluence with Trout Creek, near the hamlet of Mendon, but actual population levels in the upper reaches (i.e., above Thomas Creek) are not well documented. Salmonid concentrations in Irondequoit Bay and Creek are the result of an ongoing effort by the NYSDEC to restore the Great Lakes salmonid fishery through stocking. In 1984, approximately 24,000 steelhead were released in Irondequoit Creek (as far inland as Trout Creek), and approximately 25,000 brown

trout were released in the bay. Irondequoit Creek is also one of only three Lake Ontario tributaries where the NYSDEC is conducting an experimental landlocked (Atlantic) salmon stocking program to restore this fishery in the Great Lakes. Approximately 18,000 yearling Atlantic salmon were released in the creek in 1984. In the spring, salmonids are generally found out along the Lake Ontario shoreline and provide troll fishing opportunities for many anglers. During the winter months, Irondequoit Bay is a popular ice fishing area. As a result of the abundant fisheries resources in the area, anglers from throughout western and central New York are attracted to Irondequoit Bay.

The entire Irondequoit Bay complex is used as a resting and feeding area by waterfowl during spring and fall migrations. Species that regularly occur here during these periods include common goldeneye, mergansers, mallard, blue-winged teal, wood duck, canvasback, redhead, scaup, black duck, and Canada goose. This resource provides waterfowl hunting opportunities in the fall to sportsmen in the local area. Most of this hunting activity occurs along the eastern shore of the bay, in the Town of Webster. Depending on the extent of ice cover each year, some waterfowl may remain in the bay in winter; mid-winter aerial surveys of waterfowl abundance for the ten year period 1976-1985 indicate average concentrations of over 100 birds in the area each year (370 in peak year), dominated by mergansers, scaup, common goldeneye, and mallard. Wetland areas located around the shoreline, and especially at the south end of the Irondequoit Bay, are also productive habitats for a variety of marsh nesting birds. Probable or confirmed breeding bird species in these areas include green-backed heron, least bittern (SC), mallard, blue-winged teal, wood duck, Virginia rail, sora, common moorhen, belted kingfisher, marsh wren, sedge wren (SC), red-winged blackird, and swamp sparrow.

IMPACT ASSESSMENT:

Any activity that degrades water quality, increases temperature or turbidity, alters water depths, or reduces flows in Irondequoit Bay or Creek would adversely affect the fish and wildlife resources of this area. Discharges of sewage or stormwater runoff containing sediments, nutrients, or chemical pollutants would adversely impact on fish and wildlife resources. Warmwater species would be most sensitive during March through July, when spawning and incubation take place. Salmonids would be most sensitive during their respective spawning periods, and in the spring after hatchery-raised fish are released in the creek. Barriers to fish migration, whether physical or chemical, would have a significant effect on salmonid populations in Irondequoit Bay and Creek. Activities affecting Irondequoit Creek as far inland as Trout Creek should be evaluated for potential impacts. The fisheries resources in Irondequoit Bay could support increased recreational fishing pressure, resulting in a fishery of statewide or greater significance. Expansion of the channel connecting Irondequoit Bay with Lake Ontario may significantly increase access for human uses of fish and wildlife in this area. However,

improved motorboat access may also stimulate further development of marinas and housing around the bay. Such development could have significant impacts on fish and wildlife, through disturbance or elimination of productive wetland areas and littoral zones, and through pollution of the bay from upland activities. Existing areas of natural vegetation bordering Irondequoit Bay and Creek should be maintained to provide bank cover, perch sites, soil stabilization, and buffer zones.

KNOWLEDGEABLE CONTACTS:

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Albany, NY 12231
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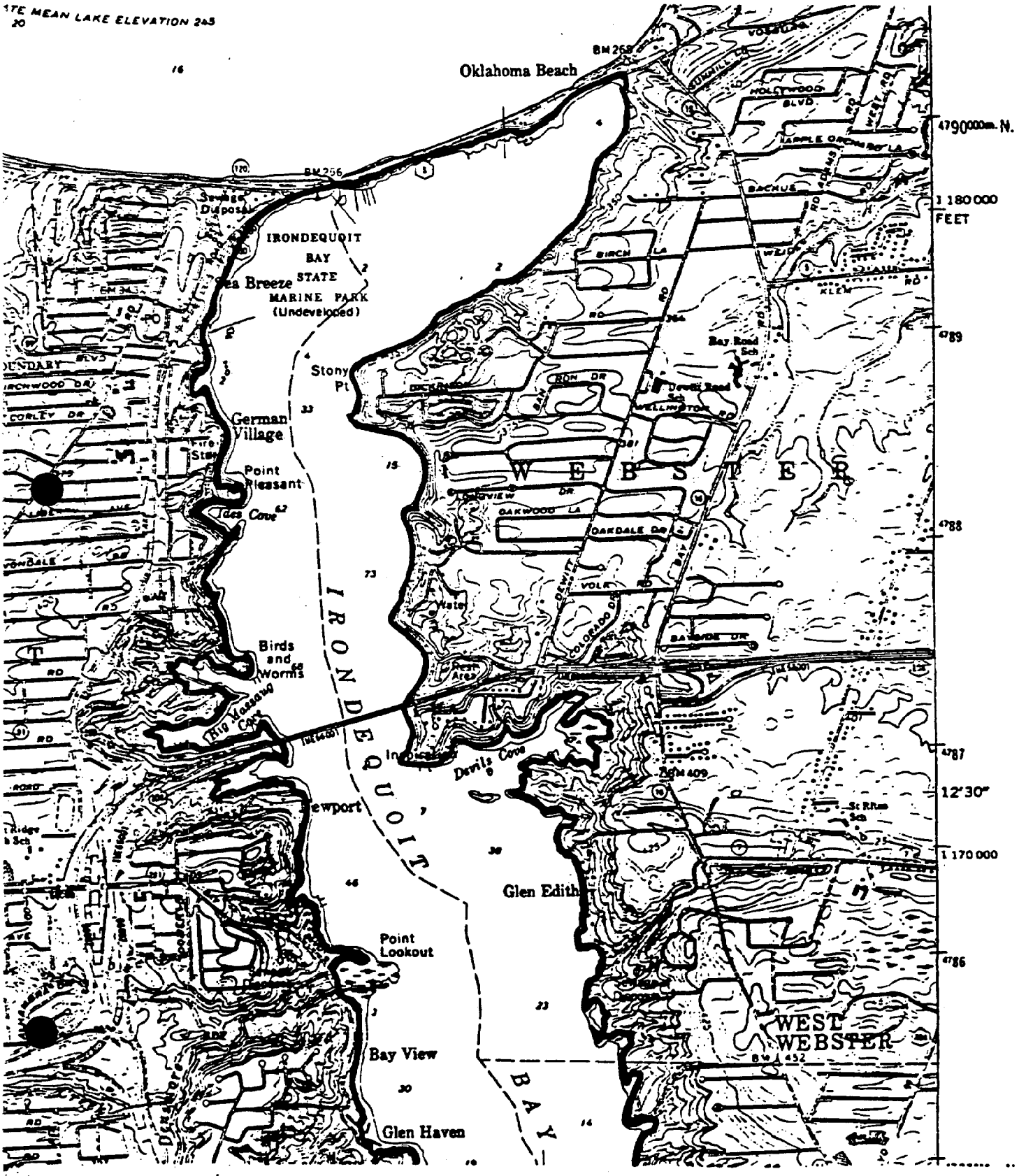
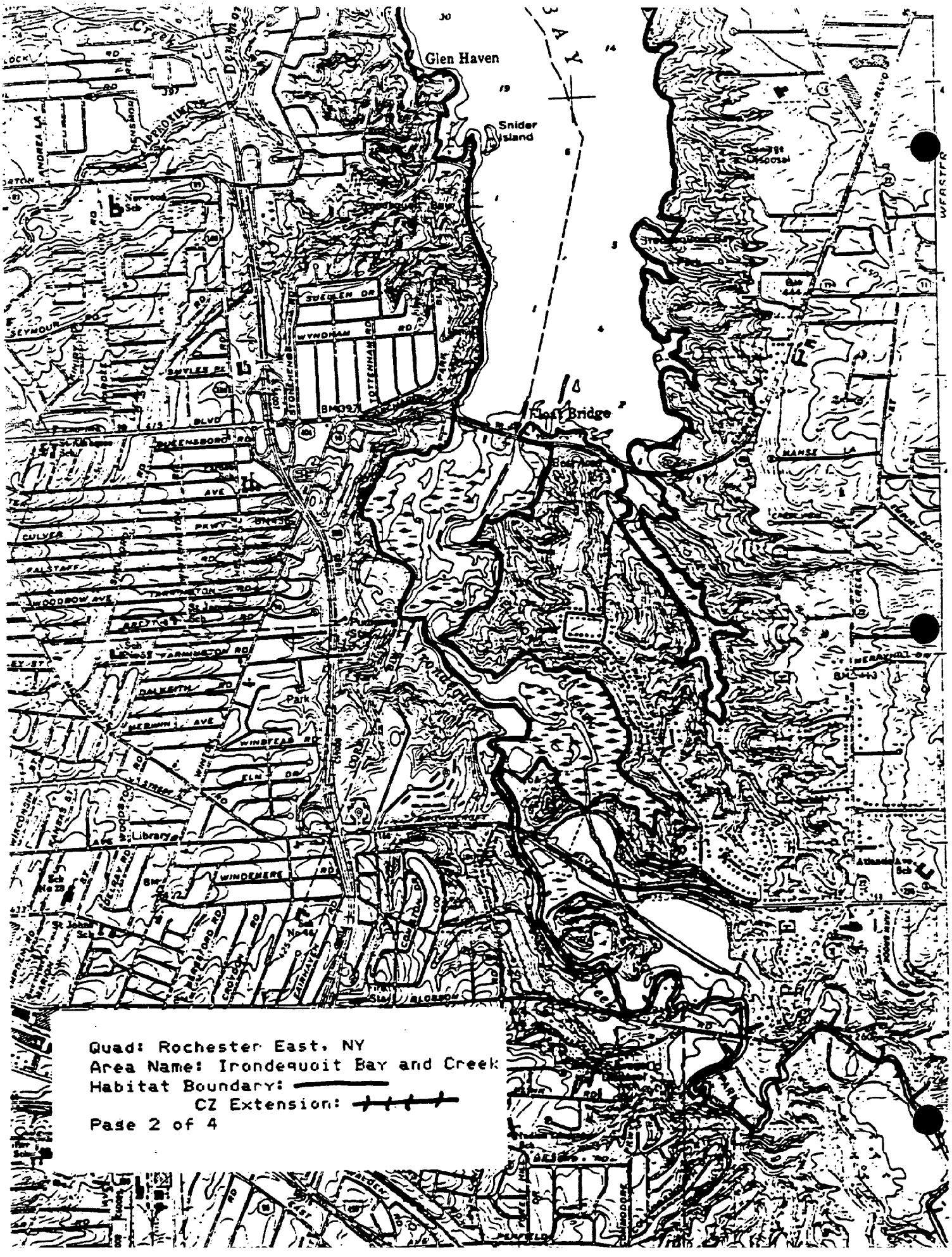
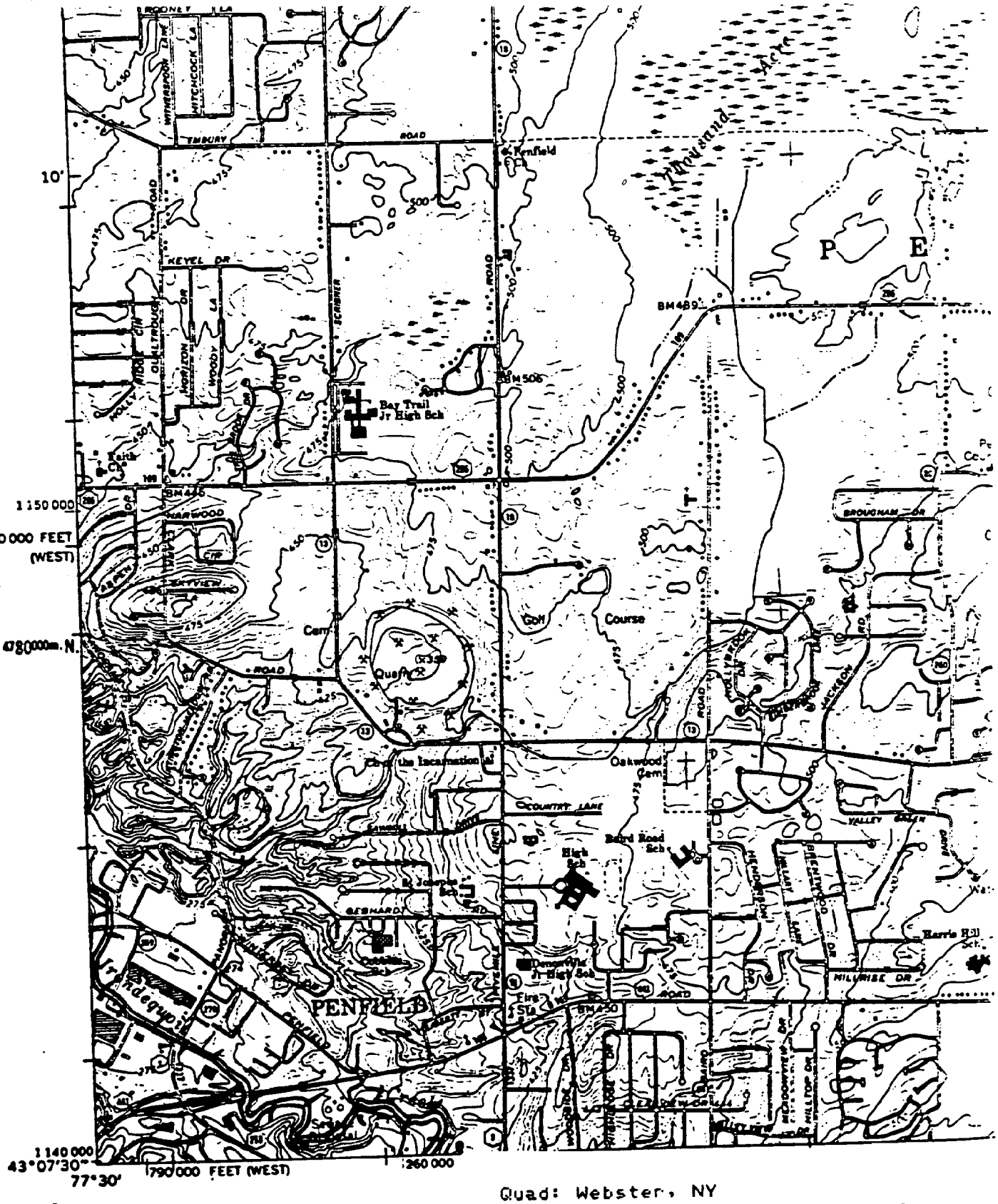
or Larry Myers, Wildlife Manager
or Jack Cooper, Environmental Protection Biologist
NYSDEC - Region 8
6274 E. Avon-Lima Road
Avon, N.Y. 14414
Phone: (716) 226-2466

NYSDEC - Significant Habitat Unit
Wildlife Resources Center
Delmar, N.Y. 12054
Phone: (518) 439-7486

Quad: Rochester East, NY
Area Name: Irondequoit Bay and Creek
Habitat Boundary:
CZ Extension:
Page 1 of 4




Glen Haven
Snider Island
Float Bridge
Library
Park
Quad: Rochester East, NY
Area Name: Irondequoit Bay and Creek
Habitat Boundary:
CZ Extension:
Page 2 of 4



Quad: Webster, NY
Area Name: Irondequoit Bay and Creek
Habitat Boundary:
CZ Extension:
Page 3 of 4

Prepared and published in 1980 by the New York Sta of Transportation, in cooperation with the U.S. I Transportation, Federal Highway Administration.

Map base from 1971 U.S. Geological Survey 7.5-minu

Map revisions made using 1980 aerial photography, plans, official records and other sources. Features revised include: highways and other transportation facilities; civil boundaries; recreation sites; hydrography; and buildings.

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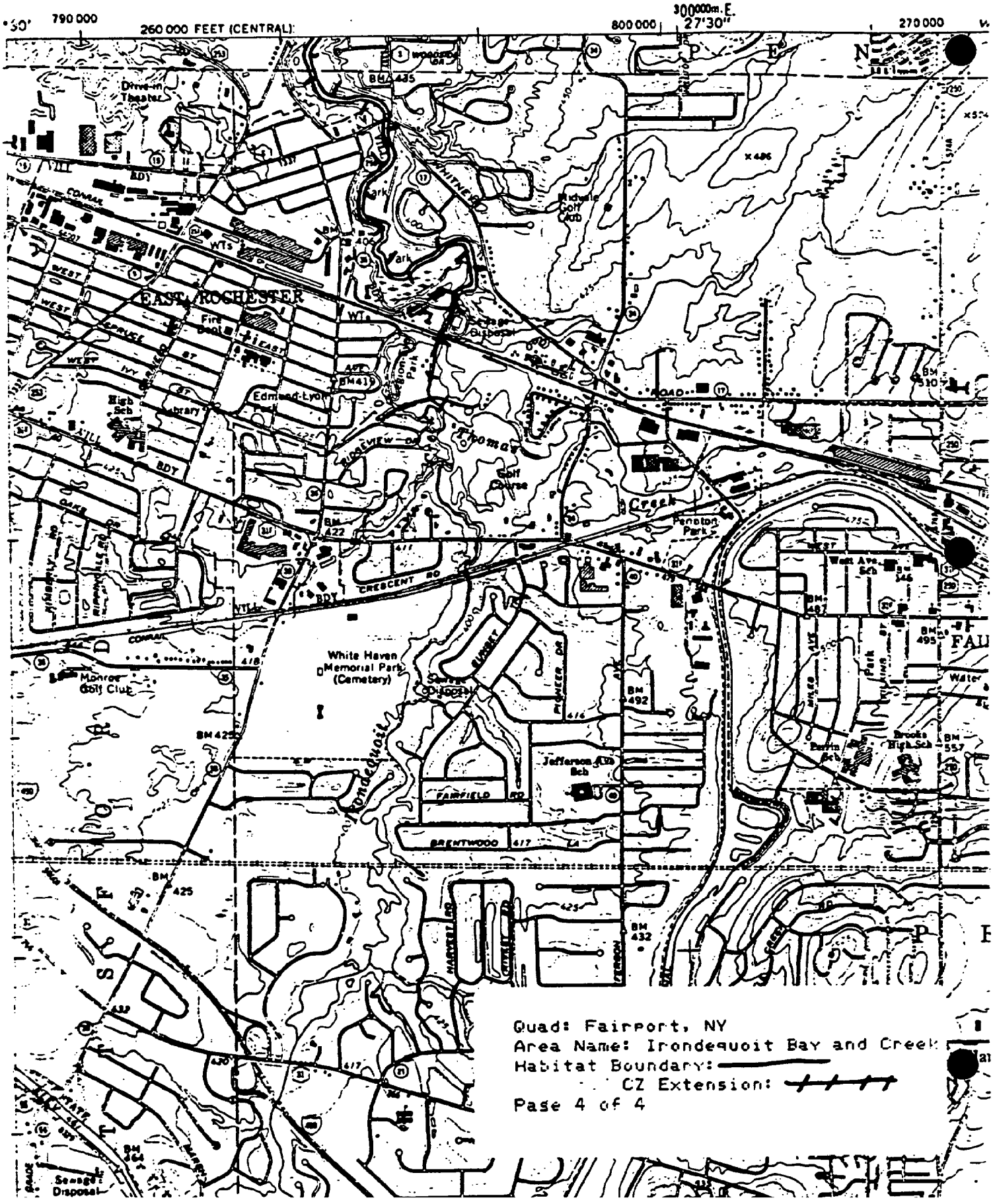
NEW YORK STATE
DEPARTMENT OF TRANSPORTATION



STREAM CLASSIFICATIONS IN IRONDEQUOIT BAY

WATER QUALITY

The following classifications are assigned to fresh surface waters within the Irondequoit Bay Drainage Basin.

Item No.	Waters Index Number	Name	Description	Map Ref. No.	Class	Standards
1	Ont. 108	Irondequoit Bay outlet	Enters Lake Ontario from south along southerly shore of lake 3.8 miles southeast of mouth of Genesee River and 0.9 mile east of easterly boundary of Durand Eastman Park in City of Rochester.	H-9ne	B	B
2	Ont. 108-P 113	Irondequoit Bay	Located on Irondequoit Bay outlet beginning immediately upstream from Lake Ontario and extending approximately 4 miles in southerly direction.	H-9ne	B	B
7	Ont. 108-P 113-3 portion as described	Irondequoit Bay	Enters southerly end of Irondequoit Bay from southwest immediately north of Webster Road (Route U.S. 104) and at Float Bridge.	H-9ne	B	B

Item No.	Waters Index Number	Name	Description	Map Ref. No.	Class	Standards
			Float Bridge. Mouth to Atlantic Avenue which crosses creek 1.9 miles upstream from mouth and 1.3 miles south of Float Bridge.			
137	Ont.-108-P 113-3a and tribs., including P 145a	Trib. of Irondequoit Bay	Enters southerly end of Irondequoit Bay from southwest 0.2 mile westerly of Float Bridge. P. 145b is located on trib. 3a of Irondequoit Bay in swampy area 0.1 mile upstream from Empire Blvd. (U.S. Route 104). P 145a is on trib. 3 of trib. 3a of Irondequoit Bay in swampy area 0.4 mile southerly of Float Bridge.	H-9ne	D	C
138	Ont.-108-P 113-3b, 4 and trib., 4a	Tribs. of Irondequoit Bay	Enter Irondequoit Bay along its westerly side in section between Float Bridge and Bay view.	H-9ne	D	C
139	Ont.-108-P 113-5	Densmore Creek	Enter Irondequoit Bay from southwest at its westerly shoreline 0.6 mile west of Glen Edith.	H-9ne	D	C

Item No.	Waters Index Number	Name	Description	Map Ref.	Class	Standards
140	Ont.-108-P 113-	Trib. of Densmore Creek	Enter Densmore Creek from west 0.3 mile upstream from mouth and 0.3 mile northwest of Bay View.	H-9ne	D	C
141	Ont.-108-P 113-5-2 and trib., including P 147	Hobbie Creek	Enters Densmore Creek from west 0.5 mile upstream from trib. 1 and 0.6 mile west of Bay View. P 147 (Buell Pond) is on Hobbie Creek immediately west of Culver Road (U.S. Route 104) in City of Rochester.	H-9ne	D	C
142	Ont.-108-P 113- 5-2a	Trib. of Densmore Creek	Enters Densmore Creek from southeast 0.2 mile upstream from Hobbie Creek and 0.7 mile west of Glen Haven.	H-9ne	D	C

SECTION II

BOUNDARY MAP AND NARRATIVE DESCRIPTION

SECTION II

IRONDEQUOIT WATERFRONT REVITALIZATION BOUNDARY

Irondequoit has not revised its original Waterfront Revitalization Area (WRA) boundary. However, it should be noted that Durand Eastman Park is not included within Irondequoit's Waterfront Revitalization Area because the Park is located within the boundaries of the City of Rochester and, thus, is outside the Town's jurisdiction.

The Town of Irondequoit will consider appropriate expansion or relocation of the official WRA boundary, should it be determined, after direct consultation with the City of Rochester and New York State Department of State, that future local, State or federal actions appear to threaten sensitive environmental areas along the eastern bank of the Genesee River, north of Long Acre Road, with impacts that cannot be dealt with through existing Town legislation or regulations.

The WRA in the Town of Irondequoit is comprised of two distinct components:

A. Inland Boundary: (See Waterfront Area Boundary Map in attached map envelope)

Irondequoit Bay Lake Ontario component:

Beginning at the intersection of the Town line and Empire Boulevard the boundary proceeds through Irondequoit Bay Wetlands along the Town line to the Seabreeze Expressway (590 North); then northerly along the east edge of the northbound lane of the Seabreeze Expressway to Durand Boulevard; then westerly along the south edge of the pavement of Durand Boulevard; then northerly along the east boundary line of Durand Eastman Park to Lake Ontario.

Lake Ontario component:

Beginning at the western boundary line of Durand Eastman Park on Lake Ontario the boundary proceeds southerly along the western boundary line of Durand Eastman Park to the railroad right-of-way; then westerly along the south boundary of the railroad right-of-way to St. Paul Boulevard; then southerly along the east edge of St. Paul Boulevard to Pattenwood Drive; then westerly along the north edge of Pattenwood Drive to Thomas Ave.; then southerly along the western edge of Thomas Avenue to the railroad right-of-way; then westerly along the railroad right-of-way to the City of Rochester boundary line; then northerly along the City of Rochester boundary line paralleling the Genesee River to Lake Ontario.

B. Offshore Boundary:

The offshore boundary of the Town of Irondequoit waterfront revitalization area shall coincide with the Town line along the midpoint of Irondequoit Bay, including the adjoining wetlands to the southeast and Irondequoit Bay outlet to the northeast.

The offshore boundary along Lake Ontario shall coincide with the mean high landward line - 246.8' above sea level (International Great Lakes Datum)

Revision of the Town WRA was considered during the preparation of the Draft LWRP and Draft EIS for the Town of Irondequoit LWRP.

The Town of Irondequoit adopted Town-wide regulations and administrative procedures designed to protect sensitive environmental areas and to implement LWRP policies. These measures which include Environmental Protection Overlay Districts for protection of steep slopes, woodlots, floodplains, and watercourses; site plan review and special use permits; and a Drainage, Erosion, and Sedimentation Control Ordinance appear to be sufficient to protect sensitive environmental areas.

If, in the future, development appears to be a threat to sensitive environmental areas along the east bank of the Genesee River the Department of State in conjunction with the Town will consider the possibility of expanding the WRA.

SECTION III

LOCAL POLICIES
AND
APPLICABLE STATE POLICIES

SECTION III: LOCAL POLICIES AND APPLICABLE STATE POLICIES

DEVELOPMENT POLICIES

POLICY 1 RESTORE, REVITALIZE, AND REDEVELOP DETERIORATED AND UNDER-UTILIZED WATERFRONT AREAS FOR COMMERCIAL, INDUSTRIAL, CULTURAL, RECREATIONAL AND OTHER COMPATIBLE USES.

POLICY 1A DEVELOP THE FORMER IRONDEQUOIT NORTHEAST TREATMENT PLANT AND THE ADJOINING PRIVATELY-OWNED NINE ACRE PARCEL FOR MIXED WATERFRONT USE AND/OR EXPANSION OF EXISTING RECREATIONAL USE.

POLICY 1B DEVELOP THE LAKESHORE AREA BETWEEN ST. PAUL BLVD. AND LAKE ONTARIO FOR MULTI-FAMILY, RESIDENTIAL DEVELOPMENT.

POLICY 1C REDEVELOP THE NORTHEAST SEA BREEZE AREA BOUNDED BY LAKE ONTARIO, IRONDEQUOIT BAY, CULVER ROAD AND DURAND BLVD. FOR A WATER ORIENTED MIXED USE CENTER.

POLICY 1D (i) PRESERVE THE LANDFILL SITE OFF NEWPORT ROAD FOR OPEN SPACE AND (ii) TO CHANNEL RESIDENTIAL DEVELOPMENT AWAY FROM THE BAY FRONTAGE AND STEEP SLOPES.

POLICY 1E DEVELOP THE STATE TUNNEL PROPERTY AT THE JUNCTION OF ROUTES 590 AND 104 FOR MIXED USE DEVELOPMENT WHICH COULD INCLUDE LIGHT, INDUSTRIAL, OFFICE, HOTEL AND MODERATE DENSITY RESIDENTIAL COMPONENTS.

POLICY 1F DEVELOP THE GLEN HAVEN SITE ON SOUTH BAY VIEW ROAD FOR LOW DENSITY RESIDENTIAL USE AND PROMOTE PUBLIC PARKLAND AND MIXED WATER-DEPENDENT USES FOR THE SO-CALLED " ISAAC PROPERTY" RECENTLY ACQUIRED BY THE STATE OF NEW YORK.

POLICY 1G DEVELOP VACANT LAND ALONG EMPIRE BLVD. FOR WATERFRONT MIXED USES TO INCLUDE MARINAS, WATER-ORIENTED COMMERCIAL, AND LOW DENSITY RESIDENTIAL USES.

POLICY 1H FURTHER INDUSTRIAL USE OF THE WATERFRONT AREAS AND EXISTING USES THAT ARE INCONSISTENT WITH DEVELOPMENT GOALS WITHIN THE WATERFRONT AREA WILL BE DISCOURAGED.

EXPLANATION OF POLICY

POLICY 1A Intened to integrate new development with an existing marina to create a special maritime recreational- commercial-residential development.

POLICY 1B Existing development in this lakeshore area contains a mix of vacant parcels, substandard housing and neighborhood commercial uses. The area provides the only appropriate location within the Summerville/White City subarea because of its proximity to existing condominiums and with a market potential for moderate density housing.

POLICY 1C Redevelopment in the Sea Breeze area is intended to provide a mix of marina facilities, retail sales, restaurants, hotels/motels and residential development and greatly expanded recreational facilities which take maximum advantage of the area's recreational and economic development potential. The market potential for the proposed development will depend on implementation of State transportation and public recreational improvements in conjunction with the opening of Irondequoit Bay to Lake Ontario.

POLICY 1D Since the landfill site has been classified by DEC as "2A", the long-term reuse of the site for passive recreation will depend on a more detailed investigation to assess the potential hazards or threats to the public health.

Public access to the Bay should be encouraged through private development of a boat docking facility.

POLICY 1E The State tunnel site offers one of the best remaining opportunities for attracting a high image office/industrial development because of its exceptional visibility and accessibility and its location away from the Bay shoreline. Private development would be dependent upon the State donating the site to the Town without restrictions.

POLICY 1F Three undeveloped parcels of the Glen Haven site have been purchased by the State to be incorporated into the County's Bay Park West. The County intends to oversee development of the parcels for boat launching facilities and other waterfront uses.

The following guidelines will be used to review actions for consistency with this Policy.

When an action is proposed to take place in any of the above waterfront development districts, the following guidelines will be used:

1. Permitted principal uses are considered to be:

residential, low and medium density;
boating clubs;
hotels, motels, boatels;
restaurants and small retail shops;
marinas and related sales and service;
parks, playgrounds, beaches;
amusement parks/facilities;
fishing piers, docks, wharves,
boat launching facilities;
boat storage;
any combinations of permitted uses;
parking lots accessory to permitted uses; and,
accessory structures.

2. Proposed uses and development actions will serve the Town's intent to provide expanded waterfront opportunities to its own residents, as well as visitors to its community, and within specifically identified sites, will be geared toward strengthening the community's economic base.

3. All projects shall to the maximum extent possible incorporate design elements which provide for additional access to the waterways, either on a pedestrian, boating or visual scale.

4. Priority shall be given to uses which are dependent on a location adjacent to the water in the Waterfront Development District.

5. The action should enhance existing and anticipated uses.

6. The action should serve as a catalyst to private investment in the Waterfront Development District.

7. The action should improve the deteriorated condition of the site and, at a minimum, must not cause further deterioration.

8. The action must lead to development which is compatible with the character of the area, with consideration given to scale, architectural style, density, and intensity of use.

9. The action should have the potential to improve the existing economic base of the community, and, at a minimum, must not jeopardize this base.

10. The action should improve adjacent and upland views of the water, and at a minimum, must not affect those views in an insensitive manner.

11. The action should improve the potential for multiple uses of the sites for specific guidelines and review procedures.

(Refer to Section V, Section 130.42 Waterfront Development District (WDD) for uses permitted subject to permit review criteria and site design standards and to Section 130.72 Town Planning Board for all development proposals in the WDD subject to permit review criteria and additional site design standards.)

POLICY 2 FACILITATE THE SITING OF WATER-DEPENDENT USES AND FACILITIES ON OR ADJACENT TO COASTAL WATERS.

POLICY 2A EXISTING WATER-DEPENDENT USES SUCH AS MARINAS, BOAT SALES, PRIVATE YACHT AND FISHING CLUBS FOUND ALONG THE GENESEE RIVER, THE LAKE ONTARIO, AND IRONDEQUOIT BAY WILL BE MAINTAINED.

POLICY 2B PERMIT ONLY THOSE USES WITHIN THE WATERFRONT DEVELOPMENT DISTRICTS IDENTIFIED AS EITHER DEPENDENT UPON, OR ENHANCED BY, A WATERFRONT LOCATION AND SUBJECT TO SPECIFIC GUIDELINES AND REVIEW PROCEDURES.

(REFER TO SECTION V FOR SPECIFIC GUIDELINES AND REVIEW PROCEDURES: SECTION 130.42 WATERFRONT DEVELOPMENT DISTRICT AND SECTION 130.72 TOWN PLANNING BOARD.)

POLICY 2C PUBLIC FUNDS SHALL NOT BE EXPENDED TO PROMOTE USES THAT ARE NOT WATER-DEPENDENT OR ENHANCED BY A WATERFRONT LOCATION.

EXPLANATION OF POLICY:

There is finite amount of waterfront space in the Town suitable for development purposes. Pressures for development around Irondequoit Bay are increasing dramatically because of its accessibility to Rochester, its natural beauty, and the recent opening of Irondequoit Bay to Lake Ontario. Much of the area, however, is a delicate natural resource. Development pressures, as well as pressures for public access must, therefore, be successfully balanced against environmental controls.

The traditional method of land allocation, i.e., the real estate market, with or without local land use controls, offers little assurance that uses which require waterfront sites will, in fact, have access to the Town's coastal waters. To ensure that such "water-dependent" uses can continue to be accommodated within the Town, local, State and federal agencies will avoid undertaking, funding, or approving non-water dependent uses when such uses would preempt the reasonably foreseeable development of water-dependent uses; furthermore, Town and State agencies will utilize appropriate existing programs to encourage water-dependent activities.

The following uses and facilities are considered as water-dependent:

1. Uses which depend on the utilization of resources found in coastal waters (for example: fishing, mining of sand and gravel, mariculture activities);

2. Recreational activities which depend on access to coastal waters (for example: swimming, fishing, boating, wildlife viewing);

3. Uses involved in the sea/land transfer of goods (for example: docks, loading area, pipelines, short-term storage facilities);

4. Structures needed for navigational purposes (for example: locks, dams, lighthouses);

5. Flood and erosion protection structures (for example: breakwaters, bulkheads);

6. Facilities needed to store and service boats and ships (for example: marinas, boat repair, boat construction yards);

7. Uses that rely heavily on the waterborne transportation of raw materials or products which are difficult to transport on land, thereby making it critical that a site near to shipping facilities can be obtained (for example: cement plants, quarries);

8. Scientific/educational activities which, by their nature, require access to coastal waters;

9. Support facilities which are necessary for the successful functioning of permitted water-dependent uses (for example: parking lots, snack bars, first aid stations, short-term storage facilities).

In addition to water dependent uses, uses which are enhanced by a waterfront location should be encouraged to locate along the shore, though not at the expense of water-dependent uses. A water-enhanced use is defined as a use that has no critical dependence on obtaining a waterfront location, but the profitability of the use and/or the enjoyment level of the users would be increased significantly if the use were adjacent to, or had visual access to, the waterfront. A restaurant which uses good site design to take advantage of a waterfront view, and a golf course which incorporates the coastline into the course design, are two examples of water-enhanced uses.

If there is no immediate demand for a water-dependent use in a given area, but a future demand is reasonably foreseeable, temporary non-water-dependent uses would be considered preferable to a non-water-dependent use which involves an irreversible, or nearly irreversible, commitment of land. Parking lots, passive recreational facilities, outdoor storage areas, and non-permanent structures are uses or facilities which would likely be considered as "temporary" non-water-dependent uses.

In the actual choice of sites where water-dependent uses will be encouraged and facilitated, the following guidelines should be used:

1. Competition for space: Competition for space or the potential for it, should be indicated before any given site is promoted for water-dependent uses. The intent is to match water-dependent uses with suitable locations and thereby reduce any conflicts between competing uses that may arise. Not just any site suitable of development should be chosen as a water-dependent use area. The choice of a site should be made with some meaningful impact on the real estate market anticipated. The anticipated impact could either be one of increased protection to existing water dependent activities or else the encouragement of water-dependent development.

2. In-place facilities and services: Most water-dependent uses, if they are to function effectively, will require basic public facilities and services. In selecting appropriate areas for water-dependent uses, consideration should be given to the following factors:

   a. The availability of public sewers, public water lines and adequate power supply;

   b. Access to public transportation, if a high number of person trips are to be generated.

3. Access to navigational channels: If recreational boating is planned, consideration should be given to setting aside a site, within a sheltered harbor, from which access to adequately sized navigation channels would be assured.

4. Compatibility with adjacent uses and the protection of other coastal resources: Water-dependent uses should be located so that they enhance, or at least do not detract from, the surrounding community. Consideration should also be given to such factors as the protection of nearby residential areas from odors, noise and traffic. Affirmative approaches should also be employed so that water-dependent uses and adjacent uses can serve to complement one another. Water-dependent uses must also be sited so as to avoid adverse impacts on the significant coastal resources.

5. Preference for Waterfront Development Districts: The promotion of water-dependent uses should serve to foster development as a result of capital programming, permit expediting, and other State and local actions that will be used to promote these sites.

6. Providing for expansion: A primary objective of the policy is to create a process by which water-dependent uses can be accommodated well into the future. State and federal agencies should, therefore, give consideration to long-term space needs and, where practical, accommodate future demand by identifying more land than is needed in the near future.

POLICY 3 THE STATE COASTAL POLICY REGARDING THE DEVELOPMENT OF THE STATE'S MAJOR PORTS IS NOT APPLICABLE WITHIN THE TOWN OF IRONDEQUOIT.

POLICY 4 STRENGTHEN THE ECONOMIC BASE OF SMALLER HARBOR AREAS BY ENCOURAGING THE DEVELOPMENT AND ENHANCEMENT OF THOSE TRADITIONAL USES AND ACTIVITIES WHICH HAVE PROVIDED SUCH AREAS WITH THEIR UNIQUE MARITIME IDENTITY.

POLICY 4A PROMOTE A STRONG ECONOMIC BASE BY PROTECTING AND EXPANDING THE PUBLIC RECREATIONAL OPPORTUNITIES WHICH CURRENTLY EXIST.

POLICY 4B PROMOTE THE DEVELOPMENT OF PUBLIC OR PRIVATELY SPONSORED RECREATIONAL FACILITIES THAT RESPOND TO THE INCREASING BOATING AND FISHING ACTIVITIES.

EXPLANATION OF POLICY

The Town of Irondequoit recognized the importance of its waterfront area to its economic base and realizes, that with the opening of Irondequoit Bay, its significance will grow. No actions should occur within the waterfront district that do not enhance its appeal to residents and visitors alike. Additionally, positive action should be taken to remove blighting conditions that currently exist.

The following guidelines will be used in interpreting and applying the policies to the Town's waterfront area:

1. Maritime development should occur within the economic opportunity areas sited in Section I of this LWRP. Although the Town does not serve as a harbor, there are opportunities for small marinas and attendant uses within the sites identified.

2. Any development action must be designed to protect significant waterfront views and vistas and other environmental features such as steep slopes and shoreline.

3. The proposed action must be in harmony with existing development in terms of the area's scale, intensity of use, and architectural style.

POLICY 5 ENCOURAGE THE LOCATION OF DEVELOPMENT IN AREAS WHERE PUBLIC SERVICES AND FACILITIES ESSENTIAL TO SUCH DEVELOPMENT ARE ADEQUATE EXCEPT WHEN SUCH DEVELOPMENT HAS SPECIAL FUNCTIONAL REQUIREMENTS OR OTHER CHARACTERISTICS WHICH NECESSITATE ITS LOCATION IN OTHER COASTAL AREAS.

POLICY 5A ALL DEVELOPMENT OCCURRING CONTIGUOUS TO IRONDEQUOIT BAY AND LAKE ONTARIO MUST COMPLY WITH STATE, COUNTY, AND TOWN REGULATIONS CONCERNING PUBLIC SEWERS, SEPTIC SYSTEMS, AND WATER SYSTEMS. ("CONTIGUOUS" IS HERE DEFINED AS THE WATERFRONT AREA CONTAINED WITHIN THE TOWN OF IRONDEQUOIT"S LWRP BOUNDARIES.)

POLICY 5B FUTURE DEVELOPMENT SHALL NOT BE PERMITTED ALONG THE SHORELINE UNLESS ADEQUATELY SERVED BY PUBLIC SEWER AND WATER, OR APPROVED ALTERNATIVE SYSTEM (S).

EXPLANATION OF POLICY

As noted in the Inventory and Analysis Section, most of the Town is serviced by sanitary sewer systems except the older residential sections on or in the vicinity of Irondequoit Bay, the Sandbar separating the Bay from Lake Ontario, and Empire Blvd. in the vicinity of the Bay's southern end. The Town's existing street system adequately serves current access and circulation needs and projected volumes over the next 10 to 15 years.

Because of the dependency of development upon the provision of water and sewer service and the importance of improving and protecting water quality, no development should occur which is not accessible to existing water and sewer systems or the expansion of these systems. The expansion of said systems should occur to promote the orderly growth around existing development particularly in those areas identified in the Inventory and Analysis as areas suitable for development and of redevelopment.

The following guidelines will be used to review actions against this policy:

1. Development will first be promoted in areas which have access to public services and facilities that are adequate to meet the requirements of the proposed action and where such proposed action provides for the

orderly growth of the Town. The areas identified in the Inventory and Analysis, and uses and projects for potential development meet these criteria.

2. Future development shall be specifically encouraged in the specific areas identified for potential development on the proposed land use map.

3. Examine proposed development in areas not serviced by sanitary sewer systems (sections of the Irondequoit Bay, Sandbar, and Empire Blvd.) and encourage connections to public sewer systems if such extension can be accommodated in a cost-effective manner.

4. No development action shall take place at any location where accessway, planned or in place, are inadequate to accommodate peak traffic generated by the action.

5. Streets and highways serving the proposed site can safely accommodate peak traffic generated by the proposed development.

6. Stormwater runoff from the proposed site can be accommodated by on site and/or off site facilities.

7. The water needs (consumptive and firefighting) of the proposed development can be met by the existing water supply system.

POLICY 6 EXPEDITE PERMIT PROCEDURES IN ORDER TO FACILITATE THE SITING OF DEVELOPMENT ACTIVITIES AT SUITABLE LOCATIONS.

EXPLANATION OF POLICY

Permit procedures and review requirements for Town, County, State and Federal government are often confusing and time consuming. Overlap and duplication wastes time and resources. The Town of Irondequoit adopted a package of administrative review procedures and new zoning provisions to ensure compliance with the Town's Local Waterfront Revitalization Program. Review procedures, review periods and public hearing requirements are combined to the extent possible.

For specific types of development activities and in areas suitable for such development, the Town of Irondequoit, State and federal agencies will make every effort to coordinate and synchronize existing permit procedures and regulatory programs, as long as the integrity of the regulations' objectives are not jeopardized. Those procedures and programs will be coordinated within each agency. Also, efforts will be made to ensure that each agency's procedures and programs are synchronized with other agencies' procedures at each level of government. Finally, regulatory programs and procedures will be coordinated and synchronized between levels of government and, if necessary, legislative and programmatic changes will be recommended.

It should be noted that in the case of Irondequoit Bay shoreline, the Towns of Webster, Irondequoit and Penfield and the New York State Department of

Environmental Conservation have been engaged in a cooperative management planning effort under the auspices of the Monroe County Planning Department. The policies and management measures developed as part of that effort are incorporated into this LWRP and adopted by the Town of Irondequoit through administrative review procedures and new zoning provisions. These measures will serve as uniform development and environmental protection standards for Irondequoit Bay.

POLICY 7 SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS, AS IDENTIFIED ON THE COASTAL AREA MAP, SHALL BE PROTECTED, PRESERVED, AND, WHERE PRACTICAL, RESTORED SO AS TO MAINTAIN THEIR VIABILITY AS HABITATS.

POLICY 7A THE IRONDEQUOIT BAY AND CREEK HABITAT SHALL BE PROTECTED, PRESERVED AND, IF NECESSARY AND PRACTICAL, RESTORED SO AS TO MAINTAIN ITS VIABILITY AS HABITATS.

EXPLANATION OF POLICY

The Irondequoit Bay and Creek Habitat, encompassing approximately 2000 acres within the City of Rochester and the Towns of Irondequoit, Webster, Perinton and Penfield includes the entire bay area, the emergent wetlands immediately south of the Bay and approximately seven miles upstream on Irondequoit Creek.

Irondequoit Bay and Creek comprise one of the few major coastal bay and tributary systems in the New York Great Lakes region. The Bay supports a significant warmwater fishery including smallmouth bass, large mouth bass, northern pike, brown bullhead, white perch, white bass, longnose gar and lake herring. Irondequoit Bay, and especially Irondequoit Creek, provide angling opportunities for steelhead, echo salmon, brown trout and rainbow trout. The salmonids migrate into the Creek to spawn and seasonal runs occur as far inland as Trout Creek. Irondequoit Bay is also a popular ice fishing area for anglers. The entire bay complex is utilized by migrating waterfowl during the spring and fall as a staging and feeding area and provides limited waterfowl hunting in the fall.

(A detailed description of the location and the fish and wildlife values of the habitat is provided in the appendix to the Inventory and Analysis Section.)

Any activities that would degrade water quality, increase temperature or turbidity, alter depths, or reduce flows in Irondequoit Bay or Creek could adversely affect the fish and wildlife resources of this area. Warmwater species would be most sensitive during May through July, when spawning takes place, and salmonids would be most sensitive during their respective spawning periods. Barriers to fish migration, whether physical or chemical, would also have significant effect on the salmonid populations in Irondequoit Bay and Creek. Activities affecting Irondequoit Creek as far inland as Trout Creek should be evaluated for potential impacts.

The fisheries resources in Irondequoit Bay could support increased recreational fishing pressure, resulting in a fishery of statewide or greater significance. Expansion of the channel connecting Irondequoit Bay with Lake Ontario may significantly increase access for human use of fish and wildlife in this area. However, improved boat access will also stimulate development of marinas and housing around the Bay. Such development could have significant impact on fish and wildlife, especially through elimination or sedimentation of productive wetland areas and littoral zones, and through pollution of the Bay from upland activities.

Habitat protection is recognized as fundamental to assuring the survival of fish and wildlife populations. Certain habitats are particularly critical to the maintenance of a given population and, therefore, merit special protection. Such habitats exhibit one or more of the following characteristics:

a) are essential to the survival of a large portion of a particular fish or wildlife population (e.g., feeding grounds, nursery areas);

b) support populations of rare and endangered species;

c) are found at a very low frequency within a coastal region;

d) support fish and wildlife populations having significant commercial and/or recreational value; and,

e) would be difficult or impossible to replace.

In order to protect and preserve a significant habitat, land and water uses or development shall not be undertaken if such actions destroy or significantly impair the viability of an area as a habitat. When the action significantly reduces a vital resource (e.g., food, shelter, living space) or changes environmental conditions (e.g., temperature, substrate, salinity) beyond the tolerance range of an organism, the action would be considered to "significantly impair" the habitat. Indicators of a significantly impaired habitat may include: reduced carrying capacity, changes in community structure (food chain relationships, species diversity), reduced productivity and/or increased incidence of disease and mortality.

(Section V: Environmental Protection Overlay Districts (EPODS) provide specific guidelines and review procedures.)

The range of generic activities most likely to affect significant coastal fish and wildlife habitats include, but are not limited to, the following:

* draining wetlands, ponds;

* filling wetlands, shallow areas of streams, lakes, bays, estuaries;

* grading land;

* clear cutting;

* dredging or excavation;

* dredge spoil disposal;

* physical alteration of shore areas through channelization or construction of shore structure; and,

* introduction, storage or disposal of pollutants such as chemical, petrochemical, solid wastes, nuclear wastes, toxic material, pesticides, sewage effluent, urban and rural runoff, leachate of hazardous and toxic substances stored in landfills.

The policy statements recognize that valuable fish and wildlife species cannot be protected and maintained without preserving their habitats. Irondequoit has several significant wetland habitats (refer to Policy 44) that will be protected through the permitting procedures of the Freshwater Wetlands Permit Requirement Regulations, 6 NYCRR, Part 663. 6 NYCRR Part 608 (Protection of Waters) permit regulations also apply to Irondequoit Bay. The Town's Environmental Protection Districts (Section 130.200 Environmental Protection Overlay Distrtict) provide additional guidelines and review procedures for woodlot areas. In accordance with State policy, land and water uses or development shall not be undertaken if such actions destroy or significantly impair the viability of a habitat.

POLICY 8 PROTECT FISH AND WILDLIFE RESOURCES IN THE COASTAL AREA FROM THE INTRODUCTION OF HAZARDOUS WASTES AND OTHER POLLUTANTS WHICH BIO-ACCUMULATE IN THE FOOD CHAIN OR WHICH CAUSE SIGNIFICANT SUBLETHAL OR LETHAL EFFECT ON THOSE RESOURCES.

EXPLANATION OF POLICY

Hazardous wastes are unwanted by-products of manufacturing processes and are generally characterized as being flammable, corrosive, reactive or toxic. More specifically, hazardous waste is defined in Environmental Conservation Law (S27-0901 (3)) as "waste or combination of wastes which because of its quantities, concentration, or physical, chemical or infectious characteristics may: (1) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or otherwise managed."

The handling (storage, transport, treatment and disposal) of the materials included on this list is being strictly regulated in New York State to prevent their entry or introduction into the environment, particularly into the State's air, land and waters. Such controls should effectively minimize possible contamination of and bio-accumulation in the State's coastal fish and wildlife resources at levels that cause mortality or create physiological and behavioral disorders.

Other pollutants are those conventional wastes, generated from point and non-point sources, and not identified as hazardous wastes, but controlled through other State laws.

The Town of Irondequoit recognizes the following State laws for the enforcement of this policy:

Industrial Hazardous Waste Management Act, Environmental Conservation Law (Article 27, Title 9)

State Pollutant Discharge Elimination System, Environmental Conservation Law (Article 17, Title 8)

State Certification, Federal Water Pollution Control Act (Section 401)

Toxic Substances Monitoring Program, Environmental Conservation Law (Article 17)

Substances Hazardous to the Environment, Environmental Conservation Law (Article 37)

Solid Waste Management, Environmental Conservation Law (Article 27, Title 7)

Stream Pollution Prohibited, Environmental Conservation Law (Article 11-0503)

Control of Pollution Injurious to Fish, Shellfish, Environmental Conservation Law (Article 13-0345 and 17-0503)

Oil Spill Prevention, Control and Compensation, Navigation Law (Article 12)

Siting of Major Steam-Electric Generating Facilities (Public Service Law, Article VIII)

Sanitary Code, Public Health Law (Article 3)

POLICY 9 EXPAND RECREATIONAL USE OF FISH AND WILDLIFE RESOURCES IN COASTAL AREAS BY INCREASING ACCESS TO EXISTING RESOURCES, SUPPLEMENTING EXISTING STOCKS, AND DEVELOPING NEW RESOURCES. SUCH EFFORTS SHALL BE MADE IN A MANNER WHICH ENSURES THE PROTECTION OF RENEWABLE FISH AND WILDLIFE RESOURCES AND CONSIDERS OTHER ACTIVITIES DEPENDENT ON THEM.

POLICY 9A IMPROVE AND EXPAND THE RECREATIONAL USE OF FISH RESOURCES IN IRONDEQUOIT BAY AND LAKE ONTARIO.

EXPLANATION OF POLICY

Fish and wildlife resources on Lake Ontario and Irondequoit Bay are highly important to the Town and the general public. However, opportunities for access by the public are limited and public water-related recreational facilities and resources are either limited or undeveloped. Opportunities for expanded access to fish and wildlife resources will be enhanced through proposed actions, such as boat launching and fishing facilities planned in the Sea Breeze area in conjunction with the opening of Irondequoit Bay to

Lake Ontario. Plans for Bay Park West, when implemented, will also increase public access to, and use of, the Bay. Improvements to Irondequoit Creek Wetlands will make this natural resource more accessible for educational purposes. Section IV includes a discussion of all potential sites where access to fish and wildlife resources may be expanded.

Recreational uses of coastal fish and wildlife resources include consumptive uses such as fishing and hunting, and non-consumptive uses such as wildlife photography, bird watching and nature study.

Any efforts to increase recreational use of these resources will be made in a manner which ensures the protection of fish and wildlife resources in marine and freshwater coastal areas and which takes into consideration other activities dependent on these resources. Also, such efforts must be done in accordance with existing State law and in keeping with sound resource management considerations. Such considerations include biology of the species, carrying capacity of the resource, public demand, costs and available technology.

The following additional guidelines should be considered by State and Federal agencies as they determine the consistency of their proposed action with the above policy.

1. Consideration should be made by Federal and State agencies as to whether an action will impede existing or future utilization of the State's recreational fish and wildlife resources.

2. Efforts to increase access to recreational fish and wildlife resource should not lead to overutilization of that resource or cause impairment of the habitat. Sometimes, such impairment can be more subtle than actual physical damage to the habitat. For example, increased human presence can deter animals from using the habitat area.

3. The impacts of increasing access to recreational fish and wildlife resources should be determined on a case-by-case basis, consulting the significant habitat narrative (see Policy 7) and/or conferring with a trained fish and wildlife biologies.

4. Any public or private sector initiatives to supplement existing stocks (e.g., stocking a stream with fish reared in a hatchery) or develop new resources (e.g., creating private fee-hunting or fee-fishing facilities) must be done in accord with existing State law.

POLICY 10 THE STATE COASTAL POLICY REGARDING THE DEVELOPMENT OF COMMERCIAL FISHING RESOURCES AND FACILITIES IS NOT APPLICABLE WITHIN THE TOWN OF IRONDEQUOIT.

FLOODING AND EROSION HAZARDS POLICIES

POLICY 11 BUILDINGS AND OTHER STRUCTURES WILL BE SITED IN THE COASTAL AREA SO AS TO MINIMIZE DAMAGE TO PROPERTY AND THE ENDANGERING OF HUMAN LIVES CAUSED BY FLOODING AND EROSION.

POLICY 11A REDUCE THE RISK OF DAMAGE TO BUILDINGS AND STRUCTURES, AS WELL AS ALTERATION OF THE NATURAL FUNCTIONS OF THE COASTAL ZONE, BY LIMITING BUILDING ACTIVITY WITHIN THE 100 YEAR FLOODPLAIN OF THE TOWN'S COASTAL ZONE.

POLICY 11B ANY NON-CONFORMING, PRE-EXISTING USES SHALL NOT BE ALLOWED TO EXPAND WITHIN COASTAL EROSION HAZARD AREAS.

POLICY 11C ANY NON-CONFORMING, PRE-EXISTING USES IN COASTAL HAZARD AREAS WHICH FALL INTO NON-USE OR ARE BOARDED PROPERTIES, SHALL NOT BE ALLOWED TO BE REUSED FOR NON-CONFORMING PURPOSES.

EXPLANATION OF POLICY

This policy applies to those areas identified as floodprone on the Flood Insurance Study maps and covered by the National Flood Insurance Program or subject to erosion and identified as coastal erosion hazard areas under the Environmental Conservation Law.

Damage Prevention regulations regulate the location and type of construction in designated flood hazard areas. See Section I and official Town of Irondequoit EPOD maps: (Section 130.200 EPOD (3) Floodplain Protection District provide specific guidelines review procedures and development standards).

The Lake Ontario shoreline and the areas of steep slopes along Irondequoit Bay have been preliminarily designated as Coastal Erosion Hazard Areas by the Department of Environmental Conservation. These areas will be protected by the Coastal Erosion Hazard Area Act Environmental Conservation Law, Article 34, the minimum standards of 6 NYCRR 505.

Development on and near the steep slopes of Irondequoit Bay is of critical concern to the Town of Irondequoit. Specific standards and criteria for construction in or near steep slope areas and outside the Coastal Erosion Hazard Area, will be dependent on the specific site conditions, including slope, soil classes and proposed activities. No new, non-movable structures or substantial enlargement of existing non-conforming structures will be allowed (Section 130.100 EPOD 4, Steep Slope Protection District provides specific guidelines, regulated activities, development standards and permit conditions.) See Official Town of Irondequoit EPOD maps for boundaries of Steep Slope Protection District.

POLICY 12 ACTIVITIES OR DEVELOPMENT IN THE COASTAL AREA WILL BE UNDERTAKEN SO AS TO MINIMIZE DAMAGE TO NATURAL RESOURCES AND PROPERTY FROM FLOODING AND EROSION BY PROTECTING NATURAL PROTECTIVE FEATURES INCLUDING BEACHES, DUNES, BARRIER ISLANDS AND BLUFFS. PRIMARY DUNES WILL BE PROTECTED FROM ALL ENCROACHMENTS THAT COULD IMPAIR THEIR NATURAL PROTECTION CAPACITY.

POLICY 12A DEVELOPMENT SHOULD BE LOCATED IN AREAS WHERE THERE IS NO THREAT TO SLOPE STABILITY LIKELY TO CAUSE SLOPE FAILURE.

POLICY 12B DEVELOPMENT ACTIVITIES AND OTHER ACTIONS SUCH AS CLEARING OF VEGETATION, DISCHARGE OF STORMWATER, FILLING, CUTTING, GRADING

OR EXCAVATING FOR ANY ACTIVITY, INCLUDING TEMPORARY OR PERMANENT ACCESS TO THE SHORELINE AND CONSTRUCTION OF EROSION PROTECTION STRUCTURES SUCH AS BREAKWALLS PROPOSED FOR THE AREAS DEFINED AS STEEP SLOPES, AND SIMILAR ACTIONS OCCURRING ON THE PLATEAUS OF THE SLOPES SHALL NOT THREATEN THE STABILITY OF THE SLOPE. (REFER TO ENVIRONMENTAL PROTECTION OVERLAY DISTRICTS, ARTICLE IX, SECTION 130.200 WHICH PROVIDE SPECIFIC GUIDELINES, REVIEW PROCEDURES, REGULATED ACTIVITIES DEVELOPMENT STANDARDS, AND PERMIT CONDITIONS WHICH SPECIFICALLY ADDRESS THE STABILITY OF STEEP SLOPES AND THE PRESERVATION OF WOODLOTS, FLOOD PLAINS, AND WATER COURSES). (REFER ALSO TO DRAINAGE, EROSION AND SEDIMENTATION CONTROL ORDINANCE, CHAPTER 39, MUNICIPAL CODE WHICH PROVIDES GUIDELINES, REVIEW PROCEDURES, STANDARDS AND CRITERIA WHICH ADDRESS SITE PREPARATION, LAND DEVELOPMENT AND CONSTRUCTION ACTIVITIES TO PREVENT EROSION, SEDIMENTATION AND DRAINAGE PROBLEMS.)

POLICY 12C SEDIMENTATION FILL IN THE BAY RESULTING FROM PRESENT STORMWATER SEWERS SHALL BE CORRECTED AS SOON AS POSSIBLE (I.E., STORMWATER DISCHARGE AT BAY VILLAGE AND BAY VIEW ROAD.)

EXPLANATION OF POLICY

The Town's beach area, sandbar and steep slopes help safeguard coastal lands and property from damage, as well as reduce the danger to human life, resulting from flooding and erosion. Excavation of coastal features, improperly designed structures, inadequate site planning, or other similar action which fail to recognize the fragile nature and high protective values lead to a weakening or destruction of those landforms. Activities or development in, or in proximity to, natural protective features must ensure that all such adverse effects are minimized.

This policy applies to natural protective features delineated on the Official Town of Irondequoit EPOD Maps including beaches, bluff, and nearshore areas defined in NYCRR, Part 505 regulations implementing the Coastal Erosion Hazard Area Act.

Guidelines for reviewing consistency of shoreline action with this policy are as follows:

1. Nearshore Area: These lands under water beginning at the mean low water line and extending waterward in a direction perpendicular to the shoreline to a point where mean low water depth is 15 feet or to a horizontal distance of 1,000 feet from the mean low water line, whichever is greater.

    a. Guidelines

        (1) Excavating, mining or dredging which diminishes erosion protection offered by a natural protective feature in a nearshore area is prohibited, except construction or maintenance of navigation channels, bypassing sand around natural and manmade obstruction, and artificial beach nourishment.

(2) Clean sand or gravel of a compatible type and size is the only material which may be deposited within nearshore areas.

2. Beach Areas: The zone of unconsolidated material that extends landward from the mean low water line to a place where there is a marked change in a material or physiographic form, or to the line of premanent vegetation, or to the waterward toe of a dune, whichever is most waterward.

   a. Guidelines

      (1) Excavation or mining which diminishes the erosion protection afforded by beaches is prohibited.

      (2) Clean sand or gravel of a compatible type and size is the only material which may be deposited within beach areas.

3. Steep Slopes: Steep slopes include all areas along Irondequoit Bay within a fifteen percent (15%) slope or greater including transitional zones at the top of slopes containing soils with moderate to severe limitations for development and recreational use and natural protective features as defined in NYCPR Part 505 regulations, Coastal Erosion Hazard Area Act.

   a. Guidelines

      (1) The construction of new buildings or structures, or additions to or modifications of existing buildings or structures, within area exceeding fifteen (15) percent slope are prohibited and allowed only upon issuance of an EPOD permit by the Planning Board.

      (2) The following activities are allowed in accordance to predetermined standards and criteria:

         (a) Clearing of or construction of a land area.

         (b) Construction or placement of any sewage disposal system, including individual disposal systems.

POLICY 13 THE CONSTRUCTION OR RECONSTRUCTION OF EROSION PROTECTION STRUCTURES SHALL BE UNDERTAKEN ONLY IF THEY HAVE REASONABLE PROBABILITY OF CONTROLLING EROSION FOR AT LEAST THIRTY YEARS AS DEMONSTRATED IN DESIGN AND CONSTRUCTION STANDARDS AND/OR ASSURED MAINTENANCE OR REPLACEMENT PROGRAMS.

EXPLANATION OF POLICY

Improperly designed or constructed and inadequate maintenance standards for erosion protection structures cause such structures to provide inadequate protection. As a result, development can be sited in areas where it is subject to damage or loss due to erosion. The intent of this policy is to ensure the reduction of such damage or loss.

The following guidelines will be used in applying the policy to the Irondequoit waterfront:

1. Long-term maintenance programs presented to erosion protection structures should include specifications for normal maintenance of degradable materials and the periodic replacement of removable materials.

2. All material used in such structures must be durable and capable of withstanding inundation, wave impacts, weathering, ice damage, and other effects of storm condition.

3. The construction, modification, or restoration of erosion protection structures shall not have adverse effects on natural protective features and natural resources such as significant fish and wildlife habitats.

POLICY 14 ACTIVITIES AND DEVELOPMENT INCLUDING THE CONSTRUCTION OR RECONSTRUCTION OF EROSION PROTECTION STRUCTURES, SHALL BE UNDERTAKEN SO THAT THERE WILL BE NO MEASURABLE INCREASE IN EROSION OR FLOODING AT THE SITE OF SUCH ACTIVITIES OR DEVELOPMENT, OR AT OTHER LOCATIONS.

EXPLANATION OF POLICY

Erosion and flooding are processes which occur naturally. There are actions, however, that increase the severity and adverse effects of those processes, causing damage to, or loss of property, and endangering human lives. These actions include: the use of erosion protection structures such as groins, or the use of impermeable docks which block the littoral transport of sediment to adjacent shorelands, thus increasing their rate of recession; the failure to observe proper damage or land restoration practices, thereby causing run-off and the erosion and weakening of shorelands.

The following additional guidelines will be used to interpret and apply the policy in the Town of Irondequoit.

1. The construction, modification, or restoration of erosion protection structures must not cause any measurable increase in the erosion at the development site or other locations.

2. Activities should result in the minimal disturbance of vegetation and regeneration of appropriate vegetation to prevent increased erosion problems.

3. Any grading, excavating, or other soil disturbance conducted on a steep slope must not direct surface water runoff over the receding edge during construction.

(Refer to Section V: Drainage, Erosion, and Sedimentation Control Ordinance which provide specific guidelines, review procedures, standards and criteria for drainage, sediment control measures and facilities.)

POLICY 15 MINING, EXCAVATION OR DREDGING IN COASTAL WATER SHALL NOT SIGNIFICANTLY INTERFERE WITH THE NATURAL COASTAL PROCESSES WHICH SUPPLY BEACH MATERIALS TO LAND ADJACENT TO SUCH WATERS AND SHALL BE UNDERTAKEN IN A MANNER WHICH WILL NOT CAUSE AN INCREASE IN EROSION OF SUCH LAND.

EXPLANATION OF POLICY

Coastal processes, including the movement of beach materials by water, and any mining, excavation or dredging in nearshore or offshore waters which changes the supply and net flow of such materials can deprive shorelands of their natural regenerative powers. Such mining, excavation or dredging shall be accomplished in a manner so as not to cause a reduction of supply, and thus, an increase in erosion of such shorelands. Offshore mining is a future alternative option to land mining for sand and gravel deposits which are needed to support buildings and other industries.

POLICY 16 PUBLIC FUNDS SHALL ONLY BE USED FOR EROSION PROTECTIVE STRUCTURES WHERE NECESSARY TO PROTECT HUMAN LIFE, AND NEW DEVELOPMENT WHICH REQUIRES A LOCATION WITHIN OR ADJACENT TO AN EROSION HAZARD AREA TO BE ABLE TO FUNCTION, OR EXISTING DEVELOPMENT; AND ONLY WHERE THE PUBLIC BENEFITS OUTWEIGH THE LONG TERM MONETARY AND OTHER COSTS INCLUDING THE POTENTIAL FOR INCREASING EROSION AND ADVERSE EFFECTS ON NATURAL PROTECTIVE FEATURES.

POLICY 16A IT IS THE POLICY OF THE TOWN OF IRONDEQUOIT NOT TO INVEST PUBLIC FUNDS INTO EROSION CONTROL STRUCTURES FOR NEW OR PROPOSED PRIVATE DEVELOPMENT.

EXPLANATION OF POLICY

This policy recognizes the need for public investment in erosion protection to sustain existing development when the public benefit which would be derived from such action outweights what may be adverse impacts on natural protective features or causes an increase in erosion. The policy calls for careful analysis of benefits and long-term costs (adverse impacts) prior to an expenditure of public funds for protective structures for existing or new development. The policy does, however, specifically exclude local public expenditures for erosion control measures for the protection of new development. The Town considers such expenditures to be the responsibility of the development entity.

Government agencies shall weigh the following factors in determining whether the expenditure of public funds is merited:

* The importance of the development or services provided to the community:

* The danger which a proposed activity may present to both life and property:

* The availability of alternative locations, not subject to flooding or erosion damage, for a given use; and

* The necessity of a waterfront location for new development.

POLICY 17 WHENEVER POSSIBLE, USE NON-STRUCTURAL MEASURES TO MINIMIZE DAMAGE TO NATURAL RESOURCES AND PROPERTY FROM FLOODING AND EROSION. SUCH MEASURES SHALL INCLUDE: (i) THE SET BACK OF BUILDINGS AND STRUCTURES; (ii) THE PLANTING OF VEGETATION AND INSTALLATION OF SAND FENCING AND DRAINING; (iii) THE RESHAPING OF BLUFFS; AND (iv) THE FLOOD-PROOFING OF BUILDINGS OR THEIR ELEVATION ABOVE THE BASE FLOOD LEVEL.

POLICY 17A ACTIVITIES IN STEEP SLOPE AREAS SHOULD RESULT IN MINIMAL DISTURBANCE OF NATURAL VEGETATION TO PREVENT INCREASED EROSION.

POLICY 17B DEVELOPMENT WILL BE PROHIBITED IN AREAS WHERE THERE IS A THREAT TO SLOPE STABILITY LIKELY TO CAUSE SLOPE FAILURE.

POLICY 17C THE TOWN WILL LIMIT ANY BUILDING ACTIVITY WITHIN FLOODPRONE AREAS OF THE COASTAL ZONE.

See Policies 11, 12 and 33.

EXPLANATION OF POLICY

This policy recognizes both the potential adverse impacts of flooding and erosion upon development and upon natural protective features in the coastal area, as well as the costs of protection against those hazards which structural measures entail.

This policy shall apply to the planning, siting and design of proposed activities and development, including measures to protect existing activities and development. To ascertain consistency with the policy, it must be determined if any one, or a combination of non-structural measures would afford the degree of protection appropriate both to the character and purpose of the activity or development and to the hazard. If non-structural measures are determined to offer sufficient protection, then consistency with the policy would require the use of such measures, whenever possible.

In determining whether or not non-structural measures to protect against erosion or flooding will afford the degree of protection appropriate, an analysis, and if necessary, other materials such as plans, or sketches of the activity or development, the site, and the alternative protection measures should be prepared to allow an assessment to be made.

Non-structural measures shall include, but are not limited to, the following measures:

Within identified Coastal Erosion Hazard Areas:

1. Use of minimum setbacks as provided for in Policy 12.

2. Strengthening of coastal landforms by such means as:

a. Planting appropriate vegetation on dunes and bluffs:

b. Reshaping bluffs to achieve an appropriate angle for repose so as to reduce the potential for slumping and to permit the planting of stabilizing vegetation; and,

c. Installing drainage systems on bluffs to reduce runoff and internal seepage of waters which erode or weaken the landforms.

Within identified Flood Hazard Areas:

1. Avoidance of risk or damage from flooding by the siting of buildings outside the hazard area.

2. Flood-proofing of buildings or their elevation above the base flood level.

GENERAL POLICY

POLICY 18 TO SAFEGUARD THE VITAL ECONOMIC, SOCIAL AND ENVIRONMENTAL INTERESTS OF THE STATE AND OF ITS CITIZENS, PROPOSED MAJOR ACTIONS IN THE COASTAL AREA MUST GIVE FULL CONSIDERATION TO THOSE INTERESTS, AND TO THE SAFEGUARDS WHICH THE STATE HAS ESTABLISHED TO PROTECT VALUABLE COASTAL RESOURCE AREAS.

EXPLANATION OF POLICY

Proposed major actions are appropriate in the coastal area if they do not significantly impair or diminish valuable coastal waters and resources. Proposed actions that would affect natural resources, water levels and flows, shoreline, and recreation must take into account the social, economic and environmental interests of the State and its citizens to the extent that such actions, in Irondequoit, impact these interests.

PUBLIC ACCESS POLICIES

POLICY 19 PROTECT, MAINTAIN, AND INCREASE THE LEVEL AND TYPES OF ACCESS TO PUBLIC, WATER-RELATED RECREATION RESOURCES AND FACILITIES SO THAT THESE RESOURCES AND FACILITIES MAY BE FULLY UTILIZED BY ALL THE PUBLIC IN ACCORDANCE WITH REASONABLY ANTICIPATED PUBLIC RECREATION NEEDS AND THE PROTECTION OF HISTORIC AND NATURAL RESOURCES. IN PROVIDING SUCH ACCESS, PRIORITY SHALL BE GIVEN TO PUBLIC BEACHES, BOATING FACILITIES, FISHING AREAS AND WATERFRONT PARKS.

POLICY 19A IMPROVE AND EXPAND PUBLIC ACCESS OPPORTUNITIES ON IRONDEQUOIT BAY CREEK, MONROE COUNTY BAY PARK WEST AND DURAND-EASTMAN PARK, NEWPORT ROAD AND SEA BREEZE.

POLICY 19B PUBLIC AND PRIVATE IMPROVEMENTS MADE TO ACCOMMODATE PUBLIC ACCESS SHALL MAKE ADEQUATE PROVISION FOR THE HANDICAPPED.

EXPLANATION OF POLICY

The opening of Irondequoit Bay will substantially increase the pressures for boating and fishing access to the Lake and the Bay. Public water related recreational facilities and resources in the Town are limited or undeveloped. Opportunities for public access to water-related recreation, however, will expand significantly as waterfront land and resources currently owned by the State, Monroe County and the Town are developed over the next several years for recreational purposes.

Improvements to Irondequoit Creek Wetland recommended in the Ellison Park Master Plan will make this natural resource more accessible to the public for educational and recreational pursuits. Plans for Monroe County Bay Park West and the recently purchased Isaac property, when implemented, will increase the public's access and use of the Bay. The long-term reuse of the Town's landfill site off Newport Road will provide an opportunity for passive recreation depending on a detailed investigation to assess the potential hazards or threats to public health. The potential for marina development on the State-owned land near the recently widened Bay opening would be enhanced if the adjacent Sea Breeze Expressway were relocated to the west of its present location, which would alleviate present obstacles and promote parking and other support facilities. State plans to construct launch ramps, a breakwater, or jetty west of the Bay opening will greatly increase access to the Bay and Lake Ontario. Improvements planned by Monroe County will upgrade and expand water related opportunities at Lake Ontario in Durand-Eastman Park.

The following guidelines will be used in determining the consistency of a proposed action within this policy:

1. The existing access from adjacent or proximate public lands or facilities to public water-related recreation resources and facilities shall not be reduced, nor shall the possibility of increasing access to the future from the adjacent or proximate lands or facilities to public water-related recreation resources and facilities be eliminated, unless in the latter case, estimates of future use of these resources and facilities are too low to justify maintaining or providing increased public access or unless such actions are found to not be necessary or beneficial by the public body having jurisdiction over such access.

The following is an explanation of the terms used in the above guidelines:

a. Access - the ability and right of the public to reach and use public coastal lands and waters.

b. Public water related recreational resources or facilities - proposed boat launch and fishing piers at Sea Breeze.

c. Public lands or facilities - lands or facilities held by State or local government in fee simple or less-than-fee simple ownership and to which the public has access or could have access, including underwater lands and the foreshore.

d. A reduction in the existing level of public access - includes, but is not limited to, the following:

(1) The number of parking spaces at a public water-related recreation resource or facility is significantly reduced.

(2) The service level of public transportation to a public water-related recreation resource or facility is significantly reduced during peak season use and such reduction cannot be reasonably justified in terms of meeting system-wide objectives.

(3) Pedestrian access is diminished or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities.

(4) There are substantial increases in the following: already existing special fares (not including regular fares in any instance) of public transportation to a public water related recreation resource or facility, except where the public body having jurisdiction over such fares determines that such substantial fare increase are necessary; and/or admission fees to such a resource or facility, and an analysis showing that such increases will significantly reduce usage by individuals or families and incomes below the State government established poverty level.

e. An elimination of the possibility of increasing public access in the future includes, but is not limited to the following:

(1) Construction of public facilities which physically prevent the provision, except at great expense, of convenient public access to public water related recreation resources and facilities.

(2) Sale, lease, or other transfer of public lands that could provide public access to a public water related recreation resource or facility.

(3) Construction of private facilities which physically prevent the provision of convenient public access to public water-related recreation resources or facilities from public lands and facilities.

2. Any proposed project to increase public access to public water-related recreation resources and facilities shall be analyzed according to the following factors:

a. The level of access to be provided should be in accord with estimated public use. If not, the proposed level of access to be provided shall be deemed inconsistent with the policy.

b. The level of access to be provided shall not cause a degree of use which would exceed the physical capability of the resource or

facility. If this were determined to be the case, the proposed level of access to be provided shall be deemed inconsistent with the policy.

3. The State will not undertake or fund any project which increases access to a water-related resource or facility that is not open to all members of the public.

(Refer to Section V for specific guidelines and review procedures: Section 130.42 Waterfront Development District (WDD) for uses permitted subject to permit review criteria and site design standards and to Section 130.72 Town Planning Board for development proposals in the WDD subject to permit review criteria and site design standards.)

POLICY 20 ACCESS TO THE PUBLICLY-OWNED FORESHORE AND TO LANDS IMMEDIATELY ADJACENT TO THE FORESHORE OR THE WATER'S EDGE THAT ARE PUBLICLY-OWNED SHALL BE PROVIDED AND IT SHALL BE PROVIDED IN A MANNER COMPATIBLE WITH ADJOINING USES. SUCH LANDS SHALL BE RETAINED IN PUBLIC OWNERSHIP.

POLICY 20A ACCESS TO THE FORESHORE OF IRONDEQUOIT BAY AND LAKE ONTARIO WILL BE EXPANDED THROUGH IMPROVEMENTS AND ACQUISITIONS AT ELLISON PARK, BAY PARK WEST AND DURAND-EASTMAN PARK.

POLICY 20B NEW BOAT AND FISHING ACCESS TO THE FORESHORE OF IRONDEQUOIT BAY WILL BE PROVIDED THROUGH CONSTRUCTION OF STATE BOAT LAUNCHING AND FISHING FACILITIES ON THE IRONDEQUOIT SIDE OF THE NEW CHANNEL OPENING TO LAKE ONTARIO AND STATE-OWNED BAY PROPERTY.

POLICY 20C NEW ACCESS TO THE FORESHORE OF IRONDEQUOIT BAY WILL BE EXPLORED AT THE LANDFILL SITE OFF NEWPORT ROAD.

See Policy 19.

The following guidelines will be used in determining the consistency of a proposed action with this policy.

1. Existing access from adjacent or proximate public lands or facilities to existing public coastal lands and/or waters shall not be reduced, nor shall the possibility of increasing access in the future from adjacent or nearby public lands or facilities to public coastal lands and/or waters be eliminated, unless such actions are demonstrated to be of overriding regional or Statewide public benefit, or in the latter case, estimates of future use of these lands and waters are too low to justify maintaining or providing increased access.

The following is an explanation of the terms used in the above guidelines:

a. (See definitions under first policy of "access," and "public lands or facilities".)

b. A reduction in the existing level of public access - includes, but is not limited to, the following:

(1) Pedestrian access is diminished or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities.

(2) Pedestrian access is diminished or blocked completely by public or private development.

c. An elimination of the possibility of increasing public access in the future - includes, but is not limited to, the following:

(1) Construction of public facilities which physically present the provision, except at great expense, of convenient public access to public water-related recreation resources and facilities.

(2) Sale, lease, or other conveyance of public lands that could provide public access to public coastal lands and/or waters.

(3) Construction of private facilities which physically prevent the provision of convenient public access to public coastal lands and/or waters from public lands and facilities.

2. The existing level of public access within public coastal lands or waters shall not be reduced or eliminated.

a. A reduction in the existing level of public access - includes, but is not limited to, the following:

(1) Access is reduced or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities.

(2) Access is reduced or blocked completely by any public developments.

3. Public access from the nearest public roadway to the shoreline and along the coast shall be provided by new land use or development, except where (a) it is inconsistent with public safety, military security, or the protection of identified fragile coastal resources; (b) adequate access exists within one-half mile; or (c) agriculture would be adversely affected. Such access shall not be required to be open to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

4. The State will not undertake or fund any project which increases access to a water-related resource or facility that is not open to all members of the public.

5. In their plans and programs for increasing public access, State agencies shall give priority in the following order to projects located: within the boundaries of the Federal-Aid Metropolitan Urban Area and served by public transportation; within the boundaries of the

Federal-Aid Metrolpolitan Urban Area but not served by public transportation; outside the defined Urban Area boundary and served by public transportation; and outside the defined Urban Area boundary but not served by public transportation.

6. Proposals for increased public access to coastal lands and waters shall be analyzed according to the following factors:

   a. The level of access to be provided should be in accord with estimated public use. If not, the proposed level of access to be provided shall be deemed inconsistent with the policy.

   b. The level of access to be provided shall not cause a degree of use which would exceed the physical capability of the resource coastal lands. If this were determined to be the case, the proposed level of access to be provided shall be deemed inconsistent with the policy.

RECREATION POLICIES

POLICY 21 WATER-DEPENDENT AND WATER-ENHANCED RECREATION WILL BE ENCOURAGED AND FACILITATED, AND WILL BE GIVEN PRIORITY OVER NON-WATER RELATED USES ALONG THE COAST, PROVIDED IT IS CONSISTENT WITH THE PRESERVATION AND ENHANCEMENT OF OTHER COASTAL RESOURCES AND TAKES INTO ACCOUNT DEMAND FOR SUCH FACILITIES. IN FACILITATING SUCH ACTIVITIES, PRIORITY SHALL BE GIVEN TO AREAS WHERE ACCESS TO THE RECREATION OPPORTUNITIES OF THE COAST CAN BE PROVIDED BY NEW OR EXISTING PUBLIC TRANSPORTATION SERVICES AND TO THOSE AREAS WHERE THE USE OF THE SHORE IS SEVERELY RESTRICTED BY EXISTING DEVELOPMENT.

POLICY 21A DEVELOP WATER DEPENDENT RECREATION AT SEA BREEZE THROUGH CONSTRUCTION BY THE STATE OF A HARBOR OF REFUGE, BOAT LAUNCH FACILITIES, AND FISHING PIERS ON THE IRONDEQUOIT SIDE OF THE NEW CHANNEL OPENING TO LAKE ONTARIO.

POLICY 21B FACILITATE DEVELOPMENT BY THE COUNTY OF THE FORMER HOJACK RAILROAD LINE FOR PEDESTRIAN AND BICYCLE PATHWAYS TO PREVENT FUTURE LOSS OF PORTIONS OF THE RIGHT-OF-WAY.

POLICY 21C FACILITATE DEVELOPMENT BY THE COUNTY OF BAY PARK WEST AND THE RECENTLY ACQUIRED ADJACENT PROPERTIES FOR A BOAT LAUNCH COMPLEX AND FISHING PIERS.

POLICY 21D FACILITATE THE DEVELOPMENT OF WATER-DEPENDENT RECREATION AT STUTSON STREET, NEWPORT ROAD, AND EMPIRE BLVD.

EXPLANATION OF POLICY

The recent opening of Irondequoit Bay to Lake Ontario will increase the demand for boating in the Bay. The number of boats of all types that will eventually use the Bay could be as high as 2,000 compared to approximately 500 currently using the Bay. This increased demand is expected to bring

about redevelopment of existing marinas and construction of new marinas in addition to boat launching and mooring facilities planned by the County and the State.

Recreational uses which are water-dependent or which are enhanced by a coastal location and which increase the general public's access to the coast shall receive priority over non-coastal-dependent uses, and non-water-related uses. Additionally, water-dependent uses shall have higher priority over the water-enhanced recreation. This policy includes such uses as boating and fishing facilities, pedestrian and bicycle trails, picnic areas, scenic overlooks and passive recreational areas that take advantage of coastal scenery. Such development shall only be allowed to occur, where water-related recreation is consistent with the preservation and enhancement of important coastal resources and within their capacity to accommodate expected demand.

(Refer to Section V for specific guidelines and review procedures: Section 130.42 Waterfront Development District (WDD) for uses permitted subject to permit review criteria and site design standards and to Section 130.72 Town Planning Board for all development proposals in the WDD subject to permit review criteria and additional site design standards.)

POLICY 22 DEVELOPMENT WHEN LOCATED ADJACENT TO THE SHORE WILL PROVIDE FOR WATER-RELATED RECREATION WHENEVER SUCH USE IS COMPATIBLE WITH REASONABLY ANTICIPATED DEMAND FOR SUCH ACTIVITIES, AND IS COMPATIBLE WITH THE PRIMARY PURPOSE OF THE DEVELOPMENT.

POLICY 22A PROMOTE MULTIPLE USE OF IRONDEQUOIT NORTHWEST TREATMENT PLANT FOR WATERFRONT MIXED USE INTEGRATING NEW DEVELOPMENT WITH AN EXISTING MARINA ON THE GENESEE RIVER.

POLICY 22B PROMOTE THE LONG-TERM REUSE OF THE TOWN LANDFILL SITE AND ADJACENT PROPERTY OFF NEWPORT ROAD FOR PASSIVE RECREATIONAL USE.

EXPLANATION OF POLICY

The former Irondequoit Northwest Treatment Plant and the Town landfill site off Newport Road provide good opportunities for water-related recreation as a multiple use. The reuse of both sites, however, will depend of investigation to assess their potential hazards or threats to public health. Coordinated development of the State marina project at Sea Breeze with the adjacent land and the municipal sewage treatment plant, would provide a greatly expanded range of waterfront recreational opportunities.

Many developments present practical opportunities for providing recreation facilities as an additional use of the site or facility. Therefore, whenever developments are located adjacent to the shore, they should to the fullest extent permitted by existing law, provide for some form of water related recreation use unless there are compelling reasons why any form of such recreation would not be compatible with the development, or a reasonable demand for public use cannot be foreseen.

The types of development which can generally provide water related recreation as a multiple use include, but are not limited to:

parks
highways
power plants
utility transmission rights-of-way
sewage treatment facilities
mental health facilities
hospitals
prisons
schools, universities
military facilities
nature preserves
large residential subdivisions (50 units)
shopping centers
office buildings

Prior to taking actions relative to any development, State agencies should consult with the State Office of Parks, Recreation, and Historic Preservation, and with the Town to determine appropriate recreation uses.

In determining whether compelling reasons exist which would make inadvisable recreation as a multiple use, safety considerations should reflect a recognition that some risk is acceptable in the use of recreational facilities.

Whenever a proposed development would be consistent with LWRP policies and the development could, through the provision of recreation and other multiple uses, significantly increase public use of the shore, then such development should be encouraged to locate adjacent to the shore.

HISTORIC AND SCENIC QUALITY POLICIES

POLICY 23 PROTECT, ENHANCE AND RESTORE STRUCTURES, DISTRICTS, AREAS OR SITES THAT ARE OF SIGNIFICANCE IN THE HISTORY, ARCHITECTURE, ARCHAEOLOGY OR CULTURE OF THE STATE, ITS COMMUNITIES, OR THE NATION.

POLICY 23A PROTECT THE ARCHAEOLOGICALLY SIGNIFICANT AREA IN THE VICINITY OF A GARRISON CONSTRUCTED BY DENONVILLE.

EXPLANATION OF POLICY

The entire planning area has been designated as being archaeologically sensitive on the NEW YORK STATE ARCHAEOLOGICAL SITE INVENTORY map. There are no other locally, State, or federally designated historic resources in the local waterfront area to which this policy applies.

Prior to undertaking major construction activities in this area, anyone proposing such activity shall consult with the NYS Office of Parks, Recreation and Historic Preservation to determine whether significant archeological resources are present at the site and what measures are necessary to preserve these resources.

This policy shall not be construed to prevent the construction, reconstruction, alteration, or demolition of any building, structure, earthwork, or component thereof which has been officially certified as being imminently dangerous to public health and safety.

POLICY 24 THE STATE COASTAL POLICY REGARDING PROTECTION OF SCENIC RESOURCES OF STATEWIDE SIGNFICANCE IS NOT APPLICABLE WITHIN THE TOWN OF IRONDEQUOIT.

POLICY 25 PROTECT, RESTORE OR ENHANCE NATURAL AND MAN-MADE RESOURCES WHICH ARE NOT IDENTIFIED AS BEING OF STATEWIDE SIGNIFICANCE, BUT WHICH CONTRIBUTE TO THE OVERALL SCENIC QUALITY OF THE COASTAL AREA.

POLICY 25A PROTECT AND ENHANCE THE SCENIC QUALITIES OF THE FOLLOWING FOUR LOCATIONS PROVIDING THE BEST VIEW OF LAKE ONTARIO WITHIN THE LOCAL WATERFRONT AREA:

* THE CHANNEL CONNECTING THE BAY AND THE LAKE;
* THE TERMINUS OF CULVER ROAD IN SEA BREEZE;
* THE TOP OF THE BLUFFS OVERLOOKING WINDSOR BEACH IN WHITE CITY; AND,
* SUMMERVILLE BEACH IN SUMMERVILLE.

POLICY 25B PROTECT AND ENHANCE THE SCENIC QUALITIES OF THE FOLLOWING LOCATIONS PROVIDING THE BEST VIEWS OF IRONDEQUOIT BAY:

* EMPIRE BLVD. ON THE SOUTH END OF THE BAY;

* THE SANDBAR AND BAY OPENING ON THE NORTH END OF THE BAY;

EXPLANATION OF POLICY

Actions occurring within the coastal zone shall protect, restore, or enhance the overall scenic quality of the area. Actions will be reviewed to determine whether they would be likely to impair the scenic beauty of the coast. Impairment would include: (i) the irreversible modification of geologic forms; the destruction, or removal of structures, whenever the geologic forms, vegetation or structures are significant to the scenic quality of the area; (ii) the addition of structures which because of siting or scale will reduce views or which because of scale, form or materials diminish the scenic quality of the coast; and (iii) the glare from excessive light.

The Town will consider the following actions when reviewing proposals which may affect scenic quality:

1. siting and imposition of height limitations on structures to maintain the scenic quality of the shoreline and to retain views to and from the shore;

2. clustering or orienting structures to retain views, and save open space;

3. removing deteriorated structures from the coastal landscape;

4. maintaining and adding vegetation to provide interest, encourage the presence of wildlife, blend into the site, maintain views and disguise unattractive elements;

5. using appropriate materials, in addition to vegetation, to screen unattractive elements;

6. using appropriate scales, forms and materials to ensure that buildings and other structures are compatible with and add interest to the landscape, and,

7. restricting signage.

(Refer to Section V, Section 130.42 Waterfront Development District (WDD) for uses permitted subject to permit review criteria and site design standards to Section 130.72 Town Planning Board for all development proposals in the WDD subject to permit review criteria and additional site design standards.

AGRICULTURAL LANDS POLICY

POLICY 26 THE STATE COASTAL POLICY REGARDING THE CONSERVATION AND PROTECTION OF IMPORTANT AGRICULTURAL LANDS IS NOT APPLICABLE WITHIN THE TOWN OF IRONDEQUOIT.

ENERGY AND ICE MANAGEMENT POLICIES

POLICY 27 THE STATE COASTAL POLICY REGARDING THE SITING AND CONSTRUCTION OF MAJORE ENERGY FACILITIES IN THE COASTAL AREA IS NOT APPLICABLE WITHIN THE TOWN OF IRONDEQUOIT.

POLICY 28 ICE MANAGEMENT PRACTICES SHALL NOT INTERFERE WITH THE PRODUCTION OF HYDROELECTRIC POWER, DAMAGE SIGNIFICANT FISH AND WILDLIFE AND THEIR HABITATS, OR INCREASE SHORELINE EROSION OR FLOODING.

EXPLANATION OF POLICY

Prior to undertaking action required for ice management, an assessment must be made of the potential effects of such action upon the production of hydroelectric power, fish and wildlife and their habitats as defined in the coastal area maps, flood levels, rates of shoreline erosion damage, and upon natural protective features.

Following such an examination, adequate methods of avoidance or mitigation of such potential effects must be utilized if the proposed action is to be implemented.

POLICY 29 THE STATE COASTAL POLICY REGARDING THE DEVELOPMENT OF ENERGY RESOURCES ON THE OUTER CONTINENTAL SHELF AND IN LAKE ERIE IS NOT APPOLICABLE WITHIN THE TOWN OF IRONDEQUOIT.

WATER AND AIR RESOURCES POLICIES

POLICY 30 MUNICIPAL, INDUSTRIAL, AND COMMERCIAL DISCHARGE OF POLLUTANTS, INCLUDING, BUT NOT LIMITED TO, TOXIC AND HAZARDOUS SUBSTANCES, INTO COASTAL WATERS WILL CONFORM TO STATE AND NATIONAL WATER QUALITY STANDARDS.

POLICY 30A THE TOWN WILL MONITOR MUNICIPAL ACTIONS FOR COMPLIANCE WITH STATE AND NATIONAL WATER QUALITY STANDARDS AND WILL USE AVAILABLE MEANS TO ASSURE COMPLIANCE OF PRIVATE SECTOR DISCHARGE INTO THE STATE'S WATERWAYS.

POLICY 30B THE TOWN WILL NOT PERMIT DEVELOPMENT ACTIONS THAT WILL RESULT IN DEGRADATION OF WATER QUALITY.

EXPLANATION OF POLICY

Municipal, industrial and commercial discharges include not only "end-of-pipe' discharges, into surface and ground water, but also plant site runoff, leaching, spillages, sludge and other waste disposal, and drainage from raw material storage sites. Also, the regulated industrial discharges are both those which directly empty into receiving coastal waters and those which pass through municipal treatment systems before reaching the Town's waterways.

Pollution of Irondequoit Bay and Lake Ontario can originate from many sources including "end-of-pipe" discharges, effluent from sewage disposal systems, leaching, and industrial operations that pass through Monroe County's treatment facilities. Such activities are monitored by either the County Health Department (discharge of less than 1,000 gallons per day) or NYS DEC (discharge of more than 1,000 gallons per day) for compliance with State and National water quality standards.

Any development within the Town's coastal zone can result in surface and groundwater pollution. The Town will not permit development actions that result in degradation of water quality and will enforce regulations which will mitigate impacts of runoff from imperious surfaces.

Town representatives have been participating in the Irondequoit Basin Subcommittee of the Monroe County Water Quality Advisory Committee which has been studying urban runoff in Irondequoit Bay. The objective of the Committee is to devise a set of guidelines, which will bring about improved water quality in the Bay.

POLICY 31 STATE COASTAL AREA POLICIES AND MANAGEMENT OBJECTIVES OF APPROVED LOCAL WATERFRONT REVITALIZATION PROGRAMS WILL BE CONSIDERED WHILE REVIEWING COASTAL WATER CLASSIFICATIONS AND WHILE MODIFYING WATER QUALITY STANDARDS; HOWEVER, THOSE WATERS ALREADY OVER-BURDENED WITH CONTAMINANTS WILL BE RECOGNIZED AS BEING A DEVELOPMENT CONSTRAINT.

EXPLANATION OF POLICY

The water quality classification for Irondequoit Bay should be maintained.

3. removing deteriorated structures from the coastal landscape;

4. maintaining and adding vegetation to provide interest, encourage the presence of wildlife, blend into the site, maintain views and disguise unattractive elements;

5. using appropriate materials, in addition to vegetation, to screen unattractive elements;

6. using appropriate scales, forms and materials to ensure that buildings and other structures are compatible with and add interest to the landscape, and,

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Any development within the Town's coastal zone can result in surface and groundwater pollution. The Town will not permit development actions that result in degradation of water quality and will enforce regulations which will mitigate impacts of runoff from imperious surfaces.

Town representatives have been participating in the Irondequoit Basin Subcommittee of the Monroe County Water Quality Advisory Committee which has been studying urban runoff in Irondequoit Bay. The objective of the Committee is to devise a set of guidelines, which will bring about improved water quality in the Bay.

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EXPLANATION OF POLICY

The water quality classification for Irondequoit Bay should be maintained.

Pursuant to the Federal Clean Water Act of 1977 (PL 95-217) the State has classified its coastal and other waters in accordance with consideration of best usage in the interest of the public and has adopted water quality standards for each class of waters. These classifications and standards are reviewable at least every three years for possible revision or amendment, and will be reviewed by the State in light of adopted Local Waterfront Revitilization Programs.

Irondequoit Bay has been classified as having "B" water quality. The coordinating Committee for Irondequoit Bay is developing water quality management measures for the Bay to achieve a water quality level that is reflective of its current "B" classification. The intent is to achieve a quality level that will enable the widest possible recreational use while protecting important wildlife habitats.

See Policy 30.

POLICY 32 THE STATE COASTAL POLICY REGARDING THE USE OF ALTERNATIVE SANITARY WASTE SYSTEMS IS NOT APPLICABLE WITHIN THE TOWN OF IRONDEQUOIT.

POLICY 33 BEST MANAGEMENT PRACTICES WILL BE USED TO ENSURE THE CONTROL OF STORMWATER RUNOFF AND COMBINED SEWER OVERFLOWS DRAINING INTO COASTAL WATERS.

POLICY 33A ESTABLISH PERFORMANCE STANDARDS FOR DEVELOPMENT THAT RESULT IN NON-DEGRADATION OF BAY WATER QUALITY, MITIGATE IMPACTS OF RUNOFF FROM IMPERVIOUS SURFACES, AND REDUCE EROSION AND SEDIMENTATION DURING CONSTRUCTION.

EXPLANATION OF POLICY

THE IRONDEQUOIT BASIN NATIONWIDE URBAN RUNOFF PROGRAM was part of a federally funded effort to learn more about the significance of urban runoff in causing water quality problems. This project, led by Monroe County technical staff, investigated the quantity and quality of urban stormwater runoff. It found that runoff is contributing significant amounts of phosphorus to the Bay, as well as depositing polluted sediments in the Bay and Basin streams. Some of the major project conclusions are:

* decreases in phosphorus in the Bay water can be predicted with reductions in stormwater phosphorus entering the Bay.

* the largest amounts of runoff phosphorus per unit of land area are from urban areas of the Basin.

* a combination of control measures to reduce runoff water quality problems in the Bay resulting from stormwater runoff are needed, including: use of the wetlands immediately upstream of the Bay as a natural "treatment" area; instream impoundments; improved erosion/runoff control regulation; use of additional wetlands throughout the watershed for natural treatment; and revision of current County, State, and municipal administrative arrangements to implement proposed control measures.

Best management practices include both structural and non-structural methods of preventing or mitigating pollution caused by the discharge of storm water runoff. (The Town has no combined sanitary/storm sewers.) Drainage, erosion and sediment control measures have been designed and constructed in accordance with Best Management Practices (BMP's) including structural runoff controls, pollution source controls; collection and treatment of runoff; erosion, and sedimentation.

(Refer to Section V, Chapter 39 Drainage, Erosion, and Sedimentation Control Ordinance for specific guidelines and review procedures regulating site preparation, land development and construction activities in the Town. Specific standards and criteria to control drainage, erosion and sedimentation are provided in Section 39.200.)

(Refer also to Section 130.200 Environmental Protection Overlay Districts, for specific guidelines and review procedures, which provide special controls over land development in sensitive environmental areas in the Town. Section 130.260 Watershed Protection District EPOD (4) provides development standards and permit conditions to preserve and protect watercourses located in the Town.)

POLICY 34 DISCHARGE OF WASTE MATERIALS INTO COASTAL WATERS FROM VESSELS WILL BE LIMITED SO AS TO PROTECT SIGNIFICANT FISH AND WILDLIFE HABITATS, RECREATIONAL AREAS AND WATER SUPPLY AREAS.

POLICY 34A RELEASE OF SOLID WASTE, SEWAGE OR HAZARDOUS MATERIALS INTO THE WATERS OF IRONDEQUOIT BAY AND LAKE ONTARIO FROM BOATS AND VESSELS OPERATING ON SUCH WATERS IS PROHIBITED.

EXPLANATION OF POLICY

The discharge of sewage, garbage, rubbish, and other solid and liquid materials from watercraft and marinas into the State's waters can be regulated by Town Law in accordance with Section 130, Part (17)f, 1(d) of New York Town Law within certain distances of the Town's shoreline. Counties may also regulate such activity under Section 46 of New York State Navigation Law.

Specific effluent standards for marine facilities have been promulgated by the Department of Environmental Conservation (6 NYCRR, Part 657).

Refer to Section 130.42 Waterfront Development District for facilities for pumping out marina holding tanks subject to special use permit approval in accordance with provisions of Section 130.72 Town Planning Board.

POLICY 35 DREDGING AND DREDGE SPOILS DISPOSAL IN COASTAL WATERS WILL BE UNDERTAKEN IN A MANNER THAT MEETS EXISTING STATE DREDGING PERMIT REQUIREMENTS, AND PROTECTS SIGNIFICANT FISH AND WILDLIFE HABITATS, SCENIC RESOURCES, NATURAL PROTECTIVE FEATURES, IMPORTANT AGRICULTURAL LANDS, AND WETLANDS.

EXPLANATION OF POLICY

Dredging often proves to be essential for waterfront revitalization and development, maintaining navigation channels at sufficient depths, pollutant removal and meeting other coastal management needs. Such dredging projects, however, may adversely affect water quality, fish and wildlife habitats, wetlands and other important coastal resources. These adverse effects can be minimized through careful design and timing of the dredging operation and proper siting of the dredge spoil disposal site. Dredging permits will be granted after it has been satisfactorily demonstrated that these anticipated adverse effects have been reduced to a level considered acceptable by the permitting agency.

POLICY 36 ACTIVITIES RELATED TO THE SHIPMENT AND STORAGE OF PETROLEUM AND OTHER HAZARDOUS MATERIALS WILL BE CONDUCTED IN A MANNER THAT WILL PREVENT OR AT LEAST MINIMIZE SPILLS INTO COASTAL WATERS; ALL PRACTICABLE EFFORTS WILL BE UNDERTAKEN TO EXPEDITE THE CLEANUP OF SUCH DISCHARGES; AND RESTITUTION FOR DAMAGES WILL BE REQUIRED WHEN THESE SPILLS OCCUR.

EXPLANATION OF POLICY

All activities within the waterfront area which are subject to this policy shall comply with all State and federal regulations. (Refer to Policy 39 for definition of hazardous waste material.)

POLICY 37 BEST MANAGEMENT PRACTICES WILL BE UTILIZED TO MINIMIZE THE NON-POINT DISCHARGE OF EXCESS NUTRIENTS, ORGANICS AND ERODED SPOILS INTO COASTAL WATERS.

EXPLANATION OF POLICY

Non-point sources of run-off pollutants are major contributors to continuing water quality problems in Irondequoit Bay, and control of such sources of pollutants remains a critical factor in further improvement and maintenance of water quality in the Bay and in Lake Ontario.

The Agricultural Runoff Study, which was led by the New York State Department of Environmental Conservation (NYSDEC), examined the amounts of phosphorus and sediment released from active agricultural land in the rural sub-basin of the Bay watershed and the effectiveness of alternative agricultural practices in reducing phosphorus runoff. It was found that agricultural runoff contributes significant amounts of phosphorus, especially during planting seasons with relatively high rainfall. Several practices were shown to reduce phosphorus runoff (contouring, strip cropping, and sod-based rotations). Other practices (reduced till and no till) are still under review and are likely to provide additional effective control options.

THE WATER QUALITY MANAGEMENT PLAN PROJECT, led by a Monroe County interdepartmental technical team, is integrating the results of the Agricultural Runoff Study and two other studies related to the water quality of Irondequoit Bay with related plans, research and other analyses.

A comprehensive Irondequoit Basin Framework Plan has been prepared in draft form. This plan details a proposed overall management system for the Basin with Monroe County taking a lead role. It also proposes a technical water quality management strategy detailing programs and activities. This document, The Irondequoit Basin Policy Report, summarizes the Framework Plan and outlines a phased implementation strategy to improve water quality in the Irondequoit Basin.

POLICY 38 THE QUALITY AND QUANTITY OF SURFACE WATER AND GROUNDWATER SUPPLIES WILL BE CONSERVED AND PROTECTED, PARTICULARLY WHERE SUCH WATERS CONSTITUTE THE PRIMARY OR SOLE SOURCE OF WATER SUPPLY.

EXPLANATION OF POLICY

Groundwater and surface water are the principle sources of drinking water in New York State. Irondequoit's sole source of water supply is surface water which is piped in from other localities, including the Finger Lakes. However, because of Irondequoit's location on Lake Ontario and the fact that this body of water provides all or some of the drinking water for several New York and Canadian communities, no action will be permitted by the Town in the vicinity of the Lake which would have a significant negative impact upon the quality of its water. The prevention of such actions is further mandated by the fact that the neighboring Town of Webster uses groundwater from the Irondo-Genesee Acquifer. Several of Webster's wells are located on the Irondequoit Bay Barrier Bar, immediately east of the outlet separating Webster from Irondequoit and in close proximity to Lake Ontario.

POLICY 39 THE TRANSPORT, STORAGE, TREATMENT AND DISPOSAL OF SOLID WASTES, PARTICULARLY HAZARDOUS WASTES, WITHIN COASTAL AREAS WILL BE CONDUCTED IN SUCH A MANNER SO AS TO PROTECT GROUNDWATER AND SURFACE WATER SUPPLIES, SIGNIFICANT FISH AND WILDLIFE HABITATS, RECREATION AREAS, IMPORTANT AGRICULTURAL LANDS AND SCENIC RESOURCES.

EXPLANATION OF POLICY

There is currently no storage, treatment and or disposal of hazardous wastes within Irondequoit's coastal area. No activity will occur within the coastal zone that will produce such hazardous wastes, as defined in the Environmental Conservation Law, Article 27 - unwanted by-products of manufacturing process generally characterized as products that are flammable, corrosive, reactive, or toxic. More specifically, waste is defined in Environmental Conservation Law (Section 27-0901 (3)) as "waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may: (1) cause or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating reversible illness; or (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or otherwise managed."

The definitions of "solid wastes" and "solid wastes management facilities" are taken from New York's Solid Waste Management Act (Environmental

Conservation Law, Article 27). Solid wastes include sludges from air or water, pollution control facilities, demolition and construction debris, and industrial and commercial wastes.

The Irondequoit coastal area does contain the Town sanitary landfill located on Newport Road, adjacent to the Bay, and the former Rochester city landfill, located on Pattonwood Drive. Both sites are listed by NYS Department of Conservation as inactive hazardous waste sites. Further use of those sites will depend on a detailed investigation to assess the potential hazards or threats to public health.

POLICY 40 THE STATE COASTAL POLICY REGARDING EFFLUENT DISCHARGED FROM MAJOR STEAM ELECTRIC GENERATING AND INDUSTRIAL FACILITIES INTO COASTAL WATERS IS NOT APPLICABLE WITHIN THE TOWN OF IRONDEQUOIT.

POLICY 41 LAND USE OR DEVELOPMENT IN THE COASTAL AREA WILL NOT CAUSE NATIONAL OR STATE AIR QUALITY STANDARDS TO BE VIOLATED.

EXPLANATION OF POLICY

The Coastal Management Program of New York incorporates air quality policies and regulations of the State Department of Environmental Conservation. Requirements of the Clean Air Act establish the minimum standards for air quality in the coastal area. The Department of Environmental Conservation has spent considerable resources to develop a regulatory and management program to identify and eliminate toxic discharges into the atmosphere. The State's Coastal Management Program will assist in coordinating major toxic control programming efforts in the coastal region.

At the local level, land uses within the coastal zone will be restricted to residential, recreational and marine related and/or supportive commercial, all uses that are unlikely to impact upon air quality. Monroe County currently monitors air quality on a periodic basis and will continue to do so to insure that the provisions of the Clean Air Act are met.

POLICY 42 COASTAL MANAGEMENT POLICIES WILL BE CONSIDERED IF THE STATE RECLASSIFIES LAND AREAS PURSUANT TO THE PREVENTION OF SIGNIFICANT DETERIORATION REGULATIONS OF THE FEDERAL CLEAN AIR ACT.

EXPLANATION OF POLICY:

The policies of the State and local coastal management programs concerning proposed land and water uses and the protection and preservation of special management areas will be taken into account prior to any action to change prevention of significant deterioration land classification in coastal regions or adjacent areas. In addition, the Department of State will provide the Department of Environmental Conservation with recommendations for proposed prevention of significant deterioration land classification designations based upon State and local coastal management programs.

POLICY 43 LAND USE OR DEVELOPMENT IN THE COASTAL AREA MUST NOT CAUSE THE GENERATIONS OF SIGNIFICANT AMOUNTS OF THE ACID RAIN PRECURSORS: NITRATES AND SULFATES.

NOT APPLICABLE

The Town's Local Waterfront Revitalization Program incorporates the State's policies on acid rain. As such, the local program will assist in the State's efforts to control acid rain. These efforts to control acid rain will enhance the continued viability of coastal fisheries, wildlife, scenic and water resources.

POLICY 44 PRESERVE AND PROTECT TIDAL AND FRESHWATER WETLANDS AND PRESERVE THE BENEFITS DERIVED FROM THESE AREAS.

EXPLANATION OF POLICY

Freshwater wetlands include marshes, swamps, bogs and flats supporting aquatic and simi-aquatic vegetation and other wetlands so defined in the N.Y.S. Freshwater Wetlands Act and the N.Y.S. Protection of Waters Act. DEC has identified four significant wetland habitats in Irondequoit Bay including: Massaug Cove, Newport Cove, Densmore Creek and Glen Haven/Snider Island. The Bay areas are particularly unique because they contain wetland, upland, and open water cover types that provide important habitats for fish and wildlife populations. At the present time, DEC is considering the entire shoreline area of the Bay as a Class I Wetland because of the presence of both submergent and emergent aquatic vegetation.

The benefits derived from the protection of such wetlands include, but are not limited to:

* habitat for wildlife and fish;
* erosion, flood and storm control;
* groundwater protection;
* recreational opportunities; and
* educational and scientific opportunities.

To accommodate development adjacent to or in wetland areas that is considered as prime development space and an essential component to Irondequoit's Redevelopment Program, the Town will take into consideration the following mitigation measures:

1) allow development in less important wetland areas with compensatory purchases of quality wetland.
2) allow development conditioned on minimal impact designs (i.e., vegetated banks instead of bulkheads, minimal dredging, no loss of emergents by using overpass structures).

Development actions along Lake Ontario are not likely to require such an approach.

DEC's standards for permits for actions in and around wetlands are contained in 6 NYCRR Part 663. The U.S. Army Corps of Engineers also regulate wetlands in Irondequoit Bay.

(Refer to Section V, Section 130.200 Environmental Protection Overlay Districts for specific guidelines and review procedures which provide special controls over land development in sensitive environmental areas in the Town. Specific development standards and permit conditions regulating development are provided in Section 130.230 EPOD (1) Steep Slope Protection District to prevent erosion and runoff; Section 130.240 EPOD (2) Woodlot Protection District to maintain soil stability and runoff; and Section 130.260 EPOD (4) Watercourse Protection District to protect water quality and control runoff and sedimentation.)

(Refer to Section V, Chapter 39 Drainage, Erosion, and Sedimentation Control Ordinance for specific guidelines and review procedures, regulating site preparation, land development and construction activities in the Town. Specific standards and criteria to control drainage, erosion, and sedimentation are provided in Section 39.200.)

SECTION IV

PROPOSED LAND AND WATER USES
AND
PROPOSED PROJECTS

IRONDEQUOIT LWRP
SECTION IV

INTRODUCTION:

The heart of the Local Waterfront Revitalization Program consists of the identification of uses and projects, both public and private, proposed for the waterfront area. These uses and projects must further each policy of the Revitalization Program.

The process of developing proposed land and water uses is one of synthesis, in which the community's policies for the use and protection of its waterfront resources are considered along with development potential and constraints.

Three (3) types of areas are found in Irondequoit's waterfront, and each will be dealt with in a different manner:

* Areas of existing stable uses unlikely to change significantly.

* Areas suitable for a variety of uses, which typically include areas needing redevelopment or large tracts of undeveloped land.

* Areas of particular concern, which typically include specific areas within the waterfront where important natural or manmade resources are found, as well as those that contain incompatible uses and blighting conditions which should be removed.

The classification system used for describing stable and proposed uses in Irondequoit's waterfront area consists of nine (9) land use categories. The classification system is identical to that which was developed for use in Irondequoit's Town Master Plan, which has now been adopted by the Town. This system was chosen because it provides easy comparison of existing uses and proposed uses.

LAND USE CATEGORIES:

a) Public Land/Open Space: This land use category includes school and recreation sites owned by the Town, the Irondequoit School Districts, and the County. It also includes several privately owned sites for which permanent open space designation has been recommended. These open space sites include portions of the banks of Densmore Creek east of the Sea Breeze Expressway and the wetlands area at the southern end of Irondequoit Bay.

b) Rural Residential: This land use classification, which restricts development to large lots of 1-2 acres, is not found within Irondequoit's waterfront area.

c) Low Density Residential: This residential classification, which applies to the majority of Irondequoit's existing residential neighborhoods, allows residential development up to an average maximum density of four (4) units per acre.

d) Multifamily Residential: This land use category, which includes a range of multifamily residential development types (townhouses, condominiums, and apartments), is applied to those areas where higher density residential development opportunities exist (especially along the Summerville lakefront).

e) Business, Non-Retail: This land use classification indicates those areas where office development is appropriate, but a broader range of retail and commercial uses is not desirable. It is applied on arterial streets where a transitional land use is required between existing residential areas and more intensive commercial development.

f) Neighborhood Business: This land use category is intended to accommodate convenience commercial uses which serve adjacent residential neighborhoods and are compatible within a residential context.

g) Commercial: This general business category applies primarily to major shopping areas located outside of the waterfront. It allows a broad range of retail, service, and other commercial activities needed to serve residents of the community and region.

h) Waterfront Mixed Use: This special waterfront land use classification is intended to provide the opportunity for developing an intergrated mix of water and recreation-oriented uses (including residential, commercial, and public open space), which will take maximum advantage of the special assets of a waterfront location. While providing the flexibility needed to allow mixed use development, this land use classification also requires substantial public sector review control.

i) Light Industrial: This land use category is applied to a limited number of sites which are appropriate for office, research, light assembly/manufacturing, and warehousing and distribution uses. These "clean" industrial areas are located adjacent to major highways to maximize visibility and access (such as the State Tunnel Site located at the intersection of the Keeler and Sea Breeze Expressways.)

(See the 'Proposed Land and Water Use Map' in the attached map envelope.)

AREAS OF EXISTING STABLE USES:

The majority of Irondequoit's waterfront consists of areas of stable uses unlikely to change significantly. This fact can be attributed to the well established nature of the Town's waterfront area, as well as the scarcity of vacant developable land. The predominant stable land use in Irondequoit's waterfront area is single-family residential, and no foreseeable changes in market conditions or other factors are expected to significantly alter the character of the area. Proposed uses, with some major exceptions which are discussed below, will generally follow the area's existing land use pattern.

The attached map from Irondequoit's recently adopted Master Plan (which uses the classification system described above) show the land use patterns which are expected to continue for the foreseeable future. As already noted, the predominant stable land use in each of the three (3) sub-areas which comprise Irondequoit's waterfront (Summerville/White City, Sea Breeze/Irondequoit Bay North, and Irondequoit Bay South - which includes the Bay Central and Southeast Irondequoit sections) is single family residential. Generally, the residential areas within the waterfront are well established and fully developed. However, a limited amount of new residential development has ocurred within the two sub-areas bordering Irondequoit Bay and can be expected to continue at a very modest rate on small, scattered sites.

Because most of the few remaining sites suitable for development are zoned for single family residential use, future residential construction in the waterfront will be low density in nature and, therefore, at a scale which will enhance existing stable residential neighborhoods. It should also be noted that the new Town Master Plan has proposed that the same areas remain in low density residential use (which allows up to an average maximum density of four units per acre), and this fact has been reflected on the Proposed Zoning and Land Use of Irondequoit's LWRP.

For the most part, the housing within the Summerville/White City and Sea Breeze sub-areas is older and more modest than that within Irondequoit Bay South, a fact which accounts for the higher densities and poorer housing conditions found in these sub-areas.

To preserve these and other older residential areas within Irondequoit, the Town has instituted housing rehabilitation and infrastructure improvement programs funded by both local and federal revenues, including substantial amounts of Community Development Block Grant funds. Such programs have been, in large part, responsible for preserving and upgrading Irondequoit's older residential neighborhoods and will continue to be funded by the Town for the foreseeable future. CDBG funds have also been used by the Town to provide greater recreational opportunities for residents of the waterfront area (such as the purchase and development of the Bateau Terrace site in White City) and could be used in the future to provide recreational facilities in conjunction with private sector water-related developments in the Sea Breeze and Summerville areas.

AREAS SUITABLE FOR DEVELOPMENT/REDEVELOPMENT:

Within the Inventory and Analysis section of the LWRP, eight (8) economic opportunity sites were identified and briefly described, including proposed uses. In the estimation of the Town, these sites (because of such factors as size, location, visibility, value, and proximity to the waterfront) possess the highest potential for development/redevelopment in the waterfront. The sites in question are either vacant, deteriorated, underutilized, or inappropriately developed and vary greatly in size, use, and type of ownership. The opportunity sites are located in each of the three waterfront sub-areas originally identified in the Inventory and Analysis section of the LWRP, and reference should be made to that section for background information.

The opportunity sites which the Town has identified, if developed as specified below, will enable Irondequoit to achieve several of the policy objectives it has set for its waterfront in Section III. In particular, the development of many of these sites will increase public access to and use of the waterfront by providing uses which realize this area's full recreational and commercial potential. Another major policy objective which the proposed uses address is the protection of valuable natural resource features found in the waterfront, particularly those sensitive environmental resources located in the vicinity of Irondequoit Bay.

SUMMERVILLE/WHITE CITY

Site 1: Stutson St.-Thomas Ave. (public land/open space)

This site is bounded by the Stutson Street Bridge on the north, the City line on the west, the Conrail right-of-way on the south, and Thomas Avenue on the east and parallels the Genesee River located to the west. Because of its proximity to the Genesee River and its good accessibility, the site, which is currently partially vacant, should be developed as a recreation facility.

This Stutson St-Thomas Ave. site is adjacent to City of Rochester land to the west which borders the Genesee River and which is included within the City's LWRP boundary. Rochester's Draft LWRP has proposed that this City land could be developed for a variety of water-oriented, recreational uses including a marina, public walkway, boat launch, boat docks and fishing areas.

The Stutson-Thomas Ave. site and the adjoining City land should be developed in a comprehensive and cooperative manner which takes advantage of their proximity to the Genesee River. "...While the water oriented recreational uses which are proposed for the Stutson Street - Thomas Avenue site and the adjoining City land are generally compatible, more detailed water-oriented land use proposals, developed in direct consulation with the City of Rochester, need to be prepared for this area, in order to ensure workable and mutually supportive projects which conform to the policy objectives of the Town and City LWRPs."

The proposed re-use of the Stutson-Street-Thomas Ave. site as a recreational facility is consistent with the Town's LWRP policies by greatly increasing public access to the shoreline. It would also insure the type of development which is most suitable to the site's physical features and environmental constraints. Care would have to be taken, however, when designing the facility to ensure minimal disruption of the adjacent residential neighborhood by providing sufficient parking, adequate "buffer" zones and vehicular access which causes minimal conflicts with local circulation plans.

It should be noted that the recommended reuse of the site is contingent upon the location chosen for the replacement of the Stutson Street Bridge. If a more southerly location for a new bridge is chosen, a portion of the site will probably be needed for the bridge's easterly approach. Studies are currently being made by Monroe County to determine the best location

and type of replacement for the existing structure. The primary options under consideration are:

* Rehabilitation of the existing two-lane structure.

* Replacement of existing bridge with four-lane drawspan at existing location.

* Construction of new, four-lane drawspan connecting the Ontario State Parkway (on the west side of the Genesee River) to Pattonwood Dr. in Irondequoit on an alignment just south of the existing bridge.

It is unlikely that construction of the bridge replacement will begin prior to 1990. Currently, it appears that a four-lane bridge slightly to the south of the present crossing is the most likely recommendation, but the Town will not be prepared to endorse any replacement option until such time as it has the opportunity to consider in detail the findings of the County's studies and to present this information to the public for comment.

Site 2: Municipal Treatment Plant (waterfront mixed use)

The eleven acre former Irondequoit Northwest Treatment Plant site off of Pattonwood Drive and the adjoining privately owned, nine acre parcel constitute one of the most attractive development parcels within Irondequoit's waterfront area. As noted in the Inventory and Analysis section, the potential exists for combining the Town-owned parcel and the adjacent private property to provide a site on which to develop a special maritime theme complex. Such a complex of mixed uses could be intergrated with an existing marina on the Genesee River within the City of Rochester.

The site's size, high visibility, accessibility, and proximity to riverfront marina facilities make it ideal for a commercial-residential development with a maritime orientation. Based on market surveys conducted when the Town Master Plan was being written, support exists for a development program (to take place over the next 3-5 years), which includes townhouses (40-60 higher priced units), a restaurant, expanded marine services, and a small amount of retail use (up to 15,000 sq. ft.)

Development controls, imposed by the Town, will be included in any land disposition agreement for this site. The controls will be designed to realize the following development objectives:

* promote a development program which includes well integrated mixed uses;

* encourage a high quality of architectural design and site planning; and

* ensure that new development presents an "edge" which is compatible with existing residential uses.

Because the Town-owned portion of the site is listed on the State's Registry as a location of an inactive hazardous waste site, various constraints to future development there may exist. The nature and scope of development constraints, if any, will not be known until such time as the site is completely tested.

The Town Master Plan recommends that the two parcels comprising the development site be included within a Waterfront Development District which, as noted above, is intended to facilitate the development of an integrated mix of water and recreation-oriented uses that will take maximum advantage of the special assets of a waterfront location. This new zoning classification will provide the flexibility needed to allow mixed use development having a maritime theme, while at the same time providing the standards and review criteria needed to ensure the most beneficial development of the waterfront.

The City of Rochester's recommendations for the riverfront adjoining the development site, as specified in its draft LWRP, include such water and recreation-oriented uses as: public walkways, swimming and fishing areas, water-related retail support facilities, parking, outdoor entertainment, marinas and boat docks. These types of uses are in complete harmony with the intent of the Master Plan's recommendations for the development site and could be expected to complement the facilities provided there.

(For a complete description of the provisions of the Waterfront Development District, reference should be made to the Proposed Legislation subsection of Section V, which includes the entire draft of this new ordinance.)

Site 3: Lakeshore Development (multi-family residential)

The underutilized and somewhat deteriorated site which includes First, Second, and Third Streets, between St. Paul Blvd. and the lakeshore, provides the only appropriate location within the Summerville/White City sub-area for waterfront, multi-family residential development. The site, which currently contains a mix of vacant parcels, substandard housing, and neighborhood commercial uses, lends itself to multi-family residential development due to its proximity to an existing condominium project and the area's multi-family zoning designation. Further, multi-family residential development appears to be a realistic proposal based on the market acceptance for moderate-density housing in the Summerville/White City sub-area. (According to an estimate appearing in the Town Master Plan, more than 100 housing units could be marketed in this section of Irondequoit, if the units fronted on Lake Ontario.)

Several issues, however, must be dealt with in a sensitive manner prior to the initiation of any development on the site so as to ensure a minimum of disruption to the surrounding neighborhood; the maintenance of public access to the shoreline; and the allocation of adequate space for water-dependent uses. Such issues include: architectural design of the project, site planning, preservation of waterfront views, potential conflicts between water-dependent and non-water-dependent uses, and the role to be assumed by the Town in facilitating the development.

Also to be decided is the nature and extent of public access to the waterfront, an issue which is complicated by the uncertain legal status of Windsor and Summerville Beaches (see the Inventory and Analysis section for a discussion of the legal questions regarding public use of these waterfront resources). This issue will have to be decided in a manner which recognizes the legal rights of adjacent property owners prior to determining the location and type of public access to the shoreline which will be provided as part of the site's development.

The Lakeshore Development site 3 is adjacent to a small section of City land to the west which borders the Genesee River and which is included within the City LWRP boundary. The City of Rochester's Draft LWRP has proposed that the City land could be developed for a variety of water-related recreational uses including a public walkway, swimming and fishing areas, water-related retail support facilities, marinas and boat docks.

The Lakeshore Development Site and the adjoining City land should be developed in a comprehensive manner which takes advantage of their proximity to the Genesee River. The concept of developing Site 3 for waterfront, multifamily residential purposes is generally compatible with the City's proposal to develop the adjacent City land for water oriented recreational uses. "...However, more detailed water-oriented land use proposals, developed in direct consulation with the City of Rochester, need to be prepared for this area, in order to ensure workable and mutually supportive projects which conform to the policy objectives of the town and city LWRPS."

SEA BREEZE/IRONDEQUOIT BAY NORTH

Site 4: Northeast Sea Breeze Area (waterfront mixed use)

The Sea Breeze sub-area is located in the northeast corner of Irondequoit and is bounded by Lake Ontario on the north, Irondequoit Bay on the east, and the City of Rochester's Durand Eastman Park on the west. Excellent regional access and ample traffic carrying capacity is provided by the 4-lane Sea Breeze Expressway and the Culver Rd. arterial. Despite its great natural resources, Sea Breeze has not yet achieved its full potential and lags behind much of the rest of Irondequoit from a socio-economic standpoint. (For example, a significant percentage of the area's housing units are substandard and their median value is relatively low.)

A major catalyst to the redevelopment of the northeast portion of Sea Breeze is the opening of a channel from Irondequoit Bay to Lake Ontario, which was recently completed (Summer 1987) by the Army Corps of Engineers. As a later phase of this project, the State has agreed to construct a harbor of refuge and boat launch facilities (2 double launch ramps and parking for cars and trailers) on a 20-acre site located on Sea Breeze's northern bayshore. A breakwater is being constructed to the west of the new channel and a jetty to the east (in the Town of Webster); fishing access will be provided on both piers. In addition, comfort stations and parking facilities will be constructed. (See attached site plan.)

The opening of Irondequoit Bay and the development of the State recreational facilities should be coordinated with new private development to take maximum advantage of Sea Breeze's enhanced recreational and economic development potential. The removal of Route 18 Bridge had been delayed because of a law suit brought by several residents and businesses in the area who want a replacement bridge constructed over the new channel in a timely manner. The Court granted an injunction barring the Corps from removing the bridge, but the injunction was lifted on November 4, 1980 (CIV- 84-1152T) by an appeals court thus clearing the way for the bridge removal.

The Town's Master Plan recommends that the State's bayshore site (20 acres), the adjacent private land (5 acres), and the vacant land located to the west of the Sea Breeze Expressway (including the 4.7 acre municipal sewage treatment plant site and 5 privately held acres) should be developed as a mixed-use waterfront center. The most appropriate type of uses for inclusion in this kind of waterfront development include: expanded marina facilities, specialty shops, a small conference hotel, restaurants, amusement parks, residential development, and waterfront promenades.

Coordinated development of water-oriented, mixed-use center, including some or all of the above uses, would provide a greatly expanded range of waterfront recreational opportunities and create a major new revenue producing project in one of the few waterfront locations in Irondequoit where adequate access and developable land are available.

The Master Plan also recommends that development of the northeastern portion of Sea Breeze should include redevelopment of the commercial properties (known as "Hot Dog Row") located near the baymouth and immediately west of the intersection of Culver Rd. and the Sea Breeze Expressway. Because of the high visibility of these properties and their proximity to both Lake Ontario and Irondequoit Bay, actions which would use the area more intensively, upgrade its quality of development, insure compatibility with adjacent new development, and provide for uses having year-round economic viability are called for. As part of a long-term plan for the area, provision should be made for either the relocation of the existing commercial uses within the same general area or the provision of assistance by the Town to the property owners for such improvements as building renovation, site and parking area landscaping, and upgrading of the public environment.

Other elements of Sea Breeze's redevelopment include the eventual public acquisition of some, if not all, of the residences located on the lakefront between the terminus of Culver Rd. and the Bay opening. Such an acquisition program would permit public access to a portion of the lakefront which is currently inaccessible and supplement the public and private, water-oriented recreation facilities envisioned for this area. It should be noted, however, that a decision to replace the bay outlet (Route 18) bridge would have a major impact on public access to this area and might, therefore, eliminate the primary need for acquiring these properties. It is also possible that, depending upon the location and size of a bridge replacement, some of the lakefront houses will have to be acquired to provide access to the new span.

Acquisition of the lakefront residences would also facilitate the development of the former Hojack Line right-of-way into a pedestrian and bicycle pathway between Irondequoit Bay and Lake Ontario.

The Hojack Line, which has been abandoned for several years , parallels Lake Ontario in the Town of Irondequoit and offers a unique opportunity for providing a non-vehicular connection between the Bay and Durand Eastman Park for use by bicyclists, joggers, hikers, etc. Swift action on the part of the County of Monroe, which already controls much of the right-of-way, is absolutely necessary to prevent the further loss of portions of the right-of-way to adjacent property owners. In addition, a program to acquire those sections already lost to the private sector should be instituted by the County (possibly using State funds) to insure an uninterrupted pathway for the public to use.

Another element of the Sea Breeze redevelopment plan is the potential realignment of the northern terminus of the Sea Breeze Expressway from the edge of the Bay to a location between "Hot Dog Row" and the former municipal treatment plant site. This public infrastructure improvement would bring about a dramatic change in the image of Sea Breeze's waterfront area by providing an improved physical setting for existing businesses and encouraging new development.

The realignment would also make possible the creation of an attractive site for a new privately constructed marina complex on a bayfront parcel made up of land leased from the State, the abandoned expressway right-of-way, and a portion of the "Hot Dog Row" properties. Without the roadway realignment, any future marina development in the area would have to be located on State-owned land further south along the bayshore. Development in this area would be severely constrained by a number of factors, including: the expense of dredging a channel to serve the marina; the presence of steep slopes and other sensitive environmental features; the limited land area available between the existing roadway and the bayshore; and the difficulty of providing adequate vehicular access. The bulk of the State-owned bayshore area should be preserved as a natural, passive park which provides walking trails, picnic areas, and a scenic backdrop for the Bay's northwest shoreline.

By better defining the development opportunity sites described above and providing a sense of separation from adjacent existing commercial uses, the new expressway realignment would minimize any potential adverse influence of adjacent uses and, thereby, promote the early development of the opportunity sites. The realignment would also provide for improved traffic circulation in the Sea Breeze sub-area by creating a more direct and efficient connection between the expressway and Culver Rd. and by minimizing the potential for congestion at the entrance to the proposed marina and Bay outlet park.

With regard to the existing strip commercial development on Culver Road between Durand Blvd. and the amusement park (Sea Breeze Park), improvements will be undertaken by both the Town and the County that will upgrade its appearance and insure its economic viability.

As part of Monroe County's Capital Improvements Program, an expenditure of $1.75 million is scheduled for pavement and intersection improvements to Culver Rd. The Town, in addition to working closely with the County on this project, is in the process of initiating a commercial revitalization program (funded under its CDBG Program) which will assist property owners and merchants to design and implement improvements to the facades, signs, and parking areas of commercial structures located on Culver Rd. The Town will also continue to use local and CDBG funds to make infrastructure improvements in the area.

Market Potential: According to the Town's Master Plan, the market potential for the proposed uses discussed above in large measure will depend upon implementation of the transportation and recreational public improvements which constitute an integral part of the redevelopment scheme for northeastern Sea Breeze. Assuming these public improvements take place, this section of Irondequoit can be expected to be perceived as an excellent location for the development of such facilities as a small conference hotel, a high quality restaurant, and a modestly sized mixed-use commercial center. In addition, based on the success of recent development (such as the 16 unit Point Pleasant luxury condominium project), there seems to be a solid market for well planned residential projects in the vicinity of the Bay, especially if they take maximum advantage of views and waterfront access.

In order to facilitate the types of development discussed above for northeastern Sea Breeze, the Town Master Plan recommends that this area be included in a Waterfront Development District, a new zoning classification which is intended specifically to provide the opportunity for developing an integrated mix of water and recreation-oriented uses (including residential, commercial, and public open space) that will take maximum advantage of the special assets of a waterfront location. As will be seen in the Proposed Legislation section of Section V, this special waterfront classification will provide the Town with the review powers, development standards, and procedures necessary for dealing with the opportunities and concerns unique to waterfront areas.

IRONDEQUOIT BAY CENTRAL/SOUTH

Site 5: Newport Road (public land/open space; low density res.)

The site, which occupies an extensive section of the bayshore, contains three major parcels including: the Town's 27 acre municipal landfill, the site of the Newport House partyhouse facility on the Bay, and a large vacant parcel (known as the Cassara property) which includes both bayfrontage and steep, wooded slopes. As previously noted in the Inventory and Analysis section of the LWRP, the development of this site will be severely limited due to both the continuation of existing uses and the constraints imposed by the site's sensitive natural features including steep slopes and wood lots.

Portions of the site, however, possess limited development potential, but will require the Town's special attention to insure the protection and enhancement of important natural resources. The development criteria, standards, and regulations proposed by the Town as part of its LWRP (for the protection and enhancement of the Bay area's natural features) are described at length in the next section of the LWRP. These review procedures and development standards, will govern development in areas such as the Newport Road Site and will insure, among other things, the protection of adjacent areas and the maintenance of views of the Bay.

Further, the Master Plan proposes that the Newport Road Site be zoned as low density residential, thus maintaining the area's existing density and land use characteristics. Low density residential development is appropriate for the relatively flat northern portion of the Cassara parcel, assuming that such development is designed in a way which will not disrupt adjacent natural areas and views of the Bay. Development of the remainder of this parcel, including the foreshore of the Bay and the wooded, steep slopes, should be prohibited and left in its natural state.

The municipal landfill site is now closed. Based on the facility's beautiful setting, steep topography, and its limited development potential due to subsoil conditions, long-term reuse of the landfill site for a Town passive recreation facility is proposed. This proposed use is entirely appropriate given the area's physical features, beauty, and environmental constraints, and would have the additional advantage of increasing public access to the shoreline. However, before the site can be reused as a passive recreation facility, tests must be conducted to obtain the data necessary to determine whether any hazardous wastes are present that could constitute a health threat.

Provision of greater public access to the Bay is also proposed for the site of the Newport House, through the private development of a boat docking facility. This use is considered appropriate given the fact that the site of the Newport House is one of the few locations on Irondequoit Bay that contains sufficient space to accommodate parking requirements and will also not require excessive dredging. As part of the redevelopment plan for the Newport House Site, the owner will include a large boat docking facility. Also included in the approved site plan were the expansion and complete renovation of the existing party house facility, additional parking spaces, and the provision of a pump station and sewer line for the removal of sanitary waste. (Preliminary approvals from the State Department of Environmental Conservation and the Town have been obtained by the owner and rehabilitation has begun on the party house.) However, these plans appear to have changed in favor of a smaller free standing restaurant and additional supportive facilities for the marina users. (These changes have not yet received either Town or State approvals).

Site 6: State Tunnel Property (light industrial; mixed-use)

A unique redevelopment opportunity for the Town exists on a now vacant site located immediately to the east of the junction of the Sea Breeze and Keeler Street Expressways (Rts. 590 and 104). The 27 acre site, owned by the State Department of Transportation, (which until recently has been used

as a construction site for a sewer tunnel) has been offered to Irondequoit as the location for a Town-operated recreation facility. The appropriateness of the site for recreational use must be questioned however, given its suitability for more intensive use and the fact that a major County-operated park site (Bay Park West), which has recently been expanded, is located less than half a mile to the south. Bay Park West, unlike the State Tunnel Site, has an extensive shoreline and will contain significant water-oriented recreation facilities. (See below.)

As noted in the Town Master Plan, the State Tunnel Site and the adjacent privately-owned land (in particular, the Brockman parcel located directly to the north) offer one of the best remaining opportunities within the Town of Irondequoit for attracting and accommodating a signification mixed-use project. The site's exceptional visibility and accessibility, due to its expressway location, make it extremely well suited for a high-image office/industrial or mixed-use development which could include light industrial, office, hotel, and/or moderate density residential components.

This type of private development would be contingent upon the State donating the site to the Town without use restrictions and the cooperation of private property owners in allowing the assembly of an attractively scaled development parcel (approximately 30 acres). If, however, the State imposes restrictions on private development, the site should be developed for open space/recreation. In this case, the Brockman parcel to the north should be redesignated for multifamily residential development, extending the existing apartment use which fronts on Ridge Rd.

Site 7: Glen Haven (low density residential; public land/open space)

The Glen Haven Site actually consists of two separate areas. One area consists of a vacant parcel located on South Bay View Rd., immediately to the west of the Bay Village condominium project, and is under review by the Planning Board for low density residential use. Any development on the parcel should be designed in such a way as to preserve the excellent view of Irondequoit Bay and minimize disturbance to steep, wooded slopes.

The other area in the Glen Haven Site consists of three undeveloped parcels located on or near the Bay, south of the Bay Village project and immediately north of Bay Park West.

All three parcels have been purchased by the State for the purpose of incorporating them into Bay Park West, a County-owned facility which is currently unimproved. Negotiations are continuing between the State Office of Parks, Recreation, and Historic Preservation and Monroe County regarding the terms of a long-term lease under which the County will oversee the development and operation of the recently acquired parcels. Potential uses for the park addition include a marina and boat launch facility, a restaurant, and other types of commercial waterfront uses. It is now the County's intention to hire a private consultant to prepare a development plan for the Park that will not only recommend the uses and facilities which should be provided, but also the manner in which they should be financed and operated. The County has indicated that private operation of park facilities is an option which will be given serious consideration.

A small portion of the Glen Haven Site located immediately south and east of the Bay Village Condominiums is recommended for rezoning to a Waterfront Development District (WD) and should be developed for boat docks or other similar uses in conjunction with existing facilities provided by the Bay Village Condominium Association.

Park Master Plan: The Master Plan prepared for the original section of Bay Park West (which is currently undergoing final review) contains several recommendations regarding the future development of the Park. Included in these recommendations is a proposal for the construction of a new entrance(s) to the Park, providing a connection with the Sea Breeze Expressway and/or Empire Blvd., which would eliminate the need to enter through residential areas as is now the case. (The road presently entering the Park from the south would be abandoned.) The new road would include a bicycle trail, landscaping, and picnic areas along its route.

According to the Park Plan, the road would terminate in a boat launch complex complete with launch facilities, car and trailer parking, picnic and toilet facilities. Continuing south from the boat launch site would be a series of fishing piers, boardwalks and the existing boat marina. (The existing marina would be upgraded to a safe condition and maintained until more suitable arrangements for berthing boats can be found, probably at a new facility built on the recently acquired parcels to the north.) The entire road paralleling the shore would be improved and terminate into a small parking lot overlooking the Bay. The Plan also recommends that all the old houses within the Park be demolished as soon as possible. In addition, the Plan advises that the houses located along the shore between the Park's southern edge and Empire Blvd. be purchased by the County as they become available, so that they can be demolished and their sites incorporated into the Park.

Site 8: Empire Blvd. (waterfront mixed use)

Because of the presence of extensive wetlands and the uncertain nature of the fill found in the area, the development potential of the southern end of the Bay in Irondequoit is very limited. More intensive use, however, is proposed for a three acre vacant site located on the Bay on the north side of Empire Blvd. and for the underutilized area bordered by Empire Blvd., Irondequoit Creek, and the Ellison Park wetlands.

Due to such features as their high visibility, waterfront location, and excellent accessibility via a major arterial, these sites are best suited for waterfront commercial development. (Such uses include restaurants, marinas, and other water-oriented commercial uses.)

To facilitate the eventual redevelopment of this area for waterfront commercial use, several actions will have to be undertaken by the Town including:

1) The creation, in conjunction with the Town of Penfield, of a new sewer district to include Empire Blvd. between the steep slopes bordering the southern end of the Bay.

2) Rezoning the area as a Waterfront Development District.

3) Continued enforcement of the Town's Zoning, Building, and Safety codes to prevent such illegal activities as dumping in the adjacent wetlands, as well as the construction or expansion of prohibited land uses.

4) The adoption and mapping of Environmental Overlay Districts and an Erosion, Drainage, and Sedimentation Control Ordinance, which will insure that any new development in this area will not negatively impact nearby wetlands and other sensitive environmental features.

AREAS OF PARTICULAR CONCERN:

Irondequoit Bay Natural Resources:

Special attention needs to be given to the proposed uses in the vicinity of Irondequoit Bay (including the Bay's three geographic areas: the plateau, the steep slopes, and the shoreline) to insure the protection and enhancement of important natural resources which are environmentally very sensitive. Irondequoit Bay has many unique natural features which serve as a resource for recreation and visual beauty and constitute an integral part of complex and critical natural processes. Increasing pressures for development around Irondequoit Bay caused by the imminent opening of the Bay to Lake Ontario threaten these natural features and reinforce the need for special protection measures.

The natural features identified in several studies and plans for the Irondequoit Bay area (including those conducted by the technical staff of Monroe County's Bay Coordinating Committee) as requiring protection from development pressures include:

1) Wetlands

The State Department of Environmental Conservation (DEC) has identified the significant wetland areas in Irondequoit Bay. These areas generally are found where there is significant submerged or emergent aquatic vegetation. These wetland areas serve important functions including: shoreline erosion protection; wildlife habitat; fish habitat, spawning, and nursery areas; improving water quality by acting as a natural sedimentation basin; open space and passive recreation areas.

2) Steep Slopes/Bluffs

Much of the immediate shoreline area of Irondequoit Bay has steep slopes comprised of highly erodible soils. Slopes of 15% or greater may be subject to failure if disturbed either through removal of vegetation (which acts to stabilize the slope) or grading of slope areas which exposes them to erosion by wind and water. Natural percolation of stormwater is reduced when vegetation is removed from slope areas, or impervious surfaces such as buildings and paved surfaces are constructed in these areas.

Concentration of surface runoff from upland development areas to slope faces may cause excessive erosion and further reduce slope stability. Development related activities may increase the risk of slope failure and cause damage to property. Additionally, increased boat traffic resulting from the Bay opening may enhance the natural erosion at critical slope toe areas. Slope disturbance may also contribute to water quality degradation through siltation and destroy attractive natural features and wildlife habitats.

3) Floodplains

The shoreline area and wetlands of Irondequoit Bay have been identified as floodprone in studies done by the Federal Emergency Management Administration (FEMA). Floodplains generally serve as important water storage areas during times of flood, and building activity within floodprone areas can affect the flood handling capabilities of a body of water, as well as being exposed to significant damage from high water levels. (The National Flood Insurance Program, administered by the Town, already provides a mechanism for controlling development within floodprone areas.)

4) Woodlots

The area around Irondequoit Bay is endowed with many mature woodlots composed mostly of Hemlock and Mixed Hardwood forests. The woodlots are predominately in the steep slope areas of the Bay and provide soil and slope stabilization, as well as distinct aesthetic value and natural beauty. Indescriminant clearing of woodlot areas will result in decreased slope stability and increased erosion and runoff. Woodlands also provide refuge areas for wildlife.

5) Significant Wildlife Habitat

Many of the areas around Irondequoit Bay (wetlands, slopes, woodlots) serve as important wildlife habitats. Fish spawning and feeding occurs in wetland areas and slopes provide habitat for ground animals and birds. Woods support deer, birds, and many other types of wildlife.

Maps showing the location of the natural features described above have been included in the Inventory and Analysis section of the LWRP for reference purposes. The specific development management measures, ordinances, and regulations which will be adopted by the Town for the purpose of protecting the Bay's environmentally sensitive features will be described in detail in Section V of the LWRP, as will the administrative and review mechanisms that will insure their implementation.

Bay Area Non-Conforming Uses:

Also requiring special attention by the Town are the numerous single-family residences located both on the bayshore and the steep slopes surrounding Irondequoit Bay. For the most part, these structures were built prior to

the enactment of Town Zoning and Building Codes and for this reason do not always meet the Town's present development and construction standards. Further, the age of many of these residences and the fact that several were originally intended only for part-time use in the summer has contributed to a relatively high percentage of substandard conditions. Also, because of such factors as difficult topography and unstable soils, many bayfront residential areas lack basic infrastructure improvements (including sidewalks, hydrants, adequate water mains, and storm and sanitary sewers).

This has led to erosion problems due to uncontrolled runoff, pollution of the Bay from inadequate septic systems, poor accessibility, and reduced fire-fighting capability.

With the impending opening of the Bay to Lake Ontario and the resulting increase in development pressures have come increased property values and renewed interest in the Bay as a place to live. These forces have resulted in the rehabilitation of several Bay area residences, an increase in the rate of property turnover, and higher property values.

All of these trends are expected to continue and to accelerate and bring about a significant improvement in the conditions of the area's housing stock. Nonetheless, the Town will continue to make available to lower income homeowners residing in the area grants (funded under Irondequoit's CDBG Entitlement Program) with which to rehabilitate their homes and bring them up to existing code standards.

Bay Waterfront Development

To prevent the type of development in the future that in the past has resulted in the problems discussed above, will require the adoption of new Town laws and the establishment of administrative and review procedures which will insure the application of adequate development standards. As will be seen in Section V, the Town has chosen to extensively revise its existing Zoning Ordinance as the primary means for regulating development in its waterfront area. A number of these zoning changes have already been adopted by the Town and procedures such as E.P.O.D. permits have been put in place.

The Town has drafted new zoning districts and other legislation which, when taken together, will have the effect of insuring that a balance will always be maintained in these areas between development pressures on the one hand and the need to protect sensitive environmental features on the other. In addition, because the Town has incorporated most of the recommendations and proposed legislation of the Irondequoit Bay Coordinating Committee (composed of Monroe County and the Towns of Irondequoit, Webster, and Penfield) into its own ordinances and local laws, there is a reasonable assurance that Irondequoit's approach to dealing with waterfront development pressures will be similar to those of the other municipalities bordering Irondequoit Bay.

Bay Opening:

The United States Corps of Engineers has completed a project to open Irondequoit Bay to Lake Ontario that has provided increased boating access

between the Bay and the Lake. The project consisted of the removal of the Lake Rd. (Route 18) highway bridge at the Bay outlet, the construction of a larger channel between the Lake and the Bay, and the construction of associated breakwalls and fishing jetties on either side of the channel on the Lake Ontario end.

Citizens and merchants in the area have challenged the Corps of Engineers' Bay opening project in the Federal courts, claiming that a replacement bridge carrying Lake Rd. over the widened outlet (which would continue vehicular access between the Towns of Irondequoit and Webster) was an integral part of the original project plan and that failure to provide a replacement bridge would cause area residents and businesses substantial hardships. In addition, the suit claimed that all potential environmental impacts were not considered by the Corps prior to the start of construction. The lawsuit temporarily halted all construction work on the Bay opening project. However, the injunction was subsequently lifted and construction on the channel allowed to proceed. Work on the channel was completed in the Summer of 1986.

The three towns surrounding Irondequoit Bay and Monroe County have stated that a replacement is needed and should be constructed as part of the Bay opening project, and the State has agreed to provide the funds for a replacement bridge ($8,000,000+), if the County agrees to assume the annual cost for the operation and maintenance of the structure (estimated to be between $160,000 and $200,000). The County, for its part, has funded a consultant study which considered the need for a bridge replacement, the implications of not providing a replacement, and the costs and land use consequences associated with alternative courses of action.

The Irondequoit Bay Outlet Study, which was completed in October, 1986, narrowed the potential options regarding a bridge replacement to three alternatives:

* No-crossing
* Tunnel
* Vertical Lift Bridge

This made possible an in-depth evaluation and comparison of the alternatives to each other in detail. (The results of this evaluation are summarized in the matrix included as an appendix to this section, as is a general comparison of the principal features of the three alternatives.)

Although the consultants responsible for the Bay Outlet Study concluded that the net benefits of each of the three alternatives outweigh their costs, and thus each is worth implementing, they further concluded that the long term potential benefits of the no-crossing alternative, including better land development and recreational opportunities, are superior to the shorter term benefits, such as improved access, associated with the tunnel or lift bridge crossing alternatives. These long term benefits, according to the consultants, would serve the entire community and build on the significant public investment already made for Irondequoit Bay improvements. However, the consultants noted that achieving the full

potential benefits of the no-crossing alternative would require a land use development plan or guideline policy, as well as a firm commitment jointly agreed to by Monroe County and the Towns of Irondequoit and Webster. There would also be some cost to the public in the form of infrastructure commitment needed as an incentive for guided development.

The consultants judged either crossing alternative to also be a viable course of action, under certain circumstances. The lift bridge is much less expensive in initial capital costs and annual operating costs than the tunnel. The tunnel is superior to the bridge in terms of its navigational and vehicular queuing benefits. Either alternative was recommended if Monroe County and the Towns of Irondequoit and Webster prove to be incapable of developing, agreeing upon, and initiating a united, definitive, and implementable land use plan or development guideline policy for the Sea Breeze area in Irondequoit and the sand bar in Webster.

For the purpose of developing the proposed waterfront land use plan for Irondequoit's LWRP, it was assumed that, if a replacement carrying Lake Road over the Irondequoit Bay outlet is eventually constructed, its clearance would be such as to permit essentially unlimited boating access between the Bay and the Lake. It was further assumed that the Bay opening project would be completed with or without the construction of a replacement and that the effects of the opening, in terms of increased development pressures on the area surrounding Irondequoit Bay, will be felt immediately.

Providing greater boating access to Irondequoit Bay has already increased the pressures for new residential, commercial, and marina development along the Bay shoreline. However, site development constraints such as shallow water depth, poor vehicular access, limited land for parking, lack of utilities, and the proximity to sensitive environmental features (see above) has necessitated the imposition by the Town of development measures, standards, and review procedures designed specifically to deal with the Bay's unique characteristics. (As has already been noted, such measures and standards, as well as the techniques used for implementing them, will be described in detail in the next section of the LWRP - Section V.)

The provision of a replacement for the Lake Rd. bridge would have a significant impact on the State's redevelopment plans for the area adjoining the Bay outlet. The approaches to most types of replacements now under discussion (especially for those providing sufficient vertical clearance for large sail boats) would require a substantial amount of land. Because there would be less land available, modifications would have to be made to the State's current plans to develop water-oriented recreational facilities adjacent to the Bay outlet, including their configuration and size. Further, provision would have to be made for a pedestrian connection between the recreational improvements to be located on the Bay and those to be located on Lake Ontario, in order to facilitate public access. To minimize the potential negative impacts which a replacement would have on planned public recreational facilities, the structure, if built, should be sited and designed so as to cause the least amount of disruption to the adjacent areas.

If a replacement is not built, most of the vehicle trips which the old Route 18 bridge formally accommodated will be diverted to the Route 104 bridge located to the south, and a number of local trips between Webster and Sea Breeze are likely to be eliminated because of the increased travel distances. New interchange ramps between the Route 104 bridge and the Sea Breeze Expressway (which will improved access to and from the north) are currently being designed by the NYS Department of Transportation. Construction of these ramps, however, is on hold pending the resolution of the Route 18 bridge replacement issue. If the decision is made not to replace the bridge, the Town of Irondequoit will take a strong position in negotiating a commitment by the State to the earliest possible construction of the Route 104 ramps, to insure that adequate access from Sea Breeze to the east and west is provided in a timely manner.

APPENDIX

SECTION IV: PROPOSED LAND AND WATER USES AND PROPOSED PROJECTS

COMPARISON OF BAY CROSSING ALTERNATIVES

IRONDEQUOIT BAY OUTLET STUDY

CHAPTER TWELVE

So many categories of impacts exist that it is difficult to determine the key elements of each alternative and the significant similarities and differences. The purpose of this chapter is to generally compare the principal features of the three alternatives. Any such synthesis possess inherent inaccuracies depending on the degree of emphasis for each aspect. This chapter represents the collective assessment of the consulting team based on our technical studies and input from the community. Other interpretations of the alternatives' impacts are recognized as fully viable depending on the specific weighting of values of the reader.

A. COMPARING CROSSING OPTIONS

The two crossing options share many of the same impacts and benefits when compared to a no-crossing alternative; however, there are significant differences. The tunnel has the following features that are superior to a movable bridge:

* a tunnel provides for improved boating operations with no delay for boaters, nor the safety problems associated with the navigation queuing within the confines of the dredged bay and lake jetties;

* a tunnel results in no delay to vehicular traffic, nor the problems associated with traffic backed up when the bridge is in the open position;

* a tunnel has less visual impact;

* a tunnel would result in some land at the outlet being available for public access.

A tunnel alternative also has several negative features when compared to a low-level movable bridge alternative:

* a tunnel costs more than a movable bridge to build;

* a tunnel would require the construction of a two-way access road within the former railroad right-of-way. Approximately twelve of the homes on the east side of the channel and on the north side of Lake Road come very close to this right-of way (within four to ten feet in three cases). The future disposition of the railroad right-of-way, which is now owned by DOT, is not known.

* a tunnel would cut off access from Lake Road for three houses on the south side of Lake Road.

B. COMPARING CROSSING ALTERNATIVES TO NO-CROSSING

For the most part, the significant differences between crossing and no-crossing benefits can be seen in two categories: short-term and long-term. The significant benefits of the no-crossing alternative tend to be primarily long term, that is 10 to 20 years away or later. The benefits that are considered significant are long-term in large part because the no-crossing condition is now the existing condition and in analyzing future conditions, most of the significant short-term benefits of no-crossing have already been realized with the removal of the bridge, such as enhanced recreation, improved navigation, reduced through-traffic, etc. These existing benefits of the no-crossing condition are transformed to negative impacts of the crossing alternatives where something that exists will be taken away.

The benefits of the crossing alternatives are generally short-term in focus. Further, achieving those short-term benefits limits the full potential for long-range benefits. The crossing benefits essentially return the situation to a previous state as much as possible. Returning to a previous condition represents a short-term benefit only because, given time and changes in population, the perception of the status quo changes.

The potential benefits of a no-crossing alternative pertain to the long-range value and use of the land. If the land at the outlet and approaching the outlet does not have a major portion of it dedicated to transportation, it has a greater potential value for uses such as future recreation use, development, or public access to the waterfront. The difference in future development could have significant long-term effects on the tax base and sales tax revenues. However, these benefits only represent a potential value. To reap these benefits would require a commitment of funds and manpower, a willingness to cooperate and negotiate, and the vision to achieve a consensus on future direction. The unique character of this area makes this land very valuable, and therefore the potential financial benefits to Monroe County and the Towns of Irondequoit and Webster are a quantum step above existing revenues. An assessment of the likelihood of achieving these benefits and a complete monetary assessment of this value, while very important in the final decision, is outside the scope of this study.

The benefits of the crossing alternatives all relate to general access and include:

* reestablishing a link between the communities;

* eliminating the inconvenience of traveling from one side of the outlet to the other; and

* reinstating the short-term economic benefits for those commercial facilities that formerly relied on intercepting through-traffic, or a larger market area.

Specifically, a crossing would replace the old community boundaries by providing a physical link between the Webster spit and Sea Breeze. No-crossing likely means that over time community links would be forged between the Webster sand spit and Webster.

A crossing also provides transportation benefits by alleviating the inconvenience for those traveling from one end of the sand spit to the other. Although this origin/destination pair is estimated to be a very small percentage of the traffic using the bridge, (approximately two percent) their increased travel time is significant, about eight minutes. Overall, the average time savings for all traffic using a potential crossing is about two minutes. This benefit is actually defined as a cluster of benefits addressing accessibility which included public safety, the availability of an alternate route, etc.

The short-term economic impact on those businesses that relied on intercepting passing-by traffic may be significant. The businesses must now rely on seasonal traffic that is destined to the area rather than through traffic. This may be positive or negative; no sales data is available. Over time, without a crossing, we judge that these highway oriented businesses will tend to be replaced with recreational destination type businesses.

There is also a series of impacts, that, while important in themselves, from the reaction of community meetings do no appear to have as serious significance depending on the specific concerns of the reader. For example, pedestrian and bicycle access along are not usually significant enough to justify a project. Without a crossing, there will be no such access between these two areas.

Available sources of funding may be a significant factor in determining the feasibility of these alternatives. This was not a part of the scope of this study but may well be a determining factor in the final outcome. If full state funding is available for construction, the cost issue may instead be one of the value to Monroe County of paying their share such as the estimated $200,000 annually for operating and maintenance expenses of a crossing.

SUMMARY OF ALTERNATIVE IMPACTS

DESIGN ALTERNATIVES

EVALUATION FACTOR	NO-CROSSING	TUNNEL	VERTICAL LIFT BRIDGE
Recreational Impacts			
1. Impacts on Navigation	No Impact	No Impact	Some maneuvering problems while waiting for bridge to open. Delay.
2. Impacts on Recreational Land	No impact on presently identified recreational land; could create potential for expanded recreational use in future.	More compatible with existing Corps/OPRHP plans for boat launch and auxiliary parking. Would require taking recreation lands.	Cause a taking of some of the land identified for recreational use; smaller version of launch might still be possible.
Socio-Economic Impacts			
1. Public Safety.	Initial severing resulted in development of new mutual aid agreements; no crossing would continue these agreements.	Allow for a return to prior mutual aid agreements and provision of back-up services. Provide an unofficial alternative for evacuation.	Provide for a potential return to prior aid agreements. Provide an informal alternative for evacuation.
2.Community Cohesiveness and Appearance	Some negative impact in terms of community cohesion as no physical link.	Establishes a physical link.	Establishes a physical link.
3. Displacement/Relocation	No Impact	Will affect access to a number of properties particularly the Webster side; cause use of railroad right-of-way and some recreation land along bay for roads.	Will require use of some recreation land along bay for road.
4. Land Development	Greater long-term potential for growth - commercial in Sea Breeze and residential in Webster.	Allows for some development.	Allows for some development.

SUMMARY OF ALTERNATIVE IMPACTS (cont'd)

DESIGN ALTERNATIVES

EVALUATION FACTOR	NO-CROSSING	TUNNEL	VERTICAL LIFT BRIDGE
5. Impacts on Community Tax Base	Immediate short-term loss of commercial on Sea Breeze side; however greater potential to create tax generating use in future.	Causes loss of access to several properties; could lower their assessed valuation.	Some effect on existing property values as traffic congestion and through traffic negatively impacts residential desirability.
Transportation Impacts			
1. Average Travel Time Savings	No Savings	Approximately 2 minutes	Approximately 1 minutes
2. Maximum Travel Time Savings	No Savings	Approximately 8.4 minutes	Approximately 7.9 minutes
3. User Operating Costs	$456,600/day (base condition)	$449,200/day	$450,100/day
4. Accessibility	Remains the same.	Significant improvement.	Significant improvement.
5. Pedestrians and Bicyclists	Severely constrained.	Access provided.	Access provided.
Environmental Impacts			
1. Wetlands	No Immediate Impact.	No Impact. Dredging spoils could be used to expand wetlands.	No Impact. Dredging spoils could be used to expand wetlands.
2. Floodplains	No Immediate Impact.	No Impact.	No Impact.
3. Coastal Erosion Hazard Areas	No Immediate Impact.	No Impact.	No Impact.
4. Visual and Aesthetic	Positive impact - Open view to Lake and Bay	Open view at outlet; ramp walls 3-1/2 - 4ft. high, ventilation building 34 ft. high	Towers at outlet over 90' high, out of scale with surroundings.

SUMMARY OF ALTERNATIVE IMPACTS (cont'd)

DESIGN ALTERNATIVES

EVALUATION FACTOR	NO-CROSSING	TUNNEL	VERTICAL LIFT BRIDGE
Environmental Impacts (cont'd)			
5. Air Quality	No Impact.	Slight decrease as through traffic is permitted.	Greater decrease in air quality than tunnel since bridge opening will result in some idling and traffic congestion.
6. Noise	No Impact.	Increased noise due to traffic; temporary construction related noise.	Increased noise due to traffic; temporary construction noise.
7. Energy	Increased travel as a result of no Lake Road crossing.	Increase in use resulting from ventilation and lighting.	Increase resulting from bridge operation, vehicular idling and traffic congestion when bridge is open.
8. Water Quality	No Impact.	Temporary impact during construction.	Temporary during construction
9. Vegetation and Wildlife	No Impact.	Temporary impact during construction.	Temporary during construction
Summary Travel Cost/Benefit Analysis			
1. Construction Cost	No Cost.	$14 million	$8 million
2. Annual Maintenance and Operating Costs	Base condition.	$200,000/yr.	$160,000/yr.
3. Annual Transportation Benefits	Base Condition.	$1.8 million	$1.6 million/yr.
4. Cost Benefit Ratio	Base Condition.	$1.4	$1.9

SECTION V

TECHNIQUES FOR IMPLEMENTING THE PROGRAM

TECHNIQUES FOR LOCAL IMPLEMENTATION OF THE PROGRAM

Section V of the Irondequoit LWRP has been organized so as to present a clear understanding of how each of the applicable policies, and the proposed uses and projects for the Town's Program will be implemented.

The text has been organized so as to first present a summary of the legislative techniques that will be used to implement the policies, followed by a listing of projects (public and private actions) which will also result in the implementation of each of the policies.

Also included is a description of techniques to be used to implement the projects included in Section IV. Where those techniques include legislative actions, the Town has referenced the appropriate existing or new legislation already described (e.g., Waterfront Development District, Environmental Protection Overlay Districts, etc).

There is also included separate descriptions relating to:

* Methodology for meeting the legal requirements for local consistency;

* Management structure and administrative procedures required to implement the Plan at the local level; and

* Local financial resources for project implementation.

Much of the proposed legislation that has been prepared as part of the LWRP reflects the work of the Irondequoit Bay Coordinating Committee and its County staff. The Bay Committee was created under a cooperative agreement between the County of Monroe and the Towns of Irondequoit, Penfield, and Webster in response to development pressures resulting from the imminent opening of Irondequoit Bay to Lake Ontario. The New York State Department of Environmental Conservation, although not a formal party to the agreement, has been a major participant in the work of the Committee.

The purpose of the agreement was to establish uniform regulations for public and private development in the Irondequoit Bay area. The environmental objectives and development management measures developed by the Committee, as well as other related material, have been translated by the Town into additional legislation as part of the implementing techniques of its LWRP.

PART A

SUMMARY OF IMPLEMENTATION OF LWRP POLICIES
THROUGH EXISTING AND/OR PROPOSED LEGISLATION

POLICY (1) and its Subpolicies:

(A) EXISTING LEGISLATION THAT IMPLEMENTS THESE POLICIES:

Existing Town ordinances and legislation are not adequate to implement these LWRP policies and subpolicies. The commercial waterfront district contained within the Town's Zoning Ordinance did not permit an acceptable range of waterfront and/or recreation-oriented uses, nor did it adequately regulate permitted uses in terms of potential environmental impact. The district permitted some uses which were unacceptable or inappropriate for waterfront areas. There were no specific requirements within the Town's Zoning Ordinance to provide for and/or maintain public access to the waterfront as a part of the review and approval of site development plans. In addition, the Zoning Ordinance did not contain an open space district which could be utilized to preserve and enhance public open space areas and parkland along the shoreline.

The Town's unsafe buildings ordinance did not specifically list or cover piers, wharfs, pilings, navigational hazards or other similar structures that may require inspection and/or removal within the LWRP boundary.

(B) ADDITIONAL LEGISLATION THAT IMPLEMENTS THESE POLICIES:

(1) Replace SECTION 130.42 of the TOWN ZONING ORDINANCE with a new WATERFRONT DEVELOPMENT DISTRICT, adopted in conjunction with the Town's LWRP.

The new Waterfront Development District permits a variety of appropriate water and/or recreation-oriented uses for specific areas along the shorelines of Lake Ontario and Irondequoit Bay. Some of these uses will be permitted subject to a series of permit review criteria. All uses are permitted subject to additional site design standards and site environmental factors. The District promotes the aesthetic appeal of development within the shorezone through the utilization of new permit review criteria and site design standards by the Town Planning Board.

These permit review criteria include, among others:

* Adequacy of site access and the traffic generating characteristics of the proposed use;

* Adequacy of site utility service;

* Relationship of the proposed use to existing natural features:
* Adequacy of site fire protection service;

* Relationship of the proposed use to bay water depth;

* Relationship of the proposed use to the existing land-use and zoning pattern in the area; and

* Relationship of the proposed use to specified site design considerations.

The permit review criteria applies to the following uses permitted within the Waterfront Development District:

* Subdivisions

* Multi-family (High Rise Residential Development)

* Restaurants; other commercial uses

* Yacht Clubs, Marinas

* Amusement Parks

* Hotels, Motels, Boatels

* Combination of permitted uses

(2) Rezoning certain areas within the Town's LWRP boundary to the new Waterfront Development District.

The areas within the Town's LWRP boundary which were rezoned to the new Waterfront Development District are outlined in Section IV and include:

(1) Stutson Street/Thomas Avenue area
(2) Lakeshore/Summerville area
(3) Sea Breeze area
(4) Newport Road area
(5) Glen Haven area
(6) Empire Boulevard area

(3) Replace SECTION 130.72 of the TOWN ZONING ORDINANCE with a new Town Planning Board Section.

The new Town Planning Board Section now contains detailed site plan review procedures for all development proposals within the LWRP area, as well as permit review criteria that is utilized to approve or deny development proposals for certain uses, and contains references to additional site design standards and site environmental factors that must be reviewed for all proposed waterfront development within the LWRP boundary.

(4) Amend CHAPTER 33 of the TOWN MUNICIPAL CODE to specifically list piers, wharfs, pilings, navigational hazards or other similar structures within the LWRP boundary.

(5) Incorporation of specific regulations for the provision and/or maintenance of adequate open space and adequate public access to the shoreline, as well as the maintenance of important visual/aesthetic elements within development areas, into the Waterfront Development District and into the new Town Planning Board Section.

These regulations require:

(1) A minimum amount of landscaped open space within proposed developments;

(2) Public access to the shoreline where such access is desirable and feasible;

(3) The inventory of the visual and aesthetic elements of the proposed development site and the maintenance of those elements that are deemed important and/or unique.

(6) Adoption of a new Open Space District included in the TOWN ZONING ORDINANCE.

The new Open Space District is based on recommendations contained in the Town of Irondequoit Draft Master Plan now under review. The district includes school sites owned by the Town school districts, as well as recreational sites owned by the Town, County or State. The District is designed to further protect and preserve ecologically valuable resources and/or to maintain permanent open space buffers which enhance overall development potential in the shorezone.

(7) Adoption specific legislation which permits the Town of Irondequoit Planning Board to utilize Section 281 of New York State Town Law when reviewing certain types of development proposals within the LWRP boundary.

Section 281 of New York State Town Law permits Town Planning Boards to modify dimensional/setback/lot coverage requirements of a town zoning ordinance for certain types of development, in order to preserve and protect sensitive environmental areas and to "cluster" development away from these areas. The legislation allows the Town of Irondequoit Planning Board to utilize these procedures so that open space areas and

certain environmentally-sensitive zones will be protected from development pressures within the LWRP boundary, and so that public access to the waterfront can be maintained.

(C) ADDITIONAL PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THESE POLICIES:

(*) Joint City and Town development of a park, including acquisition of land, within the Stutson Street/Thomas Avenue economic opportunity site that will increase public access to the Genesee River and will include water-oriented uses.

(*) Utilization of Town-owned land, through sale or lease, within the Municipal sewage Treatment Plant Site to accommodate a joint public/private venture which would integrate new development with an existing marina on the Genesee River to create a unique maritime complex.

(*) Construction of a State-operated marina harbor of refuge/boat launch on a 20-acre site at Sea Breeze near the Bay outlet to the Lake. A breakwall will be constructed on the western side of the channel and a jetty to the east will be built to accommodate fishing access. Comfort stations and parking areas will also be constructed.

(*) Sale or lease of the 7-acre Town-owned municipal sewage treatment plant site in Sea Breeze in order to accommodate a major mixed-use waterfront center.

(*) Public acquisition of some, if not all, of the residences located on the lakefront between the terminus of Culver Road and the Bay outlet. Such an acquisition program would permit public access to a major portion of the lakefront and would supplement the public and private recreational facilities proposed for this area.

(*) Development by the Town and County of the former Hojack line into a pedestrian walkway and bikepath.

(*) Realignment of the northern terminus of the Sea Breeze Expressway. This public infrastructure improvement would provide for a dramatic change in the image of the Sea Breeze waterfront area by providing an improved physical setting for existing businesses and encouraging new development.

(*) Expend $1.75 million on Culver Road pavement and intersection improvements.

(*) Expend Town CDBG funds on a commercial revitalization program for commercial properties located along Culver Road.

(*) Convert a Town landfill site to a passive recreational facility.

(*) Encourage the state to sell or lease the State Tunnel Property to the Town, so that it can be developed into a mixed-use commercial/ office/hotel complex by private developers.

(*) Upgrade Bay Park West by Monroe County to include new access from the Expressway, construction of fishing piers, boat launch, marina, picnic areas and additional parking facilities. Acquire and demolish old residences and other structures currently in a state of disrepair within the Park.

(*) Create a new sewer district in cooperation with the Town of Penfield, along Empire Boulevard.

(*) Initiate a Town code enforcement program for areas along Empire Boulevard to prevent illegal dumping, and construction or expansion of prohibited land uses.

POLICIES (2) and its Subpolicies:

(A) EXISTING LEGISLATION THAT IMPLEMENTS THESE POLICIES:

The Town Zoning Ordinance was not originally adequate to implement these LWRP policies and sub-policies. The Commercial Waterfront District contained within the Zoning Ordinance did not permit an acceptable range of waterfront and/or recreation-oriented uses. The district permited some uses which were unacceptable or inappropriate for waterfront areas.

(B) ADDITIONAL LEGISLATION THAT IMPLEMENTS THESE POLICIES:

(1) Replace SECTION 130.42 of the TOWN ZONING ORDINANCE with a new Waterfront Development District.

The new Waterfront Development District will permit a variety of appropriate water and/or recreation-oriented uses for specific areas along the shorelines of Lake Ontario and Irondequoit Bay. These uses include single and multi- family residential development, yacht clubs, marinas, hotels/motels/boatels, restaurants, amusement parks and parks/ playgrounds/beaches. The regulations in this new district include references to the permit review criteria used in reviewing certain proposed developments, as well as additional site design standards and site environmental factors used in reviewing all proposed development plans in the district.

(2) Replace SECTION 130.72 of the TOWN ZONING ORDINANCE with a new Town Planning Board Section.

The new Town Planning Board Section contains detailed site plan review procedures for all development proposals within the LWRP area, contains the permit review criteria that is utilized to approve or deny development proposals for certain uses, and

contains references to additional site design standards and site environmental factors that must be reviewed for all proposed waterfront development within the LWRP boundary.

The permit review criteria promotes and controls appropriate water-dependent uses through mandatory provisions for the consideration, among others, of the:

* Adequacy of site access and the traffic generating characteristics of the proposed use;

* Adequacy of site utility service;

* Relationship of the proposed use to existing natural features;

* Adequacy of site fire protection service;

* Relationship of the proposed use to bay water depth;

* Relationship of the proposed use to the existing land-use/zoning pattern in the area; and

* Relationship of the proposed use to specified site design considerations in the site plan review process.

(C) ADDITIONAL PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THESE POLICIES:

(*) Joint City and Town development of a park, including acquisition of land, within the Stutson Street/Thomas Avenue economic opportunity site that will increase public access to the Genesee River and will include water-oriented uses.

(*) Utilization of Town-owned land, through sale or lease, within the Municipal Sewage Treatment Plant Site to accommodate a joint public/private venture which would integrate new development with an existing marina on the Genesee River to create a unique maritime complex.

(*) Construction of a State-operated marina/harbor-of-refuge/boat launch on a 20-acre site at Sea Breeze near the Bay outlet to the Lake. A breakwall will be constructed on the western side of the channel and a jetty to the east will be built to accommodate fishing access. Comfort stations and parking areas will also be constructed.

(*) Sale or lease of the 7-acre Town-owned municipal sewage treatment plant site in Sea Breeze in order to accommodate a major mixed-use waterfront center.

(*) Public acquisition of some, if not all, of the residences located on the lakefront between the terminus of Culver Road and the Bay

outlet. Such an acquisition program would permit public access to a major portion of the lakefront and would supplement the public and private recreational facilities proposed for this area.

(*) Development by the Town and County of the former Hojack line into a pedestrian walkway and bikepath.

(*) Realignment of the northern terminus of the Sea Breeze Expressway. This public infrastructure improvement would provide for a dramatic change in the image of the Sea Breeze waterfront area by providing an improved physical setting for existing businesses and encouraging new development.

(*) Expend $1.75 million on Culver Road pavement and intersection improvements.

(*) Expend Town CDBG funds on a commercial revitalization program for commercial properties located along Culver Road.

(*) Convert a Town landfill site to a passive recreational facility.

(*) Upgrade Bay Park West by Monroe County to include new access from the Expressway, construction of fishing piers, boat launch, marina, picnic areas and additional parking facilities. Acquire and demolish old residences and other structures currently in a state of disrepair within the Park.

(*) Create a new sewer district in cooperation with the Town of Penfield, along Empire Boulevard.

(*) Initiate a Town code enforcement program for areas along Empire Boulevard to prevent illegal dumping, and construction or expansion of prohibited land uses.

POLICY (3):

NOT APPLICABLE.

POLICY (4) and its Subpolicies:

(A) EXISTING LEGISLATION THAT IMPLEMENTS THESE POLICIES:

Existing Town ordinances and legislation were not adequate to implement these LWRP policies and sub-policies. The commercial waterfront district in the Town Zoning Ordinance did not encourage, to the degree necessary, the development and enhancement of traditional uses and activities within the shorezone which would provide a strong economic base and a unique maritime identity within the LWRP boundary. In addition, the district had not been adequately utilized by the Town to promote the development of recreational facilities for boating and fishing activities in appropriate areas in the shorezone.

(B) PROPOSED LEGISLATION THAT IMPLEMENTS THESE POLICIES:

(1) Replace SECTION 130.42 of the TOWN ZONING ORDINANCE with a new Waterfront Development District.

The new Waterfront Development District will permit a variety of appropriate water and/or recreation-oriented uses for specific areas along the shorelines of Lake Ontario and Irondequoit Bay. The District will permit the development, in appropriate areas, of such facilities as yacht clubs, marinas, marina-related retail sales, amusement parks, public parks, playgrounds and beaches within the LWRP boundary. The regulations in this new district include references to the permit review criteria to be used in reviewing certain proposed developments, as well as additional site design standards and site environmental factors used in reviewing all proposed development plans in the district. The permit review criteria and site design considerations ensure the protection of unique/important scenic vistas and environmental features and will ensure that proposed development is constructed in harmony with existing development in terms of scale, intensity of use, architectural style, etc.

(2) Replace SECTION 130.72 of the TOWN ZONING ORDINANCE with a new Town Planning Board Section.

The new Town Planning Board Section contains detailed site plan review procedures for all development proposals with the LWRP area, contains the permit review criteria that will be utilized to approve or deny development proposals for certain uses, and will contain references to additional site design standards and site environmental factors that must be reviewed for all proposed waterfront development within the LWRP boundary.

(3) Adopt a new Open Space District to be included in the TOWN ZONING ORDINANCE.

The new Open Space District will based on recommendations contained in the Town of Irondequoit Draft Master Plan now under review. The District will include all recreational sites and areas owned by the Town, County or State. The District is designed to further protect and preserve these areas and to allow for possible future expansion and/or development.

(C) ADDITIONAL PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THESE POLICIES:

(*) Joint City and Town development of a park, including acquisition of land, within the Stutson Street/Thomas Avenue economic opportunity site that will increase public access to the river and will include water-oriented uses.

(*) Utilization of Town-owned land, through sale or lease, within the Municipal Sewage Treatment Plant Site to accommodate a joint public/private venture which would integrate new development with an existing marina on the Genesee River to create a unique maritime complex.

(*) Construction of a State-operated marina harbor of refuge/boat launch on a 20-acre site at Sea Breeze near the bay outlet to the Lake. A breakwall will be constructed on the western side of the channel and a jetty to the east will be built to accommodate fishing access. Comfort stations and parking areas will also be constructed.

(*) Sale or lease of the 7-acre town-owned municipal sewage treatment plant site in Sea Breeze in order to accommodate a major mixed-use waterfront center.

(*) Public acquisition of some is not all of the residences located on the lakefront between the terminus of Culver Road and the Bay outlet. Such an acquisition program would permit public access to a major portion of the lakefront and would supplement the public and private recreational facilities proposed for this area.

(*) Development by the Town and County of the former Hojack line into a pedestrian walkway and bikepath.

(*) Realignment of the northern terminus of the Sea Breeze Expressway. This public infrastructure improvement would provide for a dramatic change in the image of the Sea Breeze waterfront area by providing an improved physical setting for existing businesses and encouraging new development.

(*) Expend $1.75 million on Culver Road pavement and intersection improvements.

(*) Expend Town CDBG funds on a commercial revitalization program for commercial properties located along Culver Road.

(*) Convert a Town landfill site to a passive recreational facility.

(*) Upgrade Bay Park West by Monroe County to include new access from the Expressway, construction of fishing piers, boat launch, marina, picnic areas and additional parking facilities. Acquire and demolish old residences and other structures currently in a state of disrepair within the Park.

(*) Create a new sewer district in cooperation with the Town of Penfield, along Empire Boulevard.

(*) Initiate a Town code enforcement program for areas along Empire Boulevard to prevent illegal dumping, and construction or expansion of prohibited land uses.

POLICY (5) and its Subpolicies:

(A) EXISTING LEGISLATION THAT IMPLEMENTS THESE POLICIES:

Chapter 31 of the Town Municipal Code (Subdivision Regulations) and Chapter 46 of the Town Municipal Code (Sanitary Sewers) are adequate to implement Policy (5). These chapters require the use of public sewer systems for new development in the Town when such sewers are available, and also outline engineering requirements for sewers and septic tanks constructed to service new development. Existing Town ordinances and legislation were not adequate to implement LWRP Policies (5A) and (5B).

(B) ADDITIONAL LEGISLATION THAT IMPLEMENTS THESE POLICIES:

(1) Replace SECTION 130.42 of the TOWN ZONING ORDINANCE with a new Waterfront Development District.

The new Waterfront Development District includes references to permit review criteria used to ensure that public services and facilities essential to new development in a particular area within the LWRP boundary (including such things as site access and site utility service) are adequate before such development is permitted.

(2) Replace SECTION 130.72 of the TOWN ZONING ORDINANCE with a new Town Planning Board Section.

The new Town Planning Board Section contains detailed site plan review procedures for all development proposals within the LWRP. The section contains the permit review criteria that is utilized to ensure that new development is adequately serviced by utilities and public roads.

(C) ADDITIONAL PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THESE POLICIES:

None required or identified.

POLICY 6 and its Subpolicies:

(A) EXISTING LEGISLATION THAT IMPLEMENTS THESE POLICIES:

Existing Town ordinances and legislation were not adequate to implement these LWRP policies and subpolicies. Existing Town ordinances and legislation were not written in sufficient detail, nor did they exist in such a way to expedite the permit review process for new development proposed within the LWRP boundary. Permit review requirements and development criteria for activities proposed within Town wetland and floodplain areas, as well as procedures for the environmental review of proposed projects were contained outside of the Town Zoning Ordinance and not specifically coordinated with potential site plan review procedures. In

addition, there were few specific references in existing Town ordinances and legislation to State and/or federal review procedures, and to the coordination of those procedures with the local review process.

(B) ADDITIONAL LEGISLATION THAT IMPLEMENTS THESE POLICIES:

(1) Replace SECTION 130.72 of the TOWN ZONING ORDINANCE with a new Town Planning Board Section.

The new Town Planning Board Section contains detailed site plan review procedures for all development proposals within the LWRP area. The Section outlines a step-by-step process that is utilized to review all development applications and to grant or deny development permits. Mandated State and/or federal reviews of proposed projects are incorporated into the local review process through the procedures of this section.

(2) Replace CHAPTER 32 (FLOOD DAMAGE PROTECTION) and CHAPTER 38 (WETLANDS) of the TOWN MUNICIPAL CODE with new Environmental Protection Overlay Districts within CHAPTER 130 (TOWN ZONING ORDINANCE).

The new Environmental Protection Overlay Districts includes a uniform permit application and review procedure for development activities proposed within designated floodplain, wetland, steep slope, watercourse, woodlot, fish/wildlife habitat and aesthetic/cultural resource areas. This detailed application and review procedure is contained within the Town Zoning Ordinance and includes requirements for data submission by the applicant, Town review for this information, a public hearing process and the review of requests for permits. This process is coordinated with the appropriate State and/or federal reviews of development permit applications.

(C) ADDITIONAL PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THESE POLICIES:

None required or identified.

POLICY (7) and its Subpolicies:

(A) EXISTING LEGISLATION THAT IMPLEMENTS THESE POLICIES:

Existing Town ordinances and legislation were not adequate to implement these LWRP policies and subpolicies. The existing Town Wetlands Ordinance (Chapter 38) was not written in sufficient detail to adequately identify and protect wetland areas within the Town's LWRP boundary, particularly along the shoreline of Irondequoit Bay. In addition, the review procedures contained in Chapter 38 were not sufficiently coordinated with other Town and/or State review activities. Other significant fish and wildlife habitats within the Town's LWRP boundary were not identified in

existing Town legislation and regulations for their protection and enhancement have not been provided.

(B) ADDITIONAL LEGISLATION THAT IMPLEMENTS THESE POLICIES:

(1) Establish a new Environmental Protection Overlay District within CHAPTER 130 (TOWN ZONING ORDINANCE) for all woodlot areas contained within the LWRP.

The new Environmental Protection Overlay District includes specific regulations and review procedures for development proposed within designated woodlot areas. Development activities are limited and subject to a permit procedure. By preserving woodlot areas within the LWRP boundary, important wildlife habitat areas will also be preserved and protected.

(2) Replace SECTION 130.72 of the TOWN ZONING ORDINANCE with a new Town Planning Board Section.
The new Town Planning Board Section contains the permit review criteria that is utilized to approve or deny development proposals for certain uses. These criteria include the consideration of potential impacts of the proposed development on significant fish and wildlife habitats identified within the LWRP boundary. Projects that do not attempt to mitigate these impacts are not granted development permits.

(3) Revise Chapter 37 (ENVIRONMENTAL QUALITY REVIEW) of the TOWN MUNICIPAL CODE to specifically include development activities within designated fish and wildlife habitats as potential Type I actions that may require the preparation of an environmental impact statement.

(C) ADDITIONAL PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THESE POLICIES:

None required or identified.

POLICY (8):

(A) EXISTING LEGISLATION THAT IMPLEMENTS THIS POLICY:

Existing local and State legislation is adequate. Existing Town ordinances or legislation that implement this LWRP Policy include Chapter 130 of the Town Municipal Code and Chapter 46 of the Town Municipal Code. Chapter 130 (Town Zoning Ordinance) Section 130.63 prohibits dumping of waste, refuse or any other substance within the Town without a permit. Chapter 46 (Sanitary sewers) Section 46.21 prohibits unsanitary disposal of wastes while Section 46.22 prohibits discharge of untreated sewage. Chapter 174 of the Town Municipal Code (Waterways) prohibits dumping of any waste, refuse, garbage, or similar substances into the streams, tributaries or waterways within the jurisdiction of the Town. In addition, the

Town of Irondequoit recognizes those State laws listed under Policy 8 in Section III as implementation measures for this Policy.

(B) ADDITIONAL LEGISLATION THAT IMPLEMENTS THIS POLICY:

None required or identified.

(C) ADDITIONAL PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THIS POLICY:

None required or identified.

POLICY (9) and its Subpolicies:

(A) EXISTING LEGISLATION THAT IMPLEMENTS THESE POLICIES:

Existing Town ordinances and legislation were not adequate to implement these LWRP policies and subpolicies. Use of the existing commercial waterfront district contained within the Town's Zoning Ordinance did not provide for sufficiently increased access to fish and wildlife resources, as well as to active and passive recreational areas, in light of the opening of Irondequoit Bay to Lake Ontario.

(B) ADDITIONAL LEGISLATION THAT IMPLEMENTS THESE POLICIES:

(1) Replace SECTION 130.42 of the TOWN ZONING ORDINANCE with a new Waterfront Development District.

The new Waterfront Development District permits a variety of appropriate water and/or recreation-oriented uses for specific areas along the shorelines of Lake Ontario and Irondequoit Bay. These uses include yacht clubs, marinas, parks, beaches and associated facilities that will permit increased access to Irondequoit Bay and Lake Ontario fish and wildlife resources. In addition, this new district will requires that adequate access is provided to the shorezone, where practical and feasible within these new developments, and that adequate vehicular access can be provided to the site.

(C) ADDITIONAL PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THESE POLICIES:

(*) Joint City and Town development of a park, including acquisition of land, within the Stutson Street/Thomas Avenue economic opportunity site that will increase public access to the Genesee River and will include water-oriented uses.

(*) Utilization of town-owned land, through sale or lease, within the Municipal Sewage Treatment Plant Site to accommodate a joint public/private venture which would integrate new development with an existing marina on the Genesee River to create a unique maritime complex.

(*) Construction of a State-operated marina/harbor of refuge/boat launch on a 20-acre site at Sea Breeze near the Bay outlet to the Lake. A breakwall will be constructed on the western side of the channel and a jetty will be built to accommodate fishing access. Comfort stations and parking areas will also be constructed.

(*) Public acquisition of some, if not all, the residences located on the Lake front between the terminus of Culver Road and the Bay outlet. Such an acquisition program would permit public access to a major portion of the lakefront and would supplement the public and private recreational facilities proposed for this area.

(*) Development by the Town and County of the former Hojack line into a pedestrian walkway and bikepath.

POLICY (10):

NOT APPLICABLE.

POLICY (11) and its Subpolicies:

(A) EXISTING LEGISLATION THAT IMPLEMENTS THESE POLICIES:

Existing Town ordinances and legislation were not adequate to implement these LWRP policies and subpolicies. The existing Town Flood Damage Protection Ordinance (Chapter 32) was not written in sufficient detail to adequately identify and protect floodplain areas within the Town's LWRP boundary. In addition, the review procedures contained in Chapter 32 were not sufficiently coordinated with other Town and/or federal review activities.

(B) ADDITIONAL LEGISLATION THAT IMPLEMENTS THESE POLICIES:

(1) Replace CHAPTER 32 (FLOOD DAMAGE PROTECTION) of the TOWN MUNICIPAL CODE with a new Environmental Protection Overlay District with CHAPTER 130 (TOWN ZONING ORDINANCE).

The new Environmental Protection Overlay District include specific regulations and review procedures for development proposed within designated 100-year floodplain areas. Development activities will be severely limited and will conform to the requirements of the National Flood Insurance Program. Enlargement or re-use of pre-existing, non-conforming uses within this district will also be prohibited.

(2) Establish new Environmental Protection Overlay Districts within CHAPTER 130 (TOWN ZONING ORDINANCE) for all steep slope areas and coastal erosion hazard areas contained within the LWRP.

The new Environmental Protection Overlay Districts includes specific regulations and review procedures for development

proposed within designated steep slope areas, as well as designated Coastal Erosion Hazard Areas. Development activities will be severely limited in these areas. Developers will be required to ensure the stability of slopes and soils during and after construction activities. Steep slopes will include all areas with a vertical slope of 15 percent or greater, as well as a transition or buffer zone.

(C) ADDITIONAL PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT POLICIES:

None required or identified.

POLICY (12) and its Subpolicies:

(A) EXISTING LEGISLATION THAT IMPLEMENTS THESE POLICIES:

Existing Town ordinances and legislation were not adequate to implement these LWRP policies and subpolicies. Requirements for the preservation of natural flood protection features such as beaches, dunes, barrier islands and bluffs, were not included in existing Town ordinances or legislation. The existing Chapter 36 (Excavations) of the Town Municipal Code contained inadequate provisions to protect steep slope areas and to control erosion and sedimentation problems within the shorezone. (Incidental excavations of up to 500 cubic yards of material are permitted without a permit.)

(B) ADDITIONAL LEGISLATION THAT IMPLEMENTS THESE POLICIES:

(1) Replace CHAPTER 32 (FLOOD DAMAGE PROTECTION of the TOWN MUNICIPAL CODE with a new Environmental Protection Overlay District within CHAPTER 130 (TOWN ZONING ORDINANCE), and insert a new Environmental Overlay District to protect Coastal Erosion Hazard Areas, to be submitted as part of the Town's LWRP.

The new Environmental Protection Overlay District includes specific regulations and review procedures for development proposed within designated 100-year floodplain areas. Development activities will be severely limited and will conform to the requirements of the National Flood Insurance Program. These districts will also include provisions for the preservation of natural flood protection features such as beaches, dunes, barrier islands and bluffs. For instance, primary sand dunes will be protected from all encroachments that could impair their natural protective capacities.

(2) Establish a new Environmental Protection Overlay District within CHAPTER 130 (TOWN ZONING ORDINANCE) for all steep slope areas contained within the LWRP.

The new Environmental Protection Overlay District includes specific regulations and review procedures for development

proposed within designated steep slope areas. Development activities will be severely limited in these areas. Developers will be required to ensure the stability of slopes and soils during and after construction activities. Steep slopes will include all areas with a vertical slope of 15 percent or greater, as well as a transition or buffer zone. Development activities will include clearing of vegetation, discharge of stormwater, filling cutting, grading and excavating.

(3) Establish a new Environmental Protection Overlay District within CHAPTER 130 (TOWN ZONING ORDINANCE) for all watercourse and beach areas contained within the LWRP.

The new Environmental Protection Overlay District includes specific regulations and review procedures for development proposed within designated watercourse and beach areas within the LWRP boundary.

(4) Establish a new Drainage, Erosion and Sedimentation Control Ordinance within the TOWN MUNICIPAL CODE.

The new Drainage, Erosion and Sedimentation Control Ordinance includes uniform erosion, sedimentation and stormwater runoff control standards that will be applied to all development activities within the LWRP boundary. These measures will further ensure the stability of steep slope areas.

(C) ADDITIONAL PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THESE POLICIES:

None required or identified.

POLICY (13):

(A) EXISTING LEGISLATION THE IMPLEMENTS THIS POLICY:

Existing Town ordinances and legislation were not adequate to implement these LWRP policies and subpolicies. Requirements for the construction or reconstruction of erosion protection structures were not included in existing Town ordinances or legislation. General requirements for the protection of steep slope areas were also not included in existing Town ordinances or legislation. The existing Chapter 36 (Excavations) of the Town Municipal Code contains inadequate provisions to protect steep slope areas and to control erosion and sedimentation problems within the shorezone.

(B) ADDITIONAL LEGISLATION THAT IMPLEMENTS THIS POLICY:

(1) Establish a new Drainage, Erosion and Sedimentation Control Ordinance within the TOWN MUNICIPAL CODE.

The new Drainage, Erosion and Sedimentation Control Ordinance includes uniform erosion, sedimentation and stormwater runoff control standards that will be applied to all development activities within the LWRP boundary. These measures will further ensure the stability of steep slope areas.

(C) ADDITIONAL PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THIS POLICY:

None required or identified.

POLICY (14):

(A) EXISTING LEGISLATION THAT IMPLEMENTS THIS POLICY:

Existing Town ordinances and legislation were not adequate to implement this LWRP policy. Requirements for the construction or reconstruction of erosion protection structures were not included in existing Town ordinances or legislation. General requirements for the protection of steep slope areas also were not included in existing Town ordinances or legislation. The existing Chapter 36 (Excavations) of the Town Municipal Code contains inadequate provisions to protect steep slope areas and to control erosion and sedimentation problems within the shorezone.

(B) ADDITIONAL LEGISLATION THAT IMPLEMENTS THIS POLICY:

(1) Establish a new Environmental Protection Overlay District within CHAPTER 130 (TOWN ZONING ORDINANCE) for all steep slope areas contained within the LWRP.

The new Environmental Protection Overlay District includes specific regulations and review procedures for development proposed within designated steep slope areas, as well as designated Coastal Erosion Hazard Areas. Development activities will be severely limited in these areas. Developers will be required to ensure the stability of slopes and soils during and after construction activities. Steep slopes will include all areas with a vertical slope of 15%, or greater as well as a transition or buffer zone. Development activities will include clearing of vegetation, discharge of stormwater, filling, cutting, grading and excavating.

(2) Establish a new Drainage, Erosion and Sedimentation Control Ordinance within the TOWN MUNICIPAL CODE.

The new Drainage, Erosion and Sedimentation Control Ordinance includes uniform erosion, sedimentation and stormwater runoff control standards that will be applied to all development activities within the LWRP boundary. These measures will further ensure the stability of steep slope areas. A series of

best management practices (BMP's) will be included in the Ordinance to ensure that potential negative impacts of development activities on Bay and Lake water quality through non-point discharge are minimized during and after project construction.

(3) Establish a new Environmental Protection Overlay District within Chapter 130 (Town Zoning Ordinance) for all Coastal Erosion Hazard Areas contained within the LWRP.

The new Environmental Protection Overlay District includes provisions for the long-term maintenance of erosion protection structures within the LWRP boundary.

(C) ADDITIONAL PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THIS POLICY:

None required or identified.

POLICY (15):

(A) EXISTING LEGISLATION THAT IMPLEMENTS THIS POLICY:

Existing State regulations are adequate to implement this LWRP policy. The New York State Department of Environmental Conservation regulates dredging activities in shoreline and wetland areas. These regulations are comprehensive in a nature and address actions according to their potential to interfere with the natural coastal processes which supply beach materials, as well as their potential for increasing soil erosion and sedimentation.

(B) ADDITIONAL LEGISLATION THAT IMPLEMENTS THIS POLICY:

None required or identified.

(C) ADDITIONAL PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THIS POLICY:

None required or identified.

POLICY (16):

(A) EXISTING LEGISLATION THAT IMPLEMENTS THIS POLICY:

There were no existing Town ordinances or legislation that implement this LWRP policy.

(B) ADDITIONAL LEGISLATION THAT IMPLEMENTS THIS POLICY:

(1) The Town Board of the Town of Irondequoit adopted an Official Policy Statement regarding the use of public funds to construct

erosion protection structures for existing or new development within the LWRP boundary. This policy statement recognized the need for public investment in erosion protection in order to sustain existing development and to encourage new development within the shorezone. The policy statement also recognizes, however, the need for a careful analysis of the long-term costs and benefits of using public funds to construct such erosion protection structures.

(C) ADDITIONAL PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THIS POLICY:

None requited or identified.

POLICY (17) and its Subpolicies:

(A) EXISTING LEGISLATION THAT IMPLEMENTS THESE POLICIES:

Existing Town ordinances and legislation were not adequate to implement these LWRP policies and subpolicies. Requirements for the construction or reconstruction of erosion protection structures, either structural or non-structural, were not included in existing Town ordinances or legislation. General requirements for the protection of steep slope areas were also not included in existing Town ordinances or legislation. The existing Chapter 36 (Excavations) of the Town Municipal Code contains inadequate provisions to protect steep slope areas and to control erosion and sedimentation problems within the shorezone. The existing Town Flood Damage Protection Ordinance (Chapter 32) is not written in sufficient detail to adequately identify and protect floodplain areas within the Town's LWRP boundary.

(B) ADDITIONAL LEGISLATION THAT IMPLEMENTS THESE POLICIES:

(1) Replace CHAPTER 32 (FLOOD DAMAGE PROTECTION) of the TOWN MUNICIPAL CODE with a new Environmental Protection Overlay District within CHAPTER 130 (TOWN ZONING ORDINANCE).

The new Environmental Protection Overlay District includes specific regulations and review procedures for development proposed within designated 100-year floodplain areas. Development activities will be severely limited and will conform to the requirements of the National Flood Insurance Program. Any buildings that receive a permit and are constructed within the 100-year floodplain will be required to be floodproofed or to be constructed above the base flood level.

(2) Establish a new Environmental Protection Overlay District within CHAPTER 130 (TOWN ZONING ORDINANCE) for all steep slope areas contained within the LWRP area.

The new Environmental Protection Overlay District includes specific regulations and review procedures for development proposed within designated steep slope areas. Development activities will be severely limited in these areas. Developers will be required to ensure the stability of slopes and soils during and after construction activities. Development activities will include clearing of vegetation, discharge of stormwater, filling, cutting, grading and excavating. Buildings will be required to be setback from steep slope areas and non-structural management measures will be promoted to prevent damage to natural resources and property.

(3) Establish a new Drainage, Erosion and Sedimentation Control Ordinance within the TOWN MUNICIPAL CODE.

The new Drainage, Erosion and Sedimentation Control includes uniform erosion sedimentation and stormwater runoff control standards that will be applied to all development activities within the LWRP boundary. These measures will further ensure the stability of steep slope areas. The new ordinance also promotes the use of non-structural management measures to control site erosion, drainage and stormwater runoff.

(4) Establish a new Environmental Protection Overlay District within Chapter 130 (Town Zoning Ordinance) for all Coastal Erosion Hazard Areas contained within the LWRP.

The new Environmental Protection Overlay District includes provisions for the long-term maintenance of erosion protection structures within the LWRP boundary.

(C) ADDITIONAL PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THESE POLICIES:

None required or identified.

POLICY (18):

(A) EXISTING LEGISLATION THAT IMPLEMENTS THIS POLICY:

Existing Town ordinances and legislation that implement this LWRP policy have not been identified.

(B) ADDITIONAL LEGISLATION THAT IMPLEMENTS THIS POLICY:

None required or identified.

(C) ADDITIONAL PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THIS POLICY:

None required or identified.

POLICY (19) and its Subpolicies:

(A) EXISTING LEGISLATION THAT IMPLEMENTS THESE POLICIES:

There are no specific Town ordinances or legislation that implement these LWRP policies and sub-policies. Regulations that provide for public access to the shorezone or outline design criteria for such access are not included in existing development review procedures. In addition, existing site plan review procedures do not specifically take into account the adequacy of proposed public access to the site.

(B) ADDITIONAL LEGISLATION THAT IMPLEMENTS THESE POLICIES:

(1) Replace SECTION 130.72 of the TOWN ZONING ORDINANCE with a new Town Planning Board Section.

The new Town Planning Board Section contains site plan review procedures for all development proposals within the LWRP area. Criteria are established within these procedures (site design considerations and permit review criteria) that can be used to provide for increased public access to the bayshore as a part of the development approval process.

(C) ADDITIONAL PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THESE POLICIES:

(*) Joint City and Town development of a park, including acquisition of land, within the Stutson Street/Thomas Avenue economic opportunity site that will increase public access to the Genesee River and will include water-oriented uses.

(*) Utilization of Town-owned land, through sale or lease, within the Municipal sewage Treatment Plant Site to accommodate a joint public/private venture which would integrate new development with an existing marina on the Genesee River to create a unique maritime complex.

(*) Construction of a State-operated marina/harbor of refuge/boat launch on a 20-acre site at Sea Breeze near the Bay outlet to the Lake. A breakwall will be constructed on the western side of the channel and a jetty to the east will be built to accommodate fishing access. Comfort stations and parking areas will also be constructed.

(*) Public acquisition of some if not all of the residences located on the lakefront between the terminus of Culver Road and the Bay outlet. Such an acquisition program would permit public access to a major portion of the lakefront and would supplement the public and private recreational facilities proposed for this area.

(*) Development by the Town and County of the former Hojack line into a pedestrian walkway and bikepath.

(*) Realignment of the northern terminus of the Sea Breeze Expressway. This public infrastructure improvement would provide for a dramatic change in the image of the Sea Breeze waterfront area by providing an improved physical setting for existing businesses and encouraging new development.

(*) Expend $1.75 million on Culver Road pavement and intersection improvements.

POLICY (20):

(A) EXISTING LEGISLATION THAT IMPLEMENTS THIS POLICY:

There were no specific Town ordinances or legislation that implemented this LWRP policy. Regulations that provide for public access to the shorezone or outline design criteria for such access were not included in existing development review procedures. In addition, existing site plan review procedures did not specifically take into account the adequacy of proposed public access to the site.

(B) ADDITIONAL LEGISLATION THAT IMPLEMENTS THIS POLICY:

(1) The Town Board of the Town of Irondequoit adopted an Official Policy Statement regarding the provision of public access to the publicly-owned foreshore, and to lands immediately adjacent to the foreshore. This policy statement recognizes the various State-endorsed methods of providing public access within the LWRP and outlines the requirements for, and regulations concerning the provision of such access.

(C) ADDITIONAL PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THIS POLICY:

(*) Joint City and Town development of a park, including acquisition of land , within the Stutson Street/Thomas Avenue economic opportunity site that will increase public access to the river and will include water-oriented uses.

(*) Construction of a State-operated marina/harbor of refuge/boat launch on a 20-acre site at Sea Breeze near the Bay outlet to the Lake. A breakwall will be constructed on the western side of the channel and a jetty to the east will be built to accommodate fishing access. Comfort stations and parking areas will also be constructed.

(*) Public acquisition of some, if not all, of the residences located on the lakefront between the terminus of Culver Road and

the Bay outlet. Such an acquisition program would permit public access to a major portion of the lakefront and would supplement the public and private recreational facilities proposed for this area.

(*) Development by the Town and County of the former Hojack line into a pedestrian walkway and bikepath.

(*) Realignment of the northern terminus of the Sea Breeze Expressway. This public infrastructure improvement would provide for a dramatic change in the image of the Sea Breeze waterfront area by providing an improved physical setting for existing businesses and encouraging new development.

(*) Upgrade Bay Park West by Monroe County to include new access from the Expressway, construction of fishing piers, boat launch, marina, picnic areas and additional parking facilities. Acquire and demolish old residences and other structures currently in a state of disrepair within the Park.

(*) Create a new sewer district in cooperation with the Town of Penfield, along Empire Boulevard.

(*) Initiate a Town code enforcement program for areas along Empire Boulevard to prevent illegal dumping, and construction or expansion of prohibited land uses.

POLICY (21):

(A) EXISTING LEGISLATION THAT IMPLEMENTS THIS POLICY:

Existing Town ordinances and legislation were not adequate to implement this LWRP policy. The Commercial Waterfront District contained within the Town's Zoning Ordinance did not permit an acceptable range of waterfront and/or recreation-oriented uses, nor did it adequately regulate permitted uses in terms of potential environmental impacts. The District permited some uses which were unacceptable in or inappropriate for waterfront areas.

(B) ADDITIONAL LEGISLATION THAT IMPLEMENTS THIS POLICY:

(1) Replace SECTION 130.42 of the TOWN ZONING ORDINANCE with a new Waterfront Development District.

The new Waterfront Development District permits a variety of appropriate water and/or recreation-oriented uses for specific areas along the shorelines of Lake Ontario and Irondequoit Bay. The regulations in this new district include references to the permit review criteria to be used in reviewing certain proposed developments, as well as additional site design standards and site environmental factors to be used in reviewing all proposed development plans in the District.

(2) Rezone certain areas within the Town's LWRP boundary to the new Waterfront Development District.

The areas within the Town's LWRP boundary rezoned to the new Waterfront Development District are outlined in Section IV and include:

(1) Stutson Street/Thomas Avenue area
(2) Lakeshore/Summerville area
(3) Sea Breeze area
(4) Newport Road area
(5) Glen Haven area
(6) Empire Boulevard area

(3) Replace SECTION 130.72 of the TOWN ZONING ORDINANCE with a new Town Planning Board Section.

The new Town Planning Board Section contains detailed site plan review procedures for all development proposals within the LWRP area, contains the permit review criteria that will be utilized to approve or deny development proposals for certain uses, and contains requirements for the consideration of additional site design standards and site environmental factors that must be reviewed for all proposed waterfront development within the LWRP boundary.

(C) ADDITIONAL PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THIS POLICY:

(*) Joint City and Town development of a park, including acquisition of land, within the Stutson Street/Thomas Avenue economic opportunity site that will increase public access to the river and will include water-oriented uses.

(*) Utilization of Town-owned land, through sale or lease, within the Municipal sewage Treatment Plant Site to accommodate a joint public/private venture which would integrate new development with a existing marina on the Genesee River to create a unique maritime complex.

(*) Construction of a State-operated marina/harbor of refuge/boat launch on a 20-acre site at Sea Breeze near the Bay outlet to the Lake. A breakwall will be constructed on the western side of the channel and a jetty to the east will be built to accommodate fishing access. Comfort stations and parking areas will also be constructed.

(*) Sale or lease of the 7-acre Town-owned municipal sewage treatment plant site in Sea Breeze in order to accommodate a major mixed-use waterfront center.

(*) Public acquisition of some if not all of the residences located on the lakefront between the terminus of Culver Road and the Bay outlet. Such an acquisition program would permit public access to a major portion of the lakefront and would supplement the public and private recreational facilities proposed for this area.

(*) Development by the Town and County of the former Hojack line into a pedestrian walkway and bikepath.

(*) Realignment of the northern terminus of the Sea Breeze Expressway. This public infrastructure improvement would provide for a dramatic change in the image of the Sea Breeze waterfront area by providing an improved physical setting for existing businesses and encouraging new development.

(*) Convert a Town landfill site to a passive recreational facility.

(*) Encourage the State to sell or lease the State Tunnel Property to the Town, so that it can be developed into a mixed-use commercial/office/hotel complex by private developers.

(*) Upgrade Bay Park West by Monroe County to include new access from the Expressway, construction of fishing piers, boat launch, marina, picnic areas and additional parking facilities. Acquire and demolish old residences and other structures currently in a state of disrepair within the Park.

POLICY (22) and its Subpolicies:

(A) EXISTING LEGISLATION THAT IMPLEMENTS THESE POLICIES:

Existing Town ordinances and legislation were not adequate to implement these LWRP policies. The Commercial Waterfront District contained within the Town's Zoning Ordinance did not permit an acceptable range of waterfront and/or recreation-oriented uses, nor did it adequately regulate permitted uses in terms of potential environmental impacts. The District permited some uses which were unacceptable in or inappropriate for waterfront areas. There were no specific requirements within the Town's Zoning Ordinance to provide for and/or maintain water-related recreation facilities as a part of the review and approval site development plans. In addition, there were no specific requirements within the Town's Zoning Ordinance to provide and/or maintain such waterfront features as boat moorings and docks, recreation easements, waterfront walks and bikeways.

(B) ADDITIONAL LEGISLATION THAT IMPLEMENTS THIS POLICIES:

(1) Replace SECTION 130.42 of the TOWN ZONING ORDINANCE with a new <u>Waterfront Development District</u>.

The new Waterfront Development District permits a variety of appropriate water and/or recreation-oriented uses for specific areas along the shorelines of Lake Ontario and Irondequoit Bay. The regulations in this new district will include references to the permit review criteria to be used in reviewing certain proposed developments, as well as additional site design standards and site environmental factors to be used in reviewing all proposed development plans in the District. This district will also permit water-related recreational facilities when such uses are compatible with reasonably anticipated demand and can be appropriately accommodated on the proposed site.

(2) Replace SECTION 130.72 of the TOWN ZONING ORDINANCE with a new Town Planning Board Section.

The new Town Planning Board Section contains detailed site plan review procedures for all development proposals within the LWRP area, contains the permit review criteria that will be utilized to approve or deny development proposals for certain uses, and contains references to additional site design standards and site environmental factors that must be reviewed for all proposed waterfront development within the LWRP boundary. The permit review criteria will be utilized to determine how the proposed development relates to the shorezone in general, how the proposed development relates to the architectural and aesthetic aspects of the area, and the relationship of the proposed use to several site design considerations. The site design considerations contained in this new section will outline criteria for the development of such facilities as boat moorings and docks, waterfront walks, bikeways, etc.

(C) ADDITIONAL PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THESE POLICIES:

(*) Joint City and Town development of a park, including acquisition of land, within the Stutson Street/Thomas Avenue economic opportunity site that will increase public access to the Genesee River and will include water-oriented uses.

(*) Utilization of Town-owned land, through sale or lease, within the Municipal sewage Treatment Plant Site to accommodate a joint public/private venture which would integrate new development with an existing marina on the Genesee River to create a unique maritime complex.

(*) Construction of a State-operated marina/harbor of refuge/boat launch on a 20-acre site at Sea Breeze near the Bay outlet to the Lake. A breakwall will be constructed on the western side of the channel and a jetty to the east will be built to accommodate

fishing access. Comfort stations and parking areas will also be constructed.

(*) Sale or lease of the 4.7 acre Town-owned abandoned sewage treatment plant site in Sea Breeze in order to accommodate a mixed-use waterfront center. (This site has recently been sold to the Seabreeze Coaster Corp. for expansion of its' adjacent amusement center)

(*) Public acquisition of some, if not all, of the residences located on the lakefront between the terminus of Culver Road and the Bay outlet. Such an acquisition program would permit public access to a major portion of the lakefront and would supplement the public and private recreational facilities proposed for this area.

(*) Development by the Town and County of the former Hojack line into a pedestrian walkway and bikepath.

(*) Realignment of the northern terminus of the Sea Breeze Expressway. This public infrastructure improvement would provide for a dramatic change in the image of the Sea Breeze waterfront area by providing an improved physical setting for existing businesses and encouraging new development.

(*) Convert a Town landfill site to a passive recreational facility.

(*) Encourage the State to sell or lease the State Tunnel Property to the Town, so that it can be developed into a mixed-use commercial/office/hotel complex by private developers.

(*) Upgrade Bay Park West by Monroe County to include new access from the Expressway, construction of fishing piers, boat launch, marina, picnic areas and additional parking facilities. Acquire and demolish old residences and other structures currently in a state of disrepair within the Park.

POLICY (23):

(A) EXISTING LEGISLATION THAT IMPLEMENTS THIS POLICY:

Existing Town ordinances and legislation were not adequate to implement this LWRP Policy. The existing Town site plan review procedures did not require the identification and/or protection of historical buildings, or structures, or significant archeological or cultural areas within proposed development sites.

(B) ADDITIONAL LEGISLATION THAT IMPLEMENTS THIS POLICY:

(1) Replace SECTION 130.72 of the TOWN ZONING ORDINANCE with a new Town Planning Board Section.

The new Town Planning Board Section contains detailed site plan review procedures for all development proposals within the LWRP and contains the permit review criteria that is utilized to approve or deny development proposals for certain uses. These criteria require the identification of any significant historic structures or archeological or cultural areas within the site. The criteria will also be utilized to determine whether or not the proposed development impacts any of those buildings or areas. If the proposed project does impact one of the structures or areas identified, then mitigation measures to protect that area or structure must be taken or else the permit will be denied.

(2) Revise CHAPTER 37 (ENVIRONMENTAL QUALITY REVIEW) of the TOWN MUNICIPAL CODE to specifically include as potential Type I actions those development activities within historic, archeological or cultural areas identified as significant and/or important within the LWRP boundary. These activities may then require the preparation of an environmental impact statement as part of the overall Town review process. These changes will be submitted as a part of the Town's LWRP.

(C) ADDITIONAL PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THIS POLICY:

Not required or identified.

(24) POLICY (24):

NOT APPLICABLE.

POLICY (25):

(A) EXISTING LEGISLATION THAT IMPLEMENTS THIS POLICY:
(i) Section 281 (cluster development) (ii) Existing Town ordinances and legislation were not adequate to implement this LWRP Policy. The existing Town site plan review procedures did not require the identification and/or protection within proposed development sites, of natural and man-made resources which contribute to the overall scenic quality of the shorezone area.

(B) ADDITIONAL LEGISLATION THAT IMPLEMENTS THIS POLICY:

(1) Replace SECTION 130.72 of the TOWN ZONING ORDINANCE with a new Town Planning Board Section.

This section contains detailed site plan review procedures for all development proposals with the LWRP and contains the permit review criteria that will be utilized to approve or deny development proposals for certain uses. These criteria will require the

identification of any significant scenic views and vistas within or near the site. The criteria will also be utilized to determine whether or not the proposed development impacts these scenic views or vistas. If the proposed project does not impact these areas, then mitigation measures to protect those areas must be taken or else the permit will be denied. In addition, site design considerations contained in this new section will outline recommended building heights, provisions for landscaping, vegetation and screening that complement the aesthetic quality of the shorezone.

Section 281 of New York State Town Law permits Town Planning Boards to modify dimensional/setback/lot coverage requirements of a town zoning ordinance for certain types of development, in order to preserve and protect sensitive environmental areas and to "cluster" development away from these areas. The proposed legislation will allow the Town of Irondequoit Planning Board to utilize these procedures so that open space areas and significant scenic views and vistas will be protected from development pressures within the LWRP boundary.

(C) ADDITIONAL PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THIS POLICY:

None required or identified.

POLICY (26):

NOT APPLICABLE.

POLICY (27):

NOT APPLICABLE.

POLICY (28):

NOT APPLICABLE.

POLICY (29):

NOT APPLICABLE.

POLICY (30) and its Subpolicies:

(A) EXISTING LEGISLATION THAT IMPLEMENTS THESE POLICIES:

Existing Town ordinances or legislation that implement these LWRP policies include Chapter 130 of the Town Municipal Code and Chapter 46 of the Town Municipal Code. Chapter 130 (Town Zoning Ordinance) Section 130.63 prohibits dumping of waste, refuse or any other substance within the Town without a permit. Chapter 46 (Sanitary Sewers) Section 46.21 prohibits unsanitary disposal of wastes while

Section 46.22 prohibits discharge of untreated sewage. Chapter 174 of the Town Municipal Code (Waterways) prohibits dumping of waste, refuse, garbage or similar materials into the streams, tributaries or waterways under the jurisdiction of the Town. In addition, the Town of Irondequoit recognizes those State laws listed under Policy 8 in Section III as implementation measures for these policies. The Monroe County Health Department monitors discharge of effluent from sewage disposal systems of less than 1,000 gallons per day to ensure compliance with State and Federal water quality standards. The New York State Department of Environmental Conservation monitors discharge of effluent from sewage disposal systems of greater than 1,000 gallons per day to ensure compliance with State and Federal water quality standards.

(B) ADDITIONAL LEGISLATION THAT IMPLEMENTS THESE POLICIES:

(1) Establish a new Drainage, Erosion and Sedimentation Control Ordinance with the TOWN MUNICIPAL CODE.

The new Drainage, Erosion and Sedimentation Control Ordinance includes uniform erosion, sedimentation and stormwater runoff control standards that will be applied to all development activities within the LWRP boundary. These measures will ensure that surface and ground water runoff will be controlled as much as possible, and that water quality impacts of such runoff will be reduced as much as possible.

(C) ADDITIONAL PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THESE POLICIES:

(1) Recommend the implementation of a two-phased strategy led by Monroe County to achieve the goal of improving the water quality of Irondequoit Bay and its tributary streams. The proposed Water Quality Management Plan for the Irondequoit Basin contains a two-phased strategy for improving the Basin's water quality that consists of water quality improvement techniques, an administrative leader and staff, financing methods, and intergovernmental cooperation components.

POLICY (31) and its Subpolicies:

(A) EXISTING LEGISLATION THAT IMPLEMENTS THESE POLICIES:

Existing Town ordinances and legislation were not adequate to implement these LWRP policies and subpolicies. There were no provisions within Town ordinances or legislation to consider the impact of proposed development activities on Irondequoit Bay and Lake Ontario water quality.

(B) ADDITIONAL LEGISLATION THAT IMPLEMENTS THESE POLICIES:

(1) Establish a new Drainage, Erosion and Sedimentation Control

Ordinance with the TOWN MUNICIPAL CODE.

The new Drainage, Erosion and Sedimentation Control Ordinance includes uniform erosion, sedimentation and stormwater runoff control standards that will be applied to all development activities within the LWRP boundary. These measures will ensure that surface and ground water runoff will be controlled as much as possible, and that water quality impacts of such runoff will be reduced as much as possible.

(2) Replace SECTION 130.72 of the TOWN ZONING ORDINANCE with a new Town Planning Board Section.

The new Town Planning Board Section contains detailed site plan review procedures for all development proposals within the LWRP area, contains the permit review criteria that is utilized to approve or deny development proposals for certain uses. These criteria will require that the potential impacts of a proposed development on Lake Ontario and/or Irondequoit Bay water quality be considered and weighed against the feasibility of providing any mitigation measures to control such impacts. Permits will be denied for those development projects which significantly impact Bay and/or Lake water quality and that cannot or do not provide appropriate mitigation measures.

(C) ADDITIONAL PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THESE POLICIES:

None required or identified.

POLICY (32):

NOT APPLICABLE.

POLICY (33) and its Subpolicies:

(A) EXISTING LEGISLATION THAT IMPLEMENTS THESE POLICIES:

Existing Town ordinances and legislation were not adequate to implement these LWRP policies and subpolicies. There were no existing Town ordinances or legislation that adequately controlled stormwater runoff or reduced erosion and sedimentation during and after project construction, with the possible exception of the Town's Subdivision and Public Works Regulations (Chapter 31) contained in the Town Municipal Code. However, these requirements only apply to residential subdivision developments. The existing Excavations Ordinance (Chapter 36) contained within the Town Municipal Code did not address these issues in a comprehensive fashion.

(B) ADDITIONAL LEGISLATION THAT IMPLEMENTS THESE POLICIES:

(1) Establish a new Drainage, Erosion and Sedimentation Control Ordinance with the TOWN MUNICIPAL CODE.

The new Drainage, Erosion and Sedimentation Control Ordinance includes uniform erosion, sedimentation and stormwater runoff control standards that will be applied to all development activities within the LWRP boundary. These measures will ensure that surface and ground water runoff will be controlled as much as possible and that water quality impacts of such runoff will be reduced as much as possible. In addition, this new ordinance contains water quality performance standards designed to reduce potential negative impacts of development activities on Bay and Lake water quality.

(C) ADDITIONAL PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THESE POLICIES:

None required or identified.

POLICY (34) and its Subpolicies:

(A) EXISTING LEGISLATION THAT IMPLEMENTS THESE POLICIES:

Chapter 174 of the Town Municipal Code (Waterways) prohibits dumping of waste, refuse, garbage or similar materials into the streams, tributaries or waterways under the jurisdiction of the Town.

(B) ADDITIONAL LEGISLATION THAT IMPLEMENTS THESE POLICIES:

(1) Adoption of new Water Surface Use Regulations.

The new Water Surface Use Regulations have been developed by the Irondequoit Bay Coordinating Committee. Its work addresses such issues as the speed and operation of vessels within 300 feet of the shoreline and within 500 feet of any marinas or boat mooring areas; the reduction of the anticipated conflicts between recreational uses in the near shore area the reduction of wake effects on private property and environmentally-sensitive areas; the prohibition of the release of waste, garbage or hazardous materials from boats operating on Irondequoit Bay and/or Lake Ontario in order to generally protect the public health, safety and welfare and to preserve the natural beauty and water quality of the Bay and Lake areas.

(C) ADDITIONAL PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THESE POLICIES:

None required or identified.

POLICY (35):

(A) EXISTING LEGISLATION THAT IMPLEMENTS THIS POLICY:

Existing State legislation is adequate. The New York State Department of Environmental Conservation will issue dredging permits only when it has been determined that the anticipated adverse impacts of such activities have been reduced to acceptable levels which satisfy state dredging permit standards as set forth in regulations developed pursuant to the State Environmental Conservation Law.

(B) ADDITIONAL LEGISLATION THAT IMPLEMENTS THIS POLICY:

None required or identified.

(C) ADDITIONAL PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THIS POLICY:

None required or identified.

POLICY (36):

(A) EXISTING LEGISLATION THAT IMPLEMENTS THIS POLICY:

Existing State and Federal regulations are adequate. There is currently no storage, treatment and/or disposal of hazardous wastes within the Town's LWRP boundary. No activity will occur within the coastal zone which will produce such hazardous wastes, as defined by Article 27.

(B) ADDITIONAL LEGISLATION THAT IMPLEMENTS THIS POLICY:

None required or identified.

(C) ADDITIONAL PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THESE POLICIES.

None required or identified.

POLICY (37):

(A) EXISTING LEGISLATION THAT IMPLEMENTS THIS POLICY:

Existing Town ordinances and legislation were not adequate to implement this LWRP policy. Adequate erosion and sedimentation control measures and best management practices (BMP's) to minimize non-point discharge of nutrients, organics and/or eroded soils are not included in any existing Town legislation.

(B) ADDITIONAL LEGISLATION THAT IMPLEMENTS THIS POLICY:

(1) Establish a new Drainage, Erosion and Sedimentation Control Ordinance with the TOWN MUNICIPAL CODE.

The new Drainage, Erosion and Sedimentation Control Ordinance includes uniform erosion, sedimentation and stormwater runoff control standards that will be applied to all development activities within the LWRP boundary. These measures will ensure that surface and ground water runoff will be controlled as much as possible and that water quality impacts of such runoff will be reduced as much as possible. In addition, this new ordinance will contain water quality performance standards designed to reduce potential negative impacts of development activities on Bay and Lake water quality. A series of best management practices (BMP's) will be referenced in the ordinance to ensure that potential negative impacts of development activities on Bay and Lake water quality through non-point discharge are minimized during and after project construction.

(C) ADDITIONAL PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THIS POLICY:

None required or identified.

POLICY (38):

(A) EXISTING LEGISLATION THAT IMPLEMENTS THESE POLICY:

Chapter 174 of the Town Municipal Code (Waterways) prohibits dumping of waste, refuse, garbage or similar materials into the streams, tributaries or waterways under the jurisdiction of the Town. However, adequate erosion and sedimentation control measures and best management practices (BMP's) that will minimize point and non-point discharge of nutrients, organics and/or eroded soils and that will help maintain the quantity and quality of surface water and groundwater supplies in the Town were not included in any Town legislation.

(B) ADDITIONAL LEGISLATION THAT IMPLEMENTS THIS POLICY:

(1) Establish a new Drainage, Erosion and Sedimentation Control Ordinance within the TOWN MUNICIPAL CODE.

The new Drainage, Erosion and Sedimentation Control Ordinance includes uniform erosion, sedimentation and stormwater runoff control standards that will be applied to all development activities within the LWRP boundary. These measures will ensure that surface and ground water runoff will be controlled as much as possible and that water quality impacts of such runoff will be reduced as much as possible. In addition, this new ordinance will contain water quality performance standards designed to reduce

potential negative impacts of development activities on bay and lake water quality. A series of best management practices (BMP's) will be referenced in the ordinance to ensure that potential negative impacts of development activities on Bay and Lake water quality through non-point discharge are minimized during and after project construction.

(C) ADDITIONAL PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THIS POLICY:

None required or identified.

POLICY 39:

(A) EXISTING LEGISLATION THAT IMPLEMENTS THIS POLICY:

Existing local and State legislation is adequate. There is currently no storage, treatment and/or disposal of hazardous wastes within the Town's LWRP boundary. No activity will occur within the coastal zone which will produce such hazardous wastes, as defined in Article 27 of the New York State Environmental Conservation Law. Transport of solid waste material from the Frank E. VanLare Sewage Treatment Plant located in Durand-Eastman Park will be conducted in accordance with established procedures that will protect groundwater and surface water supplies, significant fish and wildlife habitats and recreation areas.

(B) ADDITIONAL LEGISLATION THAT IMPLEMENTS THIS POLICY:

None required or identified.

(C) ADDITIONAL PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THIS POLICY:

None required or identified.

POLICY (40):

NOT APPLICABLE.

POLICY (41):

(A) EXISTING LEGISLATION THAT IMPLEMENTS THIS POLICY:

Existing local and State legislation is adequate. Chapter 59 of the Town Municipal Code (Air Pollution Control) prohibits particulate matter from becoming airborne and restricts emissions of visible air contaminants within the Town. In addition, land uses which will be permitted within the Town's LWRP boundary will be restricted to residential, recreational and marina-related commercial development. All of these land uses are unlikely to

significantly impact air quality within the LWRP or the Town. The Monroe County Health Department currently monitors air quality on a periodic basis to ensure that provisions of the Federal Clean Air Act are met within the County.

(B) ADDITIONAL LEGISLATION THAT IMPLEMENTS THIS POLICY:

None required or identified.

(C) ADDITIONAL PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THIS POLICY:

None required or identified.

POLICY (42):

(A) EXISTING LEGISLATION THAT IMPLEMENTS THIS POLICY

Existing State legislation is adequate through the Air Pollution Control Act, Environmental Conservation Law (Article 19) and the Waterfront Revitalization and Coastal Resources Act. (Executive Law, Article 42).

(B) ADDITIONALLEGISLATION THAT IMPLEMENT THESE POLICIES

None required or identified.

(C) ADDITIONAL PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THESE POLICIES

None required or identified.

POLICY (43):

(A) EXISTING LEGISLATION THAT IMPLEMENTS THIS POLICY

Existing local and state legislation is adequate. The Town's Local Waterfront Revitalization Program incorporates The State's policies on acid rain and will assist the State's efforts to control acid rain.

(B) ADDITIONAL LEGISLATION THAT IMPLEMENTS THIS POLICY

None required or identified.

(C) ADDITIONAL PUBLIC AND/OR PUBLIC ACTIONS THAT IMPLEMENT THIS POLICY

None required or identified.

POLICY (44):

(A) EXISTING LEGISLATION THAT IMPLEMENTS THESE POLICIES:

Existing Town ordinances and legislation that implement this policy have not been considered.

(B) ADDITIONAL LEGISLATION THAT IMPLEMENTS THESE POLICIES:
None required or identified.

(C) ADDITIONAL PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THIS POLICY:

None required or identified.

PART B: ADDITIONAL LEGISLATION ADOPTED TO IMPLEMENT THE LWRP

SECTION 130.42: WATERFRONT DISTRICT (WD)

SECTION 130.200: ENVIRONMENTAL PROTECTION OVERLAY DISTRICTS (EPOD'S)

SECTION 130.72: TOWN PLANNING BOARD

CHAPTER 39: DRAINAGE, EROSION AND SEDIMENTATION CONTROL ORDINANCE

ARTICLE X SECTION 130.101: OPEN SPACE DISTRICT (OS)

SECTION 130.70: MISCELLANEOUS PROVISONS APPLICABLE TO ALL WATERFRONT PROPERTY

ARTICLE VII SECTION 130.77: POWERS AND DUTIES OF THE BOARD OF APPEALS

DEFINITIONS

WATER QUALITY BEST MANAGEMENT PRACTICES MATRIX

SECTION 130.42 WATERFRONT DEVELOPMENT DISRTICT

Replace existing Section 130.42, CW BUSINESS DISTRICT (Commercial Waterfront) of Town of Irondequoit Zoning Ordinance with new Section 130.42, Waterfront Development (WD) District.

SECTION 130.42 WATERFRONT DEVELOPMENT (WD) DISTRICT

A. STATEMENT OF PURPOSE OF WATERFRONT DEVELOPMENT (WD) DISTRICT

The WATERFRONT DEVELOPMENT (WD) DISTRICT is designed to provide a suitable character and stable environment for the establishment and maintenance of water-dependent and/or water-enhanced uses and activities along the shorelines of Lake Ontario and Irondequoit Bay. The District is also designed to protect the unique and sensitive environmental features that exist along the Lake and Bay shorelines, and to promote the public health, safety and general welfare. The District is also designed to promote and encourage public access to the shorezone, appropriate water-oriented recreational uses within the shorezone, and other appropriate water-oriented development within the shorezone.

The WATERFRONT DEVELOPMENT (WD) DISTRICT permits low to moderate density residential development, as well as certain commercial, recreational and open space uses that serve the residents of and visitors to, this district, as well as of the Town, and that generally benefit from and enhance the unique aesthetic and environmental qualities of the Town's waterfront areas. The purpose of this district includes the following specific goals:

(1) To ensure that development and land-use activity along the shorelines of Lake Ontario and Irondequoit Bay is consistent with the policies and objectives of the Town of Irondequoit's Local Waterfront Revitalization Program (LWRP).

(2) To provide sufficient space in appropriate waterfront locations for residential development, recreational activities, certain commercial activities and other water-dependent and/or water-enhanced uses, in order to meet the various housing and recreational needs of the Town of Irondequoit's present and future populations.

(3) To recognize the sensitivity of waterfront areas as unique environmental and recreational resources and to protect these areas from environmentally destructive uses and activities.

(4) To provide for a desirable mix of water-oriented commercial uses and active and passive recreational opportunities that take advantage of the unique locations and characteristics of the Town's waterfront areas.

(5) To encourage development that is appropriately designed and in harmony with its environment and that does not conflict with the preservation of the natural beauty of the Town's waterfront areas.

(6) To promote the most desirable and appropriate use of land and direction of building development based upon land and soil types and other natural features, environmental constraints, neighborhood characteristics and overall community needs; to protect the character of the district and its peculiar suitability for

particular uses; to conserve the value of land and buildings and to protect the Town's tax revenue base.

(7) To permit development in areas which, by virtue of their location, topography, accessibility, relationship to surrounding land uses, zoning patterns and natural features, and availability of public services and utilities, are best suited for a particular purpose; and, to preserve areas that are naturally unsuited for development or that have unique historical, aesthetic or environmental significance.

(8) To encourage a flexibility of design, preservation of unique environmental features, and maintenance of the aesthetic quality of waterfront areas by permitting the Town Planning Board to establish minimum dimensional requirements for permitted principal uses, and to review other pertinent design aspects of such proposed projects.

(9) To preserve, wherever feasible, the existing vegetation and natural features of waterfront areas, and to prevent, as much as possible, significant problems of erosion, sedimentation and drainage both during and after construction.

(10) To encourage and facilitate water-dependent and water-enhanced recreational development within the shorezone, as permitted principal uses or as accessory uses where compatible with the primary purpose of the proposed development.

(11) To protect waterfront areas as much as possible against excessive volumes of vehicular traffic flow, and safety problems related to such vehicular traffic flow.

(12) To protect waterfront areas against congestion as much as possible, by regulating the density of population and intensity of land use, and by requiring the provision of open areas for rest and recreation wherever practicable.

(13) To promote the maintenance and/or extention of public access to the shorezone where practical and feasible, where such access relates to and is compatible with the primary purpose of the proposed development or activity.

(14) RESERVED.

(15) RESERVED.

(16) RESERVED.

(17) RESERVED.

B. PERMITTED USES:

No structure shall be erected, structurally altered, reconstructed or moved, and no structure, land or premises shall be used in any district designated on the official zoning map of the Town of Irondequoit as a

Waterfront Development (WD) District except for the following principal and "customarily incidental" accessory uses:

(1) Principal Uses:

(a) Single-family-detached dwelling as defined in Section 130.40 of this ordinance.

(b) Public parks, playgrounds or similar public recreational use authorized or operated by a public agency and not operated for gain, subject to site plan review and approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance.

(c) Buildings or structures erected or used in connection with but not directly associated with a governmental function, agency or activity, and not operated for gain, including but not limited to such things as a community bandstand, town volunteer fire department and recreational facilities, historic sites, etc., subject to site plan review and approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance.

(d) Multi-family dwellings, apartment buildings, or other similar uses, subject to special-use-permit approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance.

(e) Townhouses, single-family-attached dwellings, row houses and other similar uses, subject to special-use-permit approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance.

(f) Commercial parks, playgrounds or beaches, amusement parks, golf courses, tennis/racquetball clubs or other similar uses operated for gain, subject to special-use-permit approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance.

(g) Private club or camp, private membership clubs, lodges or fraternal organizations, neighborhood or community centers, YMCA or YWCA or other similar use, subject to special-use-permit approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance.

(h) Sit-down restaurants as defined in Section 130.40 of this ordinance, subject to special-use-permit approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance.

(i) Motels, hotels or boatels subject to special-use-permit approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance.

(j) Yacht clubs or other similar use subject to special-use-permit approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance.

(k) Marinas, boat docks, docking basins, boat launching ramps, including related retail sales of pleasure boats, marine and fishing supplies, and other similar uses, subject to special-use-permit approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance.

(l) Boat building and boat construction facilities, boat service, repair, rental and storage facilities or other similar uses, subject to special-use-permit approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance.

(m) Stores, shops and boutiques designated for festive retail uses and activities as defined in Section 130.40 of this ordinance, subject to special-use-permit approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance.

(n) Public utility building or structures, including but not limited to electrical substations, subject to special-use-permit approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance.

(o) Combinations of permitted principal uses, based on a determination by the Town Planning Board that such combinations are appropriate for the proposed waterfront area and are compatible with the purpose and intent of this district, as well as the goals and policies of the Local Waterfront Revitalization Program (LWRP), subject to special-use-permit approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance.

(p) RESERVED.

(q) RESERVED.

(2) Principal Use Restrictions and/or Additional Requirements:

All principal uses permitted within a Waterfront Development (WD) District shall be subject to the following restrictions and/or additional requirements:

(a) Any of the uses permitted in this section that require the use of an area other than within an enclosed building, may be conducted in whole or in part outside of such building or absent such building, subject to special-use-permit approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance.

(b) Floating piers or piers on pilings shall be used to provide access to boats, rather than dredging, whenever possible.

(c) Where a barrier wall is required in connection with a marina or boat basin, it shall be carried deep enough below the bottom of the Bay or Lake to prevent movement of back-fill materials into the water.

(3) Accessory Uses (located on the same lot with a permitted principal use):

(a) Home occupations subject to the applicable provisions of Section 130.31 of this ordinance.

(b) Private garages and carports subject to the applicable provisions of Section 130.31 of this ordinance.

(c) Swimming pools subject to the provisions of Section 130.65 of this ordinance.

(d) Fencing subject to the provisions of Section 130.62 of this ordinance.

(e) Sheds, cabanas or similar accessory structures subject to those dimensional and setback requirements applicable to private garages and carports as noted above.

(f) Radio, TV or CB antennas subject to the provisions of Section 130.66 of this ordinance. Those structures that require a permit from the Town Zoning Board of Appeals shall also be subject to special-use-permit approval issued by the Town Planning Board in accordance with provisions of Section 130.72 of this ordinance.

(g) Signage subject to the following restrictions:

(1) All signage, with the exception of real estate signs, temporary political signs and accessory traffic signs, shall be subject to special-use-permit approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance. Real estate signs shall be subject to the applicable provisions of Section 130.34 of this ordinance.

(2) Signs may be illuminated with a constant source, but flashing, neon, revolving, animated or similar type signs are prohibited.

(3) Signs oriented towards the water shall be permitted for identification purposes only, shall be building-mounted, and shall not exceed twenty-five (25) square feet.

(4) Dimensional and setback requirements for signs oriented towards streets or highways shall be determined based on the information found in TABLE 1 at the end of this section.

(h) Parking of trucks, vans and other similar vehicles subject to the applicable provisions of Section 130.31 of this ordinance.

(i) Storage of mobile homes, motor homes, house trailers, campers, camping trailers, truck campers, utility campers, boats and boat

trailers subject to the applicable provisions of Section 130.31 of this ordinance.

(j) Keeping of animals and poultry subject to the provisions of Section 130.64 of this ordinance.

(k) Tennis courts and other similar outdoor recreational facilities as determined by the Town Building Inspector, provided that such uses are clearly incidental to the primary residential or principal use on the property, and provided that such uses are located at least four (4) feet from any lot line.

(l) Dumpsters and other similar outdoor refuse containers or enclosures, provided that such uses are located at least four (4) feet from any lot line and subject to site plan review and approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance.

(m) Outdoor storage of boats subject to special-use-permit approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance.

(n) Fishing piers, docks, wharves, boat launching ramps and similar waterfront structures and facilities, when such uses are clearly accessory or incidental to the primary, principal use on the property, subject to all applicable State regulations and approvals, and subject to special-use-permit approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance. Similar waterfront structures and facilities shall include:

Facilities for the pumping out of marine holding tanks;

Facilities for waste oil collection;

Facilities for the sale and dispensing of fuel and lubricants for boats and boatyard equipment;

Facilities for the storage of fuel; and

Facilities for the sale of food and beverages for off-premises consumption and the sale of fishing and boating supplies.

Such facilities and structures shall be limited to the Waterfront Development District and shall be prohibited within any residential district. Such facilities and structures shall also be clearly incidental to the primary or principal use on the property.

The following additional requirements shall apply to all such structures and facilities:

(1) The construction of such structures and facilities shall be undertaken in such a way so as not to impair water quality, cause harm to fish spawning grounds, destroy the natural beauty

of the shoreline, reduce the stability of steep slope areas, cause erosion or sedimentation problems along the shoreline, create hazards for navigation, interfere with the public use and enjoyment of the water surface or shoreline, or otherwise threaten the public health and safety.

(2) Design standards for piers, docks and wharves shall be determined based on the information contained in TABLE 2 at the end of this section.

(3) Such structures and facilities shall only be constructed of materials which are stable, chemically inert and insoluble and which will have no adverse effects on water quality. Such materials shall also be Coast Guard approved.

(4) The amount of grading, dredging, earth moving and disturbance of land above and below water during the construction of such structures and facilities shall be minimized as much as possible and shall be consistent with the permit requirements of the New York State Department of Environmental Conservation.

(5) To permit the free circulation of water, reduce the effects of fluctuating water levels, and prevent adverse modifications of the shoreline, piers, docks, and wharves shall be of floating construction wherever feasible and shall not be of rockfilled cribbing, sheet piling, closely spaced piling, or such other construction which would significantly impair water circulation.

(6) There shall be no superstructure permitted above the decks of piers, docks or wharves except those structures that are accessory to marinas.

(7) No pier, dock or wharf shall be constructed in a configuration other than straight, T, L, U or F shaped.

(8) No pier, dock or wharf shall be constructed so as to extend offshore for more than fifty (50) feet from the mean low water line unless it can be clearly demonstrated that additional length is necessary in order to reach adequate water depths for proposed boat dockings.

(9) The width of any pier, dock or wharf shall not exceed eight (8) feet.

(10) The maximum surface area of any pier, dock or wharf shall not exceed seven hundred (700) square feet.

(11) The number of private piers, docks or wharves permitted per each waterfront lot used for single-family residential purposes shall not exceed the following:

100 feet or less of water frontage: A total of one (1) such structure.

101-250 feet of water frontage: A total of two (2) such structures.

251-500 feet of water frontage: A total of three (3) such structures.

One (1) additional structure allowed for each 150 feet of water frontage in excess of 500 feet.

(12) The number of piers, docks or wharves permitted per each waterfront lot used for multi-family, townhouse or condominium purposes shall not exceed one (1) such structure per residential unit built.

(13) The number of piers, docks or wharves permitted per each waterfront lot used for commercial purposes shall not exceed three (3) such structures per lot. The construction of more than three (3) such structures per commercially-used lot shall be subject to a determination by the Town Planning Board that such additional structures are needed to accommodate anticipated boat traffic and can be developed on the site without adversely affecting existing environmental conditions or natural features.

(14) Every pier, dock or wharf that is constructed shall have a minimum clearance or setback of ten (10) feet from adjacent property lines, as extended at ninety degree angle from the shoreline, to allow adequate vessel access to neighboring waterfront parcels.

(15) Piers, docks or wharves that are one hundred (100) feet or longer shall, during the hours of darkness, be required to be lighted in such a manner so as to not constitute a hazard to navigation.

(16) Lighting of the surface of any pier, dock or wharf shall be provided in such a manner so as not to produce any offensive glare when viewed from the water or the land. The use of lowmast lighting fixtures and deflector shields to direct the light downward shall be required to reduce or eliminate glare.

(o) Mooring buoys or facilities subject to the following restrictions:

(1) Mooring buoys shall only be placed in connection with littoral parcels. Such buoys shall be placed only within an area parallel to and twenty (20) feet inward of the parcel lines extended bayward at right angles from the shoreline, and to a depth necessary for the safe mooring of a boat, not to exceed one hundred (100) feet from the shoreline.

(2) Moorings shall be placed so that objects moored to them, at full swing of their mooring or anchor line, will be no closer

than ten (10) feet to the projection of the adjacent property lines from the shoreline, and no more than one hundred (100) feet from the shoreline itself.

(3) The number of private moorings permitted per each waterfront lot used for single-family residential purposes shall not exceed the following:

100 feet or less of water frontage: A total of one (1) such mooring.

101-250 feet of water frontage: A total of two (2) such moorings.

251-500 feet of water frontage: A total of three (3) such moorings.

One (1) additional mooring allowed for each 150 feet of water frontage in excess of 500 feet.

(4) A maximum of four (4) moorings shall be permitted per commercially-used lot provided such lot has less than five hundred (500) feet of shoreline frontage. A maximum of one (1) mooring per one hundred (100) feet of shoreline frontage shall be permitted per commercially-used lot if such lot has more than five hundred (500) feet of shoreline frontage.

(p) Accessory dredging and filling as defined in Section 130.40 of this ordinance, when clearly incidental to the principal use permitted on the parcel, subject to all applicable State regulations and approvals, and subject to special-use-permit approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance.

(q) RESERVED.

(r) RESERVED.

(s) RESERVED.

C. DIMENSIONAL REQUIREMENTS:

(1) Required minimum lot size:

(a) No new principal building or structure to be used as a single-family-detached dwelling shall hereafter be erected on any lot in any WATERFRONT DEVELOPMENT (WD) DISTRICT unless such lot shall have a minimum area of twenty thousand (20,000) square feet.

(b) No new principal building or structure to be used as a multi-family dwelling, apartment building, or other similar use shall hereafter be erected on any lot in any WATERFRONT

DEVELOPMENT (WD) DISTRICT unless such lot shall have a minimum area of four thousand (4,000) square feet per dwelling unit.

(c) No new principal building or structure to be used as a townhouse, single-family-attached dwelling, row house or other similar use shall hereafter be erected on any lot in any WATERFRONT DEVELOPMENT (WD) DISTRICT unless such lot shall have a minimum area of six thousand (6,000) square feet per dwelling unit.

(d) The required minimum lot sizes for all other principal uses permitted in the WATERFRONT DEVELOPMENT (WD) DISTRICT shall be established by the Town Planning Board during the site plan review and approval process or the special-use-permit approval process. The required minimum lot size shall be based on the amount of land area necessary to adequately accommodate the proposed principal use, as well as all parking, loading, landscaping, open space, setback and access areas and fire lanes for such use. The required minimum lot size shall also be based on the relative intensity of the proposed land use and the need to protect or buffer the use from sensitive environmental areas, significant historic or archeological areas, or scenic views or vistas.

(2) Required minimum building setbacks (required front, side and rear yards):

(a) In order to establish suitable front, side and rear yards, principal buildings and accessory structures for single-family-detached dwellings hereafter erected, structurally altered, reconstructed or moved in any WATERFRONT DEVELOPMENT (WD) DISTRICT shall be subject to the applicable setback provisions of Section 130.31 of this ordinance.

Notwithstanding the above requirement, the Town Planning Board, in accordance with the provisions of Section 281 of New York State Town Law, shall be empowered to modify the setback requirements and other applicable provisions of this zoning ordinance with respect to the approval of a plat or plats. The purpose of this authorization is to enable and encourage a flexibility of design and development of land in such a manner so as to promote the most appropriate use of land, to facilitate the adequate and economical provisions of streets and utilities, to encourage and maintain adequate public access to the shoreline, and to preserve and protect the natural and scenic qualities of the Town's open lands and shorezone.

(b) Setbacks of buildings and structures from all other buildings and structures on the lot and from property lines, for all other permitted principal and accessory uses and not already identified in this section, shall be determined by the Town Planning Board during the site plan review and approval process or the special-use-permit process and shall be based on the following guidelines:

(1) Principal buildings, parking areas and accessory structures excluding such facilities as docks, piers, wharves and boat ramps, should be set back a minimum of twenty-five (25) feet inland from the high water's edge, in order to maintain adequate access to the shorezone.

(2) Principal buildings, parking areas, and accessory structures should be set back a minimum of twenty-five (25) feet from any road right-of-way and a minimum of fifteen (15) feet from any property line.

(3) Principal building and accessory structure setbacks should be established with due consideration to provisions for fire protection services and adequate access for fire and emergency equipment within and around the site.

(4) Principal building and accessory structure setbacks should be established with due consideration to the protection and preservation of unique and sensitive environmental features, maintenance of the generally wooded character of the shorezone area, scenic views and vistas, the specific goals established for this district and the use of clustering as a site design technique.

(3) Maximum building heights:

(a) Maximum building heights for single-family-detached dwellings shall not exceed twenty-five (25) feet as measured from ground level to the ceiling of the second floor.

(b) Maximum building heights for multi-family dwellings, apartment buildings or other similar uses shall be determined by the Town Planning Board during the special-use-permit review and approval process and shall be based on a visual analysis of the site prepared and submitted by the applicant as a part of that review. The Town Planning Board shall be empowered to establish maximum principal building heights and locations in order to preserve the aesthetic integrity of waterfront areas and protect any scenic views or vistas identified in the visual analysis.

(c) Maximum building heights for townhouses, single-family-attached dwellings, row houses or other similar uses shall not exceed thirty-five (35) feet.

(d) Maximum building heights for all other permitted principal uses specified in this section shall not exceed forty-five (45) feet, except where it has been determined by the Town Planning Board during the special-use-permit review and approval process, that based on a visual analysis of the site prepared and submitted by the applicant and reviewed by the board, such building heights would interfere with identified scenic views or vistas or destroy the aesthetic integrity of the waterfront area. In such cases, the Town Planning Board shall be empowered to establish maximum principal building heights in order to protect the scenic views and vistas and the aesthetic character of waterfront areas in general.

(e) Accessory structures shall not exceed a maximum height of fifteen (15) feet unless otherwise specified or regulated in this ordinance.

(4) Maximum density/Maximum percentage of lot occupancy:

(a) The total overall ground coverage of all principal and accessory buildings, parking areas and other impervious surfaces on any lot in any WATERFRONT DEVELOPMENT (WD) DISTRICT shall not exceed seventy-five percent (75%) of the total lot area. The remainder of the lot shall be for open space and/or landscaped areas.

(b) Ground coverage for principal buildings for garden-type apartments as defined in Section 130.40 of this ordinance shall not exceed twenty-five percent (25%) of any site.

(c) Ground coverage for impervious surfaces for single-family-detached homes shall not exceed thirty-three percent (33%).

D. ADDITIONAL REQUIREMENTS:

(1) Off-street parking and loading requirements:

(a) Off-street parking spaces and loading facilities must be provided for all uses specified in this section, in accordance with the provisions of Section 130.61 of this ordinance and the following additional requirements:

(1) All parking spaces shall be set back a minimum of fifteen (15) feet from any street line or property line to provide for proper landscaping and buffering.

(2) Parking for shorezone uses shall be provided according to the following minimum standards:

Marinas/boat launching ramps

0.6 space per boat slip

30 car-trailer spaces per boat ramp

10 single-spaces per ramp

5.5 spaces for 1,000 square feet of gross retail floor area

Two spaces per boat slip that includes charter fishing

Dimensions for single space = 9' x 20'

Dimensions for double space = 9' x 40' or 45'

All parking spaces should be located within 600 feet of berths or ramps

Recommended parking alignment = 45 degree angle parking with drive-thru capabilities and one-way traffic flow

Aisle width = 25'

Access lanes = standard width

Overflow parking should be placed at the ends of the parking areas in any unusually shaped parcels.

Residential Uses

Single Family = two spaces per dwelling unit

Apartments, Condominiums, Multi-family, High-rise Residential = 1.5 spaces per dwelling unit

Hotels, Motels, Boatels

One space per room or suite; plus one space per three employees on maximum shift, plus one space per three persons to maximum capacity of public meeting rooms, plus 50% of the spaces otherwise required for restaurants, accessory uses, etc.

Yacht Club

One space per three persons to maximum capacity of meeting rooms, plus 1.56 spaces per boat berth.

Restaurants

Sit-down: One space per three patron seats or one space per 100 square feet or floor area, whichever is greater, plus one space per employee on maximum shift.

Fast-food/Take-out: One space per 50 square feet of floor area plus one per employee on maximum shift.

Boat Rentals

1.0 spaces per boat under 16' and 1.5 spaces per boat over 16'.

Amusement Parks

One space per four patrons to the maximum capacity of the facility, plus one space per two employees on largest work shift.

Minimum parking stall size = 9' x 18' exclusive of aisle width.

(b) A reasonable reduction in the size and number of parking spaces required for a given project may be permitted by the Town Planning Board during the site plan review process, where it can be demonstrated that such a reduction will not create overflow parking problems or traffic congestion, and that the additional space will be used for landscaping or open space within the site. Such a reduction shall be permitted by the Town Planning Board on a case-by-case basis.

(2) Landscaping and buffering requirements:

(a) When a use is the first to develop on two adjacent vacant parcels, this first use shall be required to meet minimum setbacks but shall not be required to provide a bufferyard. The second use to develop, shall, at the time it is constructed, provide all additional plant material and/or land necessary to provide the total bufferyard required between the two uses as outlined in Table 3 at the end of this section. Existing plant materials and/or land located on the preexisting (first developed) land use which meets the requirements of this section may be counted as contributing to the total bufferyard required between it and the second (adjacent) land use to develop.

(b) Parking areas shall be landscaped and buffered as much as possible. A reasonable reduction in the size and number of parking spaces required for a project shall be permitted by the Town Planning Board where it can be demonstrated by the applicant that such a reduction will not create overflow parking problems and that the additional space will be used for landscaping or open space within the site.

(c) Outdoor storage of boats, equipment, etc. shall be buffered using trees, berms, etc.

(d) Where practical, trees with a diameter or caliper of three (3) inches or greater shall be retained on the site.

(3) The Town of Irondequoit Planning Board, as part of the site plan and/or special-permit review and approval process, may require public access in the form of walkways, pedestrian trails or paths, or bikeways to the shoreline, for those development projects or proposed uses adjacent to the shoreline where such access is appropriate and desirable and does not conflict with existing natural features or the public health, safety or general welfare. In requiring such public access, the Planning Board shall consider the nature of the access to and from surrounding properties and uses, as well as the relationship of the access and proposed use to the water.

SIGN DIMENSIONS*

No. of Lanes	Speed	Letter Height	Total Area of Sign (Sq. Feet) Commercial Industrial	Institutional, Residental, Rural
Two	15	4	8	6
	30	7	25	18
	45	10	50	36
	60	14	100	70
Four	15	4	8	6
	30	9	40	28
	45	13	90	64
	60	17	150	106
Six	15	5	13	10
	30	9	40	28
	45	14	100	70
	60	19	190	134
X-Way	60	21	230	162

Formula for Determining Required Sign Sizes:

$$\frac{(w + 6)\ s}{100} + \frac{D}{10} = \text{Capital Letter Height in Inches}$$

w = number of words of sign

s = vehicle speed/mph

D = sign set back in feet

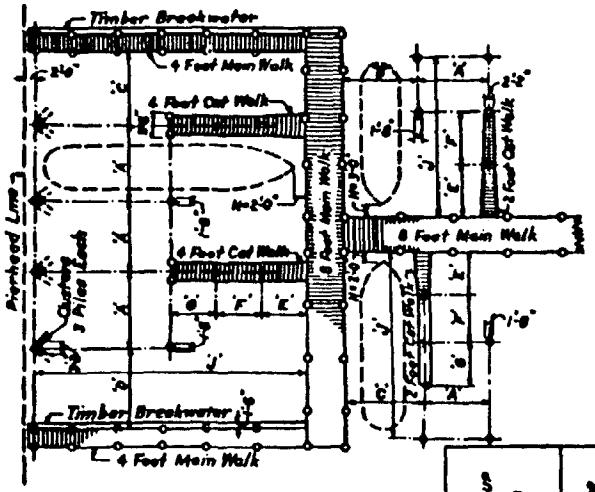
Maximum line width = 26 letters (four words)

Maximum number of lines = 4

Area of message should not exceed 50% of the total sign area.

*Information summarized form "Street Graphics," published by American Society of Landscape Architects Foundation, 1974.

TABLE 1



TYPICAL PLEASURE BOAT BASIN
DIMENSION DIAGRAM
FOR
SLIPS AND CAT WALKS
PLATE NO. 2

NOTE: Use this diagram in conjunction with Table I to determine widths of slips, lengths of cat walks and locations for stern anchor piles. Fixed dimensions shown are considered as sufficient for construction purposes.

TABLE

DIMENSIONS FOR SLIPS AND CATWALKS

NOTE: Use this tabulation in conjunction with Plate No. 2 to obtain widths of slips, lengths of Catwalks and locations of stern anchor piles. This Tabulation is based upon the use of Traveler Irons.

LENGTH GROUP FOR YACHTS	BEAM TO BE PROVIDED FOR	MIN CLEARANCE FOR BEAM	MIN CLEAR WIDTH OF SLIP	ALLOWANCE FOR HALF ANCHOR PILE	ALLOWANCE FOR HALF OF CATWALK	GROSS SLIP WIDTH TYPE "A"	GROSS SLIP WIDTH TYPE "B"	GROSS SLIP WIDTH TYPE "C"	GROSS SLIP WIDTH TYPE "D"	USABLE WIDTH OF CATWALK	1ST CATWALK SPAN LENGTH "E"	2ND CATWALK SPAN LENGTH "F"	3RD CATWALK SPAN LENGTH "G"	TOTAL LENGTH OF CATWALK	DISTANCE "P" TO ANCHOR PILE
20' to 25'	7'-6"	5'-0"	10'-6"	1'-0"	1'-0"	11'-5"	11'-5"	11'-5"	—	2'-0"	10'-0"	8'-0"	—	16'-0"	28'-0"
	8'-6"	5'-0"	11'-6"	1'-0"	1'-0"	12'-5"	12'-5"	12'-5"	—	2'-0"	10'-0"	8'-0"	—	18'-0"	28'-0"
25' to 30'	7'-6"	5'-0"	10'-6"	1'-0"	1'-0"	11'-5"	11'-5"	11'-5"	—	2'-0"	10'-0"	10'-0"	—	18'-0"	33'-0"
	8'-6"	5'-0"	11'-6"	1'-0"	1'-0"	12'-5"	12'-5"	12'-5"	—	2'-0"	10'-0"	10'-0"	—	20'-0"	33'-0"
30' to 35'	8'-6"	5'-0"	11'-6"	1'-0"	1'-0"	13'-5"	13'-5"	13'-5"	—	2'-0"	11'-0"	10'-0"	—	23'-0"	38'-0"
	11'-6"	5'-0"	14'-6"	1'-0"	1'-0"	16'-5"	16'-5"	16'-5"	—	2'-0"	11'-0"	10'-0"	—	23'-0"	38'-0"
35' to 40'	9'-6"	5'-6"	13'-0"	1'-0"	1'-0"	14'-11"	14'-8"	14'-11"	—	2'-0"	11'-0"	11'-0"	—	24'-0"	42'-0"
	12'-0"	5'-6"	15'-6"	1'-0"	1'-0"	17'-5"	17'-2"	17'-5"	—	2'-0"	11'-0"	11'-0"	—	24'-0"	42'-0"
40' to 45'	9'-6"	6'-0"	13'-0"	1'-0"	1'-0"	15'-5"	15'-5"	15'-5"	—	2'-0"	10'-0"	11'-0"	—	18'-0"	47'-0"
	12'-6"	6'-0"	16'-0"	1'-0"	1'-0"	18'-5"	18'-2"	18'-5"	—	2'-0"	10'-0"	11'-0"	—	18'-0"	47'-0"
45' to 50'	10'-6"	6'-0"	14'-6"	1'-0"	1'-0"	16'-5"	16'-2"	16'-5"	—	2'-0"	9'-0"	9'-0"	10'-0"	18'-0"	52'-0"
	13'-6"	6'-0"	17'-6"	1'-0"	1'-0"	19'-5"	19'-2"	19'-5"	—	2'-0"	9'-0"	9'-0"	10'-0"	18'-0"	52'-0"
50' to 60'	11'-6"	5'-0"	16'-0"	1'-0"	1'-0"	17'-7"	16'-11"	16'-5"	—	2'-0"	11'-0"	11'-0"	11'-0"	34'-0"	61'-0"
	14'-6"	5'-0"	19'-0"	1'-0"	1'-0"	20'-7"	20'-11"	20'-5"	—	2'-0"	11'-0"	11'-0"	12'-0"	36'-0"	61'-0"
60' to 70'	12'-6"	5'-0"	17'-6"	1'-0"	1'-10"	21'-11"	19'-11"	21'-2"	—	4'-0"	11'-0"	11'-0"	12'-0"	34'-0"	73'-0"
	16'-6"	5'-0"	21'-6"	1'-0"	1'-10"	25'-11"	23'-11"	25'-2"	—	4'-0"	11'-0"	11'-0"	12'-0"	34'-0"	73'-0"
70' to 80'	15'-0"	5'-0"	20'-0"	1'-0"	1'-10"	24'-5"	22'-5"	23'-8"	—	4'-0"	11'-0"	11'-0"	12'-0"	34'-0"	73'-0"
	18'-0"	5'-0"	23'-0"	1'-0"	1'-10"	27'-5"	25'-11"	26'-8"	27'-2"	4'-0"	11'-0"	11'-0"	12'-0"	34'-0"	82'-0"

SOURCE: Marina, The National Association of Engine and Boat Manufacturers, Inc., New York, NY – 1967

LANDSCAPING AND BUFFERING STANDARDS

The following table identifies the bufferyard required between two adjacent parcels or land uses within the Bay shorezone, based on the landscaping specifications illustrated below.

TABLE BUFFERYARD REQUIREMENTS

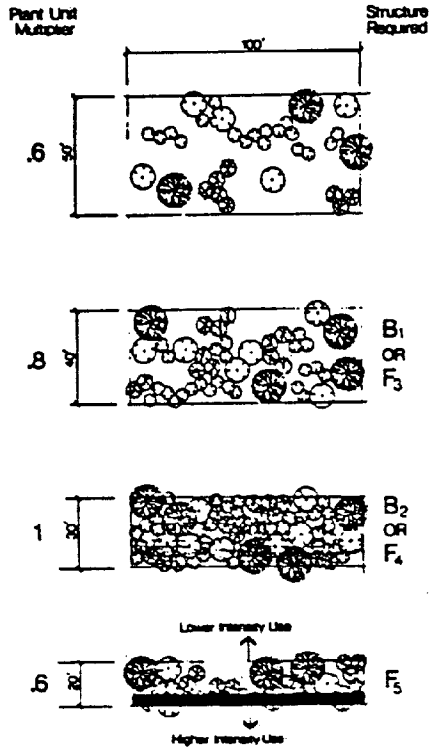
Land Use Classification	Bufferyard Required
(1) Single-family-residential next to Commercial	A
(2) Single-family-residential next to Commercial-Recreation	A
(3) Multi-family-residential next to Commercial	B
(4) Multi-family-residential next to Commercial-Recreation	B
(5) Single-family-residential next to Multi-family-residential	C
(6) Commercial next to Commercial-Recreation	D

(Note: Commercial-Recreation uses involve such things as parks, playgrounds, amusement centers, etc. operated for profit.)

The following illustrations detail the bufferyard specifications required above. Any of the options listed for required bufferyards shall satisfy the requirement for landscaping and buffering between adjacent uses.

TABLE 3

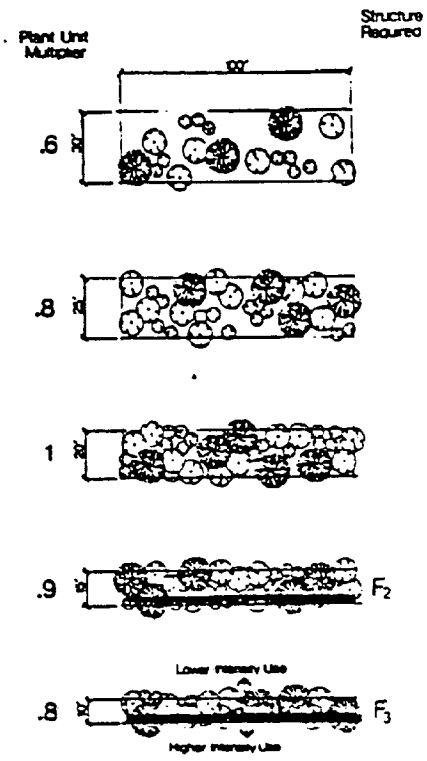
LANDSCAPING AND BUFFERING STANDARDS



REQUIRED PLANT UNITS / 100'

5	Canopy Trees
7.5	Understory Trees
30	Shrubs
15	Evergreens/Conifers

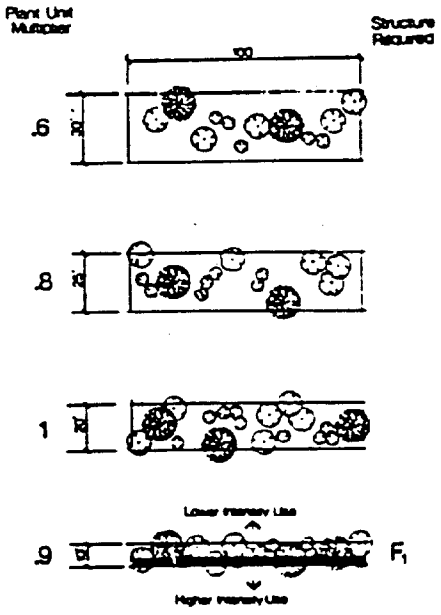
BUFFERYARD A



REQUIRED PLANT UNITS / 100'

5	Canopy Trees
10	Understory Trees
15	Shrubs
	Evergreens/Conifers

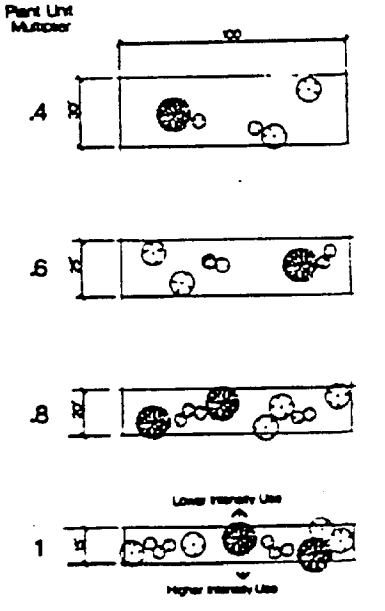
BUFFERYARD B



REQUIRED PLANT UNITS / 100'

3	Canopy Trees
6	Understory Trees
9	Shrubs
	Evergreens/Conifers

BUFFERYARD C



REQUIRED PLANT UNITS / 100'

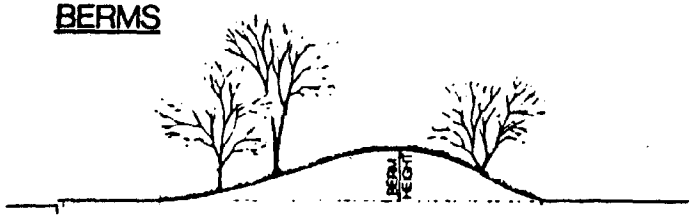
2	Canopy Trees
4	Understory Trees
6	Shrubs
	Evergreens/Conifers

BUFFERYARD D

FENCES

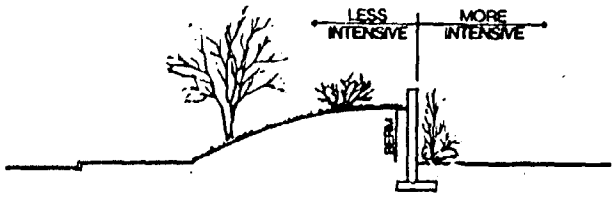
SYMBOL	HEIGHT	MATERIAL
F_1	44"	Wood Picket
F_2	48"	Wood Rail
F_3	6'	Wood Stockade
F_4	8'	
F_5	6'	Masonry Wall (Poured Concrete, Cement Block, Brick etc.)
F_6	8'	

BERMS



SYMBOL	HEIGHT	MATERIAL
B_1	4'	EARTH
B_2	5'	"
B_3	6'	"

BERM WALLS



SYMBOL	HEIGHT
BW_1	4' BERM W/ 6' MASONRY WALL
BW_2	5' BERM W/ 7' MASONRY WALL
BW_3	6' BERM W/ 8' MASONRY WALL

ARTICLE IX

SECTION 130.200 ENVIRONMENTAL PROTECTION OVERLAY DISTRICTS

Establish new Article IX, Section 130.200,
Environmental Protection Overlay Districts (EPOD)
within the Town of Irondequoit Zoning Ordinance.

ARTICLE IX ENVIRONMENTAL PROTECTION OVERLAY DISTRICTS

Section 130.22 STATEMENT OF PURPOSE

A. PURPOSE

The purpose of the Environmental Protection Overlay Districts established in this Article is to provide special controls over land development located in sensitive environmental areas within the Town of Irondequoit. These districts and the regulations associated within them are designed to preserve and protect unique environmental features within the Town as much as possible, including but not limited to steep slopes, floodplains and woodlots.

The regulations contained in each Environmental Protection Overlay District (EPOD) are not intended to be substituted for other general zoning district provisions, but can be superimposed over such district provisions, and should be considered as additional requirements to be met by the applicant or developer, prior to project approval. The purpose of the overlay districts is to provide the Town with an additional level of review and regulation that controls how land development permitted by the Town's primary zoning districts should occur in sensitive or unique environmental areas.

Section 130.210 GENERAL REGULATIONS

A. ESTABLISHMENT OF DISTRICT

In order to address the specific goals listed in Section 130.200(A) of this ordinance, the Town of Irondequoit is hereby divided into the following Environmental Protection Overlay Districts:

EPOD1 - Steep Slopes Protection District
EPOD2 - Woodlot Protection District
EPOD3 - Floodplain Protection District
EPOD4 - Watercourse Protection District

B. OFFICIAL MAPS

The locations and boundaries of all Environmental Protection Overlay Districts shall be delineated on an official set of maps on file in the Town Clerk's Office and Town Building Department. These maps shall be known and may be cited as the "Official Town of Irondequoit EPOD maps" and shall include the environmental atlas maps for the Town, (prepared by the Monroe County Environmental Management Council - MCEMC), the official wetland maps for the Town, (prepared by the New York State Department of Environmental Conservation - NYSDEC), and the official Flood Insurance Rate Maps (FIRM) for the Town, prepared by the Federal Emergency Management Agency (FEMA). The official Town of Irondequoit EPOD Maps shall be used for reference purposes only and shall not be used to delineate specific or exact boundaries of the various overlay districts. Field investigations and/or other environmental analyses may be required in order to determine whether or not a particular piece of property is included within one or more of the overlay districts.

C. INTERPRETATION OF DISTRICT BOUNDARIES

The Town Planning Department shall be responsible for interpreting Environmental Protection Overlay District boundaries based on an interpretation of the "Official Town of Irondequoit EPOD Maps" as well as the use of various criteria set forth in this Article for determining such district boundaries. The Town Planning Department may request the assistance of the Town Engineer or other appropriate department or agency in making such a determination. Appeals from a determination of the Town Planning Department regarding boundaries of overlay districts shall be made to the Town Planning Board in accordance with the public hearing procedures of Section 130.72 of this Ordinance.

Where environmental protection districts overlay any primary zoning district delineated on the Official Zoning Map of the Town of Irondequoit, the requirements of the overlay district shall be met in addition to any requirements specified for development in the respective primary zoning district.

D. PERMIT APPLICATION PROCEDURES

(1) EPOD Development Permit:

An EPOD development permit shall be required subject to the provisions of this Article and prior to the commencement of any regulated activity or the issuance of any building permit for regulated development in a designated Environmental Protection Overlay District within the Town of Irondequoit.

The following activities are exempt from the permit procedures of this Article, subject to a determination by the Town Building Inspector that such activities involve necessary normal maintenance and upkeep of property, and/or are clearly incidental to the primary use on the property, and/or involve public health, safety or emergency situations:

(a) Lawn care and maintenance

(b) Gardening activities

(c) Tree and shrub care and maintenance

(d) Removal of dead or deteriorating vegetation

(e) Removal of structures

(f) Repair and maintenance of structures

(g) Repair and maintenance of faulty or deteriorating sewage facilities or utility lines

(h) Reconstruction of structures damaged by a natural disaster

(i) Agricultural activities, except structural activities

(j) Public health activities, orders and regulations of the New York State Department of Health, Monroe County Department of Health, or other agency, undertakes in compliance with Section 24-0701(S) of the New York State Environmental Conservation Law.

(k) Activities subject to the review jurisdiction of the New York State Public Service Commission or the New York State Board on Electric Generation Siting and the Environment, under the provisions of Article 7 or Article 8 of the New York State Public Service Law, respectively.

(l) Any actual or ongoing emergency activity which is immediately necessary for the protection and preservation of life, property or natural resource values.

(2) Application for Permit:

Applications for EPOD development permits shall be made in writing to the Town Planning Board on forms available in the Town Planning Department. Such an application shall be made by the property owner of his/her agent and shall be accompanied by any materials or information deemed appropriate by the Town Planning Department or Town Engineer, including but not limited to a scaled site plan prepared and certified by a licensed engineer or land surveyor, that contains the following minimum information:

(a) A location plan and boundary line survey of the property.

(b) The location of all Environmental Protection Overlay District boundaries, designated Town open space, Town, County or State parkland or other similar areas, within and/or adjacent to the property, as defined by this Article.

(c) The location of all existing and proposed buildings, structures, utility lines, sewers, water and storm drains on the property or within two hundred (200) feet of the proposed work site.

(d) The location of all existing and proposed impervious surfaces such as driveways, sidewalks, etc., on the property or within two hundred (200) feet of the proposed work site.

(e) Existing and proposed contour levels at five (5) foot intervals for the property, unless such property is located within a steep slope protection district whereby contour levels shall be required at two (2) foot intervals.

(f) The location and types of all existing and proposed vegetation and shrub masses, as well as all trees with a diameter of four (4) inches or more within and /or adjacent to the property.

(g) The location of all existing and proposed drainage patterns, drainageways, swales, etc. within and/or adjacent to the property.

Each application for an EPOD development permit shall be accompanied by an application fee of fifty dollars ($50.00). This fee shall be in addition to any other fees required for the development under the Town Zoning Ordinance and/or Municipal Code.

(3) Permit Review Board:

The Town Planning Department shall refer a completed permit application to the Town Planning Board for a public hearing in accordance with the provisions of Section 130.72 of this Ordinance. The Town Planning Department shall also refer a completed permit application to the Town Conservation Board for its review and recommendation. The Town Conservation Board shall have thirty (30) days from the date of its receipt of a completed application in which to review such application and report its recommendations to the Town Planning Board. Should the Town Conservation Board fail to report or make a recommendation to the Town Planning Board regarding the application within the thirty (30) day time period, the Town Planning Board may take action on the permit application without such report.

Following the required public hearing, the Town Planning Board shall have the authority to grant or deny an EPOD development permit, subject to the standards, criteria and other regulations contained in this Article. The Town Planning Board shall consider the comments and recommendations of the Town Conservation Board and may also request a report from the Town Engineer or other appropriate department or agency in acting on such permit applications.

In addition, the Town Planning Board, when deemed necessary by a majority vote of the Board, may refer any completed application for an EPOD development permit to the Town Board for their review, comments and recommendations. When such a referral is made, then the Town Planning Board may not take action on such an application until it has received the report of the Town Board concerning the development permit request.

Any development permit issued by the Town Planning Board in accordance with the provisions of this Article may be issued with conditions. Such conditions may be attached as are deemed necessary by the Board to ensure the preservation and protection of environmentally sensitive areas and to ensure compliance with the policies and provisions of this Article. Every permit issued pursuant to this Article shall contain the following conditions:

(1) The Town Building Inspector, Town Engineer and/or other appropriate Town official shall have the right to inspect the project from time to time.

(2) The permit shall expire on a particular date, unless extended by the Planning Board upon good cause shown.

(3) The permit holder shall notify the Town Building Inspector or other appropriate Town official of the date on which project construction is to begin, at least five (5) days in advance of such date.

(4) The EPOD development permit shall be prominently displayed at the project site during the undertaking of the activities authorized by the permit.

E. REQUIREMENT FOR LETTER OF CREDIT:

Following approval of an application for an EPOD development permit, and prior to the issuance of any building or other Town permit, the applicant shall furnish the Town Commissioner of Public Works, with an Irrevocable Letter of Credit or Performance Bond in an amount to be reviewed by the Town Engineer, and sufficient to cover the costs of compliance with the various specifications and conditions of the development permit. The purpose of the Letter of Credit shall be to ensure that all items, activities or structures specified in the plans approved by the Town Planning Board are constructed or carried out in accordance with such plans and specifications and other appropriate requirements of the Town of Irondequoit. The Irrevocable Letter of Credit or Performance Bond shall continue in full force and effect until such time as the Building Inspector has certified in writing to the Town Planning Board that based on a site inspection, all specifications, requirements and permit conditions have been completed and/or complied with, whereupon the Letter of Credit shall be released to the applicant. The Town Building Inspector upon recommendation of the Town Engineer, Town Planning Board, or other appropriate department or official, may deduct or withhold an amount from the Letter of Credit sufficient to cover the cost of non-compliance with any requirements. specification or permit condition and/or release the Town from any liability resulting from such non-compliance.

F. SUSPENSION OR REVOCATION OR PERMITS

The Town Building Inspector or Commissioner of Public Works may suspend a permit (temporarily) until such time as the Planning Board reviews the suspension. The Town Planning Board, upon recommendation of the Town Building Inspector or other appropriate Town Official and subject to a majority vote of the Board, may suspend or revoke a development permit issued in accordance with the provisions of this Article where it has found evidence that the applicant has not complied with any or all terms or conditions of such permit, has exceeded the authority granted in the permit, or has failed to undertake the project in the manner set forth in the application. The Town Planning Board shall set forth in writing its findings and reasons for revoking or suspending a permit issued pursuant to this Article and shall forward a copy of said findings to the applicant.

Section 130.230 EPOD (1) - STEEP SLOPES PROTECTION DISTRICT

A. PURPOSE

The purpose of the Steep Slope Protection District is to minimize the impacts of development activities on steep slopes in the Town of Irondequoit by regulating activities in these areas and by requiring review and permit approval prior to project commencement. The developmental impacts include soil erosion and sedimentation, destruction of vegetation, increased run-off rates and slope failure. The regulations contained in this district are designed to minimize the disturbance or removal of existing vegetation, prevent increased erosion and runoff, maintain established drainage systems, locate development where it is less likely to cause future slope failures and to retain as much as possible, the natural character of these areas.

B. DELINEATION OF DISTRICT BOUNDARIES

The boundaries of the Steep Slope Protection District shall be delineated on the "Official Town of Irondequoit EPOD Maps" and shall include all areas in the Town of Irondequoit with a fifteen percent (15%) slope or greater. The Town Planning Department and Town Engineer may consult other information including, but not limited to, soil survey reports prepared by the Soil Conservation Service, topographic maps produced by the United States Geological Survey, field surveys and other appropriate sources in order to more accurately locate and delineate Steep Slope Protection District boundaries within the Town.

The following additional areas shall also be considered within the steep slope definition:

1. A transition zone at the top of the slope, defined as that area containing soil classes (as defined in the Monroe County Soil Survey) with moderate to severe limitations for development and recreational use as determined in a site-specific high-intensity soil survey.

2. Natural protective features (beaches, bluffs and nearshore areas) around Irondequoit Bay, as defined in the NYCRR Part 505 regulations implementing the Coastal Erosion Hazards Area Act.

C. REGULATED ACTIVITIES

No person shall conduct any of the following regulated activities within any Steep Slope Protection District in the Town of Irondequoit, unless such person has first applied for and obtained an EPOD development permit pursuant to the requirements of this Article:

(1) Clearing of, or constructing on, any land area within the District, including construction on clearing activities related to providing equipment access on the site, except for those activities exempted from the permit requirements of this Article as indicated in Section 130.210(D)(1) of this Ordinance.

(2) The construction or placement of any sewage disposal system, including individual sewage disposal systems, septic tanks, septic drainage or leach fields.

(3) Filling, cutting, or excavating operations, as defined in Section 130.40 of this Ordinance.

(4) Discharge of stormwater and/or construction and placement of stormwater runoff systems.

(5) Construction of new buildings or structures or additions and modifications to existing buildings and structures in areas of slopes exceeding fifteen percent (15%).

D. DEVELOPMENT STANDARDS/PERMIT CONDITIONS

In granting, denying or conditioning any application for an EPOD development permit, the Town Planning Board shall consider the effect that the proposed regulated activity will have on the public health, safety and welfare and the protection or enhancement of the fragile and environmentally sensitive steep slope areas within the Town.

No permit to undertake a regulated activity within a Steep Slope Protection District in the Town of Irondequoit shall be issued by the Town Planning Board unless the applicant can adequately demonstrate to the Board that:

(1) The stable angle of repose of the soil classes found on the site has been used to determine the proper placement of structures and other development related facilities within the plateau area. Site-specific calculations of the stable angle of repose for the site were determined by a professional soil scientist or engineer using the soil classes and nomenclature contained in the Monroe County soil surveys and obtained for the site by borings, as well as high intensity soil survey data provided by the applicant.

(2) The stability of soils will be maintained or increased to adequately support any construction thereon, or to support any landscaping, agricultural, or similar activities. This shall be documented by soil bearing data provided by a qualified testing laboratory or engineer and paid for by the developer.

(3) No proposed activity will cause uncontrolled erosion or slipping of soil, or cause sediment to be discharged into Irondequoit Bay, Lake Ontario, the Genesee River, their wetlands or tributaries.

(4) Plant life located on the slopes outside of the minimum area that need be disturbed for carrying on approved activities shall not be destroyed. Plants or other acceptable ground cover shall be reestablished in disturbed areas immediately upon completion of development activity so as to prevent any of the harmful effects set forth above to maintain the natural scenic characteristics of the Irondequoit Bay or other scenic areas.

(5) Access down steep slopes shall be provided with ramp slopes no greater than 1:6 and side slopes no greater than 1:3 if not terraced or otherwise structurally stabilized. Disturbed non-roadway areas shall be stabilized with vegetation or other approved physical means. Completed roadways shall be stabilized and adequately drained.

(6) Construction of erosion protection structures, particularly along the water side of eroding bluffs, shall be permitted to provide protection of bluff features according to the following standards:

a. All erosion protection structures shall be designed and constructed according to generally accepted engineering principles, which have demonstrated success or a likelihood of success in controlling long-term erosion. Such engineering principles can be found in publications of the U.S. Soil Conservation Service. The protective measure must have a reasonable probability of controlling erosion on the immediate site for at least 30 years.

b. A long-term maintenance program shall be included in any application for construction, modification, or restoration of an erosion protection structure. Such programs shall include specifications for normal maintenance of degradable materials and the periodic replacement of removable materials.

c. All material used in such structures shall be durable and capable of withstanding inundation, wave impacts, weathering, and other effects of storm conditions. Individual component materials may have a working life of less than 30 years only when a maintenance program ensures that they will be regularly maintained and replaced as necessary to attain the required 30 years of erosion protection.

d. The construction, modification or restoration of erosion protection structures shall not be likely to cause any measurable increase in erosion at the development site or other locations and prevent adverse effects to natural protective features, existing erosion protection structures, and natural resources such as significant fish and wildlife habitats.

(7) Drainage of stormwater shall not cause erosion or siltation, contribute to slope failures, pollute groundwater, or cause damage to, or flooding of property. Drainage systems shall be designed and located to insure slope stability.

(8) Any grading, excavating or other soil disturbance conducted on a steep slope shall not direct surface water runoff over the receding edge during construction.

(9) There is no reasonable alternative for the proposed regulated activity on that portion of the site containing steep slopes.

(10) All applications for EPOD development permit shall be prepared and reviewed using the following guidelines:

1. All Structural foundations shall be placed on virgin, undisturbed soil. (The site plan shall have a note to this effect and depict a section through the proposed structure indicating areas of slopes greater than fifteen percent and areas of fill).

2. The finished grade for all cut or fill slopes shall not exceed 3 on 1 (re: 3 horizontal to 1 vertical). The use of retaining structures may be required to eliminate slopes greater than 3 on 1. All such retaining walls must be approved by the Town Engineer. The site plan shall show proposed contours and indicate all proposed slopes greater than 3 on 1.

3. Surface runoff/or down sprout water will not be allowed to discharge on slopes greater than fifteen percent (15%). Said waters shall be discharged from a closed drainage system to the toe-
of-slope dedicated storm water system. (Storm drainage methods shall be shown and noted on the site plan).

4. All disturbed steep slope areas shall be regraded and stabilized as soon as practicable, but in less than thirty days.

5. Disturbance of steep slope areas shall be the minimum required to allow for the completion of the subject construction. (Such areas shall be clearly marked & noted on the site plan).

6. Temporary erosion control (re: straw bales, siltation fences, hydro feeding, mulching etc.), shall be provided for all disturbed areas, shall be installed before work starts, and shall be maintained until restoration is complete. (The site plan shall show location & method of erosion/siltation control.)

7. The selection of vegetation shall be appropriate for subject application and the plant list and ground cover vegetation shall be shown on the site plan.

8. Steep slope areas which will not support vegetation (re: beneath deck in full shade), shall reveive an appropriate soil cover (re: stone, pavers etc). (The limit & type of non-vegetative cover shall be shown on the site-plan).

9. Removal of existing mature trees from steep slope areas will only be permitted where absolutely necessary to allow the subject construction. (All trees larger than three inches shall be shown on the site plan. Trees to be removed shall also be indicated on the site plan).

10. Deck support systems on steep slopes shall be designed by a licensed professional engineer. (Details for deck supports on steep slopes shall be shown on the site plan).

11. All steep slope EPOD permit plans shall bear the original seal and signature of a licensed professional engineer.

The applicant for a permit shall have the burden of demonstrating that the proposed regulated activity will be conducted in accordance with the standards and requirements set forth above.

Section 130.240 EPOD (2) - WOODLOT PROTECTION DISTRICT

A. PURPOSE

The purpose of the Woodlot Protection District is to preserve and protect woodlots located within the Town of Irondequoit by regulating or controlling development in those areas and by requiring review and permit approval prior to project commencement.

B. DELINEATION OF DISTRICT BOUNDARIES

The boundaries of the Woodlot Protection District shall be delineated on the "Official Town of Irondequoit EPOD Maps" and shall include all areas in the Town of Irondequoit of five (5) or more contiguous areas of woodlands. Areas that involve active orchards shall not be included in the Woodlot Protection District.

C. REGULATED ACTIVITIES

No person shall conduct any of the following regulated activities within any Woodlot Protection District in the Town of Irondequoit unless such person has first applied for and obtained an EPOD development permit pursuant to the requirements of this Article:

(1) Clearing of or constructing on any land area within the District except for those activities exempted from the permit requirements of this Article as indicated in Section 130.210 (D) (1) of this Ordinance, as well as any watercourse maintenance activities.

D. DEVELOPMENT STANDARDS/PERMIT CONDITIONS

In granting, denying or conditioning any application for an EPOD development permit, the Town Planning Board shall consider the effect that the proposed regulated activity will have on the public health, safety and welfare and the protection and enhancement of the woodland areas within the Town.

Any applicant for a permit to undertake a regulated activity within a Woodlot Protection District in the Town of Irondequoit shall be required to adequately demonstrate to the Town Planning Board that the proposed activity will in no way at present or at any time in the future adversely affect the following:

(1) Soil stability.

(2) Velocity of surface water runoff.

(3) Existing drainage systems.

(4) Natural characteristics of a watercourse.

The applicant for a permit shall have the burden of demonstrating that the proposed regulated activity will be conducted in accordance with the standards and requirements listed above.

E. OTHER STANDARDS/CONDITIONS

Any activity within a woodlot area involving the cutting of trees with the intent to manage the woodlot or harvest timber for commercial use shall be subject to an EPOD (2) development permit. Applications for woodlot management shall be submitted by the applicant to the New York State Department of Environmental Conservation for a review and advisory opinion. Applicants for such activity must submit a management plan prepared by a qualified consulting forester or a forest management recommendation prepared by a NYSDEC forester, which includes the following information:

(1) A site plan with maps, tables and text showing boundaries and size of the woodlot;

(2) the kinds and sizes of trees present and the basal area (density of trees calculated per acre by trunk size) of the site before and after the proposed management activity;

(3) the actions proposed to produce and harvest the forest crop;

(4) the schedule for a commercial harvest;

(5) any non-commercial thinning of the woodlot;

(6) proposed road construction; and,

(7) proposed erosion and sedimentation control measures, including revegetation and timing, designed in accordance with "Woodlands of the Northeast, Erosion and Sediment Control Guidelines," prepared by the U.S. Department of Agriculture, 1977.

Timber sale contracts shall be required and shall conform with the following:

(1) The posting of a bond to pay for completion of remedial measures upon failure of the applicant to meet the specification of the plan, in an amount necessary to complete the anticipated work.

(2) The recording of timber sale contracts with the municipal clerk of the municipality in which the work will be occurring.

The following specific practices shall be used to minimize soil erosion and sedimentation during woodlot management activities:

(1) No skidding shall take place during wet months.

(2) Stream crossings shall be kept to a minimum.

(3) Stream banks shall be protected by controlling skidding and felling close to the stream.

(4) Slopes exceeding 15 percent shall require additional protection measures.

(5) All roads and skid trails shall be reviewed for appropriate location, design and construction.

(6) Landing locations that avoid erosion problems shall be selected.

(7) Applications for woodlot management shall comply with all applicable New York State and local fire laws.

(8) When woodlot management techniques are employed along major travel corridors or the bay shoreline in locations that aren't screened by a hill, high bank or other topography, the applicant shall establish a buffer strip along the roadwide or bayshore in which a basal area of 60 square feet of stems six inches diameter at breast height and larger is maintained.

(9) Whenever possible, landings shall be kept out of sight. Landings and access roads shall be restored after use.

(10) In planning development sites, applicants shall preserve as much mature vegetation as possible. Use of clustering of buildings to avoid mature wooded areas shall be encouraged wherever practical, as well as the planting of replacement vegetation to mitigate the unavoidable uses of woodlots.

Section 130.250 EPOD (3) - FLOODPLAIN PROTECTION DISTRICT

A. PURPOSE

Certain areas of the Town of Irondequoit are subject to periodic flooding which can result in loss of life, property damage, health and safety hazards, disruption of commercial and governmental services, extraordinary public expenditure for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare of the residents of this Town. These flood losses are caused by the cumulative effect of obstructions in the floodplains causing increases in flood heights and velocities and by the occupancy in flood hazard areas by uses which are inadequately elevated, floodproofed, or otherwise protected from flood damage. It is the purpose of the Floodplain Protection District to prevent public and private losses due to flood conditions in certain areas by provisions designed to:

1. Protect the health and welfare of the residents of this Town;

2. Minimize public expenditure for flood control projects;

3. Minimize the need for relief and rescue efforts;

4. Minimize business interruptions;

5. Minimize damage to public facilities and utilities;

6. Help maintain a stable tax base by minimizing flood damage to private and commercial property;

7. Identify those structures and properties which are located in Areas of Special Flood Hazard and maintain such information for public inspection.

B. DELINEATION OF DISTRICT BOUNDARIES

The boundaries of the Floodplain Protection District shall be delineated on the "Official Town of Irondequoit EPOD Maps" and shall include all Areas of Special Flood Hazard as defined in Section 130.40 of this Ordinance and as identified by the Federal Insurance Administration through a report entitled "The Flood Insurance Study for the Town of Irondequoit, New York" dated December, 1977, with accompanying Flood Insurance Rate Map and Flood Hazard Boundary Map. These maps and any revision thereto are hereby adopted by references and declared to be a part of this Article.

Where base flood elevation data has not been provided in the Flood Insurance Study for areas in the Town of Irondequoit as required above, the Town Planning Board, Town Planning Department or Town Engineer shall obtain, review and reasonably utilize any base flood elevation data available from a Federal, State, Town or other source, in order to administer the standards and requirements of this Section.

For the purposes of this section, there are hereby established within the Town of Irondequoit, floodplain protection districts to be known as Floodplain Overlay District I, Floodplain Overlay District II, and Floodplain Overlay District III. The boundaries of the Flood Plain overlay zone shall include all areas within the flood plains as delineated in the Flood Insurance Study for the Town of Irondequoit and shown on the National Flood Insurance Rate map (FIRM) of the Town.

C. REGULATED ACTIVITIES

(1) Floodplain Overlay District I (FPO-I):

(a) Prohibited Activities:

The following activities are not permitted in an FPO-I zone:

(1) The temporary or permanent placement of a mobile home or similar structure.

(2) The construction or operation of an on-site sewage disposal system.

(3) Any other activity which, as demonstrated through a technical evaluation will result in any increase in flood level during the occurrence of the base flood discharge.

(2) Floodplain Overlay District II (FPO-II):

(a) Prohibited Activities:

The following activities are not permitted in an FPO-II zone.

(1) New structures (temporary or permanent); filling of land; excavation; deposits, obstructions or outside storage of materials or equipment.

(2) The temporary or permanent placement of a mobile home or similar structure.

(3) The construction or operation of an on-site sewage disposal system.

(4) Any activity which is not in compliance with the standards and requirements set forth in other sections of this ordinance.

(b) Regulated Activities:

No person shall conduct any of the following regulated activities within an FPO-II zone unless such person has first applied for and obtained an EPOD development permit pursuant to the requirements of this Article.

(1) Additions or substantial improvements to structures.

(2) New structures (temporary or permanent)

(3) Subdivision of land.

(4) Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

(3) Floodplain Overlay District III - (FPO-III):

(a) Prohibited Activities:

The following activities are not permitted in an FPO-III zone:

(1) The temporary or permanent placement of mobile home or similar structure.

(2) The construction or operation of any on-site sewage disposal system.

(3) Any activity which is not in compliance with the standards and requirements set forth in other sections of this ordinance.

(b) Regulated Activities:

No person shall conduct any of the following regulated activities within an FPO-III zone unless such person has first applied for and obtained an EPOD development permit pursuant to the requirements of this Article:

(1) Additional or substantial improvements to structures.

(2) New structures.

(3) Outside storage of materials and equipment.

(4) Subdivision of land.

(5) Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, excavation or drilling operations.

D. DEVELOPMENT STANDARDS/PERMIT CONDITIONS

(1) No EPOD development permit shall be issued by the Town Planning Board for any regulated activity within any Floodplain Overlay District unless the applicant for such a permit has submitted a plan that is certified by a registered professional engineer and shows evidence of the following:

(a) That the structure will be constructed with its lowest floor, including basement, elevated to at least one (1) foot above the base flood level.

(b) That the structure will not affect the efficiency or the capacity of the floodway, or increase flood heights.

(c) That the structure will not cause increased velocities or obstruct or otherwise catch or collect debris which will obstruct flow under flood conditions.

(d) That the structure shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of waters.

(e) That the structure shall be firmly anchored to prevent flotation, collapse or lateral movement which may result in damage to other structures, restrictions of bridge openings and other narrowings of the watercourse.

(f) That all new and replacement water supply and sanitary sewer systems shall be designed to minimize or eliminate infiltration

of flood waters into the systems and discharge from the systems into flood waters.

(g) That service facilities, such as electrical and heating equipment shall be constructed at or above the base flood level for the particular area, or shall be floodproofed.

(h) That new construction and substantial improvements shall be constructed using materials, methods and practices that minimize flood damages.

(i) That base flood elevation data is provided for all subdivision proposals.

(j) Such other data or evidence as may be requested by the Town Planning Board, Conservation Board or Town Planning Department pertaining to flooding and site plan information.

(k) Information and/or a description regarding the extent to which any watercourse will be altered or relocated as a result of any proposed development.

(l) Plans indicating any walls to be used to enclose space located below the base flood level.

(m) There is no reasonable alternative for the proposed regulated activity on a site which is not in a flood hazard area.

(2) When taking action on an application for an EPOD development permit for a regulated action in any Floodplain Overlay District, the Town Planning Board shall consider all technical information available, all relevant factors and standards specified in this Section, as well as the following:

(a) The danger that materials may be swept onto other lands to the detriment of others:

(b) The danger to life and property due to flooding or erosion damage;

(c) The susceptibility of the proposed facility and its contents to flood damage and the effect of its contents to flood damage and the effect of such damage on the individual owner;

(d) The importance of the services provided by the proposed facility to the community;

(e) The necessity to the facility of a waterfront location;

(f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(g) The compatibility of the proposed use with existing and anticipated development;

(h) The relationship of the proposed use to the Town comprehensive plan and floodplain management program for that area.

(i) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(j) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,

(k) The costs of providing governmental services during and after flood condition, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems and streets and bridges.

(3) The Town Planning Board may also require the applicant for an EPOD development permit in any Floodplain Overlay District to adequately demonstrate that one (1) or more of the following conditions have been met before a permit is granted for any regulated activity:

(a) Anchorage to resist flotation and lateral movement.

(b) Reinforcement of walls to resist water pressure.

(c) Installation of watertight doors, bulkheads and shutters.

(d) Use of paints, membranes or mortars to reduce seepage of water through walls.

(e) Addition of mass or weight to resist flotation.

(f) Installation of pumps to lower water levels in structures.

(g) Pumping facilities to relieve hydrostatic water pressure on external walls and basement floors.

(h) Elimination of gravity flow drains.

(i) Construction to resist rupture or collapse caused by water pressure or floating debris.

(j) Compliance with other applicable environmental regulations contained in the municipal code of the Town of Irondequoit.

E. ADDITIONAL REQUIREMENTS/INFORMATION

(1) In addition to the other duties and responsibilities specified in this Section, the Town Planning Department is authorized to administer the following provisions of this ordinance.

(a) Secure from the applicant all information necessary for a complete review of the proposed development by the appropriate Boards and officials. The information necessary for submission

shall be the same as required for site plan approval as specified in Section 130.72 of the Ordinance, plus any additional information that may be required by the Town Planning Board to adequately review a request for a permit.

(b) Review all applications to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.

(c) Obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

(d) For all new or substantially improved floodproofed structures:

(1) Verify and record the actual elevation (in relation to mean sea level).

(2) Maintain the floodproofing certifications required in this Section.

(e) Maintain for public inspection all records pertaining to the provision of this ordinance.

(f) Notify adjacent communities and the New York State Department of Environmental Conservation prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency. Require that maintenance is provided within the altered or relocation portion of said watercourse so that the flood carrying capacity is not diminished.

(2) Where this section imposes greater restrictions that are imposed by the provision of any law, ordinance, regulation or private agreement, this section shall control. Where there are restrictions by law, ordinance, regulation or private agreement, greater than those imposed by this section, such greater restrictions shall control. All uses presently permitted in the zoning districts within the Town of Irondequoit which also fall within the FPO Zones shall continue to be permitted uses for these districts, except where otherwise restricted by this section.

(3) Appeals for variances to the requirements of this Section shall be based upon Section 60.6 (formerly 1910.6) of the National Flood Insurance Program Regulations. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(4) No Board of official of the Town of Irondequoit shall approve any construction or other activity within the Town not in compliance with the standards of Public Law 93-234, 93rd Congress, H.R. 8449, December 31, 1973, better known as the "Flood Disaster Protection Act of 1973," and the Floodplain Management Requirements of Section 60.3 (d) formerly 1910.3 (d) and any amendments thereto.

(5) The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Town of Irondequoit, any officer or employee thereof or the Federal Emergency Management Agency, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

SECTION 130.260 EPOD (4) - WATERCOURSE PROTECTION DISTRICT

A. PURPOSE

The purpose of the Watercourse Protection District is to preserve and protect watercourses located within the Town of Irondequoit by regulating or controlling development in those areas and by requiring review and permit approval prior to commencement of any activity.

B. DELINEATION OF DISTRICT BOUNDARIES

The boundaries of the Watercourse Protection District shall be delineated on the "Official Town of Irondequoit EPOD Maps" and shall include all areas in the Town of Irondequoit as follows:

(1) All those areas within two hundred feet (200') of the centerline of a natural or man-made watercourse with an Approximate Channel Top Width which is one hundred feet (100') or greater. (Refer to diagram found at end of this Section for explanation of "Approximate Channel Top Width.")

(2) All those areas within one hundred feet (100') of the centerline of a natural or man-made watercourse with an Approximate Channel Top Width which is fifty feet (50') or greater, but less than one hundred feet (100').

C. REGULATED ACTIVITIES

No persons shall conduct any of the following regulated activities within any Watercourse Protection District in the Town of Irondequoit unless such person has first applied for and obtained an EPOD development permit pursuant to the requirements of this Article:

(1) Clearing of, or constructing on, any land area which lies within the Watercourse District boundaries, except that the following activities shall be exempted from the clearing regulations of this part:

(a) Customary agricultural operations.

(b) Watercourse maintenance activities.

(2) The construction or placement of any septic tank or septic drainage field.

(3) Any activity which would alter the natural flow pattern of the watercourse.

D. DEVELOPMENT STANDARDS/PERMIT CONDITIONS

In granting, denying or conditioning any application for an EPOD development permit, the Town Planning Board shall consider the effect that the proposed regulated activity will have on the public health, safety and welfare and the protection and enhancement of watercourses within the Town.

Any applicant for a permit to undertake a regulated activity within a Watercourse Protection District in the Town of Irondequoit shall be required to adequately demonstrate to the Town Planning Board that the proposed activity will in no way at present or at any time in the future, adversely affect the following:

(1) Water quality.

(2) Watercourse flood carrying capacities.

(3) Rate of sedimentation.

(4) Velocity of groundwater runoff.

(5) Natural characteristics of the watercourse.

When altering the natural flow pattern of a natural or man-made watercourse, the applicant shall prove that the alteration:

(1) is necessary; and,

(2) will not impair the natural functions of the watercourse.

The applicant for a permit shall have the burden of demonstrating that the proposed regulated activity will be conducted in accordance with the standards and requirements listed above.

617.20

ATTACHMENT A

Visual EAF Addendum

This form is to be used in conjunction with the SEQR Full EAF. Once the potential visual impacts have been identified by the following questions, proceed to Question 11 of the Full EAF.

(To be completed by Lead Agency)

VISIBILITY

1. Is the project potentially visible from:

	Check Distance as Appropriate In Miles Project Is From Each Resource				
	0—¼	¼—½	½—3	3—5	5+
• A parcel of land which is dedicated to and available to the public for the use, enjoyment and appreciation of natural or man-made scenic qualities.	☐	☐	☐	☐	☐
• An overlook or parcel of land dedicated to public observation, enjoyment and appreciation of natural or man-made scenic qualities.	☐	☐	☐	☐	☐
• A site or structure on or eligible for inclusion in the National or State Register of Historic Places.	☐	☐	☐	☐	☐
• State Parks.	☐	☐	☐	☐	☐
• The State Forest Preserve	☐	☐	☐	☐	☐
• National Wildlife Refuges and state game refuges.	☐	☐	☐	☐	☐
• National Natural Landmarks and other outstanding natural features.	☐	☐	☐	☐	☐
• National Park System	☐	☐	☐	☐	☐
• Rivers designated as National or State Wild, Scenic or Recreational.	☐	☐	☐	☐	☐
• Any transportation corridor of high exposure, such as part of the Interstate System, or Amtrak.	☐	☐	☐	☐	☐
• A governmentally established or designated interstate or inter county foot trail, or one proposed for establishment or designation.	☐	☐	☐	☐	☐
• A site, area, lake, reservoir or highway designated or eligible for designation as scenic.	☐	☐	☐	☐	☐
• Municipal park, or open space.	☐	☐	☐	☐	☐
• County road.	☐	☐	☐	☐	☐
• Local road.	☐	☐	☐	☐	☐

2. Is the visibility of the project seasonal? (i.e., screened by summer foliage, but visible during other seasons)

☐Yes ☐No

3. Are any of the resources checked in question 1 used by the public during the time of year during which the project will be visible?

☐Yes ☐No

DESCRIPTION OF EXISTING VISUAL ENVIRONMENT

4. From each item checked in question 1, check those which most generally describe the surrounding environment.

	Within *¼ mile	Within *1 mile
Essentially undeveloped	☐	☐
Forested	☐	☐
Agricultural	☐	☐
Suburban residential	☐	☐
Industrial	☐	☐
Commercial	☐	☐
Urban	☐	☐
River, Lake,	☐	☐
Cliffs, overlooks	☐	☐
Designated asthetic resource	☐	☐
Flat	☐	☐
Hilly	☐	☐
Mountainous	☐	☐
Other	☐	☐

NOTE: add attachments as needed

5. Are there visually similar projects within:

- * ½ mile ☐Yes ☐No
- * 1 miles ☐Yes ☐No
- * 2 miles ☐Yes ☐No
- * 3 miles ☐Yes ☐No
- * Distance from project site are provided for assistance. Substitute other distances as appropriate.

EXPOSURE

6. The annual number of viewers likely to observe the proposed project is _____.
   NOTE: When user data is unavailable or unknown, use best estimate.

CONTEXT

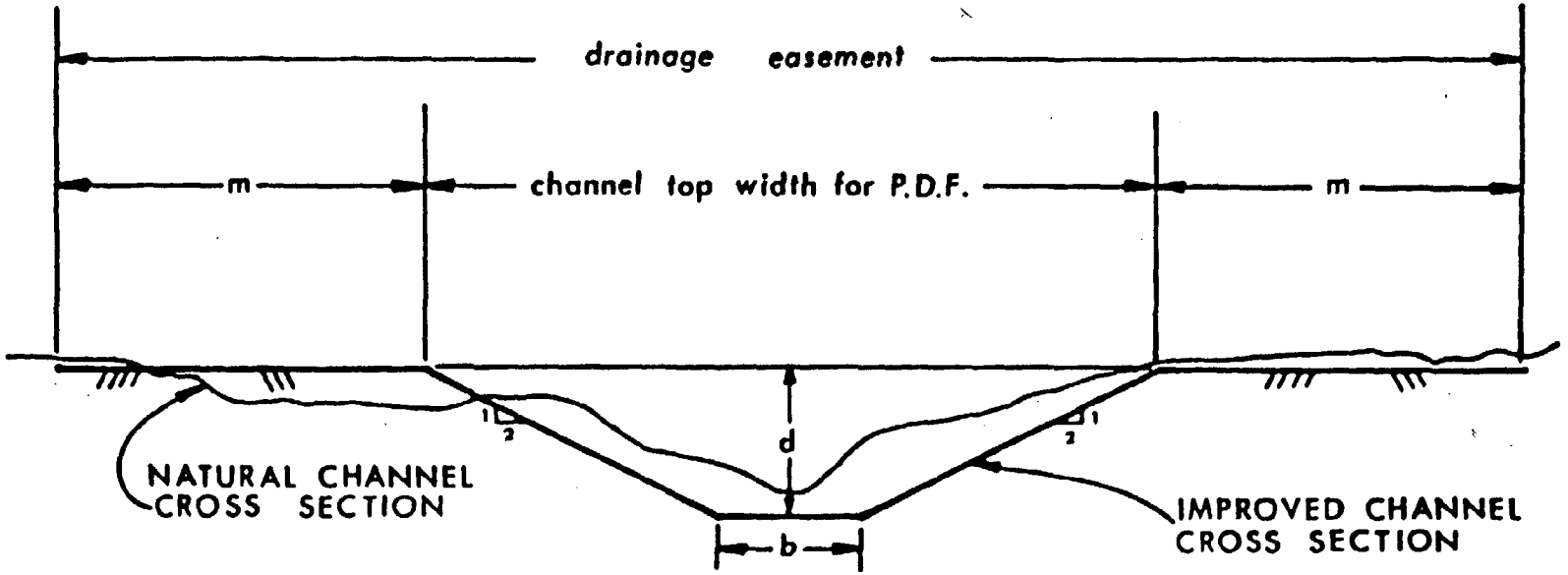
7. The situation or activity in which the viewers are engaged while viewing the proposed action is

	Frequency			
Activity	Daily	Weekly	Holidays/ Weekends	Seasonally
Travel to and from work	☐	☐	☐	☐
Involved in recreational activities	☐	☐	☐	☐
Routine travel by residents	☐	☐	☐	☐
At a residence	☐	☐	☐	☐
At worksite	☐	☐	☐	☐
Other _____	☐	☐	☐	☐

ATTACHMENT B

TYPICAL CHANNEL CROSS SECTION
DRAINAGE AREA 0-10 SQ. MI.

MONROE COUNTY PLANNING COUNCIL



b is the average width of improved channel bed

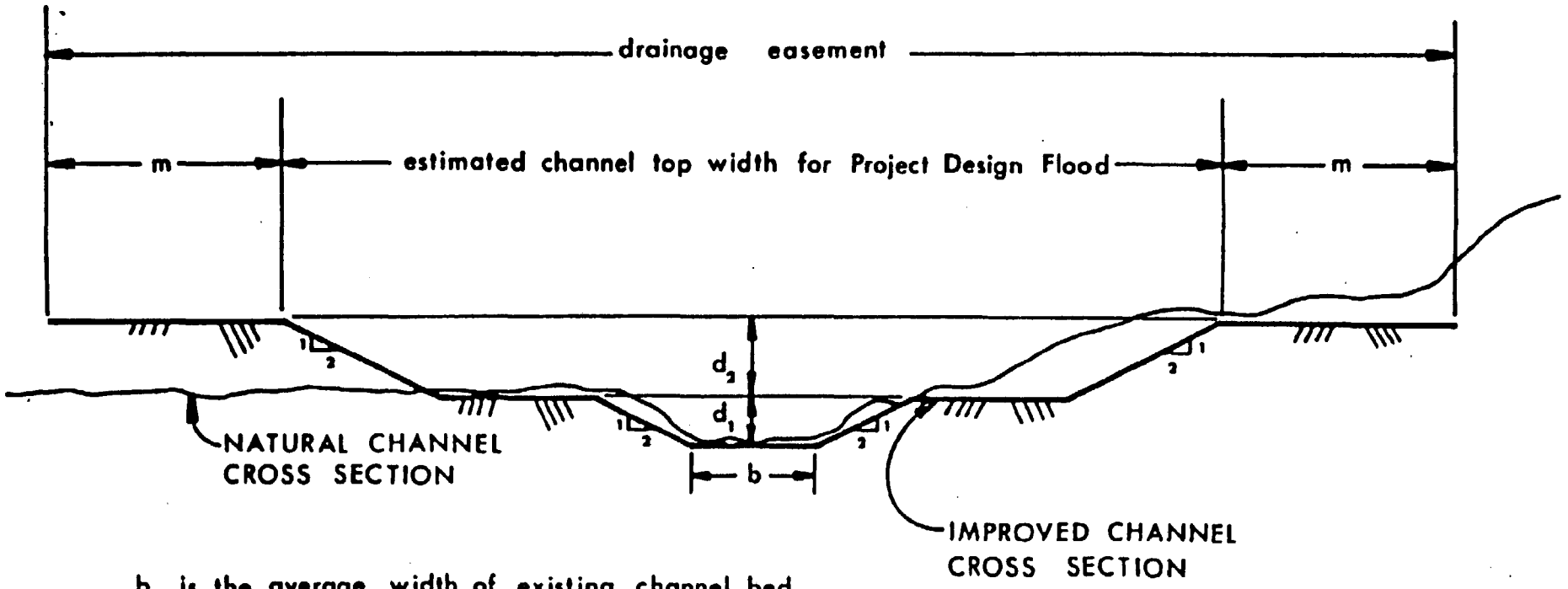
d is the average allowable depth of improved channel

m is the continuous maintenance way width

FIGURE 2

TYPICAL CHANNEL CROSS SECTION
DRAINAGE AREA ABOVE 10 SQ. MI.

MONROE COUNTY PLANNING COUNCIL



b is the average width of existing channel bed
d_1 is the average depth of existing channel
d_2 is the average allowable flood plain depth
m is the continuous maintenance way width

FIGURE 3

SECTION 130.72 TOWN PLANNING BOARD

Replace existing Section 130.72, Site Development Plan Approval of Town of Irondequoit Zoning Ordinance with new Section 130.72, Town Planning Board.

SECTION 130.72 Town Planning Board

A. APPOINTMENT OF THE TOWN PLANNING BOARD

(1) RESERVED.

(2) RESERVED.

(3) RESERVED.

B. TOWN PLANNING BOARD SITE PLAN REVIEW AUTHORITY

(1) The Town of Irondequoit considers the comprehensive review of site development plans for major principal land uses prior to the issuance of building permits to be an essential element of local land use control. The site plan review and approval process outlined in this section is designed to ensure that proposed development projects are constructed based on accepted engineering, architectural and site design standards and principals. Site plan review allows developers and Town representatives to discuss and agree on the most appropriate methods of land development based on a variety of considerations and criteria. The site plan review process ensures that development proposals are analyzed for their impacts on local growth, public facilities and infrastructure, as well as surrounding land uses and natural features. The site plan review process also ensures that potential adverse impacts of development are minimized.

(2) The Town of Irondequoit Planning Board, in accordance with the provisions of Section 274-A of New York State Town Law, shall have the authority to review and approve site development plans for the following uses prior to the issuance of any building permits:

(a) Principal Uses:

(1) All principal uses permitted in the Town of Irondequoit Zoning Ordinance with the exception of single-family-detached dwelling units as defined in Section 130.40 of this ordinance.

(2) A change of use in any pre-existing structure involving any permitted principal use, provided the change in use is not to a single-family-detached dwelling as defined in Section 130.40 of this ordinance.

(3) Additions or structural alterations to any of the permitted principal uses, with the exception of single-family-detached dwelling units as defined in Section 130.40 of this ordinance, provided that such additions or alterations will affect overall parking requirements on the site, or have otherwise been determined, by the Town Planning and Zoning Department, to requite site plan review and approval from the Town Planning Board.

(b) Accessory Uses:

(1) Garages, carports or parking structures for multi-family dwellings, apartment buildings, townhouses, condominiums, or single-family-attached dwellings that exceed the dimensional requirements of Section 130.31, Part (7) of this ordinance.

(2) Outdoor, in-ground community swimming pools for multi-family dwellings, apartment buildings, townhouses, condominiums, or single-family-attached dwellings.

C. REQUEST FOR PREAPPLICATION SKETCH PLAN CONFERENCE

(1) At the time of application for preliminary site plan approval, the applicant shall indicate whether or not an optional sketch plan conference with the Town Planning Board is desired. The Planning Board itself may also choose to require such a conference with the applicant, depending on the nature and complexities of the proposed project. The sketch plan conference shall be conducted at a regularly scheduled meeting of the Town Planning Board, but shall not be a public hearing. The purpose of the sketch plan conference shall be to present to the Town Planning Board, for initial review, discussion and comment, a "design concept or plan" for the development of a parcel or parcels of land within the Town. During the conference, the applicant and the Planning Board shall review and discuss the basic site design concept and generally determine the information to be required and provided on the preliminary site plan. No formal action shall be taken on the plan or the application at the time of the sketch plan conference. At such a conference, the applicant should provide a written statement outlining the proposed project, along with a conceptual design sketch and the following additional information:

(a) General location of the site with respect to existing and proposed streets and rights-of-way, buildings and other facilities, and natural features.

(b) Specific identification of all properties, subdivisions, streets and easements within two hundred (200) feet of the parcel.

(c) General identification of all existing utilities in the area.

(d) Identification of internal streets or traffic circulation patterns, if any, of the proposed development.

(e) Location of all existing and proposed structures on the site and designated uses for each.

(f) Identification of existing zoning classification(s) of the property and all adjacent properties, and any restrictions on land use of the site.

(g) Identification of existing natural features on the site.

(h) A map of site topography at no more than five (5) feet contour intervals. If general site grades exceed five percent (5%) or portions of the site have susceptibility to erosion, flooding or ponding, a soils overlay and a topographic map showing contour intervals of not more than two (2) feet of elevation shall be provided.

(i) A completed Environmental Assessment Form (EAF) for those projects designated as Type I or Unlisted Actions as designated by the Town Board, under the Town of Irondequoit Environmental Quality Review Ordinance.

(2) Following the sketch plan conference, the Town Planning Board may suggest to the applicant changes in the preapplication sketch involving street layouts, traffic patterns, access building sizes, shapes and/or locations, landscaping techniques, preservation of natural features, or other matters which, in the opinion of the Board, would improve the site design concept.

D. APPLICATION FOR PRELIMINARY SITE PLAN APPROVAL

(1) All preliminary applications for site plan approval shall be made in writing on the appropriate forms and shall include (as required by the Town Planning Board and/or Town Planning and Zoning Department) drawings, maps or other relevant data containing any or all of the following information (maps and drawings submitted as a part of preliminary site plan approval applications shall be prepared by a licensed engineer, architect, landscape architect or surveyor and certified by the sea land signature of such engineer, architect or surveyor):

(a) A drawing title block, indicating the name and address of the applicant and person responsible for preparation of such drawing.

(b) North arrow, scale, original date and last revision date for all maps.

(c) An area or location map showing that portion of the applicant's property under consideration, the applicant's entire adjacent holdings and all properties, subdivisions, streets and easements within two hundred (200) feet of the applicant's property.

(d) Identification of the boundaries of the property plotted to scale; dimensions of the site and total acreage.

(e) Current zoning of the property and any proposed zoning changes.

(f) Location of existing watercourses.

(g) A grading and drainage plan showing existing and proposed contours and methods of on-site drainage and/or water retention in accordance with Chapter 52 of the Town Municipal Code.

(h) The location, setbacks, heights and proposed use for all buildings and structures.

(i) Typical floor plans and elevations for all buildings.

(j) The location of any docks, piers, moorings or similar accessory structures.

(k) The location, design and traffic circulation patterns for all parking areas and truck delivery areas, showing all ingress and egress points, driveways, drive aisles, etc.

(l) The location and size of all curb cuts.

(m) Description of provisions for pedestrian access and circulation, including sidewalks, handicapped parking areas and ramps, crosswalks, pavement markings, including any easements for public access along shoreline areas.

(n) The size, nature and location of any outdoor storage area; the location of any outdoor fencing, including size, height and type of construction.

(o) The location, design and construction materials of all existing or proposed site improvements such as drains, culverts, retaining walls, outdoor storage tanks, retention ponds, air conditioning units and waste disposal units, etc.

(p) A description of the method of sewage and storm water disposal and location, design and construction materials of such facilities.

(q) A description of the method of securing public water and the location, design and construction materials of such facilities.

(r) The location of fire lanes and other emergency zones, including the location of all existing and proposed fire hydrants.

(s) The location, size, design ad construction material of all proposed signs.

(t) The location, design and construction materials of all energy distribution facilities, including electrical, gas and solar energy; descriptions of provisions for solar-energy use, energy conservation, or other environmental-design techniques.

(u) The location and proposed development of all buffer areas, including existing and proposed vegetative cover. The location of all existing stands of trees on the site.

(v) The location and design of outdoor lighting facilities.

(w) A designation of the amount of building area to be used for retail sales or similar commercial activity, if any; an estimate of the maximum number of employees to be on the site at any one time.

(x) A general landscaping plan and planting schedule including location land types of trees and shrubbery to be planted.

(y) An identification of all additional Town, Country, State and Federal permits, variances and/or other approvals that are necessary in order to complete the project as proposed; an identification of all Development permits required, if any, under the provisions of the zoning regulations of the Town Environmental Protection Overlay Districts.

(z) Any other data, information, maps or drawings that are deemed necessary by the Town Planning Board and/or Town Planning and Zoning Department, in order to make a decision regarding the application for preliminary site plan approval.

(aa) For site plan review applications for development proposed within five hundred (500) feet of Irondequoit Bay or Lake Ontario shoreline, a soil survey shall be required containing the following information.

1. A two (2) foot contour map on a scale of 1 inch equals 200 feet or larger scale.

2. One (1) soil boring 48 inches deep or deeper per 2 acres of development.

3. One (1) deep hole pit 8 feet deep or deeper per 10 acres of development (at least 1 pit per development site).

4. A map showing location of soil borings and deep hole pits.

5. A map showing separation of intensive soil map units (soil map).

6. Soil descriptions unless keyed to county soil survey descriptions.

7. Log of soil borings and deep hole pits.

8. Summary letter written and signed by professional soil scientist.

(bb) A visual analysis of the proposed development site which identifies all significant scenic views and vistas, and a cultural resource analysis of the site which identifies all significant historic, architectural, archeological or other cultural buildings and structures.

(2) A letter of intent, prepared by the applicant or his designated representative or agent, shall accompany the preliminary site plan application and shall include a statement outlining the proposed project, the owner of the property and any proposed building, the project builder or contractor (if known), a proposed construction schedule, the principals involved in the financing of the project, and any other information deemed necessary by the Town Planning and Zoning Department. Such additional information may include data on the nature and legal status of existing or proposed easements, a description of all deed restrictions or covenants applicable to the property, etc.

(3) Appropriate fees to cover the costs of processing the application for preliminary site plan approval shall accompany the application and shall be paid to the Town Clerk upon filing with the Town Planning Board. Such fees shall be established by the Town Board by resolution, may from time to time be changed by the Board, and shall not be refundable.

(4) The owner or operator of a proposed marina or harbor area may be required to submit information that estimates water quality, current patterns and intensities of boat activity, shoreline alterations, and any other conditions which may be altered by the construction of the marina or boat basin for a period of one year after completion of the facility.

E. PLANNING BOARD REVIEW OF PRELIMINARY SITE PLAN

(1) The Town Planning Board's review of a preliminary site plan application shall include, but shall not be limited to, the following considerations:

(a) The adequacy and arrangement of pedestrian access and circulation into and through the site (including separation of pedestrian and vehicular traffic), location and design of walkway structures, control of intersections where vehicular and pedestrian traffic converge, and overall pedestrian convenience and safety in the site; the adequacy of facilities designed to assist handicapped persons using the facility.

(b) The adequacy and arrangement of vehicular access and circulation into and through the site (including separation of pedestrian and vehicular traffic), location and design of driveways, drive aisles and curb cuts.

(c) The adequacy, type and arrangement of trees, shrubs and other landscaping on the site for use as visual and/or noise deterring buffers between adjoining land uses, or as natural design elements to enhance the aesthetic aspects of the project.

(d) In the case of an apartment building, townhouse, condominium or other form of multi-family dwelling, the adequacy of usable open space areas for playgrounds, and/or other recreational activities.

(e) The adequacy, location, and design of parking facilities, loading and unloading areas and docking facilities.

(f) The adequacy of stormwater and drainage facilities.

(g) The location, arrangement, size and design of buildings, exterior lighting and signage.

(h) The adequacy of water supply to the site and sewage and refuse disposal facilities.

(i) The protection of solar access on adjacent or neighboring properties.

(j) The protection of adjacent properties and the general public against noise, glare and unsightliness or other objectionable influences.

(k) Adequacy of structures, roadways and landscaping in areas with moderate to high susceptibility to flooding and ponding and/or erosion.

(l) Proposed grading of the site.

(m) Adequacy of all temporary and permanent provisions to control erosion from the site, maintain existing vegetation and wildlife habitats within the site, deal with peculiar soil types on the site and other similar site environmental problems.

(n) The adequacy, design and location of fire lanes, emergency access zones or other similar areas intended to provide ingress and egress for emergency vehicles; the adequacy and location of fire hydrants.

(o) Provisions for snow storage and/or removal.

(p) The proposed construction schedule or "phasing" of the project and its relationship to overall project design.

(q) The requested or potential use of provisions of Section 281 of New York State Town Law to permit or require clustering of development away from sensitive environmental areas.

(r) General project conformance with accepted planning, engineering and site design standards and criteria.

(s) Adequacy, location and design of shoreline/erosion protection structures.

(t) Adequacy, size location and design of boat docking facilities, fishing piers, slips, catwalks, boat launching ramps and other similar facilities.

(u) Adequacy of provisions of pedestrian access to the shorezone for particular sites.

(v) The aesthetic and architectual qualities of the proposed project, particularly building styles and construction materials used, as they relate to any unique characteristics of a particular site and the surrounding natural environment.

(w) The nature and adequacy of protection of identified significant scenic views or vistas or significant cultural resources on the site.

F. PLANNING BOARD ACTION ON PRELIMINARY SITE PLAN

(1) The Town Planning Board shall conduct a public hearing on the proposed preliminary site plan. Such a public hearing shall be conducted within forty-five (45) days of the date of receipt of the application for preliminary site plan approval, and shall be advertised in a newspaper of general circulation in the Town at least five (5) days prior to the public hearing. The Town Planning and Zoning Department shall be responsible for notifying by mail all property owners within two hundred (200) feet of the property involved in the preliminary application, of the time, date and place of said public hearing, at least five (5) days prior to such meeting.

(2) Prior to the approval of any development application by the Town Planning Board, the Town Planning and Zoning Department shall review such application and make recommendations to the Board concerning the project. Such recommendations shall include an identification of any variances required for the project, and/or possible problems with the general site plan design, parking or buildings layouts, ingress or egress, building density or setbacks, pedestrian and vehicular circulation, and other land-use, site design, zoning or environmental problems or concerns. Such recommendations may also include possible alternative design solutions. The Town Planning and Zoning Department shall be responsible for coordinating all other Town permit procedures necessary for any given project or proposed development, including the Town environmental quality review process and the procedures for obtaining development permits within environmental protection overlay zoning districts.

(3) The Town Planning and Zoning Department shall be responsible for referring, as necessary or required, any development project to the various departments or agencies, prior to any final action being taken by the Town Planning Board on the application. The Town

Planning Board shall be responsible for referring certain site development plans to the Monroe County Department of Planning for its review and report in accordance with the provisions of Section 239-M of the General Municipal Law, prior to any final action being taken on the application by the Board.

(4) Within sixty (60) days of the receipt of an application for preliminary site plan approval, the Town Planning Board shall act on it. If no decision to deny such an application is made within said sixty (60) day period, and upon completion of all other requirements by the applicant, the preliminary site plan shall be considered approved. The sixty (60) day time limit action on the preliminary site plan may be extended by mutual consent or agreement of the Town Planning Board and the applicant. The Planning Board's action shall be in the form of a written statement to the applicant stating whether or not the preliminary is approved, disapproved or approved with conditions. The Planning Board may incorporate a statement of findings into the decision and must clearly state the reasons for the action being taken.

(5) The Town Planning Board may approve an application for site plan review when, based on the information presented at the public hearing, it has determined that the project will adequately and appropriately address the considerations and criteria listed above. The Town Planning Board may place reasonable restrictions or stipulations on such applications in order to ensure that the project will adequately and appropriately address the considerations and criteria listed above.

(6) The Planning Board's decision shall refer to a specific site plan drawing by date and number and may include recommendations of desirable modifications to be incorporated into the final site plan. Conformance with said modifications shall be considered a condition of project approval. If the preliminary site plan is disapproved, the Planning Board's decision shall clearly state the reasons for such denial. In such a case, the Planning Board may recommend further study of the site plan and resubmission to the Board after it has been revised or redesigned.

G. APPLICATION FOR FINAL SITE PLAN APPROVAL

(1) After receiving preliminary approval, with or without modifications, from the Planning Board on a preliminary site plan, and approval for all necessary permits and curb cuts from State and County officials, the applicant may prepare a final detailed site plan and submit it to the Planning Board for approval. If more than six (6) months has elapsed since the time of the Planning Board's action on the preliminary site plan and if the Planning Board finds that conditions may have changed significantly in the interim, the Planning Board may require a resubmission of the preliminary site plan and an additional public hearing for further review and possible revision prior to accepting the proposed final site plan for review.

(2) The final detailed site plan shall conform substantially to the preliminary site plan that has received preliminary site plan approval. It shall incorporate any revisions or other features that may have been recommended by the Planning Board at the preliminary review. In addition to that provided elsewhere in the ordinance, the Planning Board may require a letter of credit, bond or maintenance bond for any facility or improvement that is indicated as part of the plan, such as parking areas and buffer and screen devices. All such compliances shall be clearly indicated by the applicant on the appropriate submission.

(3) In addition to final detailed site plans, the following additional information shall accompany an application for final site plan approval:

(a) A record of application for any approval status of all necessary permits from Town, County and State departments or agencies.

(b) An estimated project construction schedule.

(c) Submission of all proposed easements agreements.

(d) Submission of evidence of firm financial commitments for project construction and permanent financing for completion of the project.

(e) Any other information or data deemed necessary by the Town Planning Board and Zoning Department and/or Town Planning Board.

(4) Review of such final site plan application shall take place at a regularly scheduled meeting of the Town Planning Board, but shall not require a public hearing.

(5) If the final detailed site plan is substantially different from the approved preliminary plan, then the applicant shall present any modifications to the Planning Board as a preliminary site plan in accordance with the approval procedures found in this Section. The Planning Board shall then determine whether or not the modified plan is still in keeping with the intent of the resolution which approved the preliminary site plan. If a negative decision is reached, the site plan shall be considered as disapproved.

H. PLANNING BOARD ACTION ON FINAL SITE PLAN

(1) Within sixty (60) days of receipt of the application for final site plan approval, the Planning Board shall render a decision to the Town Building Inspector. If no decision is made within the sixty (60) day period, and upon completion of requirements to be met, the final site plan shall be considered approved. However, the sixty

(60) day time period may be extended by mutual consent of the Town Planning Board and the applicant. The Planning Board's decision shall clearly refer to a specific site plan by drawing number and date.

(2) Upon approval of the final site plan and payment by the applicant of all fees and reimbursable costs due to the Town, the Planning Board shall endorse its approval on a copy of the final site plan and shall forward such copy to the Town Building Inspector. Upon disapproval of a final site plan, the Planning Board shall so inform the Building Inspector and the Building Inspector shall deny a building permit to the applicant. The Planning Board shall also notify the applicant in writing of its decision and its reasons for disapproval or approval. Town Planning Board approval of a final site plan shall expire after one (1) year from the date of such decision unless a building permit has been taken out within such time period, for work indicated on the final site plan, and substantial site development and/or construction has begun. An application for preliminary or final site plan approval that has been denied by the Town Planning Board may not be resubmitted to the Board for a period of one (1) year from the date of such decision unless such plan has been changed or revised to reflect the concerns and recommendations of the Planning Board indicated in its notice of denial.

(3) In taking action on applications for final site plan approval, the Town Planning Board shall ensure that, to the the maximum extent possible, the minimum requirement of the Town Zoning Law have been met or that appropriate variances have been granted by the Town Zoning Board of Appeals. The Town Planning Board may impose additional restrictions or conditions on applications for final site plan approval beyond the general requirements of the Town Zoning Law, but within the scope and authority of this Section, if it determines that such restrictions or conditions are necessary to ensure project conformance with generally accepted planning, engineering and design standards and criteria, to minimize the project's adverse impact on adjacent land uses and other physical and environmental features, or are directly related to the health, safety or general welfare of the community. Such additional restrictions or conditions shall be in the form of a resolution of approval to be signed by the applicant as a condition of final site plan approval. Final site plan approval cannot be granted for any project until all necessary variances from the Town Zoning Board of Appeals have been granted and/or all use-permits from the Town Board have been granted, and a review or referral have been received concerning the project from the Monroe County Planning Department in accordance with the provisions of Section 239 of the General Municipal Law.

I. PLANNING BOARD ACTION ON PRELIMINARY AND/OR FINAL SITE PLAN APPLICATIONS

(1) The Town Planning Board may take any one of the following actions on an application for preliminary or final site plan review:

(a) Preliminary approval: Application is given preliminary site plan approval as presented.

(b) Preliminary approval with modifications: Application is given preliminary site plan approval subject to certain modifications being made in the plan that will be shown on the final site plan.

(c) Disapproval: Application for site plan approval is denied based upon reasons stated in the decision.

(d) Disapproval without prejudice: Application for site plan approval is denied based upon reasons stated in the decision. However, the Planning Board may reconsider the application if substantial changes are made in the site plan design or overall project concept. A new application fee for the Planning Board is required and the additional public hearing is required if and when the new plans are submitted.

(e) Final approval: Application is given final site plan approval as presented.

(f) Final approval with modifications or conditions: Application is given final site plan approval subject to certain modifications or conditions contained in the decision or resolution of approval to be signed by the applicant.

(g) Reserved decision: Further action on an application for site plan approval is postponed pending receipt of additional information or data.

(h) Tabled: Preliminary site plan hearing is postponed pending receipt of additional information, appearance of applicant or a representative, etc.

J. REIMBURSABLE COSTS

Costs incurred by the Town Planning Board for consultation fees or other extraordinary expenses in connection with the review of a proposed site plan, that are over and above the basic application fee, shall be charged to the applicant at a rate as established by the Town Board.

K. INTEGRATION OF SITE PLAN REVIEW

Whenever the particular circumstances of a proposed development require compliance with either special-use permit procedures as found in this Zoning Ordinance, or requirements of the Town's land subdivision

regulations or local SEQR regulations, then the Town Planning Board and Town Planning and Zoning Department shall attempt to integrate, where possible, site plan review as required by this section with procedural and submission requirements for such other compliance.

L. PLANNING BOARD SPECIAL-USE-PERMIT AUTHORITY

(1) The Town of Irondequoit considers the review and approval of special-use permits for major principal land uses prior to the issuance of building permits to be an essential element of local land use control. The special-use-permit review and approval process outlined in this section is designed to ensure that certain proposed development projects meet a pre-determined set of standards and criteria prior to approval, based on the nature of the land use involved and the characteristics of the site proposed for that land use. These standards and criteria are designed to ensure that development impacts of proposed projects are minimized, or eliminated altogether. The special-use-permit review and approval process ensures that development proposals are analyzed for their impacts on local growth, public facilities and infrastructure, as well as surrounding land uses and natural features. The process is also designed to ensure that land resources are utilized in the most appropriate and desirable manner.

(2) The Town of Irondequoit Planning Board, in accordance with the provisions of Section 274-a of New York State Town Law, shall have the authority to issue special-use-permits for the following uses permitted within the WATERFRONT DEVELOPMENT (WD) DISTRICT only, prior to the issuance of any building permits:

(A) Principal Uses:

(1) Multi-family dwellings, apartment buildings, or other similar uses.

(2) Townhouses, single-family-attached dwellings, row houses and other similar uses.

(3) Commercial parks, playgrounds or beaches, amusement parks, golf courses, tennis/raquetball clubs or other similar uses operated for gain.

(4) Private club or camp, private membership clubs, lodges or fraternal organizations, neighborhood or community centers, YMCA or YWCA or other similar uses.

(5) Sit-down restaurants as defined in Section 130.40 of this ordinance.

(6) Motels, hotels, or boatels.

(7) Yacht clubs or other similar use.

(8) Marinas, boat docks, docking basins, boat launching ramps, including related retail sales of pleasure boats, marine and fishing supplies, and other similar uses.

(9) Boat service, repair, rental and storage facilities or other similar use.

(10) Stores, shops and boutiques designated for festive retail uses and activities as defined in Section 130.40 of this ordinance.

(11) Public utility buildings or structures, including but not limited to electrical substations.

(12) Combinations of permitted principal uses, based on a determination by the Town Planning Board that such combinations are appropriate for the proposed waterfront area and are compatible with the purpose and intent of this district, as well as the goals and policies of the Local Waterfront Revitalization Program (LWRP). Each such proposed use shall be subject to special-use-permit review and approval.

(13) Other uses not specifically listed above but which, based on a determination by the Town Planning Board, are deemed appropriate for waterfront areas, are similar in nature to permitted principal uses and are compatible with the purpose and intent of this district as well as the goals and policies of the Local Waterfront Revitalization Program (LWRP).

(B) Accessory Uses:

(1) Radio, TV or CB antennas that require a permit from the Town Zoning Board of Appeals.

(2) All signage, with the exception of real estate signs, temporary political signs and accessory traffic signs.

(3) Outdoor storage of boats.

(4) Fishing piers, docks, wharves, boat launching ramps and similar waterfront structures and facilities.

(5) Accessory dredging and filling as defined in Section 130.40 of this ordinance.

M. APPLICATION FOR SPECIAL-USE-PERMIT APPROVAL

(1) An application for special-use-permit review and approval shall be made in writing on the appropriate forms and shall be filed with the Town Planning and Zoning Department. An application for special-use-permit review and approval shall require and be made in tandem with application for site plan review and approval for the

proposed project. These two applications shall be subject to the same information submission requirements and shall follow one review and approval process as outlined in this section. The application for special-use-permit review and approval shall be considered during the public hearing on the preliminary site plan. No additional fee shall be required of the applicant in order to process the special-use-permit application.

(2) (a) A transportation impact analysis, to be prepared by the applicant, submitted with the application for special-use-permit approval and reviewed by the Town Planning Board, shall be required as a condition of special-use-permit application in the following cases:

(1) Any development which will have direct access to a collector or arterial road;

(2) Any residential development which proposed to have more than 25 dwelling units;

(3) Any use which will generate in excess of 100 trips per day (the cumulative transportation impacts of adjacent development on the existing road network shall also be considered when determining trip generation rates).

(4) Any development located on a street, road or highway that provides direct access to Irondequoit Bay or to Lake Ontario.

(b) The transportation impact analysis shall include the following:

(1) A description of the proposed site and existing highway network within one mile of the site;

(2) A detailed description of road conditions and characteristics, including grade, pavement widths and surface conditions;

(3) The locations of intersections, traffic signals and public transportation facilities;

(4) A description of existing traffic conditions, including average daily traffic volume, design hour volume, and roadway and intersection service levels for each road or highway included in the project;

(5) A determination of the development's anticipated transportation impact, using standard trip generation rates, accepted traffic modeling methodologies that considers the effects on adjacent development and provisions for access controls.

(6) A detailed description of the proposed local street system for the development site.

(3) An application of special-use-permit review and approval for all principal uses permitted within the WATERFRONT DEVELOPMENT (WD) DISTRICT shall be accompanied by a natural resource inventory and visual analysis for the proposed development site that identifies all of the environmentally-sensitive or unique areas within the site, including but not limited to steep slopes, wetlands, woodlots, floodplains, scenic views and vistas, and wildlife habitats. The natural resource inventory shall also indicate how the proposed development will impact these areas and what mitigating measures will be taken to minimize and adverse impacts. The "Visual EAF Addendum", prepared by the New York State Department of Environmental Conservation, shall be used to supply information for the visual impact analysis required above.

(4) An application for special-use-permit review and approval for all principal uses permitted within the WATERFRONT DEVELOPMENT (WD) DISTRICT shall be accompanied by an analysis of the proposed development site for significant historic or cultural resources. The criteria for evaluating significant historic or cultural sites shall be the quality of significance in American or local history, architecture, archeology, and culture that is present in districts, sites, buildings, structures and objects of State and local importance that possess integrity of locations, design setting, materials, workmanship, feeling and association, and:

(a) That are associated with events that have made a significant contribution to the broad patterns of our history; or,

(b) That are associated with the lives of persons significant in our past; or,

(c) That employ distinctive characteristics of a type, period or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent significant and distinguishable entities whose components may lack individual distinction; or,

(d) That have yielded, or may be likely to yield, information important in prehistory or history.

A preliminary records check by the Rochester Museum and Science Center shall be prepared in the early stages of the project review and shall be submitted by the applicant with the initial project application to identify potentially historic areas.

Developers shall allow historical and archeological officials access to the project site during excavation operations.

The developer in cooperation with local officials and the Rochester Museum and Science Center staff, shall preserve architecturally

significant structures and make a photographic and statistical record of those that must be destroyed.

N. GRANTING OR DENIAL OF SPECIAL-USE-PERMIT

(1) Approval by the Town Planning Board of any special-use-permit shall be contingent on a finding by the Board, based on the information submitted and testimony made at the public hearing, written project reviews by the appropriate agencies and a recommendation from the Monroe County Planning Department, that the proposed project or development will, as applicable:

(a) Provide adequate and safe site access;

(b) Provide adequate site utility service including water supply, sewage and refuse disposal;

(c) Be compatible with and enhance, to the extent possible, the existing natural features of the site and the surrounding area;

(d) Provide adequate year-round site fire protection services.

(e) Relate in an adequate and appropriate manner to the depth of Bay water adjacent to the site;

(f) Relate in an adequate and appropriate manner to, and in general be compatible with, the existing land-use and zoning pattern in the immediate area;

(g) Comply, to the greatest extent possible, with the applicable site design criteria and other zoning district requirements outlined in the Town Zoning Ordinance;

(h) Provide public access to the shorezone, to the extent possible and desirable given the nature of the site and proposed use.

(2) Approval by the Town Planning Board of any special-use-permit shall be contingent on a finding by the Board, based on the information submitted and testimony made at the public hearing, written project review by the appropriate agencies and a recommendation from the Monroe County Planning Department, that the proposed project or development will not, as applicable:

(a) Adversely effect the orderly development and character of the surrounding neighborhood;

(b) Cause an inappropriate or undesirable number of similar uses to be concentrated in the immediate area;

(c) Be a nuisance to neighboring land uses in terms of the production of obnoxious or objectionable noise, dust, glare, odor, refuse, fumes, vibrations, unsightliness, contamination, or other similar conditions;

(d) Create hazards or dangers to the general public or to persons in the vicinity of the project from fire, explosions, electricity, radiation, crowds, traffic congestion, parking of automobiles or other similar conditions.

(e) Cause undue harm to or destroy existing sensitive natural features on the site or in the surrounding area, or cause adverse environmental impacts, such as severe erosion and/or sedimentation, slope destruction, flooding or ponding of water, or degradation of water quality;

(f) Be incompatible with the type, extent and direction of building development for the site and surrounding area, as proposed in the Town of Irondequoit Master Plan, or portion thereof, and as adopted by the Town Planning Board;

(g) Be incompatible with any of the official policies of the Town of Irondequoit Local Waterfront Revitalization Program (LWRP);

(h) Destroy or adversely impact significant historic and/or cultural resource sites;

(i) Require an unnecessary or destructive amount of dredging filling or other disturbance of the waters of Irondequoit Bay or Lake Ontario.

(4) The Town Planning Board shall review the application for special-use-permit approval based on the criteria and considerations listed above. Should the applicant, based on the findings of the Board, fail to meet any one of the criteria or requirements listed above, either because of the basic nature and design of the project or the lack of appropriate mitigating measures, the request for approval of the special-use-permit shall be denied. Should the applicant, based on the findings of the Board, meet all of the criteria or requirements listed above, either because of the basic nature and design of the project or the inclusion of appropriate mitigating measures, then the request for approval of a special-use-permit shall be granted. The applicant shall then require approval of the project's preliminary site plan from the Town Planning Board. Procedures for the further review of the site plan application shall follow those particular requirements as outlined in this section. The Town Planning Board may approve an application for a special-use-permit subject to appropriate conditions and/or the inclusion of mitigating measures that will ensure compliance with the criteria and requirements listed above. In such a case, no further review or action on the special-use-permit application shall be required. However, failure to comply with the conditions of the special-use-permit shall be considered a violation of this zoning ordinance and shall result in the application of the appropriate penalties and/or fines as outlined in Article VIII of this ordinance and the possible revocation of other permits.

(5) As a part of the special-use-permit review and approval process, the Town Planning Board shall be empowered, in accordance with the provisions of Section 281 of New York Town Law, in conjunction with application of such other provisions of Town Law as concern subdivision control, to establish, change and/or modify lot size, building setback, building height and other dimensional requirements for specific principal and/or accessory uses as listed in the WATERFRONT DEVELOPMENT (WD) DISTRICT. In making such determinations, the Town Planning Board shall be guided by the appropriate requirements and considerations listed above for review of the special-use-permit application, as well as the policies of the Town of Irondequoit Local Waterfront Revitalization Program (LWRP). Dimensional requirements for these uses, as reviewed and approved by the Town Planning Board, shall be incorporated into the site plan design through the preliminary site plan review process.

O. SUBDIVISION AND RESUBDIVISION REVIEW AUTHORITY

(1) RESERVED.

(2) RESERVED.

(3) RESERVED.

(4) RESERVED.

(5) The Town Planning Board, in accordance with the provisions of Section 281 of New York State Town Law, is empowered, simultaneously with the approval of a plat or plats pursuant to Chapter 31 of the Town Municipal Code, to modify applicable dimensional provions of the Town Zoning Ordinance. The Town Planning Board shall make such modifications, based on a finding that such modifications will enable and encourage a flexibility of design and development of land in such a manner so as to promote the most desirable and appropriate use of land, will facilitate the adequate and economical provision of streets and utilities, and/or will preserve and protect the natural and scenic qualities of open land, as well as the unique and sensitive environmental areas within the Town.

P. MISCELLANEOUS POWERS AND AUTHORITIES OF THE TOWN PLANNING BOARD

(1) RESERVED.

(2) RESERVED.

(3) RESERVED.

(4) RESERVED.

(5) RESERVED.

(6) RESERVED.

Q. APPEALS FROM DECISIONS OF THE TOWN PLANNING BOARD

Any person aggrieved by any decision of the Town Planning Board may apply to the New York State Supreme Court for review by a proceeding under the provisions of Article Seventy-eight of the Civil Practice Law and Rules. Such proceedings must be instituted within thirty (30) days after the filing of a decision of the Board in the Office of the Irondequoit Town Clerk.

CHAPTER 39: DRAINAGE, EROSION AND SEDIMENTATION CONTROL ORDINANCE

Replace existing Chapter 36, Excavations
Insert new town ordinance into TITLE III of
TOWN OF IRONDEQUOIT MUNICIPAL CODE.

CHAPTER 39

DRAINAGE, EROSION AND SEDIMENTATION CONTROL ORDINANCE

ARTICLE I

GENERAL PROVISIONS

SECTION 39.10 PURPOSE OF ORDINANCE

The purpose of this ordinance is to protect the public health, safety and general welfare within the Town of Irondequoit by regulating site preparation, land development and construction activities that include excavations, filling, grading and stripping, in order to prevent erosion, sedimentation and/or drainage problems. Specifically, this ordinance is intended to:

(1) Preserve the quality of the natural environment from adverse impacts of site preparation and construction. These impacts include pollution of Lake Ontario and Irondequoit Bay, Densmore Creek, ponds and other bodies of water from silt or other materials, unnecessary destruction of trees and other vegetation, excessive exposure of soil to erosion, unnecessary modification of natural topography or unique geologic features, and the failure to restore construction sites to an attractive and stable natural condition.

(2) Protect people and properties from adverse impacts of site preparation and construction. These impacts include increased runoff, erosion of soil, deposition of sediment, increased threat to life and property from flooding or uncontrolled storm waters, increased slope instability and hazards from land slides and slumping, and modifications to the ground water supply system that could adversely affect wells and surface water levels.

(3) Protect the Town of Irondequoit and other municipal agencies from having to undertake, at public expense, programs of repairing roads and other public facilities, of providing flood protection and erosion control facilities, and of compensating private property owners for the destruction of properties arising from the adverse impacts of site preparation and construction.

(4) Ensure that site preparation and construction activities within the Town of Irondequoit are undertaken in a manner consistent with the goals and policies of the Town of Irondequoit Local Waterfront Revitalization Program (LWRP), as well as the Town of Irondequoit Master Plan.

SECTION 39.20 AUTHORITY

This ordinance is adopted in accordance with the provisions of Article 9 of the New York State Town Law, which gives the Town Board of the Town of Irondequoit the authority to enact ordinances for the purpose

of promoting the health, safety and/or general welfare of the residents of the Town, including the protection and preservation of the property of those residents.

SECTION 39.30 ENACTMENT AND TITLE

In order that site preparation and construction activities within the Town of Irondequoit may be in conformance with the provisions and regulations of this ordinance, this ordinance is hereby adopted and shall be known and may be cited as the Drainage, Erosion and Sediment Control Ordinance of the Town of Irondequoit.

SECTION 39.40 JURISDICTION AND EFFECTIVE DATE

(A) Upon the approval of this ordinance by the Town Board of the Town of Irondequoit, all site preparation and construction activities undertaken within the Town that require a permit under this ordinance shall be in conformance with the provisions set forth herein.

(B) This ordinance shall take effect and be in force immediately after its passage, publication of notice of adoption, and posting as required by law.

SECTION 39.50 CONFLICT WITH EXISTING REGULATIONS

Where this ordinance imposes greater restrictions than are imposed by the provisions of any other law, ordinance, regulation or private agreement, this ordinance shall control. Where greater restrictions are imposed by any other law, ordinance, regulation or private agreement than are imposed by this ordinance, such greater restrictions shall control.

SECTION 39.60 SEPARABILITY

If any section, subsection, paragraph, sentence, clause or other part of this ordinance is for any reason found to be invalid, the validity of the remaining portion of this ordinance shall not be affected.

SECTION 39.70 DEFINITIONS

The following definitions shall apply, where applicable in this chapter, unless otherwise stated or required:

(1) AGRICULTURAL OPERATIONS: All activities directly related to the growing or raising of crops or livestock for the sale of agricultural produce, including horticultural and fruit operations.

(2) AUTHORIZED OFFICIAL: The person designated by the Town Board of the Town of Irondequoit to administer and enforce the provisions of this ordinance.

(3) DRAINAGE: The gravitational movement of water or other liquids by surface runoff or subsurface flow.

(4) EROSION: The wearing away of the land surface by action of wind, water, gravity or other natural forces.

(5) EXCAVATION: Any activity which removes or significantly disturbs rock, gravel, sand, soil or other natural deposits.

(6) FILLING: Any activity which deposits natural or artificial material so as to modify the surface or subsurface conditions of land, lakes, ponds or watercourses.

(7) GRADING: The alteration of the surface or subsurface conditions of land, lakes, ponds or watercourses by excavation or filling.

(8) MULCHING: The application of a layer of plant residue or other material for the purpose of effectively controlling erosion.

(9) SEDIMENT: Solid material, both mineral and organic, that is in suspension, is being transported, has been deposited or has been removed from its site of origin by erosion.

(10) SITE PREPARATION: The activities of stripping, excavation, filling and grading, no matter what the purpose of these activities.

(11) SOIL: All unconsolidated mineral or nonliving organic material of whatever origin which overlies bedrock.

(12) STRIPPING: Any activity which removes or significantly disturbs trees, brush, grass or any other king of vegetation.

(13) TOPSOIL: The natural surface layer of soil, usually darker than subsurface layers, to a depth of at least six (6) inches within an undisturbed area of soils.

(14) WATERCOURSE: Any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drainageway, gully, ravine or wash in which water flows in a definite direction or course, either continuously or intermittently, and which has a definite channel, bed and banks, and any area adjacent thereto subject to inundation by reason of overflow, flood or storm water; or, any areas which have been mapped as such on the "Official Town of Irondequoit EPOD Maps."

(15) WETLANDS: Areas of aquatic or semi-aquatic vegetation, or any areas which have been mapped as such on the "Official Town of Irondequoit EPOD Maps" or have been designated as Type I, Type II, Type III or Type IV wetlands by the New York State Department of Environmental Conservation.

ARTICLE II

PERMIT REGULATIONS AND PROCEDURES

SECTION 39.80 ACTIVITIES REQUIRING A PERMIT

(A) None of the following activities shall be undertaken within the Town of Irondequoit until a permit has been issued under the provisions of this ordinance:

(1) Site preparation in the subdivision of land into two or more parcels.

(2) Site preparation within wetlands.

(3) Site preparation on slopes which exceed one and one-half (1-1/2) feet of vertical rise to ten (10) feet of horizontal distance, or in those areas designated as steep slope protection districts on the "Official Town of Irondequoit EPOD Maps."

(4) Site preparation within the hundred year flood plain of any watercourse.

(5) Excavation which affects more than five hundred (500) cubic yards of material, or will exceed four (4) feet in vertical depth at its deepest point as measured from the natural ground surface, within any parcel or any contiguous area.

(6) Stripping which affects more than twenty thousand (20,000) square feet of ground surface within any parcel or any contiguous area.

(7) Filling which exceeds a total of five hundred (500) cubic yards of material, or will exceed three (3) feet in vertical depth at its deepest point as measured from the natural ground surface, within any parcel or any contiguous area.

(8) Storage of more than five hundred (500) cubic yards of topsoil or other fill material within any parcel or any contiguous area.

(9) Site preparation activities within fish and wildlife habitat areas designated on the Local Waterfront Revitalization Program map.

(10) Construction of, or substantial modifications to, erosion protection structures.

(11) Disposal of dredge spoils.

(B) The following activities are exempted from the permit requirements of this ordinance.

(1) Activities not meeting the criteria specified in Section 39.80(A).

(2) Agricultural operations.

(3) Excavations for the basements and footings of single-family-homes and for septic tank systems, wells and swimming pools accessory to single-family-homes, except those excavations required to obtain permit under Section 39.80 (A) (1) through (4).

(4) Household gardening and activities related to the maintenance of landscape features on existing developed lots, except those activities required to obtain permits under Section 39.80 (A) (5) through (9).

(5) Governmental activities, but only to the extent that such activities are exempted from the provisions of this ordinance by law.

(C) The following excavation, filling, grading or stripping activities are prohibited within the Town of Irondequoit:

(1) Commercial mining of any kind.

(2) On-site processing of excavation materials.

SECTION 39.90 PERMIT APPLICATION, REVIEW, ISSUANCE AND COMPLIANCE PROCEDURES

(A) Application: Before any site preparation, land development or construction activities that require a permit under Section 39.80 (A) of this ordinance are undertaken within the Town of Irondequoit, an application for such permit shall be made by the property owner or his authorized agent, and shall be made by the property owner or his authorized agent, and shall be made to the Town Planning Board. The permit application and all application materials shall be filed with the Town Planning and Zoning Department. Copies of the permit application shall be submitted to the Town Engineer, the Town Conservation Board and the Monroe County Soil Conservation District, which shall all submit recommendations on the application to the Town Planning Board within thirty (30) days of the date of filing of such application.

(B) Fee: Upon the filing of an application for a permit, the applicant shall pay to the Town a fee of fifty dollars ($50). The fee shall be deemed a reasonable sum to cover the costs of the administration of this ordinance and shall in no part be returnable to the applicant.

(C) Permit Review: The Town Planning Board shall have the authority to grant or deny all permits pursuant to this ordinance. The Town Planning Board shall conduct a public hearing on the permit application in accordance with the provisions of Section 130.72 (F) (1) of the Town of Irondequoit Zoning Ordinance. When the application for a permit made under the provisions of this ordinance is accompanied by an application for site plan approval and/or EPOD development permit approval, there shall be one (1) public hearing with the Town Planning Board to review and act on all such applications. The Town Planning Board shall grant or deny an application for a permit required by this ordinance within sixty (60) days of the date of filing of the application thereof, unless the applicant(s) and the Town Planning Board consent to a time extension.

(D) Permit Issuance and Compliance: The Town Planning Board shall not approve a permit application unless it has found that the proposed site preparation, land development or construction activities adequately meet the standards and criteria set forth in this ordinance, and are in compliance with the goals and policies of the Town of Irondequoit's Local Waterfront Revitalization Program. In granting a permit, the Town Planning Board shall fix a reasonable time limit for the termination of the permit and may attach any reasonable conditions to such permit which it deems necessary to assure compliance with the provisions of this ordinance. Major modifications of the terms of the approved permit shall follow the same application, review and approval procedure as those set forth in this section for the original permit. It shall be the responsibility of the Authorized Official to inspect sites as frequently as necessary to assure compliance with the terms of approved permits and the provisions of this ordinance, and to submit written notification of any violations of these terms or provisions to the Chairpersons of the Town Planning Board. If, at any time during the effective period of a permit or upon its expiration, the terms of the permit are violated, the Town Planning Board, upon notification of such violation by the Authorized Official, may revoke the permit and may require that the performance guarantee by forfeited to the Town. If the applicant is unable to complete the project or any phase thereof within the specified time period of the permit, the applicant shall, at least thirty (30) days prior to the specified date of completion, present in writing to the Town Planning Board, a request for an extension of time, setting forth therein the reasons for such request. The Town Planning Board shall consider such request at the next regularly scheduled Board meeting. If, in the discretion of the Town Planning Board, such an extension is deemed acceptable and warranted, the Board may grant a reasonable extension of time in order for the applicant to complete the work.

SECTION 39.100 PERMIT APPLICATION MATERIALS

(A) A property owner or his agent shall initiate a request for a permit or the modification of a permit to undertake site preparation, land development or construction activities within the Town of

Irondequoit by filing an application with the Town Planning and Zoning Department. All maps and plans that accompany said application shall be prepared by and bear the seal of a licensed engineer, architect or landscape architect. The Town Planning and Zoning Department shall specify the number of copies of the application and any accompanying maps or plans that must be filed, and may modify the requirements concerning any materials to accompany the application by waiving or adding such requirements as deemed appropriate based on the nature, purpose and scope of the proposed activities.

(B) Except for the modifications authorized or required by the Town Planning and Zoning Department, each application for a permit required by this ordinance shall contain the following material:

(1) An existing feature map(s), at a scale no smaller than one inch equals two hundred feet (1" = 200'), indicating the following:

(a) The boundaries of all parcels on which site preparation activities are proposed to be undertaken.

(b) All structures and roads within a distance of five hundred (500) feet of the parcel on which site preparation activities are proposed to be undertaken, the structures identified by their uses and the roads identified by their surface material and width of surface.

(c) All watercourses within a distance of five hundred (500) feet of the parcels on which site preparation activities are proposed to be undertaken.

(d) Existing topography at contour intervals of no greater than five (5) feet within a distance of five hundred (500) feet of the parcels on which site preparation activities are proposed to be undertaken.

(e) All sewer, water, gas and electric lines and all other utilities within the parcels on which site preparation activities are proposed to be undertaken.

(f) Major wooded areas and tree clusters within a distance of five hundred (500) feet of the parcels on which site preparation activities are proposed to be undertaken.

(g) All vegetation areas on the site proposed for site preparation activities, including areas of grass, areas of brush and wooded areas and tree clusters.

(h) The depth to bedrock on the site proposed for site preparation activities, if determined during site evaluation.

(i) The depth to permanent ground water aquifers on the site proposed for site preparation activities, if such depth is determined during site evaluation.

(j) The location and present status of any previously undertaken and/or permitted excavation, grading or filling activities on the site.

(2) An operations map(s), at a scale no smaller than one inch equals two hundred feet (1" = 200'), which present a complete draining, erosion and sediment control plan and which indicate:

(a) All excavation, filling and grading proposed to be undertaken, identified as to the depth, volume and nature of the materials involved.

(b) All stripping, identified as to the nature of vegetation affected.

(c) All areas where topsoil is removed and stockpiled and where topsoil is ultimately placed, identified as to the depth of topsoil in each such area.

(d) All temporary and permanent vegetation to be placed on the site, identified as to planting type, size and extent.

(e) All temporary and permanent drainage, erosion and sediment control facilities, including but not limited to such facilities as ponds, sediment basins, drains, culverts, berms, walls and dams, identified as to the type of facility, the materials from which it is constructed, its dimensions and its capacity in gallons.

(f) The anticipated pattern of surface drainage during periods of peak runoff, during and after completion of site preparation and construction activities, identified as to rate and direction of flow at all major points within the drainage system.

(g) The location of all roads, driveways, sidewalks, structures, utilities and other improvements.

(h) The final contours of the site in intervals no greater than two (2) feet.

(i) Proposed truck and equipment access ways within and to the work site.

(3) A time schedule which is keyed to the operation maps(s), that indicates:

(a) When major phases of the proposed project are to be initiated and completed.

(b) When major site preparation activities are to be initiated and completed.

(c) When the installation of temporary and permanent vegetation and drainage, erosion and sediment control facilities is to be completed.

(d) The anticipated duration, in days, of exposure of all major areas of site preparation before the installation of erosion and sediment control measures.

(4) An estimate of the costs of providing temporary and permanent vegetation and drainage, erosion and sediment control facilities.

(5) A statement or letter of intent from the applicant or his authorized agent, outlining the proposed project and assuming full responsibility for the performance of the operation as stated in the application and presented on the appropriate maps or plans.

SECTION 39.200 STANDARDS AND CRITERIA

In granting a permit under this ordinance, the standards and criteria that shall be utilized shall include, but not be limited to, the following:

(1) Drainage, erosion and sediment control measures and facilities shall be designed and constructed in accordance with accepted engineering standards and guidelines as outlined in the document Guidelines for Erosion and Sediment Control in Urban Areas of New York State available from the Monroe County Soil Conservation District, and the document Best Management Practices for Stormwater Runoff Management prepared by the Irondequoit Bay Coordinating Committee.

(2) The acceptable range of option that can be utilized by a developer to control drainage, erosion and sedimentation on the work site both during and after project construction shall be those outlined and labeled as Best Management Practices for Stormwater Runoff Management prepared by the Irondequoit Bay Coordinating Committee.

(3) The developer shall ensure that the release rate and volume of stormwater runoff leaving a construction site will not exceed that which occurred from the area in its undeveloped state for intensities and durations of rainfall associated with storms having a twenty-five (25) year frequency.

(4) Runoff with suspended soil solids shall be retained on-site for a sufficient length of time so as to ensure that such runoff is at least ninety percent (90%) free of settleable soil solids when it leaves the development site.

(5) Excavation, grading, filling and stripping shall be permitted to be undertaken only in such locations and in such a manner as to minimize the potential of erosion and sedimentation and the threat to the health, safety and general welfare of neighboring property owners and the general public.

(6) Site preparation and construction shall be fitted to the vegetation, topography and other natural features of the site and shall preserve as many of these features as feasible.

(7) The control of erosion and sedimentation shall be a continuous process undertaken as necessary prior to, during and after site preparation and construction, to include any grading, clearing, filling, road construction, utility construction or building construction.

(8) The smallest practical area of land shall be exposed by site preparation at any given time.

(9) The exposure of areas by site preparation shall be kept to the shortest practical period of time prior to the construction of structures or improvements or the restoration of the exposed areas to an attractive natural condition.

(10) Mulching or temporary vegetation suitable to the site shall be used where necessary to protect areas exposed by site preparation, and permanent vegetation which is well adapted to the site shall be installed as soon as practical.

(11) Where slopes are to be revegetated in areas exposed by site preparation, the slopes shall not be of such steepness that vegetation cannot be readily established or that problems of erosion or sedimentation may result.

(12) Site preparation and construction shall not adversely affect the free flow of water by encroaching on, blocking or restricting watercourses.

(13) All fill material shall be of a composition suitable for the ultimate use of the fill, free of rubbish and carefully restricted in its content of brush, stumps, tree debris, rocks, frozen material and soft or easily compressible material.

(14) Fill material shall be compacted sufficiently to prevent problems of erosion, and where the material is to support structures, it shall be compacted to a minimum of 90% of standard proctor with proper moisture control.

(15) All topsoil which is excavated from a site shall be stockpiled and used for the restoration of the site, and such stockpiles, where necessary, shall be seeded or otherwise treated to minimize the effects of erosion.

(16) Prior to, during and after site preparation and construction, an integrated drainage system shall be provided which at all times minimizes erosion, sediment, hazards of slope instability and adverse effects on neighboring property owners.

(17) The natural drainage system shall generally be preserved in preference to modifications of this system excepting where such

modifications are necessary to reduce levels of erosion and sedimentation and adverse effects on neighboring property owners.

(18) All drainage systems shall be designed to handle adequately anticipated flows both from within the site and from the entire upstream drainage basin.

(19) Sufficient grades and drainage facilities shall be provided to prevent the ponding of water, unless such ponding is proposed within site plans, in which event there shall be sufficient water flow to maintain proposed water levels and avoid stagnation.

(20) There shall be provided, wherever necessary to minimize erosion and sedimentation on the site, as well as downstream, within the drainage basin, such measures as benches, berms, terraces, diversions, swales, rip-rap, catch basins, slope drains, sediment filters and traps, and sediment, debris and retention basins.

(21) Drainage systems, plantings and other erosion or sedimentation control devices shall be maintained as frequently as necessary to provide adequate protection against erosion and sediment and to ensure that the free flow of water is not obstructed by the accumulation of silt, debris or other material or by structural damage.

(22) If temporary sediment basins are used, the detention storage shall be calculated on the basis of the twenty-five (25) year frequency rainfall for the affected area. If permanent sediment basins or storage facilities are used, the retention volume shall be able to handle the runoff of a one hundred (100) year rainfall for any and all durations from the proposed development site.

(23) The developer shall be responsible for minimizing the tracking of mud onto existing roads. Roads shall be scraped and broomed clear of mud, if at all feasible, at the end of each working day as required. The Town of Irondequoit reserves the right to include in the Performance Guarantee, an allowance to cover the estimated costs of such dust and mud control activities.

(24) The drainage system being developed within the proposed development site shall have the capacity to handle flows from upstream areas through the site based on the following guidelines:

(a) For those major watercourses with a tributary drainage area in excess of seven (7) square miles, the ultimate channel shall be designed for an average recurrence interval of one hundred (100) years.

(b) For those major watercourses with a tributary drainage area between seven (7) square miles and four (4) square miles, the final channel shall be designed for an average recurrence interval of fifty (50) years.

(c) Secondary watercourses, defined as those with a tributary drainage area of between one (1) and four (4) square miles, shall have the final channel designed for an average recurrence interval of twenty-five (25) years.

(d) Minor watercourses, defined as those with a tributary drainage area of one (1) square mile or less, shall have the final channel designed for an average recurrence interval of ten (10) years.

(25) Intermittent (runoff event) discharges from development sites to streams shall meet the following specific water quality standards:

(a) Coliform: the event geometric mean of fecal coliforms should be less than 2,000/100 milliliters. No instantaneous measurement shall exceed 10,00/100 milliliters.

(b) Turbidity levels: Event mean of turbidity shall be less than 40 nephalometric turbidity units (NTU). No instantaneous measurement shall exceed 100 NTU.

(c) Suspended solids levels: The event mean of suspended solids (including suspended sediments) shall be less than 50 milligrams/liter. No instantaneous measurement shall exceed 100 milligrams/liter.

(d) Freon extractable material (oil and grease) levels: The event mean for freon extractable material shall be less than 5 milligrams/liter. No instantaneous measurement shall exceed 15 milligrams/liter.

(e) Runoff event chloride levels: The event mean chloride concentrations shall be less than 400 milligrams/liter. No instantaneous measurement shall exceed 1000 milligrams/liter.

SECTION 39.300 PERFORMANCE GUARANTEE

After the approval of the application and before the issuance of any permit, the applicant shall file with the Town Clerk an amount of the estimated cost of the project as submitted under Section 39.100 (B) (4) of this ordinance and verified by the Authorized Official, one of the following performance guarantees:

(1) A certified check.

(2) A performance bond which shall be satisfactory to the Town Board and the Town Attorney as to form, sufficiency, manner of execution, surety and period of execution.

(3) A letter of credit from a bank approved by the Town Board and Town Attorney.

The Chairperson of the Town Planning Board may grant a waiver of such

guarantee if he/she deems the proposed activities to be of minor scope and to be consistent with the provisions of this ordinance.

The party or parties filing the performance guarantee shall provide that either upon termination of the permit or the operation, whichever may come first, the project shall be in conformity with both the approved specific requirements of the permit and the provisions of this ordinance. In the event of default of such and violation of any other applicable laws, such performance guarantee shall be forfeited to the Town. The Town shall return to the applicant any amount that is not needed to cover the costs of restoration, administration and any other expenses incurred by the Town as a result of the applicant's default. Such performance guarantee shall continue in full force and effect until a certificate of compliance shall have been issued by the Authorized Official after such consultation with any agencies or individuals as he deems necessary to ensure that all provisions of the Ordinance and of the permit have been met.

SECTION 39.400 VARIANCES

The Town Board may grant variances to, or modifications from, the requirements and provisions of this ordinance, where, following a public hearing, it has been determined that practical difficulties, unnecessary hardships or other results or conditions inconsistent with the general purpose of this ordinance, or certain provisions thereof, are encountered.

SECTION 39.500 VIOLATIONS

If there is any damage due to a violation of this ordinance or if any soil, liquid or other material is caused to be deposited upon or to roll, flow or wash upon any public property, private property or right-of-way in violation of this ordinance, the person, firm, partnership, corporation or other party responsible shall be notified and shall cause the same to be removed from such property or way within thirty-six (36) hours of notice. In the event of an immediate danger to the public health, safety or general welfare, notice shall be given by the most expeditious means and the violation shall be remedied immediately. In the event it is not so remedied, the Town shall cause such and the cost of such by the Town shall be paid to the Town by the party who failed to so remedy and shall be a debt owed to the Town.

A violation of this Chapter is hereby declared to be an offense, punishable by a fine not exceeding Two Hundred Fifty Dollars ($250) or imprisonment for a person not to exceed six (6) months or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this Chapter shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

ARTICLE X SECTION 130.101 OPEN SPACE DISTRICT

Insert new Article X, Section 130.101, Open Space (OS) District into the Town of Irondequoit Zoning Ordinance

Section 130.101 OPEN SPACE (OS) DISTRICT

A. STATEMENT OF PURPOSE FOR OPEN SPACE (OS) DISTRICT

The OPEN SPACE (OS) DISTRICT is designed to provide a suitable character and stable environment for the establishment and maintenance of recreational and open space uses and activities within the Town of Irondequoit. The District is designed to protect public-owned lands within the Town from development pressures and to preserve and enhance the unique and sensitive environmental features that exist in most open space areas within Irondequoit. The District is also designed to encourage land uses and development patterns that respect, and are consistent with, those unique and sensitive environmental features.

The OPEN SPACE (OS) DISTRICT permits recreational and open space uses that serve the residents and visitors to the Town and that generally preserve and enhance the unique aesthetic and environmental qualities of open space areas. The purpose of this district includes the following specific goals:

(1) To ensure that development and land-use activity within open space areas along the shorelines of Lake Ontario and Irondequoit Bay is consistent with the policies and objectives of the Town of Irondequoit's Local Waterfront Revitalization Program (LWRP).

(2) To provide sufficient space in appropriate locations for recreational activities, landscaped areas and buffers, wildlife habitats and other public uses, in order to meet the various recreational and "quality of life" needs of the Town of Irondequoit's present and future populations.

(3) To recognize the sensitivity of open space areas as unique environmental and recreational resources and to protect these areas from environmentally destructive uses and activities.

(4) To encourage land use and development activity that is in harmony with its environment and that does not conflict with the preservation of the natural beauty of the Town's open space areas.

(5) To promote the most desirable and appropriate use of land and direction of building development based upon land and soil types and other natural features, environmental constraints, neighborhood characteristics and overall community needs; and, to protect the character of the District and its peculiar suitability for particular uses.

(6) To preserve areas that are naturally unsuited for development or that have unique historical, aesthetic or environmental significance.

(7) To protect and enhance existing park lands, playgrounds and other publicly-owned areas within the town; to provide areas for the development of public service facilities within the Town; and, to

establish a pattern of open space within the Town that contributes to the value and attractiveness of property, the maintenance of unique environmental areas and the general "quality of life" of the residents of Irondequoit.

B. PERMITTED USES

No structure shall be erected, structurally altered, reconstructed or moved, and no structure, land or premises shall be used in any district designated on the official zoning map of the Town of Irondequoit as an Open Space (OS) District except for the following principal and "customarily incidental" accessory uses:

(1) Principal Uses:

(a) Public parks and playgrounds, public indoor and outdoor recreational facilities or similar public recreational use authorized or operated by a public agency and not operated for gain, subject to site plan review and approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance.

(b) Municipally owned and/or operated buildings or structures and other strictly governmental uses and activities, including but not limited to schools, museums, water collection, storage and distribution systems, fire stations, public libraries, post offices, governmental offices, sewer lift stations, sewage treatment plants, etc., subject to site plan review and approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance.

(c) Buildings or structures erected or used in connection with, but not directly associated with, a governmental function, agency or activity, and not operated for gain,including but not limited to such things as a community bandstand, Town volunteer fire department and recreational facilities, historic sites, etc., subject to site plan review and approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance.

(d) Public or private botanical gardens, arboretums, conservatories and other similar uses, subject to site plan review and approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance.

(e) Cemeteries, including associated facilities such as mausoleums, columbariums, crematories and chapels, provided that no such structure or facility constructed after the effective date of this ordinance shall be located within fifty (50) feet of any residential district boundary line, and subject to special-use-permit approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance.

(f) Outdoor commercial recreational facilities limited to golf courses, swimming pools, skating rinks, archery ranges, playgrounds, athletic fields, or court games, operated for gain, subject to special-use-permit approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance.

(g) Private clubs or camps, private membership clubs, lodges or fraternal organizations, neighborhood or community centers, YMCA or YWCA or other similar use, subject to special-use-permit approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance.

(h) Zoos, subject to special-use-permit approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance.

(i) Plant nurseries, subject to special-use-permit approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance.

(j) Commercial facilities incidental to the operation of public recreational uses, including, but not limited to, such things as refreshment stands, small concessionaire shops dispensing sporting goods, miniature golf and similar amusement and recreational facilities, subject to special-use-permit approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance.

(k) Public utility buildings or structures, including, but not limited to, electrical substations, subject to special-use-permit approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance.

(l) Combinations of permitted principal uses, based on a determination by the Town Planning Board that such combinations are appropriate for the proposed open space area and are compatible with the purpose and intent of this district, subject to special-use-permit approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance.

(m) Other uses not specifically listed above but which, based on a determination by the Town Planning Board, are deemed appropriate for open space areas, are similar in nature to permitted principal uses and are compatible with the purpose and intent of this district, subject to special-use-permit approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance.

(2) Accessory Uses (located on the same lot with a permitted principal use):

(a) Fencing, subject to the provisions of Section 130.62 of this ordinance.

(b) Sheds, cabanas or similar accessory structures, subject to those dimensional and setback requirements applicable to private garages and carports as moted in Section 130.31 of this ordinance.

(c) Radio, TV or CB antennas, subject to the provisions of Section 130.66 of this ordinance. Those structures that require a permit from the Town Zoning Board of Appeals shall also be subject to special-use-permit approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance.

(d) Signage subject to the following restrictions:

(1) All signage, with the exception of real estate signs, temporary political signs and accessory traffic signs, shall be subject to special-use-permit approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance. Real estate signs shall be subject to the applicable provisions of Section 130.34 of this ordinance.

(2) Signs may be illuminated with a constant source, but flashing, neon, revolving, animated or similar type signs are prohibited.

(3) Dimensional and setback requirements for all signs oriented towards streets or highways shall be determined based on the information contained in TABLE 1 of Section 130.42 of this ordinance.

(e) Parking of trucks, vans and other similar vehicles, subject to the applicable provisions of Section 130.31 of this ordinance.

(f) Dumpsters and other similar outdoor refuse containers or enclosures, provided that such uses are located at least four (4) feet from any lot line and subject to site plan review and approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance.

(g) Outdoor storage of boats associated with public recreational facilities, subject to special-use-permit approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance.

(h) Fishing piers, docks, wharves, boat launching ramps and similar waterfront structures and facilities associated with public recreational facilities, subject to all applicable State regulations and approvals, subject to the applicable provisions of Section 130.42 of this ordinance, and subject to special-use-permit approval issued by the Town Planning Board

in accordance with the provisions of Section 130.72 of this ordinance.

(i) Mooring buoys or facilities associated with public recreational facilities, subject to the applicable provisions of Section 130.42 of this ordinance.

(j) Accessory dredging and filling, as defined in Section 130.40 of this ordinance, associated with public recreational facilities, subject to all applicable State regulations and approvals, and subject to special-use-permit approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance.

C. DIMENSIONAL REQUIREMENTS:

(1) Required minimum lot size:

(a) The required minimum lot sizes for all principal uses permitted in the OPEN SPACE (OS) DISTRICT shall be established by the Town Planning Board during the site plan review and approval process or the special-use-permit approval process. The required minimum lot size shall be based on the amount of land area necessary to adequately accommodate the proposed principal use, as well as all parking, loading, landscaping, open space, setback and access areas and fire lanes for such use. The required minimum lot size shall also be based on the relative intensity of the proposed land use, the requirements regarding maximum percentage of lot occupancy contained in this section, the need to protect the proposed use from surrounding land use development patterns, and the need to protect sensitive environmental areas, significant historic or archeological areas, or scenic views or vistas.

(2) Required minimum building setbacks (required front, side and rear yards):

(a) Setback of buildings and structures from all other buildings and structures on the lot and from property lines, for all other permitted principal and accessory uses identified in this section, shall be determined by the Town Planning Board during the site plan review and approval process or the special-use-permit process and shall be based on the following requirements and guidelines:

(1) Principal buildings, parking areas and accessory structures excluding such facilities as docks, piers, wharves and boat ramps, shall be set back a minimum of twenty-five (25) feet inland from the high water's edge, in order to maintain adequate access to the shorezone.

(2) Principal building, parking areas, and accessory structures shall be set back a minimum of twenty-five (25) feet from

any road right-of-way and a minimum of fifteen (15) feet from any property line.

(3) Principal buildings, parking areas, accessory structures or areas of concentrated outdoor activity shall be set back a minimum of twenty-five (25) feet from any residential lot or district.

(4) Principal building and accessory structure setbacks should be established with due consideration to provisions for fire protection services and adequate access for fire and emergency equipment within and around the site.

(5) Principal building and accessory structure setbacks should be established with due consideration to the protection and preservation of unique and sensitive environmental features, the maintenance of wooded areas, wildlife habitats, scenic vistas, stream beds and slope areas, and the requirement to adequately buffer adjacent land uses from intense outdoor recreational activities.

(6) Principal building and accessory structure setbacks should be established with due consideration to the use of clustering as an appropriate site design technique.

(3) Maximum building heights:

(a) Maximum building heights for all permitted principal uses specified in this section shall not exceed thirty-five (35) feet,except where it has been determined by the Town Planning Board during the site plan or special-use-permit review and approval process, that based on a visual analysis of the site prepared and submitted by the applicant and reviewed by the Board, such building height would interfere with identified scenic views or vistas or destroy the aesthetic integrity of the waterfront area. In such cases, the Town Planning Board shall be empowered to establish maximum principal building heights in order to protect the scenic views and vistas and the aesthetic character of open space areas in general.

(b) Accessory structures shall not exceed a maximum height of fifteen (15) feet unless otherwise specified or regulated in this ordinance.

(4) Maximum density/Maximum percentage of lot occupancy:

(a) The total overall ground coverage of all principal and accessory buildings, parking areas and other impervious surfaces on any lot in any OPEN SPACE (O S) DISTRICT shall not exceed fifty percent (50%) of the total lot area. The remainder of the lot shall be for open space and/or landscaped areas.

D. ADDITIONAL REQUIREMENTS:

(1) Off-street parking and loading requirements:

(a) Off-street parking spaces and loading facilities must be provided for all uses specified in this section, in accordance with the provisions of Section 130.61 of this ordinance and the following additional requirements:

(1) All parking spaces shall be set back a minimum of fifteen (15) feet from any street line or property line to provide for proper landscaping and buffering.

(b) A reasonable reduction in the size and number of parking spaces required for a given project may be permitted by the Town Planning Board during the site plan or special-use-permit review and approval process, where it can be demonstrated that such a reduction will not create overflow parking problems or traffic congestion, and that the additional space will be used for landscaping or open space within the site. Such a reduction shall be permitted by the Town Planning Board on a case-by-case basis.

(2) Landscaping and buffering requirements:

(a) When a use is the first development of two adjacent vacant parcels, this first use shall be required to meet minimum setbacks, but shall not be required to provide a bufferyard. The second use to develop, shall, at the time it is constructed, provide all additional plant material and/or land necessary to provide the total bufferyard required between the two uses subject to the appropriate requirements as outlined in Table 4 contained in Section 130.42 of this ordinance. Existing plant materials and/or land located on the preexisting (first developed) land use which meets the requirements of this section may be counted as contributing to the total bufferyard required between it and the second (adjacent) land use to develop.

(b) Required setbacks for parking areas shall be landscaped and buffered as much as possible. A reasonable reduction in the size and number of parking spaces required for a project shall be permitted by the Town Planning Board where it can be demonstrated by the applicant that such a reduction will not create overflow parking problems and that the additional space will be used for landscaping or open space within the site.

(c) Outdoor storage of boats and equipment, outdoor dumpsters, sheds, etc. shall be adequately and properly buffered using trees, berms, etc.

(d) Where practical, trees with a diameter or caliper of three (3) inches or greater shall be retained on the site.

(3) All lighting shall be located and shielded so as to prevent the direct glare of beams onto adjacent residential properties and streets.

(4) All public address systems, loudspeakers or other similar sound-producing activities, shall be designed, located and operated so as to avoid any undue disturbance or any nuisance within the surrounding area.

SECTION 130.70: MISCELLANEOUS PROVISIONS APPLICABLE TO ALL WATERFRONT PROPERTY

Insert new Section 130.70, Miscellaneous Provisions Applicable To All Waterfront Property into existing Article VI Chapter 130, Town Zoning Ordinance

SECTION 130.70: MISCELLANEOUS PROVISIONS APPLICABLE TO ALL WATERFRONT PROPERTY

A. All properties or parcels of land within the Town of Irondequoit that contain at least fifteen (15) feet of shoreline frontage on either Irondequoit Bay or Lake Ontario, shall be permitted those specific accessory structures listed in Section 130.42, Part (B) (3) (M) (N) (O) and (P), subject to the regulations and restrictions listed in those sections.

B. Any development proposed within the boundaries of the Town of Irondequoit's Local Waterfront Revitalization Program shall be subject to the applicable landscaping and buffering requirements for the particular land use and circumstances as listed in Section 130.42, Part D, Item (2) of this ordinance.

C. Maximum building heights for those uses that are permitted within the Waterfront Development District, but that are proposed in other zoning districts within the Town of Irondequoit's Local Waterfront Revitalization Program boundary, shall be subject to the applicable restrictions outlined in Section 130.42, Part C, Item (3) of this ordinance. Any development that is proposed on property located within any zoning district included in the Town of Irondequoit's Local Waterfront Revitalization Program boundary shall also be subject to the requirements for submission of a visual resource analysis as part of the site plan review process, and as described in Section 130.72, Part M, Item (3) of this ordinance.

D. Principal or accessory buildings or structures proposed for any properties or parcels of land within the Town of Irondequoit that contain at least fifteen (15) feet of frontage on Lake Ontario or Irondequoit Bay shall be required to maintain a minimum setback from the water's edge of twenty-five (25) feet. In addition, maximum required setbacks of principal buildings and accessory structures on such properties shall be established by the Town of Irondequoit Planning Board during the site plan review process with due consideration to the protection and preservation of sensitive environmental features, and maintenance of the wooded character of the shorezone area, as well as scenic views and vistas.

E. Signage proposed for any development located on property that contains at least fifteen (15) feet of frontage on Lake Ontario or Irondequoit Bay shall be required to meet the requirements and restrictions contained in Section 103.42, Part B, Item (3) (G) of this ordinance.

CHAPTER 33: IRONDEQUOIT MUNICIPAL CODE

Replace Section 33.2 Inspection and Report with new Section 33.2 Jurisdiction and Inspection Authority

CHAPTER 33

IRONDEQUOIT MUNICIPAL CODE

SECTION 33.2 JURISDICTIONS AND INSPECTION AUTHORITY

The Town Building Inspector is hereby designated as the Enforcement Officer and Inspection Officer of this Chapter. When, in the opinion of the Building Inspector, any building or structure within the Town has fallen into a state of disrepair and has become dangerous and/or unsafe to its occupants or the general public, the Building Inspector shall be required to make a formal insection of such building or structure, and shall submit a written report of his findings and recommendations concerning the building or structure's removal or repair, to the Town Board. For the purposes of this Chapter, the word "structure" shall include, but not be limited to piers, docks, wharves, boat launching ramps, pilings, navigational hazards or devices, or any similar structure which protrudes over the water's edge.

ARTICLE VII

SECTION 130.77: POWERS AND DUTIES OF THE BOARD OF APPEALS

Replace existing Section 130.77, Powers and Duties of the Planning Board of Town of Irondequoit Zoning Ordinance with new Section 130.77, Powers and Duties of the Board of Appeals

Section 130.77 Powers and Duties of the Board of Appeals

A. Review

The Board of Appeals shall hear and decide appeals and review any order, requirement, decision or determination made by the Building Inspector pursuant to this Chatper and in accordance with its rules of procedure.

B. Interpretation

Upon appeal from a decision, to decide questions involving the interpretation of this Chapter.

C. Special and Temporary use permits.

1. Except as provided in Section 130.77(L), wherever a special or temporary use permit is required under the provisions of this Chapter, the Board of Appeals, may upon determination that the purposes of this Chapter will be served and after due public notice and public hearing and subject to appropriate conditions and safeguards, grant a special or temporary use permit. The same procedure shall follow as provided by law in relation to an application for a variance.

2. Any special or temporary use permit granted under the provisions of this Subdivision shall become null and void unless exercised within one year from the date of issuance.

D. Variances

1. To grant variances in accordance with the provisions of Section 267 of the Town Law.

2. Any variance granted under the provisions of this Subdivision shall become null and void unless a building permit is obtained and exercised within one year from the date of the granting of the variance.

DEFINITIONS

(Add to Definitions Section 130.4)

"Marina" means any waterfront facility which provides accommodations or services for vessels by engaging in any of the following:

1. the sale of marine products or services;

2. the sale, lease, rental, or charter of vessels of any type; or

3. the sale, lease, rental, or any other provision of storage, wharf space or mooring for vessels not registered to the owner of said facility, a member of the owner's immediate family, or an overnight guest on said property.

WATER QUALITY BEST MANAGEMENT PRACTICES MATRIX

BMPs for STORMWATER MANAGEMENT

Development Management Measure (BMP Title) - Description	Major Purpose/ Related BMPs	Water Quality/Relative Effectiveness	Runoff Rate/Volume	Erosion & Sediment Control	Use Near Steep Slopes/Limitations	Staging/Regulation & Inspection
Runoff Controls (Structural)						
1.01 Porous Pavement - Use of porous asphaltic paving material and a high-void aggregate base that allows for rapid infiltration and temporary storage of rain falling on paved areas. - Concrete (& Plastic) Grid Pavers & Modular Pavement are also used in place of asphalt.	o Reduces volume and peak rates of runoff. o Used to control the part of the runoff associated with parking lots, driveways, etc. Runoff from other areas controlled with other BMPs. o Where infiltration capacity is limited, subsurface drains are used to convey water to other BMPs such as 1.02 or 1.03. o Applicable to most uses except highways, should not be subjected to frequent heavy loadings.	o Medium/controls amount of particulate pollutants and soluble pollutants reaching receiving waters. Filtration and bacterial action act to improve runoff water quality. o Possible negative effects on groundwater, if used in areas with high groundwater table.	o Highly effective at controlling both rate and volume of runoff, under normal conditions. Effectiveness can be reduced by sediment clogging the pores.	o Reduction in rate and volume of runoff lessens threat of erosion and sedimentation in immediate vicinity and downstream areas.	o Not applicable to steep slope areas; fairly flat surface needed to promote infiltration. o Underlying soil type critical, high clay content unacceptable since low porosity severly limits infiltration. o Depth to groundwater table critical to performance. Possible contamination of groundwater and water supply wells. o May raise local water table slightly, could cause soil slippage on steep slopes.	o Should be installed in last stages of development since on-site erosion/ sedimentation can clog pores, drastically reducing performance. o Use of porous pavements may not be permitted under current local regulations. o Inspection and maintenance comparable to conventional pavement. Requires good "housekeeping" practices by residents and efficient street cleaning by towns.
1.02 Infiltration Trenches, Pits, & Basins - Excavated pits or trenches, backfilled with sand and/or graded aggregates, in which stormwater runoff is collected for temporary storage and infiltration. A "Dry Well" is a common type of infiltration pit. - Infiltration basins are natural or excavated open depressions of varying size in the ground surface for storage and infiltration of stormwater.	o To reduce runoff volume and peak discharge rate as well as to filter contaminants out of runoff before it reaches receiving waters. o Usually used in combination with BMPs like 1.01, 1.06 & 1.09 or as a series linked together. o Applicable to most uses, except marginal applicability to high density development. Usually applied to runoff from roof drains, small parking lots, tennis courts, etc.	o Medium/controls the amount of particulate pollutants and soluble pollutants reaching the receiving waters. o Effectiveness can be limited by the presence of grease, oil, floatable organic materials, and settleable solids which can take up storage capacity and reduce infiltration rates. Filter fabric is used to maximize effectiveness.	o Highly effective at controlling both rate and volume.	o Control of runoff near source lessens downstream erosion and sedimentation problems.	o Could be used near steep slopes if soil is sufficiently permeable to provide a reasonable rate of infiltration. Placement in highly erosive soils with low permeability could cause slope slumpage. o Not recommended where runoff water contains high concentrations of suspended materials unless a filtering mechanism is used.	o Permanent control mechanism, needs effective erosion and sediment control during construction phase to avoid clogging and need for replacement of filter material. o Frequent inspections of filter fabric needed; replaced when clogged. o Site inspections during and after construction; on a semi-annual basis and after major

BMPs for STORMWATER MANAGEMENT

Development Management Measure (BMP Title)	Major Purpose/ Related BMPs	Water Quality/Relative Effectiveness	Runoff Rate/Volume	Erosion & Sediment Control	Use Near Steep Slopes/Limitations	Staging/Regulation & Inspection
	o Infiltration basins have a wide range of applications, including highway runoff, but require large areas of land generally.	o Possible effects on groundwater need to be considered. o The larger the storage capacity, the greater the pollutant removal efficiency.			o Depth to goundwater table, bedrock critical. o Should completely drain within 5 days. o Locations of septic tank infiltration areas and wells, if any, must be determined.	
1.03 Detention & Retention Basins - An open surface reservoir, which may or may not have a permanent pool of water below the retarding pool, sited to collect runoff from a drainage area of sufficient size to permit control of peak discharges to pre-development levels for one or more design storm frequencies (generally, the 2-year, 10-year, and 100-year).	o To maintain peak discharges of the 2-year storm at predevelopment levels to maintain stream channel stability downstream, to control less frequent storms to predevelopment levels to protect the downstream watershed from increased flooding. o Used in combination with permanent erosion control facilities, as well as BMPs 1.01, 1.02, & 1.09. o Widely used; applicable to all types of development except individual small lot home construction.	o Low for Dry Basins/primarily a flood control measure. o High for Wet Basins/removal of particulants as well as reductions in soluble nutrients attributed to biological processes taking place in the permanent water pool.	o Highly effective at controlling rate of runoff. o Marginal reduction of runoff volume. o Dry Basins typically detain water for 1 to 2 hours. o Wet Basins always maintain a pool and detain runoff for at least 24 hours.	o Controls downstream erosion. o Sedimentation can occur in basins with longer retention times. o Temporary sedimentation basin can be planned to serve as a permanent runoff detention basin.	o Due to typical size of basin, can not be sited in steep slope areas, due to possible slope and basin failures. o For drainage areas greater than 640 acres, the design standards in NYSDEC "Guidelines for Design of Small dams" are applicable. o Site must have sufficient open space at a proper elevation to provide gravity flow of stormwater and detention without backup flooding.	o Permanent runoff control measure. o Currently in wide usage in Monroe County. o Site inspections during construction; on a semi-annual basis and after major storms in the post construction phase.

ANALYSIS OF SELECTED BEST MANAGEMENT PRACTICES TO CONTROL STORMWATER RUNOFF TO IRONDEQUOIT BAY

BMPs for STORMWATER MANAGEMENT

Development Management Measure (BMP Title)	Major Purpose/ Related BMPs	Water Quality/Relative Effectiveness	Runoff Rate/Volume	Erosion & Sediment Control	Use Near Steep Slopes/Limitations	Staging/Regulation & Inspection
1.04 Dual Purpose Basins - A hybrid design of conventional wet and dry basins (BMP 1.03). Dual Purpose Basins are normally dry, thereby retaining their full potential for flood control, but which have outlet designs that result in a slow release rate for detained storm flows. Detention time is extended considerably compared to dry basins using conventional outlet designs.	o Detention of stormwater to control rate of flow to specific pre-development conditions. o Improve quality of stormwater runoff. o Used in combination with pollution source controls, erosion and sediment controls, and BMPs 1.01, 1.02, & 1.09. o Like BMP 1.03, this has a wide range of application; existing dry basins can be easily modified to improve quality of runoff water.	o High level of effectiveness for removal of particulate pollutants, comparable to wet basins. o Low level of effectiveness for removal of soluble pollutants since a permanent pool in which biological reactions can take place does not exist, comparable to dry basins in this regard.	o Highly effective at controlling the rate of runoff. The average detention time is 8 to 24 hours. o Marginal reduction in runoff volume.	o Downstream erosion and sedimentation is controlled. o Suspended solids settle out in basin. o Temporary sedimentation basin can be planned to serve as a permanent detention facility.	o Due to typical size of basin, can not be sited in steep slope areas, due to possible slope and basin failures. o Site must have sufficient open space at a proper elevation to provide gravity flow of runoff and detention without backup flooding of adjacent parking lots, buildings, etc. o For drainage areas greater than 640 acres, DEC small dam standards are applicable.	o Permanent runoff control measure. o Existing dry basins can be easily modified. o Where existing ordinances require conventional detention basins (dry ponds), the only changes required would be an alternate outlet design specification. o Site inspections during construction; on a semi-annual basis and after major storms in the post construction phase.
1.05 Parking Lot Storage - Providing temporary surface storage and controlled release of stormwater runoff on paved (impervious) parking areas.	o To reduce the adverse impact of runoff from impervious parking surfaces on receiving waters. o Can be used in conjunction with infiltration BMPs (1.01, 1.02), grassed waterways, filterstrips and seepage areas (BMP 1.09), as well as storm sewers (1.10) and Detention Basins (1.03). o Applicable to new, high density development and commercial malls,	o Medium level of effectiveness unless combined with other BMPs as listed at left. Some settling of particulate pollutants takes place. Reduces first flush or shock loading effect through slower release. Can contribute to a reduction in the number and size of combined sewer overflows (where combined sewers exist).	o Highly effective at controlling rate of runoff. o No effect on volume of runoff, unless used with other BMPs such as infiltration.	o Reduction in peak runoff rate contributes to decreased stream channel erosion and subsequent sediment pollution downstream.	o Not applicable to steep slope areas. o Limited to large parking lots where a portion of the available space can be committed to storage of runoff. o Ponding areas are likely to be more prone to icing in cold weather. Additional ice removal measures may be required there.	o Permanent runoff control measure. o High maintenance requirements; discharge control structures should be inspected at least semi-annually and following each storm. Debris and litter should be removed. Sweeping and/or vacuuming of parking areas (BMP 2.01) should be done periodically.

BMPs for STORMWATER MANAGEMENT

Development Management Measure (BMP Title)	Major Purpose/ Related BMPs	Water Quality/Relative Effectiveness	Runoff Rate/Volume	Erosion & Sediment Control	Use Near Steep Slopes/Limitations	Staging/Regulation & Inspection
	etc. Whenever portions of large, paved parking lots can be temporarily used for storage of stormwater without significantly interfering with normal vehicle and pedestrian traffic.					
1.06 Rooftop Detention - The temporary ponding and gradual controlled release of stormwater which falls directly onto flat roof surfaces.	o To reduce the adverse impact of rooftop runoff on receiving waters, including downstream flooding and stream channel degradation. o Must be used in conjunction with BMPs that can dispose of the runoff (1.02, 1.05, 1.07, 1.08, 1.09, 1.10). o Not widely used in the U.S. at this time. Most applicable to new structures with flat rooftops.	o Low/has no effect on quality of runoff, except for the BMP which is used to handle the runoff after it is released from the roof drains.	o High level of effectiveness for control of rate. o No effect on runoff volume by itself; related BMPs may reduce volume.	o Reduction in rate of runoff contributes to decreased stream channel erosion and sedimentation.	o Not applicable to steep slope areas unless the flat topped building can be constructed in the steep slope conditions. o Limitations are primarily structural load requirements and water proofing.	o Permanent runoff control measure. o Maintenance responsibility rests with property owner. Routine cleaning of drains and debris removal needed. o Inspection should be semi-annual or annual.
1.07 Rooftop Runoff Disposal - The disposal of rooftop runoff by systems and techniques that avoid or replace direct connections of roof drainage systems to storm sewer systems. Three techniques are: surface drainage, subsurface infiltration, runoff collection and storage.	o To reduce the adverse impact of rooftop runoff on receiving waters. o Related to Rooftop Detention BMP (1.06), the infiltration BMP (1.02), and cistern storage (1.08). o Applicable to individual structures	o Medium/when disposal is by infiltration or by surface drainage. Controls soluble and particulate pollutants in runoff. Reduces volume of flow in sewers, lowering chances of overflow.	o Reduces both rate and volume of runoff.	o Downstream erosion and sedimentation are reduced. o Surface drainage may be inappropriate disposal method in areas with highly erosive soils.	o Subsurface infiltration, Surface Drainage not applicable to steep slopes or areas with low permeability soils. Collection and storage technique has application in steep slope	o Permanent runoff control mechanism. o Maintenance is responsibility of property owner. Preventive maintenance of infiltration and

BMPs for STORMWATER MANAGEMENT

Development Management Measure (BMP Title)	Major Purpose/ Related BMPs	Water Quality/Relative Effectiveness	Runoff Rate/Volume	Erosion & Sediment Control	Use Near Steep Slopes/Limitations	Staging/Regulation & Inspection
1.08 Cistern Storage - Storage of stormwater runoff in a storage tank or chamber for reuse or for controlled release to a receiving stream or treatment facility.	o To reduce peak flows of stormwater runoff from a site. o Related to Rooftop Detention & Disposal (1.06, 1.07) and parking lot storage (1.05). o Very wide range of application; not dependent on physiographic conditions.	o Low/provides some control of particulate pollutants but little for soluble pollutants.	o Highly effective at controlling rate; volume is passed on to treatment facility or stream.	o Downstream erosion and sedimentation controlled.	o Applicable to steep slope areas since entire volume of runoff can be captured and diverted to a treatment facility or less sensitive area for infiltration or other BMP.	o Permanent runoff control measure. o Maintenance is the responsibility of the property owner. Cistern pumps should be routinely maintained. Sediment and debris needs to be removed periodically. o Inspection after major storms.
1.09 Grassed Waterways, Filter Strips, and Seepage Areas - The use of grassed surfaces to manage urban stormwater runoff.	o Reduce runoff velocities, enhance infiltration and remove runoff contaminants. o Related to Detention Basins (1.03, 1.04) and Rooftop Runoff Disposal (1.07). o Most applicable to new low-to-moderate density development where the percentage of impervious cover is to be relatively small, and natural drainage systems can more nearly accommodate post-development runoff.	o Medium/controls both particulate and soluble pollutants.	o Controls both rate and volume to moderate extent. Major storms may overwhelm the infiltration capacity, resulting in more volume being passed on than for minor events.	o Effective control of erosion and sedimentation both on-site and downstream.	o The successful application of this practice is dependent upon anticipated runoff velocities, steepness of slopes, soil porosity and erodibility, water table depth, the type of grass selected for surface cover, and proper maintenance.	o Permanent runoff control measure. o Maintenance is the responsibility of the property owner. o Should be inspected frequently; after major storms.

BMPs for STORMWATER MANAGEMENT

Developeent Management Measure (BMP Title)	Major Purpose/ Related BMPs	Water Quality/Relative Effectiveness	Runoff Rate/Volume	Erosion & Sediment Control	Use Near Steep Slopes/Limitations	Staging/Regulation & Inspection
1.10 Storm Sewers - An underground closed conduit system designed to expeditiously route and convey surface runoff from urban development areas to a safe outlet.	o To provide safe disposal of runoff from streets, parking lots, and other impervious areas and from pervious areas that will spill excess rainfall onto the area provided with storm sewer inlets. o Related to Parking Lot Storage (1.05), Rooftop Detention (1.06), Cistern Storage (1.08), and Collection and Treatment BMPs (#).01-3.10). o Wide usage for street and parking lot surfaces.	o No effect, by themselves; improvement of quality is dependent on BMP which receives the runoff conveyed by the storm sewers.	o No effect on rate or volume; primarily a conveyance method. Runoff is diverted from site to a safe outlet for treatment and/or release.	o Controls runoff by diversion so on-site erosion is lessened.	o Can be applied to steep slope areas if soils and slope can support the placement of the conduits without erosion and slope slumpage.	o Permanent runoff control measure. o Maintenance responsibility is usually assigned to the municipality. o Regular annual inspections to insure structural integrity, remove debris.
Pollution Source Controls (Non-Structural) 2.01 Street Cleaning Practices - Urban street cleaning programs incorporating NPS pollutant control elements.	o To remove dry-weather accumulations of pollutants, especially fine particulate matter, before washoff can occur, thus reducing the impact on receiving waters. o Related to Porous Pavement BMP (1.01) and Parking Lot Storage (1.05). o Most applicable to paved streets having curbs and	o High for particulate pollutants; medium for soluble pollutants. o Street cleaning practices that remove fine particles are most effective for nonpoint source pollution control. o Vacuum sweepers more effective than mechanical sweepers for fine particle removal.	o No effect.	o No effect.	o Can be used on roads in steep slope areas; has no effect on slope stability. o Cleaning operations should concentrate on cleaning curbs and gutter lines for maximum pollutant removal efficiency.	o Ongoing management practice. o Maintenance is largely vehicle related. Usually a municipal operation except for privately owned parking lots, etc. o Should be done on a regular basis (e.g., every 2 months).

BMPs for STORMWATER MANAGEMENT

Development Management Measure (NIP Title)	Major Purpose/ Related BMPs	Water Quality/Relative Effectiveness	Runoff Rate/Volume	Erosion & Sediment Control	Use Near Steep Slopes/Limitations	Staging/Regulation & Inspection
2.02 Solid Waste Collection and Disposal - Elements of a municipally regulated program of refuse collection, litter control and leaf disposal.	o To manage the handling of urban refuse, litter and fallen tree leaves routinely in ways that will prevent their becoming water pollutants. o Applicable to residential, industrial, and commercial areas.	o Variable effectiveness depending on the nature of the refuse. Preventive method of control.	o No effect.	o No effect.	o No effect.	o Ongoing management practice. o Joint responsibility of municipality and citizens.
2.03 Vegetative Control - The management of vegetation throughout urban areas, including both the protection and retention of existing vegetation and the establishment of new vegetation, to provide a natural reduction of nonpoint source pollution.	o To utilize the natural capacity of plants to intercept and absorb airborne and runoff related pollutants and to reduce runoff volume, velocity and peak flow rate increases caused by urban development. o Should always be used in conjunction with other BMPs as appropriate. o Universal applicability.	o Medium for both particulate and soluble pollutants. Leaves provide a filtering action for airborne pollutants. Ground cover slows runoff velocities, allowing particulate matter to settle out of the runoff.	o Medium effectiveness on both rate and volume. o Root systems maintain porosity and infiltration capacity.	o Stabilizes soil, reduces impact of rainfall, lessens risks of erosion and sedimentation.	o Stability of steep slopes is dependent on good vegetative control, at all times.	o Ongoing activity. o Joint responsibility of municipality and property owner.
2.04 Fertilizer Application Control - Managing the use of fertilizer so as to keep it on the land.	o To prevent fertilizer nutrients from reaching watercourses. o Should be used in conjunction with other pollution source controls as part of a total program of management. o Universal applicability.	o High for control of soluble pollutants. o Low for control of particulate pollutants. o Aimed at controlling the over-application of fertilizer containing Nitrogen and Phosphorous.	o No effect.	o Effective erosion control is needed to prevent fertilized, bare soils from being eroded and carried away in runoff.	o Can be applied to steep slope areas.	o Fertilizer application should be made when there is already adequate soil moisture and little likelihood of immediate heavy rain--then the lawn should be sprinkled so the fertilizers will be incorporated into the soil before the next rain can take it [illegible]

BMPs for STORMWATER MANAGEMENT

Development Management Measure (BMP Title)	Major Purpose/ Related BMPs	Water Quality/Relative Effectiveness	Runoff Rate/Volume	Erosion & Sediment Control	Use Near Steep Slopes/Limitations	Staging/Regulation & Inspection
2.05 Pesticide Use Control - Eliminating excessive pesticide use by proper application procedures and/or the use of alternatives to chemical pest control.	o To reduce the pesticide load in stormwater runoff from urban areas. o Part of a total program for Non Point Source pollution control. o Universal applicability.	o High for soluble pollutant control. o Low for particulate control.	o No effect.	o No effect.	o Can be applied to steep slope areas. No effect on slope stability.	o Ongoing activity. o Application is the responsibility of the property owner. o Regulation/education is a municipal task.
2.06 Reduction of Traffic-Generated Pollutants - Preventive measures to lower the amounts of nonpoint source pollutants originating from motor vehicle traffic in urban areas.	o To institute maintenance procedures for individual cars and trucks that will reduce their potential for generating pollutants in traffic. o To develop efficient urban transportation methods that will reduce the collective total of traffic-generated pollutants by reducing the volume of traffic.	o Medium for both particulate and soluble pollutants.	o No effect.	o No effect.	o No effect.	o Ongoing activity. o Joint responsibility of municipality and vehicle owners.
2.07 Highway Deicing Compound Control - Controlling the storage and application of roadway deicing chemicals and abrasives and properly maintaining the equipment used to apply them.	o To reduce the amounts of deicing chemicals and abrasives entering urban runoff and thus reduce the amounts of these pollutants reaching watercourses. o Part of a total NPS pollutant control program.	o High for both soluble and particulate forms of pollutants. o Pollutants include sodium chloride, calcium chloride, sand, and fly ash.	o No effect.	o No effect.	o Can be applied to steep slope areas (highways located within these areas).	o Ongoing, seasonal practice. o Municipal responsibility except for privately owned parking lots, driveways, etc.

BMPs for STORMWATER MANAGEMENT

Development Management Measure (BMP Title)	Major Purpose/ Related BMPs	Water Quality/Relative Effectiveness	Runoff Rate/Volume	Erosion & Sediment Control	Use Near Steep Slopes/Limitations	Staging/Regulation & Inspection
Collection and Treatment 3.01 Sewer System Control - Planning, design and management alternatives for the collection and transport of urban wastewater.	o To maximize the efficiency of existing and newly planned sewer systems so as to increase waste treatment efficiency and thus reduce the amount of untreated urban wastewater reaching receiving waters. o Part of a total NPS pollutant control program. o Related to storm sewer BMP 1.10. o Applicability is dependant upon specific local conditions.	o High for both soluble and particulate pollutants.	o Moderate control of runoff rate and volume.	o No effect.	o No effect.	o Municipal responsibility. o Ongoing activity. o Regular, routine program of maintenance required, such as catch basin and sewer cleaning.
3.02 Conveyance System Storage - Providing storage capability within stormwater conveyance systems for temporary detention and controlled release of urban stormwater during wet weather flows.	o In combined sewers to reduce the frequency and magnitude of sewer overflows and to increase the quantity of stormwater receiving treatment before entering receiving waters. o In separate conveyance systems to reduce the downstream flow peaks and to provide a small amount of particulate removal through detention.	o High for both soluble and particulate pollutants.	o Highly effective at controlling both rate and volume of runoff.	o Threat of downstream erosion is lessened.	o No effect.	o Permanent control measure. o High maintenance requirements; municipal responsibility.

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Development Management Measure (BMP Title)	Major Purpose/ Related BMPs	Water Quality/Relative Effectiveness	Runoff Rate/Volume	Erosion & Sediment Control	Use Near Steep Slopes/Limitations	Staging/Regulation & Inspection
3.03 Conventional Flow Regulators - Traditionally used mechanical devices which provide control of the volumes, velocities, and/or directions of fluid flows.	o To regulate flows in combined sewers, separate storm sewers, and stormwater storage facilities so that those facilities operate at maximum efficiency. o Applicable wherever control of volumes, velocities, and/or directions of fluid flows is desirable.	o Variable effectiveness for particulate and soluble pollutant removal, depending on the specific application.	o Effective control of both rate and volume in terms of conveyance; no effect on origin of runoff.	o No effect.	o No effect.	o Permanent control measure. o High maintenance requirements; clogging and debris common. o Municipal and/or property owners' responsibility.
3.04 Fluidic Flow Regulators - Self-powered flow control devices operating according to a closed-loop signal system which is responsive to changes in water level and flow characteristics. Fluidic devices have no moving parts in their flow regulation mechanisms.	o To selectively divert the most polluted portions of concentrated stormwater runoff into treatment facilities or holding areas, thus reducing the downstream impact of polluted runoff. o To proportion flow of runoff between receiving streams and retention/detention facilities. o To provide increased efficiency of storm and combined sewers during wet weather flows.	o Can be used to maximize the efficiency of storm or combined sewers; maximizes efficiency of detention facilities; can be used to capture "First Flush" of pollutants.	o Effective for control of both rate and volume.	o No effect.	o No effect. o Limited experience with this practice. Relatively new.	o Permanent control measure. o Moderate maintenance requirements. o Municipal and/or property owners' responsibility.

BMPs for STORMWATER MANAGEMENT

Development Management Measure (BMP Title)	Major Purpose/ Related BMPs	Water Quality/Relative Effectiveness	Runoff Rate/Volume	Erosion & Sediment Control	Use Near Steep Slopes/Limitations	Staging/Regulation & Inspection
3.05 Treatment - Unit operations that provide treatment of urban stormwater but are less involved and costly than treatment plant technology and can be either used independently or interfaced with other best management practices.	o To remove contaminants from collected stormwater. o Applicable where a level of contaminant removal greater than that achieved by other best management practices is desirable or necessary, but where treatment plant construction or use is not feasible.	o Variable effectiveness depending on treatment techniques employed and pollutant content of the runoff.	o Moderate control of both rate and volume.	o No effect.	o No direct effect on steep slopes. Runoff could be diverted from developments in the steep slope areas for treatment in less sensitive areas.	o Permanent control measure. o High maintenance requirements. o Municipal and/or property owners' responsibility.

BMPs for ACTIVE CONSTRUCTION SITES

Development Management Measure (BMP Title)	Major Purpose/ Related BMPs	Water Quality/Relative Effectiveness	Runoff Rate/Volume	Erosion & Sediment Control	Use Near Steep Slopes/Limitations	Staging/Regulation & Inspection
4.01 Storm Runoff Control - Land shaping structural and vegtal measures in combination that will adequately control and limit storm runoff water leaving a development site during and after construction activities.	o To provide for the planning and installation of storm runoff control measures that will preclude any increased storm runoff flows or increased sedimentation from construction or development sites to other premises. o Related to all other BMPS. o Applies to any and all construction sites where there will be increased impervious surfaces created, land shaping or land forming, or alteration of drainage patterns.	o High/calls for a combination of BMPs to control runoff rate, volume, and quality.	o Effective control of both rate and volume.	o Effective control of sedimentation.	o Can be applied to steep slope areas.	o Must be in place at the start of any construction activity. o Inspection requirements depend on the particular BMPs that are chosen to handle the runoff.
4.02 Land Grading - Reshaping the ground surface by grading to planned grades which are determined by topographic survey and layout.	o Improves the suitability of sites for land development, improves surface drainage, and controls erosion. o Related to BMPs 4.01 and 4.19. o Applicable where grading to planned elevations is needed.	o Controls erosion, thereby reducing the amount of suspended solids in runoff from the construction site.	o No effect on rate or volume.	o Primarily an erosion control measure; needs effective vegetative cover (BMPs 4.04-4.09).	o Not recommended in steep slope areas. o The cut face of earth excavations and fills should be no steeper than the safe angle of repose for the materials encountered and flat enough for stabilization and maintenance.	o Takes place early in the site preparation stage. o Permanently exposed faces of earth cuts and fills shall be vegetated or otherwise protected from erosion immediately upon completion of earth placement.

BMPs for ACTIVE CONSTRUCTION SITES

Development Management Measure (BMP Title)	Major Purpose/ Related BMPs	Water Quality/Relative Effectiveness	Runoff Rate/Volume	Erosion & Sediment Control	Use Near Steep Slopes/Limitations	Scaping/Regulation & Inspection
4.01 Contoured Development - Placement of streets, utility lines, buildings, parking lots, and other major development appurtenances to conform with the contour of the land.	o To eliminate or reduce steep grades for street construction and excavated utility lines where severe gully erosion can occur. o To reduce the necessity of large cut and fill operations. o Related to BMP 4.02. o Part of an overall plan to minimize runoff and erosion from the site. o Applies to all developments where the slope is greater than 10% and slope length exceeds 200 ft.	o Preventive method of controlling amount of runoff and sediment content of runoff.	o Increases the travel time and retards peak runoff flows.	o Effective method for preventing erosion and sedimentation problems.	o Applicable to 15% slope areas (greater than 10%). This BMP is aimed at minimizing the problems associated with *steep slope* areas, where the development is unavoidable. o Existing development may place limitations on the placement of new features.	o An integral part of the site planning stage of the development.
4.04 Seeding Permanent Vegetative Cover - The establishment of long term stands of perennial vegetation by seeding exposed soil.	o Long-term soil stabilization and erosion control. o Related to Temporary Vegetation (BMP 4.03), as well as Land Grading (BMP 4.02) and Runoff Control (BMP 4.01). o Applicable to exposed soils of construction sites or cleared, regraded areas, where a long lived grass or grass-legume cover is required.	o Controls runoff at the source, lessens sediment load in runoff and impact on receiving waters.	o Slows the rate and reduces the volume of runoff.	o Very effective means of erosion and sediment control.	o Applicable to steep slope areas.	o Should be applied as soon as possible. Temporary vegetation must be used during the active stage until the land is stabilized and permanent vegetation can be established.

BMPs for ACTIVE CONSTRUCTION SITES

Development Management Measure (BMP Title)	Major Purposes/ Related BMPs	Water Quality/Relative Effectiveness	Runoff Rate/Volume	Erosion & Sediment Control	Use Near Steep Slopes/Limitations	Staging/Regulation & Inspection
4.05 Temporary Vegetation - Planting short-term vegetation on exposed soil areas at construction sites.	o To stabilize the soil; reduce damages from sediment and runoff to downstream areas; protect wildlife habitat; reduce wind erosion. o Related to Permanent Vegetative Cover (4.04), Land Grading (4.02), and Storm Runoff Control (4.01). o Applies to graded or cleared areas which are subject to erosion for a year or less; where permanent structures are to be installed or extensive grading will be done prior to establishment of permanent vegetation.	o Controls runoff at the source, lessens the sediment load in runoff and impact on receiving waters.	o Slows the rate and reduces the volume of runoff.	o Very effective means of erosion and sediment control.	o Applicable to Steep slope areas.	o Should be applied immediately to any exposed soil areas not directly involved in the construction activity. o An inexpensive, effective means of providing protection. Will reduce the maintenance on structural BMPs if applied early in the project.
4.06 Topsoiling - Spreading a specified quality and quantity of topsoil materials on graded or constructed subsoil areas.	o To provide adequate plant cover growing conditions; to reduce future needs for nitrogenous fertilizer applications. o Related to both the Temporary and Permanent Vegetation BMPs (4.04, 4.05), as well as Land Grading (4.02).	o Promotes establishment of vegetative cover, thereby indirectly contributing to a reduction in the sediment loads leaving the site and reaching receiving waters.	o No effect.	o Enhances conditions for establishment of vegetative cover, thereby reducing erosion and sedimentation problems.	o Applicable to steep slope areas. o Topsoil placed and graded on slopes steeper than 5% should be promptly fertilized, seeded, mulched and stabilized by "tracking" with suitable equipment.	o Applied after final grading, where vegetation will be established. o Existing topsoil should be preserved to the maximum extent possible.

BMPs for ACTIVE CONSTRUCTION SITES

Development Management Measure (BMP Title)	Major Purpose/ Related BMPs	Water Quality/Relative Effectiveness	Runoff Rate/Volume	Erosion & Sediment Control	Use Near Steep Slopes/Limitations	Staging/Regulation & Inspection
4.07 Stabilization with Mulch - Stabilizing exposed soils with plant residues or other materials.	o To reduce runoff and erosion, control weeds, and reduce off site sediment damage. o Related to BMPs 4.19, 4.20, 4.22, and 4.15 (control channels and sediment basins). o Applies to graded or cleared areas which are subject to erosion for 6 months or less; where seedings may not have a suitable growing season to produce an erosion retardant cover.	o Controls runoff at the source, lessens sediment load in runoff and reduces the impact on receiving waters.	o No direct effect.	o Very effective source control of erosion and sedimentation problems.	o Very applicable to steep slope areas, especially road cuts and other exposed areas prone to rapid erosion.	o Final grading is not required prior to mulching. o Prior to mulching; install needed erosion control practices such as diversions, grade stabilization structures, berms, dikes, level spreaders, grassed waterways and sediment basins.
4.08 Stabilization with Sod - Stabilizing silt-producing areas by establishing long-term stands of grass with sod.	o To stabilize the soil and reduce damage from sediment to downstream areas. o Related to Temporary Vegetative Cover (4.05), Stabilization with Mulch (4.07), and many other erosion and runoff BMPs. o Applies to exposed soils that have a potential for causing off-site damage where a quick vegetative cover is desired.	o Controls sediment load reaching receiving waters.	o Slows runoff rate and reduces volume of runoff.	o Very effective source control of erosion and sedimentation problems.	o Applicable to steep slope areas. Sod should be laid with the long edges parallel to the contour and with staggered joints. Secure the sod by tamping and pegging in place. o Moisture, either applied or natural, is essential for successful application.	o Sod should be harvested, delivered, and installed within a period of 36 hours. o The operations of laying, tamping and irrigating for any piece of sod should be completed within 8 hours. o Frequent watering needed during first week.

BMPs for ACTIVE CONSTRUCTION SITES

Development Management Measure (BMP Title)	Major Purpose/ Related BMPs	Water Quality/Relative Effectiveness	Runoff Rate/Volume	Erosion & Sediment Control	Use Near Steep Slopes/Limitations	Staging/Regulation & Inspection
4.09 Ground Cover, Vines, Shrubs, and Trees for Disturbed Area Stabilization - Planting vegetation such as trees, shrubs, vines, and ground cover on sediment and dust producing areas.	o To stabilize the area; minimize sedimentation, and control blowing dust. o Related to BMPs 4.04-4.07. o Applicable to graded or cleared areas subject to erosion where a permanent, long-lived vegetative cover other than turf is desired.	o Controls sediment load reaching the receiving waters.	o Slows runoff rate and reduces volume of runoff.	o Very effective source control of sedimentation problems.	o Applicable to steep slope areas.	o Area should be graded and smoothed and any runoff or erosion control BMPs should be installed prior to planting.
4.10 Stabilization Matting for Channels and Steep Slopes - Installing jute or excelsior mattings on a prepared seed or planting bed of a channel or steep slope to be stabilized with vegetation.	o An aid to controlling erosion on critical sites during the establishment period of protective vegetation. o Related to BMPs for vegetation (4.04-.05). o Applies to channels where designed flow exceeds 2.5 feet per second; on steep, short slopes with a high erosion potential and vegetal growth is likely to be slow to become established. Applies to stream banks where moving water is likely to wash out new plantings.	o Controls on-site erosion and the sediment load to receiving waters.	o No direct effect on volume but does slow rate of runoff.	o Very effective means of stopping erosion and downstream sedimentation problems.	o Directly applicable to steep slope areas as well as stream channels.	o Applied after the site has been shaped and graded

BMPs for ACTIVE CONSTRUCTION SITES

Development Management Measure (BMP Title)	Major Purpose/ Related BMPs	Water Quality/Relative Effectiveness	Runoff Rate/Volume	Erosion & Sediment Control	Use Near Steep Slopes/Limitations	Staging/Regulation & Inspection
4.11 Filter Strips - A strip of native or seeded grass vegetation, usually on the contour or adjacent to streams, ponds, lakes, bays, or drainage channels.	o To intercept and retard surface flows of sediment-bearing stormwater runoff. o Related to BMPs like 4.16, 4.19, 4.22. o Applies to sites with little or no shade over the filter strip and those having an adequate topsoil and freedom from traffic.	o Intercepts runoff and retains the sediment load on-site, thereby lowering load to streams and other receiving waters or areas like parking lots with porous pavement.	o Reduces both the rate and volume of runoff.	o Very effective for erosion and sediment control.	o Directly applicable to steep slope areas but will require the use of supplemental BMPs such as mulches, diversions, terraces, and sediment traps.	o Filter strips should be established before general site clearing. Can use existing cover as contour oriented strips within larger areas of earth disturbance.
4.12 Preserving Existing Vegetation - Saving natural grass, shrubs, and trees of good quality in developments.	o To reduce the amount of exposed soil available to erosive forces. o Related to BMPs 4.02, 4.03, 4.04-.05, 4.11. o Applies to all developments that have less desirable areas where plants can be retained and are needed to improve the environmental quality and where severe erosion can occur.	o A preventive means of controlling the erosion from sections of a building site. Reduces the sediment load to the receiving waters.	o Reduces both the rate and volume of runoff.	o Effective means of erosion control. As a general rule, as much of the existing vegetation as possible should be preserved. The minimum area of land should be disturbed for any particular site.	o Very applicable to steep slope areas. In the Irondequoit Bay area there are extensive wood lots, often coinciding with the steep slope areas. These areas in particular should be preserved.	o Part of the site planning process. Many potential problems can be prevented by adhering to the principles of conservation of natural vegetation and features.

BMPs for ACTIVE CONSTRUCTION SITES

Development Management Measure (BMP Title)	Major Purpose/ Related BMPs	Water Quality/Relative Effectiveness	Runoff Rate/Volume	Erosion & Sediment Control	Use Near Steep Slopes/Limitations	Staging/Regulation & Inspection
4.13 Contour Scarification - Scratching or scarifying a sloping, fine textured or loamy soil surface in nearly level contoured patterns.	o To increase infiltration and overland flow time; to reduce runoff from sloping, unprotected soil; to reduce the need for temporary cover; to reduce wind erosion; to capture snow, and to improve the bond between a soil surface and sod or topsoil installation. o Related to BMPs for Temporary Vegetation, Topsoiling, and Sod Stabilization. o Applies to gentle, short slopes having soils with less than 60% sand.	o Provides pollutant removal through increased infiltration.	o Increases the overland flow time, thereby reducing the rate of runoff. Increased infiltration reduces the volume of the runoff.	o An inexpensive, temporary erosion control measure. o Limited effectiveness on shallow or exposed hardpan soils. o Not useful on loamy sands and exposed coarse sand subsoil.	o Can be applied to steep slopes, but will not be sufficient without other diversions and other methods of controlling the runoff over the face of the slope.	o Temporary BMP. Site should be graded as needed to permit the use of the scarifier. o Rain, wind, traffic and freezing weather may require the soil surface to be rescarified.
4.14 Dust Control - Reducing the amount of wind-blown soil from development sites and other disturbed soil areas to acceptable levels.	o To control wind-blown soil pollution of air and water. o Related to BMPs for temporary and permanent vegetative cover, mulching, and topsoiling. o Applies to areas which are subject to wind erosion where off-site damage is likely.	o Prevents the soil blown from the construction sites from polluting nearby streams and waterbodies, as well as paved surfaces which will eventually be washed off by rainfall.	o No effect on either rate or volume.	o Controls wind-blown erosion problems. Airborne sedimentation is reduced.	o Can be applied to steep slope areas.	o An integral, ongoing part of any effective erosion control plan.

BMPs for ACTIVE CONSTRUCTION SITES

Development Management Measure (BMP Title)	Major Purpose/ Related BMPs	Water Quality/Relative Effectiveness	Runoff Rate/Volume	Erosion & Sediment Control	Use Near Steep Slopes/Limitations	Staging/Regulation & Inspection
4.15 Sediment Basins - A basin formed by a barrier or dams constructed across a waterway or at other suitable locations to intercept and retain sediment and debris.	o To provide for desilting and the capture of sediment and debris from construction sites; to prevent silting of catch basins and other drains during the active phase of the development. o Related to BMPs for temporary vegetation, mulching, and scarification. o Applies where the physical conditions preclude the treatment of the sediment source by the installation of erosion control measures to keep soil in place.	o Removes particulate pollutants and debris from the runoff leaving a site. o Little effect on phosphorous and other soluble pollutants.	o Reduces the rate of runoff but not the volume.	o Not a source control, treats the sedimentation problem once the erosion has taken place. Prevents off-site damage.	o Not recommended for steep slope areas usually due to the risks of basin and slope failure. o Limited effectiveness where silty soils predominate. Most sediment basin designs are effective only in settling out particles larger than a #200 sieve.	o Can be either a temporary or permanent basin. Can be planned to work as a detention/ retention basin after the active phase of construction. o Basins should be fenced off to prevent accidents. o Periodic cleanout of the structure is required.
4.16 Sediment Traps - A small temporary basin formed by excavation and/or an embankment to intercept sediment-laden runoff and to trap and retain the sediment.	o To intercept sediment leaving a site with runoff and trap the sediment to protect drainageways, properties, and rights-of-way downstream of the site. o Related to Sediment Basins BMP (4.15) as well as vegetation BMPs. o Applied to drainageway, at a storm drain inlet, or at other points of discharge from a disturbed area.	o Removes larger particles from the runoff. o Little effect on phosphorous and other soluble pollutants.	o Reduces rate of runoff but not volume.	o As with Sediment Basins the source of sedimentation is not controlled but the off-site damage is minimized.	o Not recommended for steep slope areas due to risks of trap and slope failure. o Limited to drainage areas of less than 5 acres.	o Temporary control measure. o Sediment should be removed from the trap when an accumulation of 1/2 of the design depth of the trap has taken place. o The trap should be inspected after each rain and repairs made as needed.

BMPs for ACTIVE CONSTRUCTION SITES

Development Management Measure (BMP Title)	Major Purpose/ Related BMPs	Water Quality/Relative Effectiveness	Runoff Rate/Volume	Erosion & Sediment Control	Use Near Steep Slopes/Limitations	Staging/Regulation & Inspection
4.17 Filter Inlets - A temporary device around or over a constructed drainage inlet, usually made with porous materials such as sand and/or gravel, straw bales, cement blocks and gravel or perforated pipe.	o To retain sediment on-site and to filter runoff while the construction proceeds. o Related to storm drains and culverts. o Applies primarily to nearly level or moderately sloping sites.	o Removes coarse sediments from runoff. o No effect on soluble pollutants.	o No effect on rate or volume.	o Controls coarse sediments in runoff. Does not treat source of sediment.	o Not applicable to steep slope areas. o Limited to drainage areas of less than 5 acres.	o Temporary control measure. o Clogged filter material must be replaced. o Accumulated sediment must be removed.
4.18 Straw Bale Sediment Barriers - A temporary barrier of fixed straw or other bales with a life expectancy of 6 months or less, installed across or at the bottom of a slope in development sites and disturbed soil areas.	o To intercept and detain small amounts of sediment from unprotected slopes of limited size. To disperse or spread overland flows. To protect new seedings. To filter storm runoff. o Related to Vegetation BMPs. o Used in combination with other BMPs. o Applies to drainage areas of less than 1/2 acre and with slope lengths above the barrier of no more than 100 feet. o Can be applied to single lot residential development.	o Filters large particles of sediment from runoff. No effect on soluble pollutants.	o Minimal effect on rate of runoff; no effect on volume.	o Effective control of off-site sedimentation, for limited size sites.	o Not sufficient by itself to control erosion and sedimentation in steep slope areas. o Straw Bale Barriers should be aligned on the contour of the slope.	o Temporary control measure. o The installation should be inspected and repaired after each storm event. o Six months life expectancy at most before replacement of bales.

BMPs for ACTIVE CONSTRUCTION SITES

Development Management Measure (BMP Title)	Major Purpose/ Related BMPs	Water Quality/Relative Effectiveness	Runoff Rate/Volume	Erosion & Sediment Control	Use Near Steep Slopes/Limitations	Staging/Regulation & Inspection
4.19 Diversions - A channel with a supporting ridge on the lower side constructed across the slope.	o To divert water from areas where it is in excess to sites where it can be used or disposed of safely. o Reduces slope lengths. o Used in combination with vegetation BMPs, Straw Bale Barriers, and others. o Applies to drainage areas of up to 100 acres.	o Little direct effect on quality of runoff but is usually used to divert runoff to another BMP for treatment.	o Minimal effect on rate of runoff; no effect on volume.	o Reduces erosion from slopes by diverting runoff from face of slope. Protects active gullies or other erodible areas.	o Applies to steep slope areas; used to divert runoff and lessen the erosive effect of the runoff.	o Diversions can be permanent measures or temporary with a life expectancy of one year. o Periodic inspections required; generally low maintenance and low risk of failure.
4.20 Grassed Waterways or Outlets - A natural or constructed waterway or outlet shaped or graded and established in suitable vegetation as needed for safe disposal of runoff.	o To provide for the disposal of excess surface water from construction sites and urban area without damage from erosion. o Related to vegetation BMPs. Used in combination with other BMPs such as grade to control structures and subsurface drainage. o Applies to the installation of grass-lined waterways with drainage areas up to about 200 acres.	o Allows for both filtering of runoff and infiltering to take place. Removes both particulate and soluble pollutants. o In areas with high water table or seepage problems, underdrains, stone centers or other subsurface drainage methods are to be provided.	o Reduces both the rate and volume of runoff leaving the site.	o Effective control of erosion and sedimentation. o Temporary cover of the vegetative lining is recommended to protect against erosion during periods when seedings may fail.	o Can be used in steep slope areas.	o Can be either temporary or long term control measure. o Trees, brush, stumps, etc. should be cleared and disposed of so as not to interfere with construction or proper functioning of the waterway. o Waterways should not be used for roadways. o Requires annual fertilizer application; mowing at two times a year.

BMPs for ACTIVE CONSTRUCTION SITES

Development Management Measure (BMP Title)	Major Purpose/ Related BMPs	Water Quality/Relative Effectiveness	Runoff Rate/Volume	Erosion & Sediment Control	Use Near Steep Slopes/Limitations	Staging/Regulation & Inspection
4.21 Lined Waterways or Outlets - A waterway or outlet having an erosion-resistant lining of concrete, stone, or other permanent material.	o To provide for safe disposal of runoff from other conservation structures or from natural concentrations of flow without damage by erosion or flooding, where unlined or grass lined waterways would be inadequate. o Used in combination with vegetation BMPs; where steep slopes, wetness, prolonged base flow, seepage, or piping would cause erosion.	o Provides no direct treatment of runoff. o Primarily a preventative measure for erosion and flood hazards.	o Does not reduce rate or volume of runoff; provides safe conveyance of full volume, may increase rate in some cases.	o Prevents channel erosion in drainage-ways. o Used where soils are highly erosive or other soil conditions preclude using a vegetative lining.	o Can be applied to steep slope areas. o Installation of reinforced concrete or mortared flagstone linings, should be made only on low shrink-swell soils that are well drained or where subgrade drainage facilities are installed.	o Usually a long term control measure. o Requires routine inspection; debris removal for flow maintenance.
4.22 Level Spreaders - A shallow channel constructed at zero percent grade across the slope from which concentrated runoff may be discharged at non-erosive velocities, in dispersed or spread flows, onto undisturbed areas stabilized by existing vegetation.	o To convert a concentrated flow of sediment-free runoff into sheet flow, and to outlet it onto areas that are stabilized by existing vegetation without causing erosion. o Used in combination with Sediment Basins & Traps, Filter Inlets, Diversions, Grassed Waterways and other BMPs.	o Directs runoff to vegetated areas at non-erosive speed so infiltration, filtering and biological uptakes are allowed to occur. Runoff quality is thereby improved.	o Controls rate but not volume of runoff. Related BMPs such as grassed areas and retention of existing vegetation provide a reduction in volume through infiltration.	o Controls erosive flows of runoff to prevent erosion and sedimentation. Heavy sediment loads in runoff can reduce effectiveness of level spreaders.	o Can be used in steep slope areas, where stable vegetation exists. o Level spreaders should not be used as the principal disposal method where peak flows will exceed 90 cubic feet per second.	o Periodic inspection and maintenance is needed. o Vegetated areas below spreaders shall not be used for any vehicular traffic, storage, scalping, clearing, access, or dumping during the period of spreader use.

BMPs for ACTIVE CONSTRUCTION SITES

Development (BMP Title)	Management Measure	Major Purpose/ Related BMPs	Water Quality/Relative Effectiveness	Runoff Rate/Volume	Erosion & Sediment Control	Use Near Steep Slopes/Limitations	Staging/Regulation & Inspection
		below the level lip is stabilized by existing vegetation, where the contributing drainage area is stabilized by vegetation, and where the water will not be reconcentrated below the point of discharge causing erosion.					
4.23 Energy Dissipaters - A structure that reduces water velocities at the end of an artificial runoff water conveyance where it discharges into an earthen or natural watercourse.		• To control or eliminate channel scour and side slope sloughing immediately below an artificial runoff conveyance by reducing water velocity to non-erosive. • Relates to grade stabilization structures, conduits, and channels. • Applies wherever high velocities of runoff create an erosion hazard.	• Controls sediment derived from channel erosion, thereby improving quality of runoff reaching receiving waters.	• Controls rate but not volume of runoff.	• Controls channel erosion due to high runoff velocities. Lessens downstream sedimentation problems.	• Can be applied to steep slope areas where runoff velocities tend to be high.	• Can be either a short or long term control measure. • Routine, periodic inspection needed. Generally, low maintenance structures.
4.24 Roof Gutters - A channel installed along the drip edge of a sloping roof to collect and dispose of rooftop runoff.		• To collect and safely dispose of rooftop runoff, to another BMP such as cisterns, infiltration pits, etc. • Applies wherever roof runoff water causes soil erosion, or where required by local building codes.	• No direct effect on runoff quality. Conveys runoff to other BMPs that provide water quality improvements.	• No direct effect on volume, minimal reduction of rate of runoff.	• Reduces soil erosion by collecting and controlling runoff.	• Can be applied to steep slope areas.	• Routine, minimal maintenance needed, property owner's responsibility.

PART C

MEASURES FOR ENSURING LOCAL CONSISTENCY

One of the mandates of the Local Waterfront Revitalization Program requires that the Town establish procedures which will ensure that any action that the municipality may directly undertake, fund or approve within the boundaries of an approved LWRP is consistent with the policies and purposes of the LWRP. An action which is inconsistent may not be undertaken unless it meets all of the three following tests:

* no reasonable alternatives exist which would permit the action to be taken in a manner which will not substantially hinder the achievement of the affected LWRP policy or purpose;

* the action taken will minimize all adverse effects on the local policy to the maximum extent practicable; and

* the action undertaken will result in an overriding local public benefit.

Should the finding be made that the action meets all three tests, such finding shall constitute a determination that the action is consistent to the maximum extent practicable with the approved LWRP.

The Town of Irondequoit has amended its Environmental Quality Review Law to provide for Town review of its actions for consistency with the LWRP, and to require these actions to be consistent with the LWRP. The standards for compliance are the same as those incorporated into State Law. The legislation, which follows, is the technique chosen by the Town to establish local consistency requirements.

CHAPTER 132: ENVIRONMENTAL QUALITY REVIEW ORDINANCE

Replace existing Chapter 37, Irondequoit Environmental Quality Review Ordinance with new Local Law Chapter 132, Environmental QUALITY REVIEW.

CHAPTER 132

ENVIRONMENTAL QUALITY REVIEW

Local Law No. of the Year 1987

A local law to implement Environmental Quality and Consistency Review Regulations and Procedures.

Be it enacted by the Town Board of the Town of Irondequoit as follows:

GENERAL PROVISIONS

SECTION 132.1 TITLE

This local law will be known as the Town of Irondequoit Environmental Quality and Consistency Review Law.

SECTION 132.2 PURPOSE

The purpose of this law is to implement for the Town of Irondequoit the provisions of the State Environmental Quality Review Act and the Waterfront Revitalization and Coastal Resources Act, thereby incorporating environmental factors and consideration of coastal resources into existing planning and decision-making processes.

SECTION 132.3 AUTHORITY

This Chapter is adopted under authority of the Municipal Home Rule Law, the State Environmental Quality Review Act and Regulations, as amended, and Article 42 of the Executive Law.

SECTION 132.4 APPLICABILITY

All boards, departments, offices, other bodies or officers of the Town of Irondequoit must comply with the State Environmental Quality Review Act and Regulations, as amended, and this Chapter, to the extent applicable, prior to carrying out, approving and funding any action other than an Exempt or Excluded action as those terms are defined in Part 617 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (NYCRR) or a Type II action as that term is defined in this Chapter.

SECTION 132.5 DEFINITIONS

A. "Actions" mean

1. projects or physical activities, such as construction or other activities, which change the use or appearance of any natural resource or structure, which:

(a) are directly undertaken by an agency, or

(b) involve funding by an agency, or

(c) require one or more permits or approvals from an agency or agencies;

2. planning activities of an agency that commit the agency to a course of future decisions;

3. agency rule, regulations, procedure and policy making; and

4. combinations of the above.

B. "Agency" means any board, agency, department, office, other body or officer of the Town of Irondequoit.

C. "Coastal area" means the New York State coastal waters and adjacent shorelands as defined in Article 42 of the Executive Law. The specific boundaries of the Town's area are shown on the coastal area map on file in the Office of the Secretary of State and as delineated in the Town of Irondequoit Local Waterfront Revitalization Program.

D. "Coastal Assessment Form (CAF)" means the form used by an agency to assist in it determining the consistency of an action with the LWRP.

E. "Consistent to the maximum extent practicable" means that the action will not substantially hinder the achievement of any of the policies and purposes of the approved Local Waterfront Revitalization Program for the Town of Irondequoit (LWRP) and, whenever practicable, will advance one or more of such policies.

F. "Environmental Assessment Form (EAF)" means the long form appearing at 6 N.Y.C.R.R. Section 617.21 Appendix A (or 6NYCRR Part 617) used by an agency to assist it in determining the environmental significance or nonsignificance of actions. A properly completed EAF shall contain enough information to describe the proposed action, its location, its purpose and its potential impacts on the environment.

G. "Environmental Impact Statement (EIS)" means a written document prepared in accordance with 6 N.Y.C.R.R. Sections 617.8 and 617.4. An EIS either may be in "draft" or "final" form. A "generic" EIS may also be prepared in accordance with 6 N.Y.C.R.R. Section 617.15.

H. "Lead Agency" means the agency principally responsible for carrying out, funding, or approving an action and therefore responsible for determining whether an EIS is required in connection with the action and for causing the preparation and filing of the EIS if one is required. The lead agency shall determine whether a proposed action is consistent to the maximum extent practicable with LWRP

policy. standards and conditions. An agency proposing to take an action which does not involve any other agency shall be the lead agency.

I. "Local Waterfront Area (LWA)" means that portion of the N.Y.S. Coastal Area within the Town of Irondequoit delineated in the Town of Irondequoit Local Waterfront Revitalization Program.

J. "Local Waterfront Revitalization Program (LWRP)" means the local program as approved by the Secretary of State pursuant to the Waterfront Revitalization and Coastal Resources Act (Executive Law, Article 42).

K. "Planning Division" means the Planning Division of the Town of Irondequoit's Department of Public Works. The Planning Division may review and make recommendations to appropriate agencies regarding the consistency of Type I and Unlisted actions with the policies and purposes of the Town of Irondequoit Local Waterfront Revitalization Program.

L. "State Environmental Quality Review Act (SEQR)" means Article 8 of the Environmental Conservation Law.

M. "State Environmental Quality Review Regulations (Part 617)" means 6 N.Y.C.R.R. Part 617.

N. "Town" means Town of Irondequoit.

O. "Type I Action" shall include all those listed in 6 N.Y.C.R.R. Section 617.12.

P. "Type II Action" shall include all those listed in 6 N.Y.C.R.R. Section 617.13.

Q. "Unlisted action" means all actions not listed as a Type I or Type II Action and not an Exempt or Excluded action as those terms are defined in 6 N.Y.C.R.R. Part 617.

SECTION 132.7 ENVIRONMENTAL AND COASTAL ASSESSMENT FORMS

With regard to an application for an action involving funding or approval by the Town, or which will be undertaken by the Town the Planning Division of the Department of Public Works will:

A. Advise each applicant, when an application is involved, and each agency whether a proposed action is subject to the provisions of SEQR and whether a proposed action would be located within the LWA.

B. Provide each applicant and each agency with an Environmental Assessment Form (EAF), and where appropriate, a Coastal Assessment Form (CAF) pursuant to Section 132.7 of this Chapter.

SECTION 132.7 ENVIRONMENTAL AND COASTAL ASSESSMENT FORMS

A. When any agency contemplates directly carrying out, funding, or approving any Type I action, a full Environmental Assessment Form (EAF) must be prepared by it or on its behalf. When an Unlisted action is contemplated, either a full or short-term EAF, as appropriate, must be prepared. The EAF forms given in 6 N.Y.C.R.R. Section 617.21 or 6NYCRR Part 617 will be used as models, but may be modified to meet the needs of particular cases. However, the final scope of such a modified EAF must be at least as comprehensive as the scope of the model forms.

B. When any person submits an application for funding or a permit or other approval of a Type I or Unlisted action to any agency of the Town, an EAF must accompany the application. For Type I actions, a full EAF must be prepared; for Unlisted actions, either the full EAF or the short-form EAF may be used, as appropriate. An applicant may choose to prepare a Draft EIS in place of an EAF.

C. When, pursuant to Section 132.6 of this local law, the initial review determines that such Type I or Unlisted action is contemplated within the Local Waterfront Area (LWA), the full or short-form EAF specified in 132.9 A or B above shall be accompanied by the Coastal Assessment Form (CAF).

SECTION 132.8 DETERMINATION OF LEAD AGENCY AND REFERRAL FOR CONSISTENCY

A. Upon receipt by an agency of a completed EAF, and where appropriate a completed CAF, the agency will determine whether it involves one or more agencies. The agency will distribute a copy of the application and completed EAF/CAF to all involved agencies for the designation of lead agency in accordance with the procedures set forth in 6 N.Y.C.R.R. Sections 617.6 (Type I actions) or 617.17 (Unlisted actions).

B. Where no federal or State agency funds, permits or approvals are necessary:

(a) The Town Board will be the lead agency for the determination of environmental significance and consistency for the following actions:

(1) adoption, amendment or change of zoning and land use regulations, special use permits pursuant to Section 130.41B of the Zoning Law;

(2) construction or expansion of municipal buildings, structures, and other facilities including highways within the Town; and

(3) purchase, sale and/or lease of real property by the Town.

(b) The Town Zoning Board of Appeals will be the lead agency for the determination of environmental significance and consistency for zoning appeals and variance applications.

(c) for all other actions, agencies will be the designated lead agency for the determination of environmental significance and consistency under the procedures referred to in Section 132.8A.

C. The Genesee Finger Lakes Regional Planning Board will be the areawide clearinghouse for lead agency designation. It will assist agencies and applicants to identify other federal, State and local agencies that may be involved in approving, funding or carrying out Type I of Unlisted action. The clearinghouse will make recommendations on designations of lead agencies for particular actions.

D. Environmental review of actions involving a federal agency will be processed in accordance with 6 N.Y.C.R.R. Section 617.16.

SECTION 132.9 LOCAL WATERFRONT REVITALIZATION PROGRAM (LWRP) REVIEW

A. For proposed actions located within the LWA, the full EAF for a Type I action, each CAF and each Draft EIS shall be referred to the the Planning Division for review and recommendation regarding the consistency of such action with the policies and purposes of the LWRP.

B. For proposed Unlisted Actions within the LWA, the full or short-form EAF may be referred to the the Planning Division along with the CAF when the agency contemplating the action deems the referral necessary and beneficial in determining the proposed action's consistency with the policies and purposes of the LWRP.

C. The recommendation of the the Planning Division shall be provided to the agency contemplating the action within thirty (30) days from the date of referral. In the event that such recommendation is not forthcoming within the allotted time period, the agency shall proceed as provided under Sections 132.10 through 132.13 of this local law.

SECTION 132.10 DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE

A. The lead agency must make a determination of environmental significance of the action. This determination must be based on the EAF and on such other information as the lead agency may require. The criteria listed in 6 N.Y.C.R.R. Section 617.11 must be considered by the lead agency in making its determination of significance. The determination must be made within fifteen (15) days of the date of lead agency designation, or within fifteen (15) days of its receipt of all information required by the lead agency to make the determination, whichever is later.

B. If the lead agency makes a determination of nonsignificance and the action is to be located within the LWA, decision making on the

action shall proceed with regard to Section 132.13 of this Chapter. Recommendations of the the Planning Division shall be considered required information for the determination of significance to when:

1. the agency of the Town is lead agency; and

2. such recommendations are required or requested pursuant to 132.9 A or B of this local law, respectively.

C. If the lead agency makes a determination that the action may have significant effect on the environment and the action is to be located within the LWA, an environmental impact statement will be required and the provisions of Section 132.11 through 132.13 of this Chapter, inclusive, shall apply.

D. If the lead agency makes a determination that the action may have a significant effect on the environment and the action is not located within the LWA, an environmental impact statement will be required and the provisions of Section 132.11 through 132.12 of this Chapter, inclusive, shall apply.

SECTION 132.11 ENVIRONMENTAL IMPACT STATEMENTS

A. EIS Preparation and Procedures

1. When required pursuant to Section 132.10 of this Chapter, an EIS must be prepared in accordance with:

(a) The environmental impact statement procedures as provided under 6 N.Y.C.R.R. Section 617.8 and the requirements for preparation and content of environmental impact statements as provided under 6 N.Y.C.R.R., Section 617.14.

(b) When the EIS is prepared for a proposed action located within the LWA, it must also contain an identification of the applicable policies and purposes of the Town of Irondequoit LWRP as required by Section 132.12 and a discussion of the effects of the proposed action of such policies and purposes.

B. Fees for Review and Preparation of EIS's

1. The fees for publication of notices and for review or preparation of an EIS involving approval or funding of an action will be fixed from time to time by resolution of the Town Board.

2. Fees so fixed will be consistent with the limitations set by 6 N.Y.C.R.R. Section 617.17. When the EIS is prepared by the applicant, fees will reflect actual expenses of reviewing it and for the publication of notices. When the EIS is prepared by an agency on behalf of the applicant, fees will reflect the cost of preparation, including publication of notices, but not he cost of environmental review by the agency. However, the

lead agency may not charge a fee for its determinations of significance.

C. Decision and Findings for Actions Subject to EIS's

Decisions-making and findings for any proposed action which is the subject of a Final EIS shall be made by the agency of the Town contemplating such action in accordance with the provisions of 6 N.Y.C.R.R. Section 617.9 and Sections 132.12 and 132.13 of this local law regardless of whether or not it is the lead agency.

SECTION 132.12 NOTICES AND FILING

All notices, CAF's, EAF's, Draft EIS's, Final EIS's and all other documents shall be prepared, filed, circulated and made available as prescribed under 6 N.Y.C.R.R. Section 617.10 and this Chapter.

SECTION 132.13 CONSISTENCY

A. Whenever a proposed action is located in the LWA, the lead agency shall make a determination that it is consistent to the maximum extent practicable with the LWRP policy standards and conditions set forth in Section 132.13E. No action shall be approved, funded or undertaken without this determination.

B. Prior to making the determination of consistency, the lead agency shall solicit and consider the recommendation of the the Planning Division with the reference to the consistency of the proposed action. The lead agency shall make the determination of consistency based on the EAF, the CAF, the the Planning Division recommendation and such other information as is deemed to be necessary in its determination. The lead agency shall issue its determination within seven (7) days of the date of receipt of the The Planning Division's recommendation.

C. After receipt of a completed CAF for an action, the the Planning Division shall consider whether the proposed action is consistent to the maximum extent practicable with the LWRP policy standards and conditions set forth in Section 132.23E. The Planning Division shall require the applicant to submit any completed applications, EAF's and information deemed to be necessary to its consistency recommendation.

D. The Planning Division shall render its written recommendation to the lead agency within thirty (30) days following the submission by the applicant of the required information, unless extended by mutual agreement of the applicant and the Planning Division. The recommendation shall indicate whether, in the opinion of the Planning Division, the proposed action is consistent to the maximum extent practicable or inconsistent with one or more of the LWRP policy standards or conditions. The recommendation shall state the manner and extent to which an inconsistency affects the LWRP policy standards and conditions.

The the Planning Division shall, along with its consistency recommendation, make any suggestions to the lead agency concerning modification of the proposed action to make it consistent to the maximum extent practicable with LWRP policy standards and conditions or to advance them to a greater degree.

In the event that the the Planning Division's recommendation is not forthcoming within the specified time, the applicant shall be deemed to have received a recommendation that it is consistent to the maximum extent practicable.

E. Actions to be undertaken within the LWA shall be evaluated for consistency in accordance with the following LWRP policy standards and conditions, which are derived from and further explained and described in Section III of the Town of Irondequoit LWRP, a copy of which is on file in the Town Clerk's office and available for inspection during normal business hours. Agencies which directly undertake actions shall also consult with Section IV of the LWRP in making their consistency determination. The action shall be consistent with the policy to:

Restore, revitalize, and redevelop deteriorated and underutilized waterfront areas for commercial, cultural, recreational, and other compatible uses (Policy 1 and Subpolicies 1A - 1H).

Facilitate the siting of water-dependent uses and facilities on or adjacent to coastal waters (Policy 2 and Subpolicies 2A - 2C).

Strengthen the economic base of smaller harbor areas by encouraging the development and enhancement of those traditional uses and activities which have provided such areas with unique maritime identity (Policy 4 and Subpolicies 4A and 4B).

Encourage the location of development in areas where public services and facilities essential to such development are adequate, except when such development has special functional requirements or other characteristics which necessitate its location in other coastal areas (Policy 5 and Subpolicies 5A and 5B).

Expedite permit procedures in order to facilitate the siting of development activities at suitable locations (Policy 6).

Significant coastal fish and wildlife habitats, as identified on The Coastal Area map, shall be protected, preserved, and, where practical, restored so as to maintain their viability as habitats (Policy 7 and Subpolicy 7A).

Protect fish and wildlife resources in the coastal area from the introduction of hazardous wastes and other pollutants which

bioaccumulate in the food chain, or which cause significant sublethal or lethal effects on those resources (Policy 8).

Expand recreational use of fish and wildlife resources in coastal areas by increasing access to existing resources, supplementing existing stocks and developing new resources. Such effects shall be made in a manner which ensures the protection of renewable fish and wildlife resources and considers other activities dependent on them (Policy 9 and Subpolicy 9B).

Buildings and other structures will be sited in the coastal area so as to minimize damage to property and the endangering of human life caused by flooding and erosion (Policy 11 and Subpolicies 11A - 11C).

Activities or development in the coastal area will be undertaken so as to minimize damage to natural resources and property from flooding and erosion by protecting natural protective features including beaches, dunes, and bluffs. Primary dunes will be protected from all encroachments that could impair their natural protective capacity (Policy 12 and Subpolicies 12A - 12C).

The construction or reconstruction of erosion structures shall be undertaken only if they have a reasonable probability of controlling erosion for at least thirty years as demonstrated in design and construction standards and/or assured maintenance or replacement programs (Policy 13).

Activities and development, including the construction or reconstruction of erosion protection structures, shall be undertaken so that there will be no measurable increase in erosion or flooding at the site of such activities or development or at other locations (Policy 14).

Mining, excavation or dredging in coastal water shall not significantly interfere with the natural coastal processes which supply beach materials to land adjacent to such waters and shall be undertaken in a manner which will not cause an increase in erosion of such land (Policy 15).

Public funds shall only be used for erosion protective structures where necessary to protect human life, and new development which requires a location within or adjacent to an erosion hazard area to be able to function, or existing development; and only where the public benefits outweigh the long term monetary and other costs including the potential for increasing erosion and adverse effects on natural protective features (Policy 16 and Subpolicy 16A).

Whenever possible, non-structural measures to minimize damage to natural resources and property from flooding and erosion shall be used. Such measures shall include:

1. The setback of buildings and structures;

2. The planting of vegetation and the installation of sand fencing and draining;

3. The reshaping of bluffs;

4. The flood-proofing of buildings or their elevation above the base flood level. (Policy 17 and Subpolicies 17A - 17C)

To safeguard the vital economic, social and environmental interests of the State and of its citizens, proposed major actions in the coastal area must give full consideration to those interests, and to the safeguards which the State has established to protect valuable coastal resources (Policy 18).

Protect, maintain, and increase the level and types of access to public water related recreation resources and facilities so that these resources and facilities may be fully utilized by all the public in accordance with reasonably anticipated public recreation needs and the protection of historic and natural resources. In providing such access, priority shall be given to public beaches, boating facilities, fishing area and waterfront parks (Policy 19 and Subpolicies 19A and 19B).

Access to the publicly-owned foreshore, and to land immediately adjacent to the foreshore or the water's edge that are publicly owned, shall be provided in a manner compatible with adjoining uses. Such lands shall be retained in public ownership (Policy 20 and Subpolicies 20A - 20C).

Water-dependent and water-enhanced recreation shall be encouraged and facilitated and shall be given priority over non-water related uses along the coast provided it is consistent with the preservation and enhancement of other coastal resources and take into account demand for such facilities. In facilitating such activities, priority shall be given to areas where access to the recreation opportunities of the coast can be provided by new or existing public transportation services and to the areas where the use of the shore is severly restricted by existing development (Policy 21 and Subpolicies 21A - 21D).

Development, when located adjacent to the shore, will provide water-related recreation, as a multiple use, whenever such use is compatible with reasonably anticipated demand for such activities, and the primary purpose of the development (Policy 22 and Subpolicies 22A and 22B).

Protect, enhance and restore structures, districts, areas or sites that are of significance in the history, architecture, archaeology or culture of the State, its communities, or the Nation (Policy 23 and Subpolicy 23A).

Protect, restore or enhance natural and man-made resources which are not identified as being of Statewide significance, but which contribute to the overall scenic quality of the coastal area (Policy 25 and Subpolicies 25A and 25B).

Ice management practices shall not damage significant fish and wildlife and their habitats, increase shoreline erosion or flooding, or interfere with the production of hydroelectric power (Policy 28).

Municipal, industrial, and commercial discharge of pollutants, including, but not limited to, toxic and hazardous substances, into coastal waters will conform to State and National water quality standards (Policy 30 and Subpolicies 30A and 30B).

State coastal area policies and management objectives of approved Local Waterfront Revitalization Programs will be considered while reviewing coastal water classifications and while modifying water quality standards; however, those waters already overburdened with contaminants will be recognized as being a development constraint (Policy 31).

Best management practices will be used to ensure the control of stormwater runoff and combined sewer overflows draining into coastal waters (Policy 33 and Subpolicy 33A).

Discharge of waste materials into coastal waters from vessels will be limited so as to protect significant fish and wildlife habitats, recreational areas and water supply areas (Policy 34 and Subpolicy 34A).

Dredging and dredge spoil disposal in coastal waters will be undertaken in a manner that meets existing State dredging permit requirements and protects significant fish and wildlife habitats, scenic resources, natural protective features, important agricultural lands and wetlands (Policy 35).

Activities related to the shipment and storage of petroleum and other hazardous materials will be conducted in a manner that will prevent or at least minimize spills into coastal waters; all practicable efforts will be undertaken to expedite the cleanup of such discharges; and restitution for damages will be required when these spills occur (Policy 36).

Best management practices will be utilized to minimize the non-point discharge of excess nutrients, organics and eroded soils into coastal waters (Policy 37).

The quality and quantity of surface water and groundwater supplies will be conserved and protected, particularly where such waters constitute the primary or sole source of water supply (Policy 38).

The transport, storage, treatment and disposal of solid wastes, particularly hazardous wastes, within coastal areas will be conducted in such a manner so as to protect groundwater and surface water supplies, significant fish and wildlife habitats, recreation areas, important agricultural lands and scenic resources (Policy 39).

Land use or development in the coastal area will not cause National or State air quality standards to be violated (Policy 41).

Coastal Management policies will be considered if the State reclassifies land areas pursuant to the prevention of significant deterioration regulations of the Federal Clan Air Act (Policy 42).

Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas (Policy 44).

If the lead agency determines that the action would cause a substantial hindrance to the achievement of the LWRP policy standards and conditions, such action shall not be undertaken unless the agency determines with respect to the proposed action that:

1. No reasonable alternatives exist which would permit the action to be undertaken in a manner which will not substantially hinder the achievement of such LWRP policy standards and conditions;

2. The action would be undertaken in a manner which will minimize all adverse effects on such LWRP policy standards and conditions to the maximum extent practicable; and

3. The action will result in an overriding local, regional or State-wide public benefit.

Such a finding shall constitute a determination that the action is consistent to the maximum extent practicable.

F. Each agency shall maintain a file for each action made the subject of a consistency determination, including any recommendations received from the Planning Division, and any findings pursuant to Section 132.10 of this Chapter. Such files shall be made available for public inspection upon request..

SECTION 132.14 SEVERABILITY

The provisions of this local law are severable. If any provision of this local law is found invalid, such finding shall not affect the validity of this local law as a whole or any part or provision hereof other than the provision so found to be invalid.

SECTION 132.15 EFFECTIVE DATE

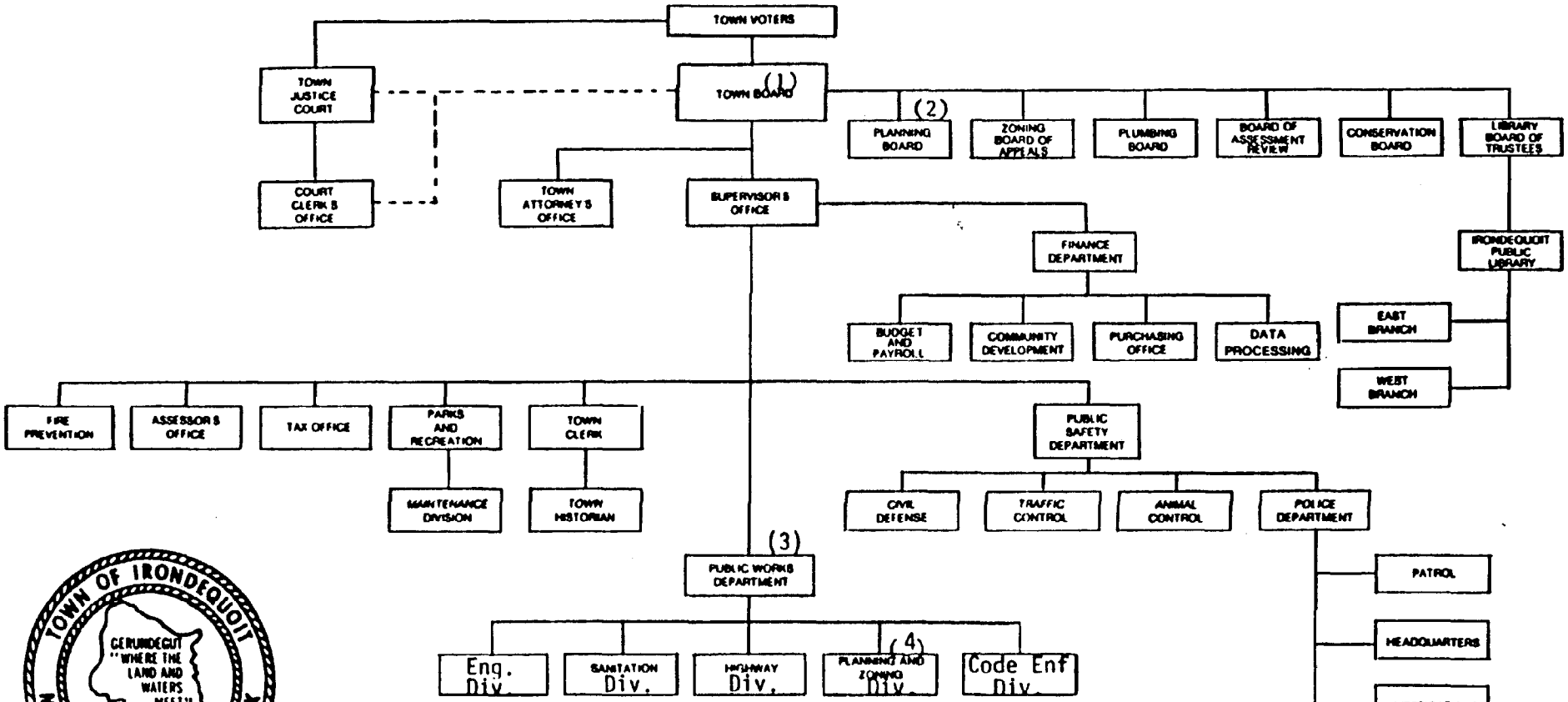
A. This local law shall take effect immediately after its filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

TOWN OF IRONDEQUOIT

(1) Agencies Involved in L.W.R.P.

TABLE OF ORGANIZATION

LOCAL WATERFRONT REVITALIZATION PROGRAM (LWRP)



(1) Primary responsibility for adopting policies, local laws & ordinances implementing L.W.R.P.

(2) Primary responsibility for review and approval of all development within the L.W.R.P. area.

(3) Lead agency responsible for program administration.
(4) Lead agency responsible for program operations.

ADDITIONAL COSTS AND SOURCES OF FUNDING

The following additional cost items are identified as needed to fully implement Irondequoit's Local Waterfront Revitalization Program:

1. Adoption of new and amended local laws, ordinances, policies and procedures - These work items will be implemented using current Town staff and local funds.

2. Drafting and preparation of a new Official Zoning Map and the Proposed Environmental Protection Overlay District Maps - This work item will be done by consultants, with the Town using Community Development Block Grant (CDBG) funds, as well as financial assistance from the State's Coastal Management Program, if available.

3. Additional review and permit requirements proposed to implement the LWRP - This work item will result in a substantial addition to the work load of the Planning and Zoning and Building divisions of the Town. This additional work is expected to necessitate the creation of two new positions:

   One (1) Planning Assistant to assist the Town Planner with program administration and management responsibilities.

   One (1) Assistant Building Inspector to assist the Building Inspector in the issuance of required permits and the monitoring and prosecution of permit violations.

   The Town proposes to utilize a combination of local (permit fees) and State funds to fill these new staff positions.

4. Engineering and feasibility studies needed to facilitate the development of identified opportunity sites on Irondequoit Bay (especially engineering studies of all access roads leading down to the bayfront) - The Town will seek additional LWRP grant funds to implement this work item.

5. Detailed land use and site analysis and land use plans for the Stutson Street - Thomas Ave. site and the Lakeshore Development Site will be needed as a basis for developing these two opportunity sites in conjunction with the City of Rochester's proposals for development of the adjoining City land along the Genesee River. The Town will seek additional LWRP grant funds to implement this work item.

LOCAL FINANCIAL RESOURCES-PART E

In addition to the costs associated with the management of Irondequoit's Local Waterfront Revitalization Program, discussed above, are the local funds (including both public and private financial resources) which will be needed by the Town for proposed projects and other necessary implementation actions.

As identified in Section IV of the Local Waterfront Revitalization Program, those projects and actions requiring Town financial resources for implementation include:

* Joint purchase and development, with the City of Rochester, of the Thomas Avenue site for water-related recreational purposes.

* Acquisition of lakefront homes in the vicinity of the new Bay outlet (with possible State participation).

* Purchase and development, with the County, of a portion of the abandoned Hojack Line as a pedestrian walkway and bikeway.

* Provision of a commercial revitalization program for the Sea Breeze business district (Culver Road).

* Conversion of the municipal landfill site, after termination of operation, into a recreational facility.

* Construction, upgrading, or replacement of infrastructure facilities in older waterfront neighborhoods.

* Initiation of expanded code enforcement programs in waterfront areas.

* Provision of housing rehabilitation grants to lower income owner-occupants residing in substandard housing.

These projects and actions are in addition to those which have been identified as the responsibility of the State, or County governments. Such projects and actions include:

* Acquisition of private parcels in the Irondequoit Creek wetlands for incorporation into Ellison Park. (County)

* Development and operation of Bay Park West, including the recently purchased Isaac property. (County)

* Provision of public access and recreational facility improvements on the State-owned parcel at the northwest corner of Irondequoit Bay. (State)

* Designing and commissioning studies concerning the need for replacement of the Bay outlet bridge, as well as development and operation of the recently purchased Isaac property. (County)

* Relocation of the terminus of the Sea Breeze Expressway. (State)

* Upgrading of Culver Road right-of-way within the Sea Breeze commercial district. (County)

* Implementation of the Durand Eastman Park and Ellison Park Master Plans.

Funds for those undertakings identified as primarily the Town's responsibility will be raised by one or more of the following financing techniques:

* Financing projects with current revenues, paying cash instead of borrowing against future revenues. (Although the Town has traditionally followed a pay-as-you-go approach to finance a majority to its capital improvements, this practice is not always the most cost efficient or equitable financing technique.)

* Bond issues, including: general obligation bonds (backed by full faith and credit of the municipality); special assessment bonds (levied against owners of property directly benefiting from improvements); revenue bonds (which pledge income from a specific enterprise).

* Short-term notes issued by local banks.

* Joint financing - the Town and County share costs for benefits which are shared.

* Revenue funds - funds accumulated in advance for construction of capital projects.

* Lease-purchase agreements enabling private companies and authorities to build and lease public works facilities from the municipality.

* Authority and special districts created to manage facilities which are supported by user charges.

* State and Federal Aid, including: Community Development Entitlement Block Grants, Federal Revenue Sharing, New York State Land and Water Conservation Program, New York State Neighborhood Park and Land Acquisition Program, State Revenue Sharing and Special Municipal Aid, New York State Department of Environmental Conservation Municipal Wastewater Treatment Works Construction Grants.

Capital Improvement Program: Because the orderly and timely replacement of public facilities and major equipment, before upkeep and maintenance costs become excessive, can result in substantial savings to the Town, Irondequoit has implemented a Capital Improvement Program (CIP). Capital planning provides the time necessary for the completion of preliminary studies, thereby enhancing the ability of the Town to compete for Federal and State grants.

As provided under Section 99G of the New York Town Law, the Town Supervisor is responsible for the preparation of Irondequoit's CIP. In January of each year the Supervisor, with staff help, reviews project requests and prepares a CIP report containing the Town policy on capital improvements, status of current capital projects, fiscal guidelines for capital programming, projected future debt service requirements and their impact on the Town tax rate. Irondequoit's CIP encompasses a six (6) year term, and may be revised every year, if necessary, by a majority (3/5) vote of the Town Board, with a new sixth year added.

Community Development Block Grants: As an Entitlement Community, Irondequoit receives Community Development Block Grant funds on an annual basis from the U.S. Department of Housing and Urban Development. These funds can be used for a wide variety of activities and, to date, have been used primarily by the Town to subsidize the rehabilitation of substandard, owner-occupied housing and to finance public infrastructure improvements (e.g., sidewalks, street tree planting programs, sewers, and roadway upgradings). A substantial percentage of these funds have and will continue to be expended on activities located within the Town's waterfront area, including a CDBG-funded commercial revitalization program in the Sea Breeze business district.

Town Leadership Function: In addition to the provision of local funds, and the use of Federal and State funding sources, the successful implementation of several of the Local Waterfront Revitalization Program's proposed projects and actions will depend on the Town's ability to take a strong leadership role in working with property owners and potential investors and to provide an effective framework for local public/private cooperation. By so doing, the Town will encourage the types of private-sector participation which will be essential to the successful implementation of the residential and water oriented/mixed-use developments discussed in Section 4.

SECTION VI

STATE AND FEDERAL ACTIONS AND PROGRAMS LIKELY TO AFFECT IMPLEMENTATION

State and Federal actions will affect and be affected by implementation of the LWRP. Under State law and the U.S Coastal Zone Management Act, certain State and Federal actions within or affecting the local waterfront area must be "consistent" or "consistent to the maximum extent practicable" with the enforceable policies and purposes of the LWRP. This consistency requirement makes the LWRP a unique, intergovernmental mechanism for setting policy and making decisions and helps to prevent detrimental actions from occurring and future options from being needlessly foreclosed. At the same time, the active participation of State and Federal agencies is also likely to be necessary to implement specific provisions of the LWRP.

The first part of this section identifies the actions and programs of State and Federal agencies which should be undertaken in a manner consistent with the LWRP. This is a generic list of actions and programs, as identified by the NYS Department of State; therefore, some of the actions and programs listed may not be relevant to this LWRP. Pursuant to the State Waterfront Revitalization and Coastal Resources Act (Executive Law, Article 42), the Secretary of State individually and separately notifies affected State agencies of those agency actions and programs which are to be undertaken in a manner consistent with approved LWRPs. Similarly, Federal agency actions and programs subject to consistency requirements are identified in the manner prescribed by the U.S. Coastal Zone Management Act and its implementing regulations. The lists of State and Federal actions and programs included herein are informational only and do not represent or substitute for the required identification and notification procedures. The current official lists of actions subject to State and Federal consistency requirements may be obtained from the NYS Department of State.

The second part of this section is a more focused and descriptive list of State and Federal agency actions which are necessary to further implementation of the LWRP. It is recognized that a State or Federal agency's ability to undertake such actions is subject to a variety of factors and considerations; that the consistency provisions referred to above, may not apply; and that the consistency requirements can not be used to require a State or Federal agency to undertake an action it could not undertake pursuant to other provisions of law. Reference should be made to Section IV and Section V, which also discuss State and Federal assistance needed to implement the LWRP.

A. State and Federal Actions and Programs Which Should Be Undertaken in a Manner Consistent with the LWRP

1. State Agencies

OFFICE FOR THE AGING

1.00 Funding and/or approval programs for the establishment of new or expanded facilities providing various services for the elderly.

DEPARTMENT OF AGRICULTURE AND MARKETS

1.00 Agricultural Districts Program.

2.00 Rural development programs.

3.00 Farm worker services programs.

4.00 Permit and approval programs:

- 4.01 Custom Slaughters/Processor Permit
- 4.02 Processing Plant License
- 4.03 Refrigerated Warehouse and/or Locker Plant License

DIVISION OF ALCOHOLIC BEVERAGE CONTROL/STATE LIQUOR AUTHORITY

1.00 Permit and approval programs:

- 1.01 Ball Park - Stadium License
- 1.02 Bottle Club License
- 1.03 Bottling Permits
- 1.04 Brewer's Licenses and Permits
- 1.05 Brewer's Retail Beer License
- 1.06 Catering Establishment Liquor License
- 1.07 Cider Producer's and Wholesaler's Licenses
- 1.08 Club Beer, Liquor, and Wine Licenses
- 1.09 Distiller's Licenses
- 1.10 Drug Store, Eating Place, and Grocery Store Beer Licenses
- 1.11 Farm Winery and Winery Licenses
- 1.12 Hotel Beer, Wine, and Liquor Licenses
- 1.13 Industrial Alcohol Manufacturer's Permits

1.14 Liquor Store License
1.15 On-Premises Liquor License
1.16 Plenary Permit (Miscellaneous-Annual)
1.17 Summer Beer and Liquor Licenses
1.18 Tavern/Restaurant and Restaurant Wine Licenses
1.19 Vessel Beer and Liquor Licenses
1.20 Warehouse Permit
1.21 Wine Store License
1.22 Winter Beer and Liquor Licenses
1.23 Wholesale Beer, Wine, and Liquor Licenses

DIVISION OF ALCOHOLISM AND ALCOHOL ABUSE

1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

2.00 Permit and approval programs:

2.01 Letter Approval for Certificate of Need
2.02 Operating Certificate (Alcoholism Facility)
2.03 Operating Certificate - Community Residence
2.04 Operating Certificate (Outpatient Facility)
2.05 Operating Certificate (Sobering-Up Station)

COUNCIL ON THE ARTS

1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

2.00 Architecture and environmental arts program.

DEPARTMENT OF BANKING

1.00 Permit and approval programs:

1.01 Authorization Certificate (Bank Branch)
1.02 Authorization Certificate (Bank Change of Location)
1.03 Authorization Certificate (Bank Charter)
1.04 Authorization Certificate (Credit Union Change of Location)
1.05 Authorization Certificate (Credit Union Charter)
1.06 Authorization Certificate (Credit Union Station)
1.07 Authorization Certificate (Foreign Banking Corporation Change of Location)
1.08 Authorization Certificate (Foreign Banking Corporation Public Accommodations Office
1.09 Authorization Certificate (Investment Company Branch)
1.10 Authorization Certificate (Investment Company Change of Location)
1.11 Authorization Certificate (Investment Company Charter)
1.12 Authorization Certificate (Licensed Lender Change of Location)
1.13 Authorization Certificate (Mutual Trust Company Charter)

1.14 Authorization Certificate (Private Banker Charter)

1.15 Authorization Certificate (Public Accommodation Office - Banks)

1.16 Authorization Certificate (Safe Deposit Company Branch)

1.17 Authorization Certificate (Safe Deposit Company Change of Location)

1.18 Authorization Certificate (Safe Deposit Company Charter)

1.19 Authorization Certificate (Savings Bank Charter)

1.20 Authorization Certificate (Savings Bank De Novo Branch Office)

1.21 Authorization Certificate (Savings Bank Public Accommodations Office)

1.22 Authorization Certificate (Savings and Loan Association Branch)

1.23 Authorization Certificate (Savings and Loan Association Change of Location)

1.24 Authorization Certificate (Savings and Loan Association Charter)

1.25 Authorization Certificate (Subsidiary Trust Company Charter)

1.26 Authorization Certificate (Trust Company Branch)

1.27 Authorization Certificate (Trust Company-Change of Location)

1.28 Authorization Certificate (Trust Company Charter)

1.29 Authorization Certificate (Trust Company Public Accommodations Office)

1.30 Authorization to Establish a Life Insurance Agency

1.31 License as a Licensed Lender

1.32 License for a Foreign Banking Corporation Branch

DEPARTMENT OF COMMERCE

1.00 Preparation or revision of statewide or specific plans to address State economic development needs.

2.00 Allocation of the state tax-free bonding reserve.

DEPARTMENT OF CORRECTIONAL SERVICES

1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

DORMITORY AUTHORITY OF THE STATE OF NEW YORK

1.00 Financing of higher education and health care facilities.

2.00 Planning and design services assistance program.

EDUCATION DEPARTMENT

1.00 Facilities construction, rehabilitation, expansion, demolition or the funding of such activities.

2.00 Permit and approval programs:

2.01 Certificate of Incorporation (Regents Charter)
2.02 Private Business School Registration
2.03 Private School License
2.04 Registered Manufacturer of Drugs and/or Devices
2.05 Registered Pharmacy Certificate
2.06 Registered Wholesaler of Drugs and/or Devices
2.07 Registered Wholesaler-Repacker of Drugs and/or Devices
2.08 Storekeeper's Certificate

ENERGY PLANNING BOARD AND ENERGY OFFICE

1.00 Preparation and revision of the State Energy Master Plan.

NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY

1.00 Issuance of revenue bonds to finance pollution abatement modifications in power-generation facilities and various energy projects.

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of lands under the jurisdiction of the Department.

2.00 Classification of Waters Program; classification of land areas under the Clean Air Act.

3.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

4.00 Financial assistance/grant programs:

- 4.01 Capital projects for limiting air pollution
- 4.02 Cleanup of toxic waste dumps
- 4.03 Flood control, beach erosion and other water resource projects
- 4.04 Operating aid to municipal wastewater treatment facilities
- 4.05 Resource recovery and solid waste management capital projects
- 4.06 Wastewater treatment facilities

5.00 Funding assistance for issuance of permits and other regulatory activities (New York City only).

6.00 Implementation of the Environmental Quality Bond Act of 1972, including:

- (a) Water Quality Improvement Projects
- (b) Land Preservation and Improvement Projects including Wetland Preservation and Restoration Projects, Unique Area Preservation Projects, Metropolitan Parks Projects, Open Space Preservation Projects and Waterways Projects.

7.00 Marine Finfish and Shellfish Programs.

8.00 New York Harbor Drift Removal Project.
9.00 Permit and approval programs:

9.01 Certificate of Approval for Air Pollution Episode Action Plan
9.02 Certificate of Compliance for Tax Relief - Air Pollution Control Facility
9.03 Certificate to Operate: Stationary Combustion Installation; Incinerator; Process, Exhaust or Ventilation System
9.04 Permit for Burial of Radioactive Material
9.05 Permit for Discharge of Radioactive Material to Sanitary Sewer
9.06 Permit for Restricted Burning
9.07 Permit to Construct: a Stationary Combustion Installation; Incinerator; Indirect Source of Air Contamination; Process, Exhaust or Ventilation System
9.08 Approval of Plans and Specifications for Wastewater Treatment Facilities.
9.09 Certificate to Possess and Sell Hatchery Trout in New York State
9.10 Commercial Inland Fisheries Licenses
9.11 Fishing Preserve License
9.12 Fur Breeder's License
9.13 Game Dealer's License
9.14 Licenses to Breed Domestic Game Animals
9.15 License to Possess and Sell Live Game
9.16 Permit to Import, Transport and/or Export under Section 184.1 (11-0511)
9.17 Permit to Raise and Sell Trout
9.18 Private Bass Hatchery Permit
9.19 Shooting Preserve Licenses
9.20 Taxidermy License
9.21 Certificate of Environmental Safety (Liquid Natural Gas and Liquid Petroleum Gas)
9.22 Floating Object Permit
9.23 Marine Regatta Permit
9.24 Mining Permit
9.25 Navigation Aid Permit
9.26 Permit to Plug and Abandon (a non-commercial oil, gas or solution mining well)
9.27 Permit to Use Chemicals for the Control or Elimination of Aquatic Insects
9.28 Permit to Use Chemicals for the Control or Elimination of Aquatic Vegetation
9.29 Permit to Use Chemicals for the Control or Extermination of Undesirable Fish
9.30 Underground Storage Permit (Gas)
9.31 Well Drilling Permit (Oil, Gas, and Solution Salt Mining)
9.32 Digger's Permit (Shellfish)
9.33 License of Menhaden Fishing Vessel
9.34 License for Non-Resident Food Fishing Vessel
9.35 Non-Resident Lobster Permit

9.36 Marine Hatchery and/or Off-Bottom Culture Shellfish Permits
9.37 Permits to Take Blue-Claw Crabs
9.38 Permit to Use Pond or Trap Net
9.39 Resident Commercial Lobster Permit
9.40 Shellfish Bed Permit
9.41 Shellfish Shipper's Permits
9.42 Special Permit to Take Surf Clams from Waters other than the Atlantic Ocean
9.43 Approval - Drainage Improvement District
9.44 Approval - Water (Diversions for) Power
9.45 Approval of Well System and Permit to Operate
9.46 Permit - Article 15, (Protection of Water) - Dam
9.47 Permit - Article 15, (Protection of Water) - Dock, Pier or Wharf
9.48 Permit - Article 15, (Protection of Water) - Dredge or Deposit Material in a Waterway
9.49 Permit - Article 15, (Protection of Water) - Stream Bed or Bank Disturbances
9.50 Permit - Article 15, Title 15 (Water Supply)
9.51 Permit - Article 24, (Freshwater Wetlands)
9.52 Permit - Article 25, (Tidal Wetlands)
9.53 River Improvement District approvals
9.54 River Regulatory District approvals
9.55 Well Drilling Certificate of Registration
9.56 Permit to Construct and/or Operate a Solid Waste Management Facility
9.57 Septic Tank Cleaner and Industrial Waste Collector Permit
9.58 Approval of Plans for Wastewater Disposal Systems
9.59 Certificate of Approval of Realty Subdivision Plans
9.60 Certificate of Compliance (Industrial Wastewater Treatment Facility)
9.61 Letters of Certification for Major Onshore Petroleum Facility Oil Spill Prevention and Control Plan
9.62 Permit - Article 36, (Construction in Flood Hazard Areas)
9.63 Permit for State Agency Activities for Development in Coastal Erosion Hazards Areas
9.64 Permit Granted (for Use of State Maintained Flood Control Land)
9.65 State Pollutant Discharge Elimination System (SPDES) Permit
9.66 401 Water Quality Certification

10.00 Preparation and revision of Air Pollution State Implementation Plan.

11.00 Preparation and revision of Continuous Executive Program Plan.

12.00 Preparation and revision of Statewide Environmental Plan.

13.00 Protection of Natural and Man-made Beauty Program.

14.00 Urban Fisheries Program.

15.00 Urban Forestry Program.

16.00 Urban Wildlife Program.

ENVIRONMENTAL FACILITIES CORPORATION

1.00 Financing program for pollution control facilities for industrial firms and small businesses.

FACILITIES DEVELOPMENT CORPORATION

1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

OFFICE OF GENERAL SERVICES

1.00 Administration of the Public Lands Law for acquisition and disposition of lands, grants of land and grants or easement of land under water, issuance of licenses for removal of materials from lands under water, and oil and gas leases for exploration and development.

2.00 Administration of Article 4-B, Public Buildings Law, in regard to the protection and management of State historic and cultural properties and State uses of buildings of historic, architectural or cultural significance.

3.00 Facilities construction, rehabilitation, expansion, or demolition.

DEPARTMENT OF HEALTH

1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

2.00 Permit and approval programs:

- 2.01 Approval of Completed Works for Public Water Supply Improvements
- 2.02 Approval of Plans for Public Water Supply Improvements.
- 2.03 Certificate of Need (Health Related Facility - except Hospitals)
- 2.04 Certificate of Need (Hospitals)
- 2.05 Operating Certificate (Diagnostic and Treatment Center)
- 2.06 Operating Certificate (Health Related Facility)
- 2.07 Operating Certificate (Hospice)
- 2.08 Operating Certificate (Hospital)
- 2.09 Operating Certificate (Nursing Home)
- 2.10 Permit to Operate a Children's Overnight or Day Camp

2.11 Permit to Operate a Migrant Labor Camp
2.12 Permit to Operate as a Retail Frozen Dessert Manufacturer
2.13 Permit to Operate a Service Food Establishment
2.14 Permit to Operate a Temporary Residence/Mass Gathering
2.15 Permit to Operate or Maintain a Swimming Pool or Public Bathing Beach
2.16 Permit to Operate Sanitary Facilities for Realty Subdivisions
2.17 Shared Health Facility Registration Certificate

DIVISION OF HOUSING AND COMMUNITY RENEWAL and its subsidiaries and affiliates

1.00 Facilities construction, rehabilitation, expansion, or demolition.

2.00 Financial assistance/grant programs:

2.01 Federal Housing Assistance Payments Programs (Section 8 Programs)
2.02 Housing Development Fund Programs
2.03 Neighborhood Preservation Companies Program
2.04 Public Housing Programs
2.05 Rural Initiatives Grant Program
2.06 Rural Preservation Companies Program
2.07 Rural Rental Assistance Program
2.08 Special Needs Demonstration Projects
2.09 Urban Initiatives Grant Program
2.10 Urban Renewal Programs

3.00 Preparation and implementation of plans to address housing and community renewal needs.

INTERSTATE SANITATION COMMISSION [regional agency]

1.00 Adoption and enforcement of air and water pollution standards within the Interstate Sanitation District.

JOB DEVELOPMENT AUTHORITY

1.00 Financing assistance programs for commercial and industrial facilities.

MEDICAL CARE FACILITIES FINANCING AGENCY

1.00 Financing of medical care facilities.

OFFICE OF MENTAL HEALTH

1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

2.00 Permit and approval programs:

2.01 Operating Certificate (Community Residence)
2.02 Operating Certificate (Family Care Homes)
2.03 Operating Certificate (Inpatient Facility)
2.04 Operating Certificate (Outpatient Facility)

OFFICE OF MENTAL RETARDATION AND DEVELOPMENT DISABILITIES

1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

2.00 Permit and approval programs:

2.01 Establishment and Construction Prior Approval
2.02 Operating Certificate Community Residence
2.03 Outpatient Facility Operating Certificate

DIVISION OF MILITARY AND NAVAL AFFAIRS

1.00 Preparation and implementation of the State Disaster Preparedness Plan.

NATURAL HERITAGE TRUST

1.00 Funding program for natural heritage institutions.

OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION (including Regional State Park Commissions)

1.00 Acquisition, disposition, lease, grant of easement or other activities related to the management of land under the jurisdiction of the Office.

2.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

3.00 Funding program for recreational boating, safety and enforcement.

4.00 Funding program for State and local historic preservation projects.

5.00 Land and Water Conservation Fund programs.

6.00 Nomination of properties to the Federal and/or State Register of Historic Places.

7.00 Permit and approval programs:

7.01 Floating Objects Permit
7.02 Marine Regatta Permit
7.03 Navigation Aide Permit
7.04 Posting of Signs Outside State Parks

8.00 Preparation and revision of the Statewide Comprehensive Outdoor Recreation Plan and the Statewide Comprehensive Historic Preservation Plan and other plans for public access, recreation, historic preservation or related purposes.

9.00 Recreation services programs.

10.00 Urban Cultural Parks Program.

POWER AUTHORITY OF THE STATE OF NEW YORK

1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Authority.

2.00 Facilities construction, rehabilitation, expansion, or demolition.

ROCHESTER-GENESEE REGIONAL TRANSPORTATION AUTHORITY [reg'l agency]

1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Authority.

2.00 Facilities construction, rehabilitation, expansion, or demolition.

3.00 Increases in special fares for transportation services to public water-related recreation resources.

NEW YORK STATE SCIENCE AND TECHNOLOGY FOUNDATION

1.00 Corporation for Innovation Development Program.

2.00 Center for Advanced Technology Program.

DEPARTMENT OF SOCIAL SERVICES

1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

2.00 Homeless Housing and Assistance Program.

3.00 Permit and approval programs:

- 3.01 Certificate of Incorporation (Adult Residential Care Facilities)
- 3.02 Operating Certificate (Children's Services)
- 3.03 Operating Certificate (Enriched Housing Program)
- 3.04 Operating Certificate (Home for Adults)
- 3.05 Operating Certificate (Proprietary Home)
- 3.06 Operating Certificate (Public Home)
- 3.07 Operating Certificate (Special Care Home)
- 3.08 Permit to Operate a Day Care Center

DEPARTMENT OF STATE

1.00 Appalachian Regional Development Program.

2.00 Coastal Management Program.

3.00 Community Services Block Grant Program.

4.00 Permit and approval programs:

4.01 Billiard Room License
4.02 Cemetery Operator
4.03 Uniform Fire Prevention and Building Code

STATE UNIVERSITY CONSTRUCTION FUND

1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

STATE UNIVERSITY OF NEW YORK

1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the University.

2.00 Facilities construction, rehabilitation, expansion, or demolition.

DIVISION OF SUBSTANCE ABUSE SERVICES

1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

2.00 Permit and approval programs:

2.01 Certificate of Approval(Substances Abuse Services Program)

DEPARTMENT OF TRANSPORTATION

1.00 Acquistion, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Department.

2.00 Construction, rehabilitation, expansion, or demolition of facilities, including but not limited to:

(a) Highways and parkways
(b) Bridges on the State highways system
(c) Highway and parkway maintenance facilities
(d) Barge Canal
(e) Rail facilities

3.00 Financial assistance/grant programs:

3.01 Funding programs for construction/reconstruction and reconditioning/preservation of municipal streets and highways (excluding routine maintenance and minor rehabilitation)
3.02 Funding programs for development of the ports of Albany, Buffalo, Oswego, Ogdensburg and New York
3.03 Funding programs for rehabilitation and replacement of municipal bridges
3.04 Subsidies program for marginal branchlines abandoned by Conrail
3.05 Subsidies program for passenger rail service

4.00 Permits and approval programs:

4.01 Approval of applications for airport improvements (construction projects)
4.02 Approval of municipal applications for Section 18 Rural and Small Urban Transit Assistance Grants(construction projects)
4.03 Approval of municipal or regional transportation authority applications for funds for design, construction and rehabilitation of omnibus maintenance and storage facilities

4.04 Approval of municipal or regional transportation authority applications for funds for design and construction of rapid transit facilities
4.05 Certificate of Convenience and Necessity to Operate a Railroad
4.06 Highway Work Permits
4.07 License to Operate Major Petroleum Facilities
4.08 Outdoor Advertising Permit (for off-premises advertising signs adjacent to interstate and primary highway)
4.09 Permits for Use and Occupancy of N.Y. State Canal Lands [except Regional Permits (Snow Dumping)]
4.10 Real Property Division Permit for Use of State-Owned Property

5.00 Preparation or revision of the Statewide Master Plan for Transportation and sub-area or special plans and studies related to the transportation needs of the State.

6.00 Water Operation and Maintenance Program--Activities related to the containment of petroleum spills and development of an emergency oil-spill control network.

URBAN DEVELOPMENT CORPORATION and its subsidiaries and affiliates

1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Corporation.

2.00 Construction, rehabilitation, expansion, or demolition of residential, commercial, industrial, and civic facilities and the funding of such activities, including but not limited to actions under the following programs:

(a) Tax-Exempt Financing Program
(b) Lease Collateral Program
(c) Lease Financial Program
(d) Targeted Investment Program
(e) Industrial Buildings Recycling Program

DIVISION OF YOUTH

1.00 Facilities construction, rehabilitation, expansion, or demolition and the funding or approval of such activities.

2. Federal Agencies

DIRECT FEDERAL ACTIVITIES AND DEVELOPMENT PROJECTS

DEPARTMENT OF COMMERCE

National Marine Fisheries Services

1.00 Fisheries Management Plans

DEPARTMENT OF DEFENSE

Army Corps of Engineers

1.00 Proposed authorizations for dredging, channel improvements, breakwaters, other navigational works, or erosion control structures, beach replenishment, dams or flood control works, ice management practices and activities, and other projects with potential to impact coastal lands and waters.

2.00 Land acquisition for spoil disposal or other purposes.

3.00 Selection of open water disposal sites.

Army, Navy and Air Force

4.00 Location, design, and acquisition of new or expanded defense installations (active or reserve status, including associated housing, transprotation or other facilities).

5.00 Plans, procedures and facilities for landing or storage use zones.

6.00 Establishment of impact, compatability or restricted use zones.

DEPARTMENT OF ENERGY

1.00 Prohibition orders.

GENERAL SERVICES ADMINISTRATION

1.00 Acquisition, location and design of proposed Federal Government property or buildings, whether leased or owned by the Federal Government.

2.00 Disposition of Federal surplus lands and structures.

DEPARTMENT OF INTERIOR

Fish and Wildlife Service

1.00 Management of National Wildlife refuges and proposed acquisitions.

Mineral Management Service

2.00 OCS lease sale activities including tract selection, lease sale stipulations, etc.

National Park Service

3.00 National Park and Seashore management and proposed acquisitions.

DEPARTMENT OF TRANSPORTATION

Amtrak, Conrail

1.00 Expansions, curtailments, new construction, upgradings or abandonments of railroad facilities or services, in or affecting the State's coastal area.

Coast Guard

2.00 Location and design, construction or enlargement of Coast Guard stations, bases, and lighthouses.

3.00 Location, placement or removal of navigation devices which are not part of the routine operations under the Aids to Navigation Program (ATON).

4.00 Expansion, abandonment, designation or anchorages, lightering areas or shipping lanes and ice management practices and activities.

Federal Aviation Administration

5.00 Location and design, construction, maintenance, and demolition of Federal aids to air navigation.

Federal Highway Administration

6.00 Highway construction.

St. Lawrence Seaway Development Corporation

7.00 Acquisition, location, design, improvement and construction of new and existing facilities for the operation of the Seaway, incuding traffic safety, traffic control and length of navigation season.

FEDERAL LICENSES AND PERMITS

DEPARTMENT OF DEFENSE

Army Corps of Engineers

1.00 Construction of dams, dikes or ditches across navigable waters, or obstruction or alteration of navigable waters required under Sections 9 and 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 401, 403).

2.00 Establishment of harbor lines pursuant to Section 11 of the Rivers and Harbors Act of 1899 (33 U.S.C. 404, 405).

3.00 Occupation of seawall, bulkhead, jetty, dike, levee, wharf, pier, or other work built by the U.S. pursuant to Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408).

4.00 Approval of plans for improvements made at private expense under USACE supervision pursuant to the Rivers and Harbors Act of 1902 (33 U.S.C. 565).

5.00 Disposal of dredged spoils into the waters of the U.S., pursuant to the Clean Water Act, Section 404, (33 U.S.C. 1344).

6.00 All actions for which permits are required pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

7.00 Construction of artificial islands and fixed structures in Long Island Sound pursuant to Section 4(f) of the River and Harbors Act of 1912 (33 U.S.C.).

DEPARTMENT OF ENERGY

Economic Regulatory Commission

1.00 Regulation of gas pipelines, and licensing of import or export of natural gas pursuant to the Natural Gas Act (15 U.S.C. 717) and the Energy Reorganization Act of 1974.

2.00 Exemptions from prohibition orders.

Federal Energy Regulatory Commission

3.00 Licenses for non-Federal hydroelectric projects and primary transmission lines under Sections 3(11), 4(e) and 15 of the Federal Power Act (16 U.S.C. 796(11), 797(11) and 808).

4.00 Orders for interconnection of electric transmission facilities under Section 202(b) of the Federal Power Act (15 U.S.C. 824a(b)).

5.00 Certificates for the construction and operation of interstate natural gas pipeline facilities, including both pipelines and terminal facilities under Section 7(c) of the Natural Gas Act (15 U.S.C. 717f(c)).

6.00 Permission and approval for the abandonment of natural gas pipeline facilities under Section 7(b) of the Natural Gas Act (15 U.S.C. 717f(b)).

ENVIRONMENTAL PROTECTION AGENCY

1.00 NPDES permits and other permits for Federal installations, discharges in contiguous zones and ocean waters, sludge runoff and aquaculture permits pursuant to Section 401, 402, 403, 405, and 318 of the Federal Water Pollution Control Act of 1972 (33 U.S.C. 1341, 1342, 1343, and 1328).

2.00 Permits pursuant to the Resources Recovery and Conservation Act of 1976.

3.00 Permits pursuant to the underground injection control program under Section 1424 of the Safe Water Drinking Water Act (42 U.S.C. 300h-c).

4.00 Permits pursuant to the Clean Air Act of 1976 (42 U.S.C. 1857).

DEPARTMENT OF INTERIOR

Fish and Wildlife Services

1.00 Endangered species permits pursuant to the Endangered Species Act (16 U.S.C. 153(a)).

Mineral Management Service

2.00 Permits to drill, rights of use and easements for construction and maintenance of pipelines, gathering and flow lines and associated structures pursuant to 43 U.S.C. 1334, exploration and development plans, and any other permits or authorizations granted for activities described in detail in OCS exploration, development, and production plans.

3.00 Permits required for pipelines crossing federal lands, including OCS lands, and associated activities pursuant to the OCS Lands Act (43 U.S.C. 1334) and 43 U.S.C. 931 (c) and 20 U.S.C. 185.

INTERSTATE COMMERCE COMMISSION

1.00 Authority to abandon railway lines (to the extent that the abandonment involves removal of trackage and disposition of right-of-way); authority to construct railroads; authority to construct coal slurry pipelines.

NUCLEAR REGULATORY COMMISSION

1.00 Licensing and certification of the siting, construction and operation of nuclear power plans pursuant to Atomic Energy Act of 1954, Title II of the Energy Reorganization Act of 1974 and the National Environmental Policy Act of 1969.

DEPARTMENT OF TRANSPORTATION

Coast Guard

1.00 Construction or modification of bridges, causeways or pipelines over navigable waters pursuant to 49 U.S.C. 1455.

2.00 Permits for Deepwater Ports pursuant to the Deepwater Ports Act of 1974 (33 U.S.C. 1501).

Federal Aviation Administration

3.00 Permits and licenses for construction, operation or alteration of airports.

FEDERAL ASSISTANCE*

DEPARTMENT OF AGRICULTURE

10.068 Rural Clean Water Program
10.409 Irrigation, Drainage, and Other Soil and Water Conservation Loans
10.410 Low to Moderate Income Housing Loans
10.411 Rural Housing Site Loans
10.413 Recreation Facility Loans
10.414 Resource Conservation and Development Loans
10.415 Rural Rental Housing Loans
10.416 Soil and Water Loans
10.418 Water and Waste Disposal Systems for Rural Communities

10.419 Watershed Protection and Flood Prevention Loans
10.422 Business and Industrial Loans
10.423 Community Facilities Loans
10.424 Industrial Development Grants
10.426 Area Development Assistance Planning Grants
10.429 Above Moderate Income Housing Loans
10.430 Energy Impacted Area Development Assistance Program
10.901 Resource Conservation and Development
10.902 Soil and Water Conservation
10.904 Watershed Protection and Flood Prevention
10.906 River Basin Surveys and Investigations

DEPARTMENT OF COMMERCE

11.300 Economic Development - Grants and Loans for Public Works and Development Facilities
11.301 Economic Development - Business Development Assistance
11.302 Economic Development - Support for Planning Organizations
11.304 Economic Development - State and Local Economic Development Planning
11.305 Economic Development - State and Local Economic Development Planning
11.307 Special Economic Development and Adjustment Assistance Program - Long Term Economic Deterioration
11.308 Grants to States for Supplemental and Basic Funding of Titles I, II, III, IV, and V Activities
11.405 Anadromous and Great Lakes Fisheries Conservation
11.407 Commercial Fisheries Research and Development
11.417 Sea Grant Support
11.427 Fisheries Development and Utilization - Research and Demonstration Grants and Cooperative Agreements Program
11.501 Development and Promotion of Ports and Intermodal Transportation
11.509 Development and Promotion of Domestic Waterborne Transport Systems

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

14.112 Mortgage Insurance - Construction or Substantial Rehabilitation of Condominium Projects
14.115 Mortgage Insurance - Development of Sales Type Cooperative Projects
14.117 Mortgage Insurance - Homes
14.124 Mortgage Insurance - Investor Sponsored Cooperative Housing
14.125 Mortgage Insurance - Land Development and New Communities
14.126 Mortgage Insurance - Management Type Cooperative Projects
14.127 Mortgage Insurance - Mobile Home Parks
14.218 Community Development Block Grants/Entitlement Grants
14.219 Community Development Block Grants/Small Cities Program
14.221 Urban Development Action Grants
14.223 Indian Community Development Block Grant Program

DEPARTMENT OF INTERIOR

15.400 Outdoor Recreation - Acquisition, Development and Planning
15.402 Outdoor Recreation - Technical Assistance
15.403 Disposal of Federal Surplus Real Property for Parks, Recreation, and Historic Monuments
15.411 Historic Preservation Grants-In-Aid
15.417 Urban Park and Recreation Recovery Program
15.600 Anadromous Fish Conservation
15.605 Fish Restoration
15.611 Wildlife Restoration
15.613 Marine Mammal Grant Program
15.802 Minerals Discovery Loan Program
15.950 National Water Research and Development Program
15.951 Water Resources Research and Technology - Assistance to State Institutes
15.592 Water Research and Technology - Matching Funds to State Institutes

DEPARTMENT OF TRANSPORTATION

20.102 Airport Development Aid Program
20.103 Airport Planning Grant Program
20.205 Highway Research, Planning, and Construction
20.309 Railroad Rehabilitation and Improvement - Guarantee of Obligations
20.310 Railroad Rehabilitation and Improvement - Redeemable Preference Shares
20.506 Urban Mass Transportation Demonstration Grants
20.509 Public Transportation for Rural and Small Urban Areas

GENERAL SERVICES ADMINISTRATION

39.002 Disposal of Federal Surplus Real Property

COMMUNITY SERVICES ADMINISTRATION

49.002 Community Action
49.011 Community Economic Development
49.013 State Economic Opportunity Offices
49.017 Rural Development Loan Fund
49.018 Housing and Community Development (Rural Housing)

SMALL BUSINESS ADMINISTRATION

59.012 Small Business Loans
59.013 State and Local Development Company Loans

59.024 Water Pollution Control Loans
59.025 Air Pollution Control Loans
59.031 Small Business Pollution Control Financing Guarantee

ENVIRONMENTAL PROTECTION AGENCY

66.001 Air Pollution Control Program Grants
66.418 Construction Grants for Wastewater Treatment Works
66.426 Water Pollution Control - State and Areawide Water Quality Managment Planning Agency
66.451 Solid and Hazardous Waste Management Program Support Grants
66.452 Solid Waste Management Demonstration Grants
66.600 Environmental Protection Consolidated Grants Program Support Comprehensive Environmental Response, Compensation and Liability (Super Fund)

*Numbers refer to the Catalog of Federal Domestic Assistance Programs, 1980 and its two subsequent updates.

B. FEDERAL AND STATE ACTIONS AND PROGRAMS NECESSARY TO FURTHER THE TOWN OF IRONDEQUOIT'S LWRP

Several of the policies and projects incorporated into Irondequoit's Waterfront Revitalization Program will be implemented through the local actions described in Section V. These local actions consist, for the most part, of the adoption of extensive changes to the Town's ordinances and zoning map, which will encourage appropriate waterfront development and protect the sensitive environmental features of the shorezone.

There are, however, a number of specific actions which must be taken by either New York State or the Federal Government in order to realize all of the Program's objectives.

I. STATE ACTIONS

a. Office of Parks, Recreation and Historic Preservation

* In conjunction with the Bay opening project, development of public, water-oriented facilities including: a boat launch, parking lot, and comfort stations.

* Creation of a natural, passive park of State-owned land at the northwest corner of Irondequoit Bay, and lease of a portion of the site for the private development of a marina complex.

* Completion of an agreement with Monroe County regarding the County's long-term operation and maintenance of three vacant parcels adjacent to Bay Park West, recently purchased by the State.

* Provision of funding assistance to both Monroe County and the Town of Irondequoit for the planning, development, construction, major renovation, or expansion of existing and planned recreational facilities located in or adjacent to Irondequoit's waterfront area.

b. Department of Transportation

* Realignment of the northern terminus of the Sea Breeze Expressway (Route 47) to the west of its present location.

* Donation to the Town of Irondequoit, without use restrictions, of the 27 acre site situated at the junction of the Sea Breeze (Route 47) and Keeler Street (Route 104) Expressways.

* If the decision is made by Monroe County that the Route 18 bridge should be replaced, construction by the State of new link across the bay outlet that will permit the unimpeded passage of pleasure craft between Lake Ontario and Irondequoit Bay. The Town Board strongly favors the construction of such a crossing as evidenced from several solutions adopted by it, indicating the intention and support in favor of the bridge, dating back to 1980.

* If the Route 18 bridge is not replaced, construction by the State of north-bound ramps connecting the Irondequoit Bay bridge (Route 104) with the Sea Breeze Expressway (Route 590). The Town is strongly opposed to the design of the ramps as presently planned with southbound traffic exiting at Titus Avenue/Seabreeze Espressway intersection because of its impact on the residential neighborhoods. An alternate design with wouth sound exit to Ridge Road East is preferred by the Town.

  In addition, the State should prepare an Environmental Impact Statement (E.I.S.) and hold a public hearing on the same before taking any action.

c. Department of State

* Provision of funds to the Town of Irondequoit with which to implement portions of its approved LWRP including, but not limited to, funds for mapping new zoning and overlay districts, staff and board training, adoption of water surface use legislation for Irondequoit Bay, provision of staff support for monitoring LWRP projects and activities.

d. Department of Environmental Conservation

* Implementation and administration of Article 24 of the State's Environmental Conservation Law for Irondequoit's wetlands areas.

* Final mapping, adoption, and administration of the State's Section 505 Coastal Erosion Control legislation.

* After termination of the Newport Road Landfill, inspection of the site to determine its suitability for use as a passive recreation facility.

e. Office of General Services

Prior to any development occurring in the water or on the immediate waterfront, OGS should be consulted for a

determination at the State's interest in underwater or formerly underwater lands and to authorization to use and occupy these lands.

II. FEDERAL ACTIONS

a. Department of Defense - Army Corps of Engineers

* Completion of the opening of Irondequoit Bay to Lake Ontario through the construction of a channel including a breakwater and a jetty on opposite sides of the channel.

b. Department of Housing and Urban Development

* Through Irondequoit's annual Community Development Block Grant, provision of funds to be used by the Town for commercial revitalization loans and grants, which will improve the appearance and economic viability of businesses located on Culver Road in the Sea Breeze section.

* Through Irondequoit's annual Community Development Block Grant, provision of funds to be used by the Town to rehabilitate substandard housing occupied by lower income home owners, as well as to upgrade deteriorated or inadequate infrastructure systems in the older sections of Irondequoit's waterfront area.

SECTION VII

SUMMARY OF THE TOWN'S CONSULTATIONS WITH OTHER AGENCIES

PART A

SUMMARY OF THE TOWN'S
CONSULTATIONS WITH OTHER AGENCIES

The Town of Irondequoit has consulted with State and local agencies regarding development of its Local Waterfront Revitalization Program. In addition, the Town has participated with adjacent communities to develop a coordinated program to deal with development issues in the Irondequoit Bay area. A summary of the Town's involvement with these agencies and municipalities follows:

STATE AGENCIES

A. New York State Department of State:

The Town of Irondequoit has had ongoing consultation with the DOS. The consultation generally focused on the following issues.

1. Procedures for applying for a grant under the Local Waterfront Revitalization Program.

2. Requirements for preparation of a Local Waterfront Revitalization Program.

3. Method of selecting consultants to work on the program.

4. Establishing an acceptable citizen participation mechanism.

5. Implementation of program.

6. Draft submittals and review comments of program tasks.

7. Policy revisions.

8. Program timetables, extensions, and final submittals.

B. New York State Department of Environmental Conservation:

The Town has had ongoing consultations with the DEC Region 8 office, primarily to discuss the following issues:

1. Implementation of new Town standards dealing with drainage and erosion control.

2. Implementation and impact of the Freshwater Wetlands Act as it pertains to Irondequoit Bay.

3. Implementation and local impact of the Coastal Erosion Management Plan.

4. Coordination of proposed local waterfront development standards with those proposed by the State and County.

5. Coordination of development review of various projects within the LWRP study area, through the Irondequoit Bay Coordinating Committee.

6. Preliminary review of Sections I - V of Town's LWRP, and tour of Irondequoit's waterfront area by district representative.

COUNTY AGENCIES

A. Monroe County Department of Planning:

The Town has had ongoing consultations with the County Planning Department for the purpose of coordinating elements of Irondequoit's LWRP with those proposed by adjoining communities and to review proposed local development standards with those recommended by the County, through various committees. As the provider of staffing for the Irondequoit Bay Coordinating Committee, the Monroe County Department of Planning has been in almost continuous contact with Town officials regarding the incorporation of IBCC Bay development objectives and measures into Irondequoit's LWRP as implementing techniques, and the formal adoption of such measures.

B. Environmental Management Council:

The Town has consulted with EMC to obtain its assistance in the technical review of portions of the proposed LWRP. Issues on which the Town has consulted with EMC include:

1. Drainage and erosion control standards.

2. Steep slope development measures.

3. Woodlot regulations.

4. Development standards for roads and utilities within the LWRP study area.

5. Review of current development practices within the LWRP study area.

6. Hazardous dump site legislation.

C. Monroe County Water Quality Management Committee:

The Town of Irondequoit is a member of this committee, which has prepared a report dealing with control of urban runoff in the Irondequoit Bay Basin.

D. Irondequoit Bay Coordinating Committee:

The Town has had ongoing consultations with the staff of the IBCC concerning projects proposed on or near Irondequoit Bay. The IBCC has drafted development objectives, standards, and guidelines for the Irondequoit Bay area, under an agreement entered into by all three

Bay municipalities and Monroe County. The Town, through its consultant, has modified the IBCC's management measures for incorporation into its LWRP as implementing techniques, and the Town Board has subsequently formally adopted them.

NEIGHBORING MUNICIPALITIES

The Town of Irondequoit, together with the Towns of Webster and Penfield and Monroe County are members of the IBCC. In addition, the three towns have discussed common waterfront issues and through their common consultant, have coordinated their LWRP's to ensure similar development standards for the Irondequoit Bay and Lake Ontario shorezones.

The Town has also held discussions with representatives of the City of Rochester to ensure that its proposals for Irondequoit neighborhoods adjacent to the City's waterfront on the east side of the Genesee River (e.g., Summerville and the Pattonwood Dr./ Thomas Ave. area) will be compatible with Rochester's own plans for this area, developed as part of the City's LWRP. These discussions did not result in the identification of any conflicts between Irondequoit's LWRP and the City's policies and recommendations for future development on the east bank of the Genesee River.

The City, however, did express concern that an area south of Pattonwood Dr., which adjoins the River gorge and contains several sensitive environmental features, was not included in the Town's LWRP study area. The Town responded to this concern by indicating to the City that the area's sensitive natural features (such as steep slopes and woodlots), although not within the LWRP's boundaries, are fully protected by Irondequoit's recently adopted Environmental Protection Overlay Districts (EPOD's). The EPOD's, which were drafted as part of the Town's LWRP implementing techniques, are not mapped zoning districts, but rather floating districts whose provisions come into play when a proposed development is to be located on or near environmental features requiring special safeguards.

PART B

SUMMARY OF THE TOWN CONSULTANT'S CONSULTATIONS WITH OTHER AGENCIES

The planning firm hired by the Town of Irondequoit to help prepare its Local Waterfront Revitalization Program, Phoenix Associates, Inc., has also consulted with State and local agencies as part of its responsibilities. The Town's consultant has maintained particularly close working relationships with the New York State Department of State and the staff of the Irondequoit Bay Coordinating Committee during the entire LWRP process.

STATE AGENCIES

A. New York State Department of State:

The consultant for the program has engaged in ongoing consultations with DOS program staff. The primary focus of early consultations related to obtaining a clear understanding of program objectives, submission requirements, clarification of State policies, and the like. During preparation of program tasks, discussions revolved around further clarification of program requirements, as well as more definite interpretations of State policies. Of particular concern to the Town was:

1. The interpretation of the consistency provisions of the program, and the degree to which State and Federal agencies are obligated to follow the policies and recommendations of an approved LWRP;

2. State definition of the term "access" for both private and public purposes and its implications for the local program;

3. The availability of implementation funds as the result of having an approved LWRP; and,

4. The degree of specificity required for local waterfront policies.

B. New York State Department of Environmental Conservation:

Primary involvement of DEC's Regional Office has been through its participation in the work of the Irondequoit Bay Coordinating Committee. Town personnel, rather than the consultant, have been the primary interface with the regional office, although the consultant participated in a tour of Irondequoit's waterfront conducted for the benefit of regional office personnel involved in the review of the Town's LWRP.

Some discussions have been held with personnel at the Albany DEC central office to obtain guidance on whether the Town should pursue local implementation of the Freshwater Wetlands Act and Coastal Erosion Management Regulations. After due deliberation, the Town of Irondequoit has elected to rely on the New York State Department of Environmental Conservation to administer both sets of regulations. The primary reason for this

decision is the newness of the procedures, as well as the staffing requirements and potential costs to the Town. Further, the State regulations for coastal erosion and wetlands are considered by the Town to provide adequate protection management for these natural resources.

LOCAL AGENCIES

A. Irondequoit Bay Coordinating Committee:

The Town's consultant has worked closely with the technical staff of the IBCC, primarily through the Monroe County Planning Department, in the development of certain implementation measures, reflected in the legislation included in Section V of the LWRP. This legislation, which has already been adopted as Town Law, incorporates the environmental and land use controls and procedures developed as part of the IBCC effort. The extensive legislation submitted as part of Section V of Irondequoit's LWRP is, therefore, reflective of the issues and concerns raised and resolved through the IBCC process.

NEIGHBORING MUNICIPALITIES

Again, it is significant to note that all three Irondequoit Bay communities participate in the IBCC. Additionally, the same planning firm, Phoenix Associates, Inc., serves all three communities as their LWRP Consultant, and is thus in the position to share with each of them information concerning waterfront issues and developments taking place in the adjacent towns. The consultant's involvement in the LWRP's of the three Bay communities has reinforced the efforts of the IBCC to provide a unified response by these communities to the development pressures now being experienced around Irondequoit Bay. The consultant, through its contacts with officials of the City of Rochester responsible for preparing that community's LWRP, has also maintained a dialogue concerning waterfront issues and proposed developments affecting both Irondequoit and the City (in particular, those involving the east bank of the Genesee River).

SECTION VIII

LOCAL COMMITMENT

TASK VIII

METHODOLOGY FOR OBTAINING LOCAL COMMITMENT

The Town of Irondequoit has undertaken a variety of activities geared to developing local commitment and support for its LWRP. The Town's major effort in this regard has been the creation of a Citizen's Planning Committee whose members comprise a broad cross-section of the community. Committee members have been selected both for their interest in Irondequoit's waterfront and their familiarity with the issues affecting this area. Most Committee members also reside and own property within the LWRP study area boundaries.

As of July 1, 1986, the Committee held eight (8) meetings and workshops, which included presentations by Town staff, the LWRP Consultant, and various County officials. The purpose of these meetings and workshops was to provide Committee members with the opportunity to provide their comments and suggestions regarding the tasks constituting Irondequoit's LWRP. Committee meetings, which were staffed by the Town Planner and a representative of the Town's LWRP Consultant, were used to present information on the Irondequoit waterfront, to answer members' questions concerning LWRP procedures and requirements, and to discuss the members' review comments and text revisions. The end result of these activities was a revised set of LWRP tasks reflecting the concerns and priorities of Committee members, which was subsequently presented to the Town Board for its review, prior to submission to the State.

All Committee meetings were open to the public and were advertised in Irondequoit's legal newspaper; notifications of all meetings were also sent to the County Planning Department, as well as to officials of adjacent waterfront communities (including the City of Rochester and the Towns of Webster and Penfield). Minutes for each meeting were taken, which included information on the subjects covered and the accomplishments achieved, and were subsequently made available to Committee members and various Town officials. (Copies of all Committee meeting minutes are kept on file at Town Hall, and will be made available upon request.)

The Committee's primary responsibility was to provide citizen input to those responsible for preparing Irondequoit's LWRP and for acting as liaison to other groups and individuals who share an interest in the waterfront's future. By establishing an open line of communication between these groups and the officials involved in drafting the Town's LWRP, the Committee members helped to ensure that the views and concerns of a much larger segment of Irondequoit's population were heard and dealt with prior to completion of the Town's Local Waterfront Revitalization Plan and its submittal to the State.

The Committee and its staff have made themselves available to other groups desiring presentations and additional information on the Town's LWRP effort. (Such groups have included the League of Women Voters.) Representatives of the Committee, as well as representatives from the other towns adjoining Irondequoit Bay, also serve on Monroe County's Irondequoit Bay Coordinating Committee (IBCC), a group established to set uniform

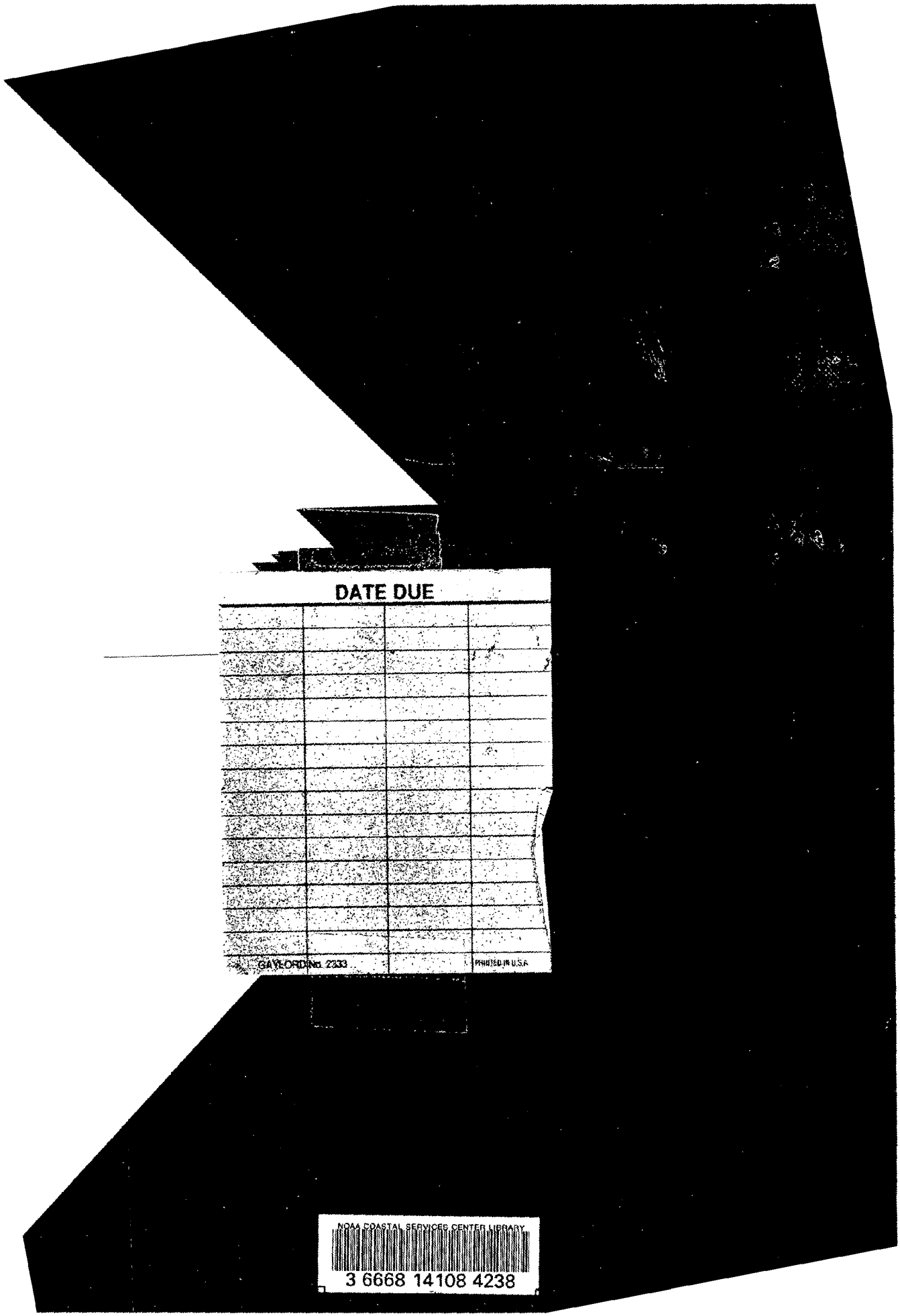
environmental objectives, review procedures, and development standards for the entire Bay area. Because the IBCC was finalizing its recommendations at the same time that Irondequoit was drafting portions of its LWRP, it was possible for the Town to incorporate the Bay development objectives and measures prepared by the IBCC into the Town's LWRP policy statements (Task III) and the new and revised legislation constituting its implementation techniques (Task V). The IBCC staff was given the opportunity by the Town to review and comment upon its legislation for consistency with the IBCC development standards, prior to formal adoption of the legislation by the Irondequoit Town Board in May, 1986.

The involvement of the Town's Conservation Board and Planning Board in the preparation of Irondequoit's LWRP has been facilitated through the liaison activities of the Town Planner, who functions as staff to both bodies. Through this official, who has played a major role in the Town's LWRP process, the concerns, priorities, and perspectives of each board have been articulated, with the result that they are reflected throughout Irondequoit's LWRP. The Town Board's involvement, on the other hand, has taken place primarily through workshops and public hearings and informational meetings. These have provided each Board member with information on the LWRP's content and progress, as well as the opportunity to provide their comments and suggestions for incorporation into the LWRP draft documents, prior to its final adoption.

Mention should also be made of the efforts of the Town to involve those municipal officials who will have the primary responsibility for implementing the LWRP or who will otherwise be affected by its adoption and implementation. These officials include the Town Supervisor, Planner, Attorney, and Commissioner of Public Works. Several meetings and workshops, which included these officials and the Town's LWRP Consultant, were held for the purpose of obtaining their input and guidance during the entire LWRP process.

The Town established an ongoing relationship with the local press, providing it with notices of all meetings and workshops, news releases, and other information relevant to the LWRP. The media will continue to be used by the Town to familiarize the general public with the LWRP's objectives, methodologies and proposals, as well as to encourage citizen input. A more formal procedure for obtaining the reaction of the general public to the policies and recommendations of the LWRP has been the holding of one (1) public hearing and one (1) workshop by the Town Board, which were advertised in the Town's legal newspaper, the Irondequoit Press.

The purpose of the workshop (held on November 20, 1985) was to review and obtain comments on drafts of Tasks I through V of the Town's LWRP, prior to their submission to the Department of State. The public hearing (held on May 1, 1986) dealt with the new and revised ordinances produced by the Town as part of Task V, Implementing Techniques, and resulted in their formal adoption by the Town Board, as part of Town Law. An additional public hearing was be held by the Town Board prior to finalization of Irondequoit's LWRP. This hearing provided the public with the opportunity to comment upon each section of the LWRP prior to its formal approval by the Board, thus ensuring that the comments and recommendations made by the public were given due consideration.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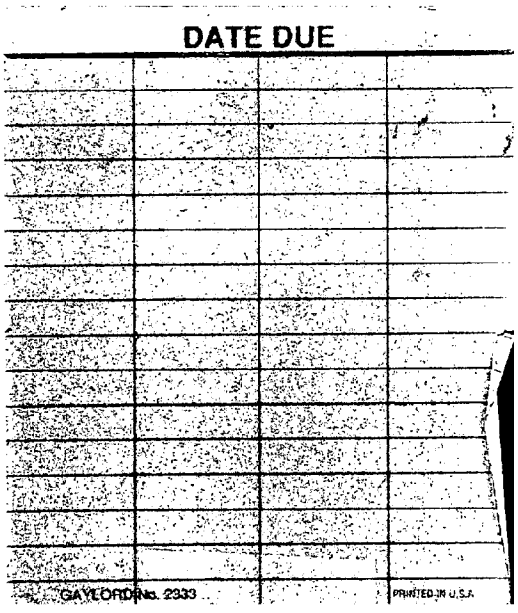

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