

SECTION III Waterfront Revitalization Program Policies

The Local Waterfront Revitalization Program (LWRP) policies presented in this chapter take the place of the statewide policies of the New York State Coastal Management Program. The policies are comprehensive and reflect existing State laws and authorities. The policies are the basis for Federal and State consistency determinations for activities affecting the waterfront area.

The following is a list of the Town of Hamlin LWRP policies:

- POLICY 1 Where opportunities exist, restore, revitalize, and redevelop deteriorated and underutilized waterfront areas for commercial light industrial, cultural, recreational and other commercial, industrial compatible uses.
- POLICY 2 Facilitate the siting of water-dependent uses and facilities on or adjacent to coastal waters.
- POLICY 2 A Strengthen and maintain sandy creek harbor for sport and recreational fishing purposes.
- POLICY 3 The state coastal policy regarding the development of major ports is not applicable to Hamlin.
- POLICY 4 The state coastal policy regarding the strengthening of the economic base of smaller harbor areas is not applicable to Hamlin.
- POLICY 5 Encourage the location of development in areas where public services and facilities essential to such development has special functional requirements or other characteristics which necessitate its location in other coastal areas.
- POLICY 5 A Ensure that all development meets or exceeds state of New York, County of Monroe and Town of Hamlin codes concerning municipal water and sanitary sewer systems.
- POLICY 5 B Encourage development to locate within the limits of established water districts or provide for extension of such districts in a manner which ensures the orderly growth of the town.
- POLICY 6 Expedite permit procedures in order to facilitate the siting of development activities at suitable locations.
- POLICY 7 Significant coastal fish and wildlife habitats, as identified on the coastal area map, will be protected, preserved, and where practical, restored so as to maintain their viability as habitats.
- POLICY 7 A The Sandy Creek Habitat shall be protected, preserved, and, where practical, restored so as to maintain its viability as a habitat.
- POLICY 7B Yanty Creek Marsh, as a locally significant habitat, shall be protected, preserved and, where practical, restored so as to maintain its viability as a habitat.
- POLICY 8 Protect fish and wildlife resources in the coastal area from the introduction of hazardous wastes and other pollutants which have been found to bioaccumulate in the food chain or which cause significant sublethal or lethal effect on those resources.

- 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 10 The state policy regarding the further development of commercial finfish, shellfish and crustacean resources in the coastal area is not applicable to Hamlin.
- POLICY 11 Buildings and other structures will be sited in the coastal area so as to minimize damage to property and endangering of human lives caused by flooding and erosion.
- 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 encroachment that could impair their natural protective capacity.
- POLICY 13 The construction or reconstruction of erosion protection 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 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.
- POLICY 15 Mining, excavation or dredging in coastal waters 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 16 Public funds shall only be used for erosion protection 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 protection features.
- 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 setbacks of buildings and structures; (ii) the planting of vegetation and the installation of sand fencing and draining; (iii) the reshaping of bluffs; (iv) the flood-proofing of buildings or their elevation above the base flood level.
- 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 resource areas.
- POLICY 19 Protect, maintain and increase the levels 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 19 A Publicly held waterfront land shall be developed in a way that will encourage greater public access.
- 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 should be provided in a manner compatible with adjoining uses. Such lands shall be retained in public ownership.
- 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 transportation services and to those areas where the use of the shore is severely restricted by existing development.
- POLICY 22 Development, when located adjacent to the shore, shall provide for water-related recreation, as a multiple use, whenever such recreational use is appropriate in light of reasonably anticipated demand for such activities and the primary purpose of the development.
- POLICY 23 Protect, enhance and restore structures, districts, areas or sites that are of significance in the history, architecture, archeology or culture of the state, its communities or the nation.
- POLICY 24 The state coastal policy regarding the protection of scenic resources of statewide significance is not applicable to Hamlin.
- 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 25 A Protect and enhance the sandy creek corridor as a natural scenic resource of local significance.
- POLICY 26 To conserve and protect agricultural lands in the state's coastal area, an action shall not result in a loss, nor impair the productivity, of important agricultural lands, as identified on the coastal area map, if that loss or impairment would agricultural district or, if there is no agricultural district, in the area surrounding such lands.
- POLICY 26 A Discourage the placement of public waterlines, sanitary sewers, and other services that would encourage growth in areas of the town designated for continued agricultural production.
- POLICY 26 B Renew and sustain the northwest Monroe County agricultural district formed within the town under the New York State agricultural and markets law.
- POLICY 26 C Limit residential development to low density single family units located so as to minimize potential disruptions to farming operations, if the residences border land still being farmed.

- POLICY 26 D Prevent residential development in areas designated for agriculture which would force a change in the activities normally carried out for conventional agricultural production.
- POLICY 26 E Maintain a fair and equitable taxation policy, which encourages the continuation of farming activities.
- POLICY 26 F Support state and county programs such as the agricultural district program aimed at protection of agricultural areas.
- POLICY 26 G Encourage citizen understanding of the economics of agricultural production.
- POLICY 27 Decisions on siting and construction of major energy facilities in the coastal area will be based on public energy needs, compatibility of such facilities with the environment and the facility's need for a shorefront location.
- POLICY 28 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 29 The state coastal policy regarding the development of resources on the outer continental shelf, in Lake Erie, and in other waterbodies is not applicable to Hamlin.
- 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 31 State coastal area policies and purposes of approved local waterfront revitalization programs will be considered while reviewing coastal water classification and while modifying water quality standards; however, those waters already overburdening with contaminations will be recognized as being a development constraint.
- POLICY 32 encourage the use of alternative or innovative sanitary waste systems in small communities where the costs of conventional facilities are unreasonably high given the size of the existing tax base of these communities.
- POLICY 33 Best management practices will be used to ensure the control of storm water runoff and combined sewer overflows draining into coastal waters.
- POLICY 33A Maintain and improve existing drainage systems serving the Lake Ontario state parkway and adjacent lands.
- POLICY 33B Develop a comprehensive storm drainage plan for the Town of Hamlin.
- POLICY 34 Discharge of waste materials into coastal waters from vessels subject to state jurisdiction will be limited so as to protect significant fish and wildlife habitat, recreational areas and water supply areas.
- POLICY 35 Dredging and filling in coastal waters and disposal of dredged material 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 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.

- POLICY 37 Best management practices will be utilized to minimize the non-point discharge of excess nutrients, organics and eroded soils into coastal waters.
- 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.
- 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.
- POLICY 40 Effluent discharged from major steam electric generating and industrial facilities into coastal waters will not be unduly injurious to fish and wildlife and shall conform to state water quality standards.
- POLICY 41 Land use or development in the coastal area will not cause national or state air quality standards to be violated.
- POLICY 42 Coastal management policies will be considered if the state reclassifies land areas pursuant to the prevention of significant deterioration regions of the federal clean air act.
- POLICY 43 Land use or development in the coastal area must not cause the generation of significant amounts of acid rain precursors: nitrates and sulfates.
- POLICY 44 Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas.

POLICY 1

Where opportunities exist, restore, revitalize, and redevelop deteriorated and underutilized waterfront areas for commercial light industrial, cultural, recreational and other commercial, industrial compatible uses.

Explanation of Policy

The Town of Hamlin's waterfront is principally agricultural and recreational in character, with areas of intense residential use along portions of the Lake Ontario shoreline. While the waterfront cannot be considered deteriorated or underutilized, there are undeveloped areas which offer opportunities for development or reuse. These are identified in the Inventory and Analysis as areas U1 through U8. Areas U1, U5, U6, U7 and U8 are recreational in nature and are treated in Policies 19 and 21.

Area U1, Troutburg, is located in the northwest corner of the Town's waterfront. This area offers significant opportunities for development of new uses, including the rehabilitation of the Cady House to provide overnight accommodations, a restaurant and gift shop, and picnic facilities. Due to the sensitive nature of the area a comprehensive land use study to specify land use options which enhance the LWRP should be conducted in accordance with the proposed land and water uses in Section IV prior to any redevelopment activities.

1. The following guidelines shall be applied to actions proposed in waterfront areas regarded as suitable for development and shall be considered in preparing the land use plan(s):
 - a. Priority should be given to uses which are dependent on or enhanced by a location adjacent to the water.
 - b. The action should enhance existing and anticipated uses. For example, new access roads shall be designed and constructed sufficiently to serve the potential needs for proposed development.
 - c. The action should serve as a catalyst to private investment in the area.
 - d. The action, when public, should improve the deteriorated condition of the area and, at a minimum, must not cause further deterioration (i.e., a building could not be abandoned without protecting it against vandalism and/or structural decline).
 - e. 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.
 - f. The action should have the potential to improve the existing economic base of the community and, at a minimum, must not jeopardize this base.
 - g. The action should improve adjacent and upland views of the water and, at a minimum, must not affect these views in an insensitive manner.
 - h. The action should have the potential to improve the possibilities for multiple uses of sites within these areas.
 - i. Development must respect the environmental constraints or opportunities for preservation present in the area or on the site.

2. If an action is proposed to take place outside the underused areas covered by this policy and is either within the Town of Hamlin or adjacent coastal communities, the involved Town, State or Federal agency must first determine if it is feasible to take the action within the areas covered by this policy. If feasible, strong consideration should be given to taking the action in such areas. If not feasible, appropriate steps must be taken to ensure that the action does not adversely affect areas covered by this policy. (See Policies 2, 5, 11, 19, 21, 37)

POLICY 2

Facilitate the siting of water-dependent uses and facilities on or adjacent to coastal waters.

POLICY 2A

Strengthen and maintain sandy creek harbor for sport and recreational fishing purposes.

Explanation of Policy

There is a finite amount of waterfront space still suitable for development purposes in Hamlin, and it is reasonable to expect that the long term demand for use of this waterfront space will intensify. The traditional method of land allocation, i.e., the real estate market, offers little assurance that water-dependent uses will in fact be able to locate on the Town's shoreline. To ensure that such uses can continue to be accommodated along the Town's shoreline, 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, agencies including Hamlin Beach State Park will use appropriate existing programs to encourage further development of water-dependent activities.

Water-dependent activities shall not be considered a private nuisance, provided such activities were commenced prior to the surrounding activities and have not been determined to be the cause of conditions dangerous to life or health and any disturbance to enjoyment of land and water has not materially increased.

A water-dependent use is an activity which can only be conducted on, in, over or adjacent to a water body because such activity requires direct access to that water body, and which involves, as an integral part of such activity, the use of the water. In Hamlin these uses are primarily recreational in nature and include boating, swimming, and fishing. The following recreational facilities and services are considered water-dependent in Hamlin:

1. Marinas and yacht clubs
2. Boat storage and service facilities
3. Boat launch facilities
4. Docks\Piers\Wharfs
5. Swimming beaches
6. Fishing access points
7. Fishing charter services

Other water-dependent facilities which are appropriate in Hamlin are:

1. Navigation aids, such as buoys
2. Flood and erosion protection structures
3. Environmental education facilities

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). These uses, to be considered water-dependent, must be clearly subordinate to the principal water-dependent use of the site and shall, to the maximum extent practicable, be located away from the shore.

In addition to water-dependent uses, those 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 or activity which does not require a location adjacent to or over coastal waters, but whose location on land adjacent to the shore adds to the public use and enjoyment of the water's edge. Water-enhanced uses are primarily recreational, cultural, retail, or entertainment uses. A restaurant which uses good site design to take advantage of a waterfront view is an example of a water-enhanced use. Water-enhanced facilities which shall be encouraged in Hamlin include:

1. Parks and playgrounds*
2. Pedestrian and bicycle trails *
3. Scenic overlooks and Nature Centers*
4. Motels, inns, and bed and breakfasts
5. Bait and tackle shops
6. Restaurants and marine-related retail shops, or retail shops which cater to the needs of boaters.
7. Seasonal Recreational Activities such as: Golf Courses, Ice Skating, Cross Country Skiing. Public access facilities might not be strictly water-dependent, but could nonetheless have priority for a waterfront location over any other use, water-dependent or otherwise. (See discussions on priorities in this Policy and in Policies 19 and 20.)

A number of water-dependent uses are already located in the Town's coastal area. These include the swimming beaches and car top boat launch on Lake Ontario at Hamlin Beach State Park. Private and commercial docking facilities located on the west side of Sandy Creek including a Yacht Club, and several marinas. A public boat launch operated by New York State is also located on the east side of Sandy Creek at Westphal Dr. These uses are permitted, and shall be encouraged to continue.

Development of water-dependent and enhanced recreation in the Town's waterfront area is to receive higher priority than development of any other type of use. This water-related development is to be increased, provided it is consistent with the preservation and enhancement of such important coastal resources as fish and wildlife habitats, aesthetically significant areas, historic and cultural resources, agriculture and significant mineral and fossil deposits. Also, such uses must not impair water quality, reduce slope stability or cause erosion or sedimentation problems. In addition, water-dependent recreation uses (especially boating services) shall generally have a higher priority than water-enhanced

recreation uses. A variety of commercial and public facilities are to be encouraged; therefore, each proposal to develop a water-dependent or enhanced use will require careful analysis.

There is a limited amount of land in Hamlin still available for new water-dependent or enhanced uses. On Lake Rd. E. Fork and Westphal, development of new water-dependent uses shall not extend south of North Hamlin Road. (See Policy 9 for further discussion of fishing access.)

On Lake Ontario development of new water-dependent and enhanced uses (where appropriate) are encouraged in Hamlin Beach State Park and Troutburg. Within the Hamlin Beach State Park, there is a need for additional boat launch capacity. There is also a need for cabins and a nature educational center. Appropriate options for the continued protection of water-dependent uses along the shoreline, including those at a Yanty Marsh need to be identified. At the eastern end near the Coast Guard Auxiliary station additional parking is needed for their new facility due to the increase usage of the structure for meetings and educational classes. On the Lake Ontario State Parkway, rehabilitation of the only service building could be considered, and there is a need for expanding the fishing access at Cowsucker Creek.

The following guidelines shall be used to determine the consistency of a proposed action with this policy. In Hamlin, new or expanded water-dependent or enhanced uses:

1. Shall be compatible with existing land and water uses and shall be constructed and maintained in a manner which does not degrade or conflict with adjacent shoreline uses;
2. Shall preserve and, if possible, enhance Sandy Creek as a significant habitat and scenic resource (see also Policies 7, 25 and 34)
3. Shall not degrade surface and subsurface water quality
4. Shall not be located in such a way that they are susceptible to serious damage from flooding and erosion (see Policy 11)
5. Shall be located and designed so as to provide adequate access to public roads. Any large-scale recreational project will be reviewed in terms of its traffic generation potential and provision for parking
6. Shall provide adequate off-street parking spaces to meet the anticipated needs of the development, in addition to adequate space for dry storage (e.g., boats)
7. Shall only be developed where adequate waste water treatment, drinking water and power are available; and
8. Shall not prevent public access to public lands and navigable waters nor hinder safe navigation.

Guidelines specifically related to marinas and yacht clubs are as follows:

1. The siting of marinas and yacht clubs will conform to New York State Freshwater Wetlands Act regulations.
2. The design of marinas and yacht clubs shall minimize the need to dredge. In addition, dredging and dredge spoil disposal shall not adversely impact surface or groundwater

- quality, aquatic and upland habitats, historic or archeological resources, visual quality, or navigation in adjacent areas. In the case of excavated marinas, the impact on groundwater levels in adjacent upland areas will be taken into consideration.
3. Marina and yacht club basin design shall promote maximum flushing and exchange of waters to minimize accumulation of contaminants and sediments. This will entail giving consideration to prevailing winds and currents and, in the case of excavated marina basins, to the grading of the basin and the shape of its perimeter.
 4. Upland portions of the marina or yacht club shall be designed to address storm water runoff so as to prevent the contamination of the marina basin.
 5. In the construction of excavated marinas, excavated material should not be allowed to enter adjacent water bodies. All marina basin excavation should be done prior to basin flooding. A dike shall be maintained between the excavation site and adjoining open water. Dikes or equivalent shall be kept in place until completion of basin construction. This shall include stabilization of exposed earth banks around the basin.
 6. All designs for marinas and yacht clubs shall be designed and sealed by a licensed professional engineer.

Guidelines specifically related to marina service and repair facilities, charter boat fishing facilities, and enclosed rack boat storage facilities are as follows:

1. Dismantled boats, engines, all parts or supplies, goods, materials, refuse, garbage or debris shall be compatibly screened from view from the road and from Sandy Creek.
2. Boat maintenance activities, including washing, sanding, painting, draining bilge water, and servicing motors, shall not discharge waste water or other substances into any water body, nor shall any waste materials be disposed of in such a manner that they run overground and into a water body. The operator shall demonstrate that waste water and boat/engine maintenance residues will be contained and handled to prevent pollution of coastal waters.
3. Outdoor storage of boats, equipment, or similar uses shall be screened using evergreen plantings, berms, fences, or a combination thereof.
4. Commercial excursion and charter fishing facilities shall make adequate provision for fish cleaning stations and entrails disposal.
5. Enclosed rack storage of boats shall be screened from view and from public right-of-ways and from Sandy Creek by permanent year-round vegetation.

Guidelines specifically related to Sandy Creek piers, docks and wharves are as follows:

1. All docks and piers shall be constructed of sturdy, durable and stable materials capable of maintaining position and location, supporting pedestrian traffic, and resisting lateral loads resulting from wind, wave, and impact forces. Docks and piers shall be constructed, where possible, to permit the free circulation of water, reduce the effects of fluctuating water levels, and prevent adverse modification of the shoreline.
2. Docks and piers shall at all times be maintained in a sturdy, durable condition.

3. The length of piers, docks or wharves that are clearly accessory and incidental to single family residential uses shall be no more than 16 feet. Piers, docks and wharves that are not accessory to single family residential may be greater than 16 feet, provided:
 - a. Such structures shall not reduce stream navigability.
 - b. Such structures shall not infringe on the riparian rights of adjacent property owners.
4. The width of piers, docks or wharves that are accessory to single family residential uses shall be at least 2.5 feet but no greater than 4 feet. The width of piers, docks and wharves that are not accessory to single family development may be greater than 4 feet provided:
 - a. Such structures shall not reduce stream navigability.
 - b. Such structures shall not infringe on the riparian rights of adjacent property owners.
5. All docks, piers and wharves shall provide a safe pedestrian surface at all times parallel to the water surface, except for gangways onto such docks or piers from the shoreline or extensions thereof, which gangways shall have a nonskid surface.
6. All docks, piers and wharves shall have a minimum clearance of ten (10) feet from adjacent parcel lines. (Chapter 125-66)
7. The berthing of a boat, yacht, or watercraft from any dock or pier shall be within the area allowed for location of such dock or pier.
8. All docks and piers shall have night markers for easy determination at the end of each structure.
9. There shall be no more than one dock or pier for each residentially zoned littoral parcel with less than seventy-five (75) feet of shoreline. One additional dock or pier is allowed for each additional seventy-five (75) feet of shoreline.
10. There shall be no permanent structure located on or above the decks of piers, docks, or wharves.
11. In the case of shore parcels bounding a substantially straight shoreline, docks and piers shall be located in the area fixed by projection of parcel lines at right angles from the shoreline.
12. In the case of parcels on a concave or convex shoreline, docks and piers shall be located in the area fixed by projection of the parcel lines along the line bisecting the angle formed by the shoreline at its intersection with the parcel line. Where such projections do not allow access to the line of navigability (that line marking the minimum depth for navigation) the converging lines shall instead run to the line of navigability. The line of navigability shall be divided among the littoral parcels in proportion to their respective shares of the shoreline and permit all shoreline parcels practicable access to the navigable waters.

POLICY 3

The state coastal policy regarding the development of major ports is not applicable to Hamlin.

POLICY 4

The state coastal policy regarding the strengthening of the economic base of smaller harbor areas is not applicable to Hamlin.

POLICY 5

Encourage the location of development in areas where public services and facilities essential to such development has special functional requirements or other characteristics which necessitate its location in other coastal areas.

POLICY 5A

Ensure that all development meets or exceeds state of New York, county of Monroe and Town of Hamlin codes concerning municipal water and sanitary sewer systems.

POLICY 5B

Encourage development to locate within the limits of established water districts or provide for extension of such districts in a manner which ensures the orderly growth of the town.

Explanation of Policy

The majority of housing units in the Town of Hamlin waterfront area are served by public water supply. The Town of Hamlin does not have a centralized sewage collection and treatment system. Sewage waste disposal is provided by individual household septic systems within the Hamlin LWRP area. As noted in the Inventory and Analysis, these Systems are susceptible to failure during extreme flooding events in shoreline and low-lying areas.

The general purposes of this policy as it applies to the Town of Hamlin are to:

1. Meet future public needs for water and sewerage services, utilities, solid waste disposal, health and education facilities and services, and fire and police protection;
2. Strengthen existing residential and commercial centers;
3. Increase the productivity of existing public services in areas of existing concentrated development and moderate the need to provide new public services in outlying areas;
4. Foster energy conservation by encouraging proximity between home, work, business and leisure activities; and
5. Preserve open space and agricultural land.

More specifically, the purpose of this policy is to preserve agriculture and agricultural lands in the Town. While maintaining public and environmental health is a primary concern of the Town, it is recognized that provision of a public sewage system or extension of public waterlines can spur development in

agricultural districts, established pursuant to Article 25AA of the Agricultural and Markets law, where there is a public interest in maintaining and supporting the Town's economically significant agricultural industry. For this reason, extension of these public services shall be programmed to concentrate development around the Hamlet of Hamlin, as shown in the Town's adopted updated Comprehensive Plan (January 2, 1997), and shall not be extended into established Article 25AA Agricultural Districts. In order to ensure that this policy is furthered in the waterfront area, the review of any small or large scale development proposal shall assess the adequacy of infrastructure and public services in terms of the following:

1. Adequate sewer and water capacity currently exists. Where sewer Systems do not exist, the site shall be able to accommodate a septic system which will function properly and not be affected by high water table, slope, poor percolation, proximity to water wells or to surface water bodies, or other adverse conditions;
2. Adequate capacity exists to meet public needs for fire and police protection, schools, and various health and social services;
3. Road systems are adequate to support an increased transportation load;
4. Storm water runoff from the proposed development can be accommodated by on-site and/or off-site facilities; and
5. Energy needs of the proposed development can be met by existing utility systems.

(See Policy 26.)

POLICY 6

Expedite permit procedures in order to facilitate the siting of development activities at suitable locations.

Explanation of Policy

It is recognized that permit procedures must be rational and efficient to promote proper and orderly growth. Further, unnecessary overlap between different levels of government causes delay and confusion. Every effort shall be made to simplify and organize permit procedures.

For specific types of development activities and in areas suitable for such development local, 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 is not jeopardized.

These procedures and programs will be coordinated within each agency. Also, efforts will be made to ensure that each agency procedures and programs will be coordinated and synchronized with other agency procedures, at each level of government. Finally, regulatory programs and procedures will be coordinated and synchronized between levels of government and, if necessary, legislative or programmatic changes will be recommended.

When proposing new regulations, an agency will determine the feasibility of incorporating the regulations within existing procedures, if this reduces the paperwork burden on a development and would not jeopardize the integrity of the regulations' objectives.

POLICY 7

Significant coastal fish and wildlife habitats, as identified on the coastal area map, will be protected, preserved, and where practical, restored so as to maintain their viability as habitats.

Explanation of Policy

Habitat protection is recognized as fundamental to assuring the survival of fish and wildlife populations. Certain habitats are critical to the maintenance of a given population, and, therefore, merit special protection. Such habitats exhibit one or more of the following characteristics: (1) are essential to the survival of a large portion of a particular fish or wildlife population (e.g., feeding grounds, nursery areas); (2) support populations of rare and endangered species; (3) are found at a very low frequency within a coastal region; (4) support fish and wildlife populations having significant commercial and/or recreational value; and (5) would be difficult or impossible to replace.

A **habitat impairment test** must be met for any activity that is subject to consistency review under Federal and State laws, or under applicable local laws contained in an approved local waterfront revitalization program. If that proposed action is subject to consistency review, then the habitat protection policy applies, whether the proposed action is to occur within or outside the designated area.

In order to protect and preserve a significant habitat, land and water uses or development shall not be undertaken if such actions would destroy or significantly impair the viability of a habitat. The specific habitat impairment test that must be met is as follows:

Habitat destruction is defined as loss of fish or wildlife use through direct physical alteration, disturbance, or pollution of a designated area, or through the indirect effects of these actions on a designated area which result in the loss of fish or wildlife. Habitat destruction may be indicated by changes in vegetation, substrate, or hydrology, or increases in runoff, erosion, sedimentation, or pollutants.

Significant impairment is defined as reduction in vital resources (e.g., food, shelter, living space) or change in environmental conditions (e.g., temperature, substrate, and salinity) beyond the tolerance range of an organism. Indicators of a significantly impaired habitat focus on ecological alterations and may include, but are not limited to, reduced carrying capacity, changes in community structure (food chain relationships, species diversity), reduced productivity and/or increased incidence of disease and mortality.

The **tolerance range** of an organism is not defined as the physiological range of conditions beyond which a species will not survive at all, but as the ecological range of conditions that supports the species' population or has the potential to support a restored population, where practical. Either the loss of individuals through an increase in emigration or an increase in death rate indicates that the tolerance

range of an organism has been exceeded. An abrupt increase in death rate may occur as an environmental factor falls beyond a tolerance limit (a range has both upper and lower limits). Many environmental factors, however, do not have a sharply defined tolerance limit, but produce increasing emigration death rates with increasing departure from conditions that are optimal for the species.

The range of parameters which should be considered in applying the habitat impairment test includes, but is not limited to the following:

1. Physical parameters, such as living space circulation, flushing rates, tidal amplitude, turbidity, water temperature, depth (including loss of littoral zone), morphology, substrate type, vegetation, structure, erosion and sedimentation rates;
2. Biological parameters, such as community structure, food chain relationships, species diversity, predator/prey relationships, population size, mortality rates, reproductive rates, meristic features, behavioral patterns and migratory patterns; and
3. Chemical parameters, such as dissolved oxygen, carbon dioxide, acidity, dissolved solids, nutrients, organics, salinity, and pollutants (heavy metals, toxics and hazardous materials).

Significant coastal fish and wildlife habitats are evaluated, designated and mapped pursuant to the Waterfront Revitalization and Coastal Resources Act (Executive Law of New York, Article 42). The New York State Department of Environmental Conservation (DEC) evaluates the significance of coastal fish and wildlife habitats, and following a recommendation from the DEC, the Department of State designates and maps specific areas.

POLICY 7A

The Sandy Creek Habitat shall be protected, preserved and, where practical, restored so as to maintain its viability as a habitat.

Explanation of Policy

Sandy Creek flows through the Towns of Murray and Kendall in Orleans County and through Hamlin, in Monroe County, where it enters Lake Ontario. The fish and wildlife habitat includes the creek channel and associated wetlands and islands, extending approximately fourteen miles from the mouth of Sandy Creek (at Sandy Harbor Beach) to the confluence of the West and East Branches of Sandy Creek, just south of NYS Route 104.

Sandy Creek is one of about ten major New York tributaries to Lake Ontario. Despite a variety of habitat disturbances, Sandy Creek has significant spawning runs of Coho and Chinook salmon in the fall. Coho salmon and steelhead (lake-run rainbow trout) are stocked in Sandy Creek by the NYSDEC. A new program founded known as the Pen-Rearing has also released trout into Lake Ontario at the mouth of Sandy Creek after being raised in pens in Sandy Creek. From the County Route 19 bridge, in the Hamlet

of North Hamlin, downstream to the mouth of Sandy Creek, there is also a productive warm-water fishery. Warm-water species present include northern pike, smallmouth bass, and brown bullhead. Smallmouth bass spawning activity throughout Sandy Creek produces a large portion of the smallmouth bass population in this section of Lake Ontario.

Although not comprehensive, examples of generic activities and impacts which could destroy or significantly impair the habitat are listed below to assist in applying the habitat impairment test to a proposed activity.

Any activity that degrades water quality, increases temperature or turbidity, alters water depths, or reduces flows, would adversely affect the fisheries resources in Sandy Creek. These impacts would be especially detrimental during fish spawning and nursery periods (late February-July for most warm-water species and steelhead, and September – November for most salmonids). Actual fish spawning and nursery periods must be determined on a season-by-season basis in consultation with the Department of Environmental Conservation. Discharges of sewage and storm water runoff containing sediments or chemical pollutants (including fertilizers, herbicides, or insecticides) would adversely impact fish or wildlife species in the area.

Efforts should be made to reduce stream disturbance by agricultural activities, especially grazing, through fencing and restoration of natural riparian vegetation. Stream channel alterations, including dredging, filling, or channelization, could reduce the habitat quality in Sandy Creek. Barriers to fish migration, whether physical or chemical would also have significant impacts on bass and salmon populations in the creek. Wildlife species occurring in the lower end of Sandy Creek would be adversely affected by further human disturbance or elimination of wetland vegetation. Activities affecting Sandy Creek as far inland as Albion and Holley (Orleans County) should be evaluated for potential impacts on the fisheries resources of this area.

(See Policies 2, 14, 37 and 44.)

POLICY 7B

Yanty Creek Marsh is a locally significant habitat and shall be protected, preserved and, where practical, restored so as to maintain its viability as a habitat.

Explanation of Policy

Yanty Creek Marsh is a 96-acre lake shore wetland located at the east end of Hamlin Beach State Park in the Town of Hamlin, Monroe County. An environmental education center and nature trail associated with the Park is located at Yanty Creek Marsh. The habitat in this area is mixed and includes fairly young deciduous woods, bushy areas, and cattail marsh.

The Yanty Creek Marsh is an important lake shore habitat, rare in the county. However, habitat value of this area has been somewhat degraded by nearby development, including the Lake Ontario Parkway. The primary factors associated with habitat degradation at this site are non-point pollution from road runoff and agricultural activities; the loss of buffer areas and riparian vegetation; and impairments to

nesting habitat. Natural and man-induced change in Lake Ontario water levels, reduction in alongshore sediment transport due to the cumulative impacts of updrift shore protection structures, and/or storm and climatic conditions may have contributed to the one-time loss of portions of the barrier beach separating Yanty Creek Marsh from Lake Ontario. In 1998, a large rubble mound shore protection structure was erected along the shore of Hamlin Beach State Park to the mouth of Yanty Creek to mitigate this problem. Since the initial erosion, no additional erosion of the unprotected segments of the barrier beach fronting Yanty marsh has been observed.

This site supports New York State Endangered black tern (*Chlidonias niger*) nesting. The Yanty Creek Marsh is also a valuable staging area and provides limited nesting habitat for waterfowl. The Hamlin Beach State Park area provides an important spring migratory corridor for passerine birds and raptors, and fall migratory corridor for passerines and shorebirds. A variety of waterfowl species occur during fall migration, including scoter, scaups, common loon, red-throated loon, horned grebe, red-neck grebe, and brant. Peregrine falcon (E, E-Fed) migrate through Hamlin Beach State Park during fall. Shorebirds in this area during fall and early winter include ruddy turnstone, sanderling, and purple sandpiper. A stand of mature pines at this site provides winter habitat for long-eared owl (*Asio otus*). Nearshore waters also provide sheltered overwintering habitat for waterfowl, depending on ice cover, including geese, scoters, scaups, common goldeneye, red-breasted merganser, common merganser and bufflehead.

Yanty Creek Marsh offers good birding year-round, with especially good waterfowl and passerine observation available during the fall migration. In the spring and fall, the Yanty Creek Nature Trail offers good birding for warblers. Braddock Bay Raptor Research (BBRR) sponsors an annual (since 1993) Hamlin Beach Lakewatch, recording species occurring between August and December. Nesting shorebirds, including black tern, inhabiting the lake shore marshes and beaches on the southern shore of Lake Ontario are highly vulnerable to disturbance by humans, especially during the nesting period (April 1 through August 15). Alterations to hydrology or wetland vegetation, including the removal of dead vegetation, may reduce the quality of black tern nesting habitat in Yanty Creek Marsh.

Restoration and management activities that may be appropriate for this site include the construction of artificial nest structures for black terns, tree planting, and revegetation of riparian corridors and adjacent buffer areas and invasive species inventory and control.

Yanty Creek Marsh was not evaluated in 1984 when the Significant Coastal Fish and Wildlife habitats were being considered. Since that time, Black Terns have been discovered there. This is particularly important due to the recent elevation in state status of Black Tern from a Species of Special Concern to an Endangered Species. Because of the specific nesting requirements of Black Terns, protection of this unique habitat is important. If the habitat for the Terns is lost, they simply cannot move to another wetland to successfully nest. Therefore, we recommend that Yanty Creek Marsh be nominated for designation as a state Significant Coastal Fish and Wildlife Habitat.

POLICY 8

Protect fish and wildlife resources in the coastal area from the introduction of hazardous wastes and other pollutants which have been found to bioaccumulate 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 §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, disposed or otherwise managed. A list of hazardous wastes has been adopted by DEC (6 NYCRR Part 371).

The handling, storage, transport, treatment and disposal of the materials included on this list are strictly regulated in New York State to prevent their entry or introduction into the environment. 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 nonpoint sources, and not identified as hazardous wastes, but controlled through other State laws.

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.

Explanation of Policy

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 fish and wildlife resources must be made in a manner which ensures the protection of the fish and wildlife resources and which takes into consideration other activities dependent upon 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.

Fishing opportunities in Sandy Creek can be enhanced by pursuing public fishing easements along its banks where practical. Areas where easements would be appropriate include: (1) the Roosevelt Highway and Redman Road, and (2) Brick Schoolhouse Road by the bridge, and 3) Town Park Located on Brick

Schoolhouse Rd. Additional fishing access along Cowsucker Creek south of the parkway shall be evaluated, incorporating the criteria below to prevent degradation. The Town may identify other areas in the future.

The following guidelines shall be considered in determining the consistency of proposed actions with this policy:

1. Consideration should be made as to whether an action will impede existing or future use of the Town's recreational fish and wildlife resources.
2. Efforts to increase access to recreational fish and wildlife resources 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 habitat area. On Sandy Creek specifically, care must be taken to ensure that increased fishing access does not degrade the environment of the creek which supports the fishery. Degradation would include indiscriminate trampling of vegetation, removal of trees, disruption of steep banks resulting in erosion, damage to wetlands, and introduction of pollutants, such as oils, trash, fish entrails, and sediments.
3. Adequate parking should be provided at fishing access sites where practical. Lots should be screened to protect views from adjacent waterbodies and roadways. They should also be designed to minimize surface runoff which could pollute adjacent waterbodies.
4. The impacts of increasing access to recreational fish and wildlife resources should be determined on a case-by-case basis, by consulting Policy 7, and/or conferring with a trained fish and wildlife biologist.
5. Any public or private sector initiatives to supplement existing stocks (e.g., stocking a stream with fish reared in a hatchery) or to develop new resources (e.g., creating private fee-hunting or fee-fishing facilities) must comply with existing State law.

(See Policies 2, 19, 21, 37 and 44.)

POLICY 10

The state policy regarding the further development of commercial finfish, shellfish and crustacean resources in the coastal area is not applicable to Hamlin.

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.

Explanation of Policy

This policy applies to designated Flood Hazard Areas as identified on the FEMA Flood Insurance Rate Maps. A "flood hazard area" is the land area subject to inundation by water from any flooding source, shown on the FEMA maps as A zones. The general area of flood hazard in Hamlin includes low elevations

along the entire Lake Ontario shoreline. Inland flooding potential exists along creeks, particularly Sandy Creek and Brush Creek, and in the upper stretches of Yanty Creek and Cowsucker Creek. Map 4 shows flood hazard areas, and they are described in the Inventory and Analysis.

In addition to flood prone areas, this policy shall also apply to Structural Hazard Areas, as designated pursuant to the Coastal Erosion Hazard Area Act (Article 34, ECL). "Structural hazard area" means those shorelands located landward of natural protective features and having shorelines receding at a long-term average annual recession rate of one foot or more per year. The inland boundary of a structural hazard area is calculated by starting at the landward limit of the fronting natural protective feature and measuring along a line which is perpendicular to the shoreline a horizontal distance landward which is forty times the long term average annual recession rate. In the Town of Hamlin, Structural Hazard Areas occur along major stretches of the Lake Ontario shoreline. Map 5 shows the Structural Hazard Areas, and they are described in the Inventory and Analysis.

Within flood hazard area A Zone, the following standards for construction and siting of development shall apply:

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
 - a. Residential construction. New residential construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.
 - b. Nonresidential construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation or, together with attendant utility and sanitary facilities, shall:
 - i. be flood-proofed so that below the base flood level the structure is water tight with walls substantially impervious to the passage of water;
 - ii. have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
 - iii. be certified by a registered professional engineer or architect that the standards of this subsection are satisfied.
3. Subdivision Proposals
 - a. All new and replacement water supply systems shall be designed to minimize flood damage.
 - b. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage and shall be consistent with the need to minimize flood damage.

- c. Base flood elevation data shall be provided for subdivision proposals and other proposed developments which contain at least fifty (50) lots or five (5) acres, whichever is less.
4. Utilities
- a. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
 - b. New and replacement sanitary sewer systems shall be designed to minimize the infiltration of floodwaters into the systems and discharges from the systems into the floodwaters.
 - c. On-site waste disposal systems shall be located as to avoid impairment to or contamination from flooding.
5. Mobile Homes
- a. Mobile homes shall be properly anchored (see 1 above).
 - i. Over-the-top ties shall be provided at each of the corners of the mobile home, with two (2) additional ties per side at intermediate locations. Mobile homes less than fifty (50) feet long shall require one (1) additional tie per side.
 - ii. Frame ties shall be provided at each corner of the home, with five (5) additional ties per side at intermediate points, with mobile homes less than fifty (50) feet requiring four (4) additional ties per side.
 - iii. All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds.
 - b. For new mobile home parks and mobile home subdivisions, for expansions to existing mobile home parks, for mobile home subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced, and for mobile homes not placed in a mobile home park or mobile home subdivision, it shall be required that:
 - i. stands of lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level;
 - ii. adequate surface drainage and access for a hauler are provided;
 - iii. in the instance of elevation on pilings, that lots are large enough to permit steps, piling foundations are placed on stable soil [10 more than ten (10) feet apart, and reinforcement is provided for piling more than six (6) feet above the ground level.
 - c. No new mobile home shall be placed in a floodway, except for the replacement of a preexisting mobile home.

Where human lives may be endangered by major lake storms, all necessary emergency preparedness measures shall be taken, including disaster preparedness planning.

Within Structural Hazard Areas, the following additional standards shall apply:

1. Construction of non-movable structures will not be permitted in a Structural Hazard Area.
2. A major non-movable addition to an existing permanent structure shall not be permitted in a Structural Hazard Area.
3. Movable structures may be constructed or placed within a Structural Hazard Area only if a Coastal Erosion Management Permit has been granted by the Town of Hamlin. Requirements for movable structures include the following:
 - a. No permanent foundation may be attached to the movable structure and any temporary foundations must be removed at the time the structure is moved. Below-grade footings will be allowed if satisfactory provision is made for their removal.
 - b. No movable structure may be placed closer to the landward limit of a bluff than twenty-five (25) feet.
 - c. Where there are no bluffs present, no movable structure may be placed within twenty-five (25) feet of the landward limit of a beach.
 - d. No movable structure may be placed or constructed so that, according to accepted engineering practice, its weight places an excessive ground loading on a bluff.
 - e. A plan for the landward relocation of a movable structure, when threatened by shoreline recession, must be included with each erosion area permit application.
 - f. Movable structures, which have been located within a structural hazard area pursuant to an erosion management permit, must be removed before the receding edge recedes to within ten (10) feet of the most lakeward point of the movable structure.
 - g. Debris from structural damage which may occur as a result of sudden, unanticipated bluff edge failure or erosion must be removed within sixty (60) days of the damaging event.
 - h. The last owner of record, as shown on the latest assessment roll, of real property upon which a movable structure is placed is responsible for removing that structure and its foundation, unless the last owner of record and the owner of the structure, if the structure is not owned by the last owner of record, have made an agreement providing otherwise in a form acceptable to the Town of Hamlin.
4. An erosion management permit is required for the installation of public service distribution, transmission, or collection systems for gas, electricity, water, or

wastewater. Systems installed to serve coastline development along mainland shorelines must be located landward of the shoreline structures being served.

5. Any grading, excavating, or other soil disturbance, conducted within a Structural Hazard Area must not direct surface water runoff over the receding edge of a bluff.

(See Policies 12, 14, 17.)

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 encroachment that could impair their natural protective capacity.

Explanation of Policy

Beaches, dunes, bluffs, and other natural protective features help safeguard 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, and occasional miscalculations related to lake level adjustments or other similar actions which fail to recognize their fragile nature and high protective values may diminish or destroy entirely the protective capacity of these natural features. For instances, changes in Lake Ontario water levels caused by manipulation to the St. Lawrence Seaway imperil the barrier beach separating Yanty Creek Marsh from Lake Ontario. This policy is intended to ensure that activities or development in or near natural protective features minimize all such adverse effects.

Within the Town of Hamlin, the bluffs and beaches which stretch along the Lake Ontario shoreline are specifically designated as natural protective features pursuant to the NYS Coastal Erosion Hazard Areas Act (Article 34, ECL). These features are described in the Inventory and Analysis. These areas shall be protected from all encroachment by development or other incompatible land use activities. In addition, the nearshore area is also considered a natural protective feature.

The following guidelines shall be used in determining the consistency of proposed actions with this policy (Refer also to Hamlin's Coastal Erosion Hazard Areas Law.) Activities and development within designated natural erosion protection features, i.e., beaches and bluffs, must comply with this law, Code of Town of Hamlin - Chapter 42.) In general, any activity or development in, or in proximity to, a natural protective feature that may be permitted under the following guidelines must be consistent with other applicable policies of the LWRP and must prevent, if possible, or minimize any adverse effects on natural protective features and their protective functions and values.

"Beach" means the zone of unconsolidated earth that extends landward from the mean low water line ('international Great Lakes datum) to the water ward toe of a bluff. Where no bluff exists landward of the beach, the landward limit of a beach is 100 feet landward from the place where there is a marked change in material or physiographic form, or from the line of permanent vegetation, whichever is most

water ward. Shore lands subject to seasonal or more frequent overwash or inundation are considered to be beaches. Beaches are unsuitable for development due to their constantly changing topography and width. Interference by man can accelerate these natural processes.

"Bluff" means any bank or cliff with a precipitous or steeply sloped face adjoining a beach or a body of water. The water ward limit of a bluff is the landward limit of its water ward natural protective feature. Where no beach is present, the water ward limit of a bluff is mean low water (International Great Lakes datum). The landward limit is twenty-five (25) feet landward of the bluff's receding edge, or in those cases where there is no discernible line of active erosion to identify the receding edge, twenty-five (25) feet landward of the point of inflection on the top of the bluff. (The point of inflection is that point along the top of the bluff where the trend of the land slope changes to begin its descent.)

Bluffs are particularly fragile areas which are susceptible to erosion, sloughing and weakening from improper development, runoff and groundwater seepage.

Development which requires grading, removal of vegetation, or siting of buildings, roads or parking lots, will contribute additional stormwater to the area susceptible to erosion at the edge of the face of the bluff. Excessive runoff will eventually cause the bluff to slump and collapse.

Activities allowed on beaches and bluffs, which do not require a Coastal Erosion Management Permit:

1. Elevated walkways or stairways constructed solely for pedestrian use and built by an individual property owner for the limited purpose of providing non-commercial access to the beach.
2. Docks, piers, wharves, or structures built on floats, columns, open timber piles, or other similar openwork supports with a top surface area of less than 200 square feet, or which are removed in the fall of each year;
3. Maintenance of structures when normal and customary and/or in compliance with an approved maintenance program;
4. Normal beach grooming or clean-up;
5. Planting vegetation and sand fencing so as to stabilize or entrap sand in primary dune and secondary dune areas, in order to maintain or increase the height and width of dunes; and
6. Routine agricultural operations including cultivation or harvesting, and the implementation of practices recommended in a soil and water conservation plan as defined in Section 3 (12) of the Soil and Water Conservation Districts law provided, however, that agricultural operations and implementation of practices will not be construed to include any activity that involves the construction or placement of a structure.

Activities allowed on beaches and bluffs, which require a Coastal Erosion Management Permit:

1. Beaches - expansion or stabilization of beaches with clean sand or gravel of any equivalent or slightly larger size.

2. Bluffs
 - a. Minor alteration of a bluff;
 - b. Bluff cuts, which meet the following requirements:
 - (1) cut is made in a direction perpendicular to the shoreline;
 - (2) ramp slope may not exceed 1:6;
 - (3) side slopes may not exceed 1:3 unless terraced or otherwise structurally stabilized;
 - (4) side slopes and other disturbed non-roadway areas must be stabilized with vegetation or other approved physical means; and
 - (5) completed roadway must be stabilized and drainage provided for.
 - c. New construction, modification or restoration of walkways or stairways.

Prohibited activities on beaches and bluffs:

1. **Beaches**
 - a. Excavating, grading or mining which diminishes the erosion protection afforded by beaches;
 - b. Disturbance of active bird nesting and breeding areas (unless approved by the NYS Department of Environmental Conservation); and
 - c. All development (except as noted above).
2. **Bluffs**
 - a. Excavating, grading and mining (except when in conjunction with conditions stated in a Coastal Erosion Management Permit);
 - b. Soil disturbance that directs surface water runoff over a bluff face;
 - c. Disturbance of active bird nesting and breeding areas (unless approved by the NYS Department of Environmental Conservation);
 - d. All development (except as noted above); and
 - e. Motorized or non-motorized traffic, unless the following restrictions are adhered to: 1) motor vehicles must not travel on vegetation, 2) vehicles must operate waterward of the debris line, and 3) when no debris line exists, vehicles must operate waterward of the waterward toe of a bluff.

POLICY 13

The construction or reconstruction of erosion protection 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.

Explanation of Policy

An erosion protection structure is a structure specifically designed to reduce or prevent erosion and includes the following: groins, jetties, seawalls, revetments, bulkheads and breakwaters. Artificial beach nourishment projects are also included in this definition.

Construction of erosion protection structures is expensive and often only partially effective over time. Although erosion protection structures are constructed according to best engineering practices to minimize impact and ensure a reasonable life span, they may still be harmful to adjacent or nearby properties and may induce changes in natural coastal processes. These changes can include erosion, shifts in littoral activity, impacts on habitats and the like. However, in those instances where properly engineered erosion protection structures may be likely to minimize or prevent damage or destruction to public or private property, natural protective features, and other natural resources, their construction may be allowed. The use of erosion protection structures on Lake Ontario or Sandy Creek should be considered only after an evaluation of available non-structural measures has been made. This should be done while developing an overall erosion management system for a site which takes into account the effects of any action on adjacent properties. The particularly fragile nature and significance of the habitat in Sandy Creek and Yanty Marsh requires that any adverse effects, including those caused by erosion protection structures, be minimized and mitigated.

Within the Town of Hamlin, the construction, modification or restoration of any erosion protection structure within a Coastal Erosion Hazard area (See Inventory and Analysis) will be subject to the requirements which follow. (Modification means a change in size, design or function. Reconstruction means the reconstruction without modification of an erosion protection structure, the cost of which equals or exceeds fifty percent (50%) of the estimated full replacement cost of the structure.):

1. The construction, modification, or restoration of erosion protection structures must:
 - a. Not be likely to cause a measurable increase in erosion at the development site or at other locations; and
 - b. Minimize and, if possible, prevent adverse effects upon natural protective features, existing erosion protection structures, and natural resources such as significant fish and wildlife habitats.
2. All erosion protection structures must be designed and constructed according to generally accepted engineering principles, which have demonstrated success, or where sufficient data is not currently available, a likelihood of success in controlling long-term erosion. The protective measures must have a reasonable probability of controlling erosion on the immediate site for at least thirty (30) years.
3. All materials used in such structures must 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 thirty (30) years when a maintenance program ensures that they will be regularly maintained and replaced as necessary to attain the required thirty (30) years of erosion protection.
4. A long-term maintenance program must be included for construction, modification, or restoration of an erosion protection structure. That program must include specifications for normal maintenance of degradable materials and the periodic replacement of removable materials.

(See Policy 17.)

POLICY 14

Activities and development, including the construction or reconstruction of erosion protection structures, shall be undertaken so that there will be no measureable 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. However, by his actions, man can increase the severity and adverse effects of those processes, causing damage to, or loss of, property and endangering human lives. Those 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 drainage or land restoration practices, thereby causing runoff and the erosion and weakening of shorelines; and the placing of structures in identified floodways so that the base flood elevation is increased causing damage in otherwise hazard-free areas.

(See Policies 7, 11, 12,13, 17and37.)

POLICY 15

Mining, excavation or dredging in coastal waters 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, grading, excavating or dredging in nearshore or offshore waters, which change the supply and net flow of such materials, can deprive shorelands of their natural regenerative powers. Such mining, grading, excavating, and dredging should be accomplished in a manner so as not to cause an increase of erosion to such shorelines. In nearshore areas identified pursuant to Hamlin's Coastal Erosion Area law, the following restrictions apply:

1. Activities, such as excavating, grading, mining, or dredging, which diminish the erosion protection afforded by nearshore areas, are prohibited. Exceptions include: construction or maintenance of navigation channels, bypassing sand around natural and man-made obstructions, and artificial beach nourishment, all of which require a Coastal Erosion Management Permit.
2. Clean sand and gravel of an equivalent or slightly larger grain size are the only materials which may be deposited within nearshore areas. Any deposition will require a Coastal Erosion Management Permit.

3. All development is prohibited in nearshore areas unless specifically provided for by Hamlin's Coastal Erosion Area Law (Chapter 42).

(See Policies 7, 12, and 35.)

POLICY 16

Public funds shall only be used for erosion protection 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.

Explanation of Policy

Public funds are used for a variety of purposes on the State's shorelines. This policy recognizes the protection of human life and existing investment in development or new development or new development which requires a location in proximity to the coastal area or in adjacent waters to be able to function. However, it also recognizes the adverse impacts of such activities and development on the rate of erosion and on natural protective features, and requires that careful analysis be made of such benefits and long-term costs prior to expending public funds.

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 setback of buildings and structures; (ii) the planting of vegetation and the installation of sand fencing and draining; (iii) the reshaping of bluffs; (iv) the flood-proofing of buildings or their elevation above the base flood level.

Explanation of Policy

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

The 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.

Erosion and flooding protection structures can induce changes in natural coastal processes. These changes can include increased erosion, shifts in currents, impacts on habitats, and other harmful impacts. The use of erosion and flooding protection structures should be considered only after an evaluation of available non-structural measures has been made to determine if non-structural measures

can satisfactorily minimize damage to natural resources from flooding and erosion. 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:

1. Use of the minimum setback requirements provided for in Policy 11 of this section;
2. Strengthening of coastal landforms by such means as:
 - a. Planting appropriate vegetation on bluffs, and retaining existing natural vegetation;
 - b. Reshaping bluffs to achieve an appropriate angle of 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 run-off and internal seepage of waters which erode or weaken the landforms.

Within identified Flood Hazard Areas:

1. Avoidance of 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.

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 resource areas.

Explanation of Policy

Proposed major actions may be undertaken in the coastal area if they will not significantly impair valuable coastal waters and resources, thus frustrating the achievement of the purposes of the safeguards which the State has established to protect those waters and resources. Proposed actions must take into account the social, economic and environmental interests of the State and its citizens in such matters that would affect natural resources, water levels and flows, shoreline damage, hydroelectric power generation, and recreation.

POLICY 19

Protect, maintain and increase the levels 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

Publicly held waterfront land shall be developed in a way that will encourage greater public access.

Explanation of Policy

Within the Town of Hamlin coastal area, the public has physical access to the waterfront at Hamlin Beach State Park along Sandy Creek at the DEC boat launch north of the Lake Ontario State Parkway. Visual access to the waterfront is available along the Lake Ontario State Parkway, along a bicycle path (Lake Ontario State Parkway, North Hamlin Road, Walker Lake Ontario Road, Martin Road, and Hamlin-Parma Town Line Road), and at the end of Hamlin-Parma Town Line Road and Westphal Road. Refer to the Inventory and Analysis for a complete discussion of public access opportunities.

The Town of Hamlin's LWRP gives high priority to providing public access to the waterfront. Thus, access to existing facilities shall be protected, and actions which will increase access to these facilities or to new water-related recreation opportunities are to be strongly encouraged. These actions include: maintaining the Lake Ontario State Parkway as a primary access route, providing adequate parking for cars and boat trailers at Hamlin Beach State Park and at the Sandy Creek boat launch, maintaining the bicycle path, pursuing acquisition of fish easements along Sandy Creek, making the Westphal Road Park useable, and maintaining public lands as outlined in Policy 20.

Despite the intent of this policy, provision of public access requires careful balancing of several factors: the demand for and adequacy of specific recreation facilities; the adequacy and type of access to such facilities; and the protection of natural resources. In addition to consideration of environmental constraints, future opportunities to increase access to active, water-dependent recreation facilities should carefully consider the potential impact of increased traffic and intensity of use on adjacent neighborhoods, and mitigate any adverse effect. Finally, in order to afford all the public an opportunity to enjoy water-related recreational resources and facilities, government agencies shall, pursuant to Title III of the Americans with Disabilities Act, provide for a barrier free environment at existing facilities, when feasible, and at new facilities.

The following additional guidelines will be used in determining the consistency of a proposed action with 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 in the future from adjacent or proximate public 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 be necessary or beneficial by the public body having jurisdiction over such access as the result of a reasonable justification of the need to meet systematic objectives.
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. Town, State and federal agencies 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.

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

1. Access - the ability and right of the public to reach and use public coastal lands and waters
2. Public water-related recreation resources or facilities - all public lands or facilities suitable for passive or active recreation that requires either water or a waterfront location or is enhanced by a waterfront location
3. 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
4. A reduction in the existing level of public access includes but is not limited to the following:
 - a. The number of parking spaces at a public water-related recreation resource or facility is significantly reduced;
 - b. 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 systemwide objectives;
 - c. 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; and
 - d. 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 increases are necessary; and/or admission fees to such a resource or facility, and an analysis shows that such increases will significantly reduce usage by individuals or families with incomes below the State government established poverty level.
5. An elimination of the possibility of increasing public access in the future includes, but is not limited to, the following:

- a. 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;
- b. Sale, lease, or other transfer of public lands that could provide public access to a public water-related recreation resource or facility; and
- c. 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.

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 should be provided in a manner compatible with adjoining uses. Such lands shall be retained in public ownership.

Explanation of Policy

Some of the Town of Hamlin's shoreline is accessible to the public (i.e., Hamlin Beach State Park and the bicycle trail system). Within the park and along the parkway, there are numerous opportunities to enjoy the foreshore. However, there are increasing demands from the public for more opportunities for access to the foreshore in the Town of Hamlin.

In addition to the park, the parkway, and the bikeway, there are other publicly-held parcels adjacent to the Lake Ontario shoreline. These sites, which are shown on Map 7, are designated as parcels U2, U6, U7, U8, and U9.

These publicly-held lands adjacent to the foreshore shall be retained in public ownership. Existing levels of access shall be maintained unless damage to environmental features mandates temporary or permanent limitations on access. For all publicly-held sites to which this policy applies, and most specifically for underutilized parcels U2, U6, U7, U8 and U9, government agencies shall cooperate and aid in the development of new access opportunities for passive recreation and fishing.

The regulation of projects and structures, proposed to be constructed in or over lands underwater, is necessary to responsibly manage such lands, to protect vital assets held in the name of the people of the State, to guarantee common law and sovereign rights, and to ensure that waterfront owners' reasonable exercise of riparian rights and access to navigable waters shall be consistent with the public interest in reasonable use and responsible management of waterways and such public lands for the purposes of navigation, commerce, fishing, bathing, recreation, environmental and aesthetic protection, and access to the navigable waters and lands underwater of the State.

The following levels of new access development are considered appropriate for specific sites:

Parcel U2: A scenic overlook with a viewing area near the parkway could be developed, providing safety setbacks are adequate. Access for fishing along Cow sucker Creek, south of the parkway, should also be evaluated.

Parcel U6: Consideration shall be given to maintaining access through the Coast Guard Auxiliary Station to this four acre parcel within the Hamlin Beach State Park at a level which is compatible with the operation of the station.

Parcel U7: This large undeveloped area, on the east side of Sandy Creek adjacent to the NYS Department of Environmental Conservation boat launch, shall be retained and considered for passive recreation, such as picnicking and nature trails at no cost to the public.

Parcels U8 and U9: These sites, which are Town-owned, have the potential to provide visual access to Lake Ontario and should be reserved for this purpose.

The following guidelines will be used in determining consistency of actions with the above policy:

1. Existing access from adjacent or proximate 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 local, regional or statewide public benefit and access is provided in another reasonable location to compensate for the loss.
2. The aggregate level of public access within public coastal lands or waters shall not be reduced or eliminated.
3. New development or land use shall provide public access from the nearest public roadway to the shoreline and along the coast, except where: (a) agriculture would be adversely affected, (b) it is inconsistent with public safety, (c) it is inconsistent with the protection of identified fragile coastal resources, or (d) adequate access exists within one-half mile.
4. Proposals for increased public access to coastal land 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 coastal lands and waters. If this were determined to be the case, the proposed level of access to be provided shall be deemed inconsistent with the policy.
5. The action shall consider appropriate mitigation to protect adjacent property owners.

(See guideline 3 under Policy 19).

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

1. See definitions under Policy 19 of "access" and "public lands or facilities";
2. A reduction in the existing level of public access includes, but is not limited to, the following:
 - a. 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; and
 - b. Pedestrian access is diminished or blocked completely by public or private development.
3. An elimination of the possibility of increasing public access in the future includes, but is not limited to, the following:
 - a. 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;
 - b. Sale, lease, or other conveyance of public lands that could provide public access to public coastal lands and/or waters; and
 - c. Construction of private facilities which physically prevent the provision of convenient public access to public coastal land and/or waters from public lands and facilities.

While these publicly-owned lands shall be retained in public ownership, traditional sales of easements on lands underwater to adjacent onshore property owners are consistent with this policy, provided such easements do not substantially interfere with continued public use of the public lands on which the easement is granted. Also, public use of such publicly-owned underwater lands and lands immediately adjacent to the shore shall be discouraged where such use would be inappropriate for reasons of public safety, military security, or the protection of fragile coastal resources.

(See Policies 7, 21, 44.)

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 transportation services and to those areas where the use of the shore is severely restricted by existing development.

Explanation of Policy

Water-related recreation includes such obviously water-dependent activities as boating, swimming, and fishing, as well as certain activities which are enhanced by a coastal location and increase the general public's access to the coast, such as pedestrian and bicycle trails, scenic overlooks, and passive recreation areas that take advantage of coastal scenery. The expansion of water-dependent and water-enhanced recreation is the highest priority within the Town's waterfront area.

Several opportunities exist to increase passive recreation in the Hamlin waterfront area. These include adding nature interpretive kiosks at the NYS Department of Environmental Conservation's Sandy Creek boat launch site. Within the Hamlin Beach State Park, additional nature interpretive trails and facilities, in addition to The Lions Club's Nature trail, should be installed at Yanty Creek and the adjoining marsh.

(See Policies 1, 2, 9, 19, and 20 for further discussion of water-related recreation opportunities and associated development guidelines.)

POLICY 22

Development, when located adjacent to the shore, shall provide for water-related recreation, as a multiple use, whenever such recreational use is appropriate in light of reasonably anticipated demand for such activities and the primary purpose of the development.

Explanation of Policy

Certain types of waterfront development projects present practical opportunities for providing recreation facilities as an additional use of the site or facility. Therefore, whenever such projects 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.

Uses which are appropriate in the Town of Hamlin coastal area and which can provide opportunities for water-related recreation as a multiple use include: parks, existing utility transmission lines, sewage treatment facilities, schools, nature preserves, large scale residential and mixed use projects, and maritime commercial uses.

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

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

POLICY 23

Protect, enhance and restore structures, districts, areas or sites that are of significance in the history, architecture, archeology or culture of the state, its communities or the nation.

Explanation of Policy

The Town of Hamlin coastal area contains several sites of local historical interest which are shown on Map 2 in the Inventory and Analysis. These include sites of schoolhouses, sawmills, a Civilian Conservation Corps camp which later became of WWII Prisoner of War Camp, the entire Troutburg Area, and various landing areas for Prohibition Era bootleggers. Unfortunately, the schoolhouses, sawmills and CCC camp have been dismantled or have burned down, leaving no physical structure which can be preserved. Whenever possible encourage development in these areas which would utilize, enhance, restore or draw attention to these sites.

There are, however, sites of archeological value where archaic Indian artifacts have been found. Archeological sites are located in Hamlin Beach State Park, south of Priem Road on Sandy Creek, and south of Devils Nose at Cook Road. Given the possibility of archeologically significant sites within the waterfront area, prior to any ground disturbing activities, public agencies shall contact the NYS Office of Parks, Recreation and Historic Preservation to determine the appropriate protective measures which will be incorporated into development decisions. Staff from the Rochester Museum and Science Center will also conduct archeological investigations prior to development being permitted.

POLICY 24

The state coastal policy regarding the protection of scenic resources of statewide significance is not applicable to Hamlin.

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 sandy creek corridor as a natural scenic resource of local significance.

Explanation of Policy

The Town of Hamlin waterfront area includes natural features which, in total, compose a diverse scenic resource of high quality. These natural areas include the creeks, particularly the Sandy Creek corridor, the Lake Ontario shoreline, Yanty Creek Marsh, the ponds near the eastern boundary of the Town, and open agricultural land and orchards to the south of the Lake Ontario State Parkway.

Creek Corridors

The major creeks in the Town of Hamlin coastal area, Sandy Creek, Cowsucker Creek and Yanty Creek, are important components of the Town's scenic character, adding visual interest to the primarily open, agricultural lands south of the parkway.

Sandy Creek, in particular, is a significant scenic resource which has been documented in a video tape prepared by the Town. The video tape is on file in the Town Clerk's office and serves as a baseline for evaluating the impact of proposals on the scenic values of the creek corridor.

The Sandy Creek corridor is divided into three segments. One area from the southwestern Town line to the bridge on Route 19 is characterized by heavily vegetated banks with mature trees and little intrusion by man-made structures. The creek is shallow, broad and meandering. This section of the creek is valuable as a natural, wooded landscape and shall be protected from visual alterations and intrusions, either in the form of structural intrusions or removal of vegetation which alters the character or stability of the banks.

The second segment of the creek from the Route 19 bridge north to the Lake Ontario State Parkway is generally bordered by heavily wooded banks. Development is much more evident along the banks; bank disturbance is evident and detracts from the scenic quality of the area.

The third segment of the creek from the parkway to Lake Ontario is also developed for recreational uses, but the area retains its natural characteristics because structures and natural vegetation are more harmoniously related. The views from the DEC boat launch northwest to the Brockport Yacht Club and north across the wetlands to the lake are valuable and shall not be impaired by either obstructing the views or by removing or significantly altering natural or structural elements which combine to create the views.

Yanty Creek does not traverse as much of the town as Sandy Creek and much of it dries up during the summer and fall months. Yanty Creek originates in the farmlands of the northwestern part of the town and meanders through a recently developed golf course on Moscow Road and an undeveloped area at the east end of the State Park. In the past, downed trees in the State Park caused the creek to overflow its bed along its entire length. Surrounding the mouth of the creek where it empties into Lake Ontario is a 96 acre wetland referred to as Yanty Marsh. This marsh is quite unique in that it is seldom disturbed by pedestrian traffic.

Lakeshore

In the Town of Hamlin, much of the privately-held land along the lakeshore has been developed for residential uses, which often obstruct views of the lake. Consequently, protection of vistas and visual access from public lands (see Policy 19) is critical. In addition, on remaining privately-held lands in Troutburg and on vacant large lots north of the parkway, visual access to the lake will be protected by careful siting of structures to maximize views from the parkway to the lake.

Ponds

The ponds located in the section of the coastal area immediately adjacent to the parkway also contribute to the scenic quality of Hamlin. The ponds attract birds and other wildlife.

Agricultural Lands

Unlike the more natural scenic resources in Hamlin's coastal area, the broad open fields or orchards which are visible from Town roads and the parkway are significant as a working agricultural landscape that contributes to the overall visual character of the Town.

The creeks, lakeshore, ponds and agricultural lands in Hamlin's waterfront area, singly and in combination, provide important benefits to the Town of Hamlin. They add to the value of local properties, create a pleasant environment for Town residents, attract tourists, and, in the case of agricultural lands, are important productive economic resources.

Since these resources provide positive benefits to the Town of Hamlin, they shall not be impaired. Activities which could impair or further degrade scenic resources:

1. Irreversible modification of geological forms, the destruction or removal of vegetation, the destruction or removal of structures, whenever the geological forms, vegetation or structures are significant to the scenic quality of an identified resource; and
2. Addition of structures, land forms or vegetation which, because of siting or scale will reduce an identified view or which because of scale, form, or materials, will diminish the scenic quality of an identified resource.

In order to preserve the rural character and scenic quality of the Hamlin coastal area, the following siting and facility-related guidelines shall be used:

1. Structures, including roads, power lines and signs shall be sited back from shorelines or in other inconspicuous locations to maintain the attractive quality of the shoreline and to retain views to and from the shore.
2. Structures shall be oriented to retain views, save open space and provide visual organization to a site.
3. The overall site topography shall be retained to the maximum extent possible.
4. Existing vegetative density shall be retained, supplemented and maintained to the maximum extent possible, except when changes screen unattractive elements and/or add appropriate interest. A natural vegetation buffer shall be retained adjacent to wetlands and water bodies.
5. As seen from roads, the water or opposite shorelines, the mass, shape, color, reflective qualities, and texture of materials to be used in a structure shall harmonize with and complement adjacent properties, the overall site topography and existing vegetative elements. Depending on location, allowed heights of principal buildings range from 35 to 45 feet.
6. Wherever they occur, degrading or deteriorated elements, either man-made or vegetative, should be removed, screened or otherwise mitigated. Parking areas shall be separated from adjacent properties, waterbodies and roadways by a landscaped buffer. Landscaping which serves as buffer shall provide year-round screening.

7. Any new public or private road or trail and any new bridge associated with such road or trail, and running generally parallel to and not spanning Sandy Creek, shall be located, designed and constructed to maximize viewing opportunities to the creek while minimizing visibility of the road or trail from the creek, minimizing alteration of the environment, and avoiding undue adverse environmental impact.

(See Policies 1, 2, 5, 7, 26, 37, 44.)

POLICY 26

To conserve and protect agricultural lands in the state’s coastal area, an action shall not result in a loss, nor impair the productivity, of important agricultural lands, as identified on the coastal area map, if that loss or impairment would adversely affect the viability of agriculture in an agricultural district or, if there is no agricultural district, in the area surrounding such lands.

POLICY 26A

Discourage the placement of public waterlines, sanitary sewers and other services that would encourage growth in areas of the town designated for continued agricultural production.

POLICY 26B

Renew and sustain the northwest Monroe County agricultural district formed within the town under the New York state agricultural and markets law.

POLICY 26C

Limit residential development to low density single family units located so as to minimize potential disruptions to farming operations, if the residences border land still being farmed.

POLICY 26D

Prevent residential development in areas designated for agriculture which would force a change in the activities normally carried out for conventional agricultural production.

POLICY 26E

Maintain a fair and equitable taxation policy which encourages the continuation of farming activities.

POLICY 26F

Support state and county programs such as the agricultural district program aimed at protection of agricultural areas.

POLICY 26G

Encourage citizen understanding of the economics of agricultural production.

Explanation of Policy

Agricultural production occupies a substantial percentage of land and plays a significant economic role in the Town of Hamlin. Agricultural soils are predominantly classified as prime and unique, and much of the land in the Town's coastal area south of the parkway is located within the Northwest Monroe County Agricultural District, established pursuant to Article 25AA of the NYS Agriculture and Markets Law. For a full discussion of Hamlin's agricultural resources refer to the Inventory and Analysis.

While agricultural production remains a dominant land use, recent development trends are beginning to affect agricultural lands (Town of Hamlin Comprehensive Plan, January 2, 1997). It is in the long-term interest of the Town, the region, and the State to promote and maintain active farm businesses and to protect prime agricultural soils from premature or inappropriate conversion to non-agricultural use. It is also in the public interest to prevent non-agricultural uses from infringing on the normal operation of abutting farm businesses and to encourage the location of necessary agribusinesses in the Town which support the farm businesses. It is recommended that upon further updates to the Town of Hamlin Comprehensive Plan that clustering development or the purchase of development rights be addressed.

In order to retain agricultural lands and encourage active farming of these lands in the Town of Hamlin, the following development standards shall apply:

1. Agricultural uses, including, but not limited to, the growing of field crops, orchards, dairy operations and nurseries, shall be preferred within the Northwest Monroe County Agricultural District. Accessory uses in support of the primary agricultural operation are appropriate and include farm residences, barns, storage facilities, roadside stands, packing sheds, and the like.
2. Non-farm uses shall be limited to residential uses on lots of five (5) acres or more, and to agribusinesses such as feed and agricultural chemical sales, farm equipment sales, and repair businesses, product packing and/or storage operations, product processing operations, and the like.
3. The siting of non-agricultural development in a clustering manner to promote the maximum retention of agricultural land shall be encouraged.
4. Where a portion of an agricultural parcel is proposed to be used for non-agricultural purposes, the portion retained for continued agricultural use shall be that part most suited for agriculture in terms of soil capability, slope, proximity to roads, and configuration for efficient farm production. The determination shall be made in consultation with the Cooperative Extension Association of Monroe County and the Soil Conservation Service.
5. Where separate agricultural parcels abut, or are in close proximity, development proposals shall be designed so that a contiguous, efficient agricultural parcel results or movement of machinery is minimized.
6. Landscape buffering shall be required at the periphery of the residential use area abutting the agricultural use parcel to minimize disruption of the agricultural use.

7. No person shall cut fences, dump trash, garbage or waste material, destroy field crops or produce, harass farm animals or otherwise interfere with a farm business.

(See Policies 5, 25.)

POLICY 27

Decisions on siting and construction of major energy facilities in the coastal area will be based on public energy needs, compatibility of such facilities with the environment, and the facility's need for a shoreline location.

Explanation of Policy

Demand for energy in New York will increase, although at a rate slower than previously predicted. The State expects to meet these energy demands through a combination of conservation measures; traditional and alternative technologies; and use of various fuels, including coal, in greater proportion.

A determination of public need for energy is the first step in the process for siting any new facilities. The directives for determining this need are set forth in the New York State Energy Law. With respect to transmission lines and the siting of major electric generating facilities, Articles VII and X of the State's Public Service Law require additional forecasts and establish the basis for determining the compatibility of these facilities with the environment and the necessity for providing additional electric capacity. The policies derived from these proceedings are entirely consistent with the general coastal policies derived from other laws, particularly the regulations promulgated pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. The Act is used for the purposes of ensuring consistency with the State Coastal Management Program and this local Waterfront Revitalization Program.

In consultation with the Town of Hamlin, the Department of State will present testimony for the record during relevant certification proceedings under Articles VII and X of the Public Service Law when appropriate; and use the State SEQRA and DOS regulations to ensure that decisions regarding other proposed energy facilities (not subject to Articles VII and X of the Public Service Law) that would affect the coastal area are consistent with coastal policies and those of this Local Waterfront Revitalization Program.

The coastal area of the Town of Hamlin contains valuable resources, including fish and wildlife habitats of statewide significance, regulated freshwater wetlands, natural protective features (including structural hazard areas), extensive State recreation facilities, agricultural districts, and scenic and archeological areas. These resources would be irreparably damaged by development of energy facilities, making the Town of Hamlin coastal area unsuitable for this purpose.

(See Policies 1, 2, 5, 7, 12, 15, 19, 25, 26, 30, 35, 37, 44.)

POLICY 28

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.

Explanation of Policy

Prior to undertaking any actions required for ice management, an assessment must be made of the potential effects of such activities upon the production of hydroelectric power, fish and wildlife and their habitats, flood levels and damage, 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.

(See Policies 7, 11, 12, 14, 37, 44.)

POLICY 29

The state coastal policy regarding the development of energy resources on the outer continental shelf in Lake Erie, and in other waterbodies is not applicable to Hamlin.

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.

Explanation of Policy

Municipal, industrial, and commercial discharges include not only end-of-the-pipe discharges into surface and groundwater, but also plant site runoff, leaching spillage's, 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 State's waterways.

POLICY 31

State coastal area policies and purposes 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.

Explanation of Policy

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. Local Waterfront Revitalization Programs and State coastal management policies shall be factored into the review process for coastal waters. However, such consideration shall not affect any water pollution control requirement established by the State pursuant to the Federal Clean Water Act.

As stated in the Inventory and Analysis, tributaries of Sandy Creek, both east and west branches, have various classifications from B to C. This range of classifications is appropriate given the land and water uses associated with Sandy Creek and its tributaries.

It is also anticipated that water quality in the Town of Hamlin coastal area will improve as a result of implementation of the Rochester Embayment Plan. When this plan is complete, it will be reviewed for incorporation into the Town of Hamlin Local Waterfront Revitalization Program.

POLICY 32

Encourage the use of alternative or innovative sanitary waste systems in small communities where the costs of conventional facilities are unreasonably high given the size of the existing tax base of these communities.

Explanation of Policy

Alternative systems include individual septic tanks and other subsurface disposal systems, dual systems serving clusters of households or commercial uses, and pressure or vacuum sewers. These types of systems are often more cost effective in smaller, less densely populated communities for which conventional facilities are too expensive.

There is no public sewer system within the Town's waterfront area. All waste disposal systems are privately owned on-site septic tanks which are under the jurisdiction of the Monroe County Department of Health. Such sanitary systems are potential sources of ground and surface water pollution. The Town, which lacks the authority to approve innovative systems, will urge the County to explore suitable alternative systems for Hamlin.

(See Policies 5 and 26A.)

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

Maintain and improve existing drainage systems serving the Lake Ontario state parkway and adjacent lands.

POLICY 33B

Develop a comprehensive storm drainage plan for the Town of Hamlin.

Explanation of Policy

Best management practices include both structural and non-structural methods of preventing or mitigating pollution caused by the discharge of storm water runoff and combined sewer overflows. In

Hamlin's waterfront area, the only major, existing structural system is that associated with the Lake Ontario State Parkway. There are no combined sewers in the Town. The parkway drainage systems need to be maintained and upgraded, but beyond this, given the rural nature of the Town's waterfront area, it is reasonable to expect that non-structural methods of handling storm water runoff (e.g., retaining natural vegetative buffers on the edge of new development sites) will continue to be the preferred approach. See Policy 37 (best management practices to minimize non-point discharge) for guidelines on such methods.

Existing culverts serving the Lake Ontario State Parkway are undersized in some cases and not regularly maintained; these conditions contribute to localized flooding in the Hamlin waterfront area. A regular maintenance schedule, in addition to a reevaluation of the adequacy of the parkway culvert system, should be undertaken.

Development of an area-wide drainage plan, incorporating improvements to Lake Ontario State Parkway drainage, will lessen the potential for storm-related flooding and control sedimentation and pollution of the Town's coastal waters.

(See Policy 37.)

POLICY 34

Discharges of waste materials into coastal waters from vessels subject to state jurisdiction will be limited so as to protect significant fish and wildlife habitat, recreational areas and water supply areas.

Explanation of Policy

All untreated sanitary waste from vessels is prohibited from being discharged into the State's coastal waters. Where coastal resources or activities require greater protection than afforded by this requirement, the State may designate vessel waste no discharge zones. Within these no discharge zones, the discharge of all vessel waste, whether treated or not, is prohibited. A determination from the federal Environmental Protection Agency (EPA) that an adequate number of vessel waste pump out stations exist is necessary before the State can designate a no discharge zone. The State prepared a Clean Vessel Act Plan which identifies the coastal waters for which no discharge zones are needed and the number of vessel waste pump outs required to obtain the determination from the EPA.

Pump-out facilities are required: 1) at new public and private marinas, which provide dockage or moorings for boats equipped with marine sanitation devices; or 2) when an existing public or private marina is expanding which serves boats defined in 1) above. Pumpout facilities shall be adequate to handle the entire marina. Installation of pumpout service at the State boat launch facilities at Hamlin Beach State Park should be considered if these facilities are expanded to handle boats as defined above.

The discharge of garbage, rubbish and other solid waste materials from watercraft and marinas into the State's waters is regulated by State Law. Priority will be given to the enforcement of this law in areas where pollutants concentrate and cannot be adequately "flushed" and where significant habitats,

beaches, and public water supply intakes are present. The dumping of oil, refuse, sewage and garbage in all Town waters is prohibited.

(See Policies 1, 2, 7, 30, 31, 44.)

POLICY 35

Dredging and filling in coastal waters and disposal of dredged material will be undertaken in a manner that meets existing state permit requirements, and protects significant fish and wildlife habitats, scenic resources, natural protective features, important agricultural lands, and wetlands.

Explanation of Policy

Dredging, filling, and dredge material disposal are activities that are needed for waterfront revitalization and development, such as maintaining navigation channels at sufficient depth, pollutant removal, and other coastal management needs. Such projects, however, may adversely affect water quality, fish and wildlife habitats, wetlands, and other important coastal resources. Often, these adverse effects can be minimized through careful design and timing of the dredging or filling activities, proper siting of dredged material disposal sites, and the beneficial use of dredged material. Such projects shall only be permitted if they satisfactorily demonstrate that these anticipated adverse effects have been reduced to levels which are consistent with the policies pertaining to the protection and use of coastal resources (See policies 7, 15, 19, 20, 24, 26, and 44)

In order to prevent adverse impacts on surface or groundwater quality, aquatic and upland habitats, historic or archeological resources, visual quality or navigation, the following guidelines shall be used in managing dredging and excavation activities in the Town of Hamlin:

1. The design of marinas and yacht clubs shall minimize the need to dredge. The size and draft of boats to be accommodated by marinas or dockage in Sandy Creek shall be determined by the depth, configuration and capacity of Sandy Creek.
2. In the case of excavated marinas, the impact on groundwater levels in adjacent upland areas will be taken into consideration. Also, excavated material should not be allowed to enter adjacent water bodies.

(See Policies 1, 2, 7, 11, 15, 37, 44.)

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

See Policy 39 for definitions of hazardous materials.

This policy pertains to the concern of the State of New York over possible spills and contamination from petroleum and other hazardous materials as defined in Policy 39. Commercial or industrial uses, which would involve the manufacture, storage or shipment of petroleum or hazardous wastes, are prohibited within 1000 feet of any waterbody within the Hamlin waterfront area. An exception is made for the storage and sale of marine fuel; however, handling of all marine fuels shall comply with the standards contained in the NYS Environmental Conservation Law.

POLICY 37

Best management practices will be utilized to minimize the non-point discharge of excess nutrients, organics and eroded soils into coastal waters.

Explanation of Policy

Best management practices used to reduce nonpoint sources of pollution could include, but are not limited to, encouraging organic farming, conservative use of road salts, and soil erosion control practices. The guidelines which follow concentrate on controlling soil erosion.

Non-point discharge of eroded soils into the coastal waters of the Town of Hamlin is most likely to occur along Sandy Creek, Yanty Creek, Brush Creek, Cowsucker Creek, the Lake Ontario shoreline, and around wetlands designated on the official Town of Hamlin Wetlands Map. Development along these waterbodies and wetlands could increase erosion unless proper erosion control measures are taken during construction and are incorporated into the final project design.

Development proposals in these areas will be required to include erosion control plans which incorporate the following requirements:

1. Natural drainage systems include such elements as drainage swales and stream channels, major depressions (ponds, lakes), wetlands and floodplains. These systems shall be altered to the minimum extent necessary so that their ability to accommodate storm water runoff and flood waters is preserved.
2. When necessary, alterations of natural drainage systems shall be done in a manner such that the volume and velocity of runoff from a site after development approximates predevelopment runoff characteristics. However, if the site is adjacent to wetlands and coastal waters, storm water shall be contained on-site to the maximum extent practicable to prevent direct discharge of runoff into these wetlands and waters.
3. In the design of a site, the extent of impermeable surfaces (roadways, parking lots, etc.) shall be minimized and porous surfaces maximized.

4. Adjacent to wetlands and waterbodies, a natural vegetative buffer of one hundred (100) feet shall be retained to absorb floodwaters, maintain shoreline stability, trap eroded soil, protect water quality, and protect fish and wildlife habitats. Visible siltation shall be confined to a strip, which comprises no more than twenty-five percent (25 %) of the buffer area nearest the land disturbing activity.
5. New structures, except water-dependent uses, bridges and fishing access parking areas, shall not be sited within twenty-five (25) feet of the bank of a stream.
6. Trails and walking paths along waterbodies shall be sited and constructed so they are not a source of sediment.
7. In addition to the buffer areas mentioned above, existing vegetation shall be retained wherever possible. When vegetation must be removed, stripping and grading shall be undertaken so that the amount of time that disturbed ground surfaces are exposed to the energy of rainfall and runoff water is limited. Disturbed soils shall be stabilized and revegetated or seeded as soon as practicable. During the interim, temporary erosion protection measures, such as retention ponds, recharge basins, berming, silt traps, mulching, bailing and use of fibrous coverings, shall be used to ensure that erosion is minimized.
8. Grading and filling shall be minimized. Newly created land features shall conform with the adjacent natural topography. Fill shall be compacted at a final angle of repose so as to provide stability for the material and prevent settling.
9. Where natural drainage patterns are demonstrated to be adversely affecting a natural protective feature (see Policy 12), drainage patterns may be altered in a manner which reduces the threat to the natural protective feature and does not create other flooding or erosion problems.
10. In no case shall storm water be diverted to another property either during site preparation or after development, unless through an approved drainage easement or system.

(See Policies 1, 2, 5, 7, 17, 33, 44.)

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

Surface and groundwater are the principal sources of drinking water in the State, and therefore must be protected.

Most of the housing units within the Hamlin Lake Ontario shoreline north of the parkway are serviced with public water from the Monroe County Water works. (This distribution system also services Hamlin Beach State Park.)

Only a few residences are supplied by private wells. Tests performed periodically by the Monroe County Health Department are used to certify the quality of these wells. Densities shall be maintained to reduce the likelihood of groundwater contamination from septic system leachate. In addition, septic systems shall be located only on soils which can safely filter effluent, in accordance with regulations of the Monroe County Department of Health. (See the discussions of soil classifications and limitations in the Inventory and Analysis.)

(See Policies 1, 5, 7, 30.)

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

The definitions of the terms "solid waste" and "solid waste 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.

Hazardous wastes are unwanted by-products of manufacturing processes generally characterized as being flammable, corrosive, reactive, or toxic. More specifically, hazardous waste is defined in Environmental Conservation law (Section 27-0901 (3)) as "waste or combination 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, disposed or otherwise managed." A list of hazardous wastes is contained in 6 NYCRR 371.

There is currently no transport, storage, treatment and disposal of solid wastes, particularly hazardous wastes, within the Town of Hamlin's LWRP area which would cause any damage to groundwater and surface water supplies, significant fish and wildlife habitats, recreation areas, important agricultural lands and scenic resources. Such storage, treatment, and disposal uses shall not be permitted in the waterfront area.

Solid waste collection and disposal of household generated refuse is through individual contract with a private contractor. There are no solid waste disposal facilities located within the Town of Hamlin. Ultimate disposal of refuse is provided by Orleans Sanitary landfill in Orleans County.

This collection and disposal system is adequate for the number of year-round housing units within the Hamlin LWRP area and is consistent with the required NYSDEC Part 360 guidelines and regulations of solid waste.

POLICY 40

Effluent discharged from major steam electric generating and industrial facilities into coastal waters will not be unduly injurious to fish and wildlife and shall conform to state water quality standards.

Explanation of Policy

A number of factors must be considered when reviewing a proposed site for facility construction. One of these factors is that the facility should not discharge any effluent that will be unduly injurious to the propagation and protection of fish and wildlife, the industrial development of the State, the public health, and public enjoyment of the receiving waters. The effects of thermal discharges on water quality and aquatic organisms will be considered by State agencies or, if applicable, a siting board when evaluating an applicant's request to construct a new electric generating facility.

Land immediately adjacent to coastal waters in the Town of Hamlin is unsuitable for construction of major steam generating and industrial facilities due to the siting constraints, such as the Lake Ontario State Parkway, the Hamlin Beach State Park, and natural features such as wetlands, bluffs and flood hazard areas. For these reasons, steam generating facilities are inappropriate in the Hamlin coastal area.

Major industrial facilities that would produce thermal discharge shall not be located in the coastal area.

(See Policies 1, 2, 7, 8, 9,11, 12, 19, 20, 21 and 44.)

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 Town of Hamlin's LWRP incorporates the air quality policies and programs developed for the State by the Department of Environmental Conservation pursuant to the Clean Air Act and State laws on air quality. The requirements of the Clean Air Act are the minimum air quality control requirements applicable within the coastal area.

To the extent possible, the State Implementation Plan will be consistent with coastal lands and water use policies. Conversely, coastal management guidelines and program decisions with regard to water use and any recommendations with regard to specific sites for major new or expanded industrial, energy, transportation, or commercial facilities will reflect an assessment of their compliance with the air quality requirements of the State Implementation Plan.

The Department of Environmental Conservation will allocate substantial 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 regions and in supporting research on the multi-media nature of toxics and their economic and environmental effects on coastal resources

POLICY 42

Coastal management policies will be considered if the state reclassifies land areas pursuant to the prevention of significant deterioration regions of the federal clean air act.

Explanation of Policy

The policies of the State Coastal Management Program and Hamlin's LWRP 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 classifications 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 generation of significant amounts of acid rain precursors: nitrates and sulfates.

Explanation of Policy

The Town's LWRP incorporates the State's policies on acid rain. As such, the LWRP will assist the State's efforts to control acid rain. Those efforts to control acid rain will enhance the continued viability of coastal fisheries, wildlife, agricultural, 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 semi-aquatic vegetation and other wetlands so defined in the New York State Freshwater Wetlands Act and the New York State Protection of Waters Act. DEC has designated seven freshwater wetlands in the Town of Hamlin coastal area. ([See Map 6.](#))

In evaluating development proposals within or adjacent to these freshwater wetlands, the following standards and criteria shall be applied:

1. Storm water runoff shall not be directly discharged into wetlands, nor shall pollutants of any type be discharged into wetlands.
2. All wetland vegetation, including that within the 100 feet buffer area, shall be maintained to the greatest extent practicable. Dredging, site construction, or any development activity should not disturb wetlands either by direct removal of vegetation or substrate, by the alteration of adjacent slopes that would undermine the stability of the substrate, or by filling or dumping of any material, either directly or indirectly.
3. Subsurface sediments shall be maintained to provide structural support for the soils of the wetlands.
4. The elevation of the wetland shall not be altered.
5. If bulkheading is required for filled land or for soil stabilization adjacent to a wetland, the bulkhead should be located upland from the wetland. Bulkheads should not block the surface and subsurface flow of freshwater to the wetland.
6. No material shall be deposited onto a wetland.
7. No part of a septic system shall be located within one-hundred-fifty (150) feet of a wetland.
8. Access from uplands through wetlands to reach open waters should be above the wetlands on piers of sufficient height to allow light penetration and the movement of waters.

(See Policies 7,11, 13, 14, 19, 21, 33, 35, 37.).