

City of Rochester Local Waterfront Revitalization Program

Adopted:

City of Rochester Council, September 13, 1990

Approved:

NYS Secretary of State, Gail S. Shaffer, November 23, 1990

Concurred:

U.S. Office of Ocean and Coastal Resource Management, January 28, 1991

Amended LWRP

Adopted:

City of Rochester City Council, March 22, 2011

Approved:

NYS Secretary of State, Cesar A. Perales, December 15, 2011

Concurred:

U.S. Office of Ocean and Coastal Resource Management, July 12, 2012

This Local Waterfront Revitalization Program (LWRP) has been prepared and approved in accordance with provisions of the Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Executive Law, Article 42) and its implementing Regulations (19 NYCRR 601). Federal concurrence on the incorporation of this Local Waterfront Revitalization Program into the New York State Coastal Management Program as a routine program change has been obtained in accordance with provisions of the U.S. Coastal Zone Management Act of 1972 (p.L. 92-583), as amended, and its implementing regulations (15 CFR 923). The preparation of this program was financially aided by a federal grant from the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Management, under the Coastal Zone Management Act of 1972, as amended. [Federal Grant No. NA-82-AA-D-CZ068.] The New York State Coastal Management Program and the preparation of Local Waterfront Revitalization Programs are administered by the New York State Department of State, Office of Coastal, Local Government and Community Sustainability, One Commerce Plaza, 99 Washington Avenue, Suite 1010, Albany, New York 12231-0001.



Rec'd Coastal Resources

APR 1 1 2011

April 1, 2011

Honorable Ruth Noemí Colón
Acting Secretary of State
New York State Department of State
99 Washington Ave
Albany, New York 12231-0001

Re: City of Rochester Amendment to Local Waterfront Revitalization Program

Dear Secretary Colón:

Rochester City Council formally adopted an amendment to the City of Rochester's Local Waterfront Revitalization Program (LWRP) at its meeting on March 22, 2011. This action was taken by Council following completion of all environmental review procedures in accordance with the State Environmental Quality Review Act (SEQRA) and consideration of all document review comments received pursuant to Article 42 of the New York State Executive Law. Attached is a copy of the certified ordinance (resolution) passed by the Council regarding adoption of the LWRP Amendment and a copy of the Council's SEQRA "Negative Declaration" for the action.

As Acting Mayor for the City of Rochester, and on behalf of the entire City, I respectfully request your consideration and approval of this amendment to the City of Rochester's Local Waterfront Revitalization Program pursuant to Article 42 of the NYS Executive Law.

Sincerely,

R. Carlos Carballada
Acting Mayor

xc: D. Benson, City of Rochester Bureau of Planning and Zoning
Enclosures





City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

TO WHOM IT MAY CONCERN:

I hereby certify that the following is a true copy of an ordinance which was duly passed by the Council of the City of Rochester on **March 22, 2011** and **Approved** by the Mayor of the City of Rochester, and was deemed duly adopted on **March 23, 2011** in accordance with the applicable provisions of law.

Ordinance No. 2011-57

Adoption Of The Amended City Of Rochester Local Waterfront Revitalization Program

WHEREAS, the City of Rochester initiated an amendment of its fully approved Local Waterfront Revitalization Program (LWRP) regarding a conceptual development plan for the Port of Rochester in cooperation with the New York State Department of State, pursuant to Article 42 of the Executive Law; and

WHEREAS, the Rochester City Council approved the LWRP Amendment in May 2010 prior to consulting with potentially affected State, federal, and local agencies in accordance with the requirements of Executive Law, Article 42; and

WHEREAS, the Draft LWRP Amendment was circulated for review and comment by the Department of State to potentially affected State, federal, and local agencies in accordance with the requirements of Executive Law, Article 42; and

WHEREAS, the City of Rochester, as lead agency, determined that the proposed LWRP Amendment would not have a significant adverse environmental impact and filed a Negative Declaration Notice of Determination of No Significant Effect on the Environment in accordance with the requirements of Part 617 of the implementing regulations for Article 8 of the Environmental Conservation Law (State Environmental Quality Review Act); and

WHEREAS, no modifications to the Draft Local Waterfront Revitalization Program were necessary as a result of the comments received.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The amendment of the City of Rochester Local Waterfront Revitalization Program is hereby approved and adopted.

Section 2. The Rochester City Council hereby directs the Mayor of the City to formally transmit the adopted LWRP Amendment to the New York State Secretary of State for approval, pursuant to New York State Executive Law Article 42, Waterfront Revitalization of Coastal Areas and Inland Waterways Act.

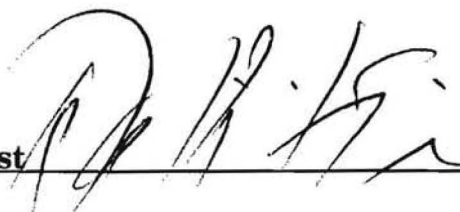
Section 3. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Warren, Councilmembers Conklin, Haag, McFadden, Miller, Ortiz, Palumbo, Scott, Spaul - 9.

Nays - None - 0.

Attest



City Clerk



STATE OF NEW YORK
DEPARTMENT OF STATE

ANDREW M. CUOMO
GOVERNOR

December 15, 2011

CESAR A. PERALES
SECRETARY OF STATE

Honorable Thomas S. Richards
Mayor
City of Rochester
Room 307A
30 Church St.
Rochester, NY 14614

Dear Mayor Richards:

I am pleased to inform you that I have approved the amendment to the City of Rochester Local Waterfront Revitalization Program, pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. Everyone who participated in the preparation of this program is to be commended for developing a comprehensive management program that promotes the balanced preservation, enhancement, and utilization of the City's valuable local waterfront resources along the Genesee River and Lake Ontario.

I am notifying State agencies that I have approved your Local Waterfront Revitalization Program amendment and advising them that their activities must be undertaken in a manner consistent, to the maximum extent practicable, with the program.

The approved amendment to the Local Waterfront Revitalization Program will be available on the website of the Department of State, at <http://nyswaterfronts.com/LWRP.asp>. If you have any questions, please contact Kevin Millington of the Office of Coastal, Local Government and Community Sustainability at 518-473-2479.

Sincerely,

Cesar A. Perales
Secretary of State

City of Rochester
Local Waterfront Revitalization Plan
Prepared by City of Rochester Bureau of Planning and Zoning



Douglas S Benson, A.I.C.P.
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Executive Summary

Introduction

The New York State Local Waterfront Revitalization Program (LWRP) is designed to give coastal communities an opportunity to analyze their shoreline areas, establish policies to guide development, and implement appropriate waterfront land uses and projects. A LWRP is a planning framework for future public and private development activities or actions within the waterfront revitalization area. Approval of a LWRP also makes municipalities eligible for state financial assistance to implement proposed projects.

According to *New York State Coastal Program Report*, the Local Waterfront Revitalization Program is:

“a voluntary New York State program that allows community’s to implement a clear overall concept of how a community’s waterfront should be used. This is often the most effective action a municipality can take to encourage private development that is consistent with community objectives.”

The city’s existing LWRP was prepared by the City Bureau of Planning and approved on September 13, 1990 by the Rochester City Council, on November 26, 1990, by the New York State Secretary of State, and on January 28, 1991 by the U.S. Office of Ocean and Coastal Resource Management. The purpose of the city’s LWRP was to recommend how the Genesee River and Lake Ontario could be protected as a unique and unified resource and developed to enhance Rochester's quality of life and stimulate economic growth. The boundaries of plan included the city’s lakefront (including Durand-Eastman Park) and the city’s river front from the Port of Rochester south to the Lower Falls.

The Port Site and River Street area were both included in the original concept plan presented in the 1990 LWRP. The combined concept plan for that area came out of a consultant study known as the *River Harbor Design/Feasibility Study*. The city completed a draft update of the LWRP in 1996 and submitted it to the New York State Department of State (NYSDOS) for review. The city completed the port ferry terminal and other port infrastructure improvements in 2001-2002 to coincide with the development and arrival of a fast ferry service between Rochester and Toronto. Sasaki Associates were hired to prepare the Port of Rochester Master Plan in 2006. In 2008, the Abonmarche/Passero/ Edgewater waterfront design team was hired by the city to complete a more detailed marina engineering report and feasibility study for the Port Site.

This document is an AMENDMENT to the existing 1990 LWRP and integrates recent design and engineering studies and recommendations for the Port Site and proposes new LWRP goals, policies and implementing techniques, development objectives, recommended land uses and a conceptual development plan for that site based on those studies. The amendment applies to the Port Site only and replaces certain sections of the city’s 1990 LWRP as noted on page 2. All remaining sections of the 1990 LWRP continue in effect as adopted.

The amendment establishes a broad and flexible development and design framework to guide future land use, zoning and funding decisions at the Port Site in a way that addresses LWRP goals and policies, preserves and protects significant environment features and adequately responds to future market conditions. Residents of the Charlotte community along with developers, business owners and other community stakeholders were actively involved in the development of the conceptual land use plan and the goals, policies and objectives that form the development framework described in this amendment.

The amendment will be submitted to Rochester City Council and the New York State Department of State for review and approval. Following approval by NYSDOS, the amendment will be submitted to the US Department of Commerce / NOAA, Office of Oceanic and Coastal Resource Management for federal concurrence. Completion of this review process will allow additional design/engineering studies and permit applications for the construction of the marina basin to proceed.

Overview

The City of Rochester's LWRP is divided into eight sections and two appendices.

- Section I provides a narrative description of the LWRP boundary;
- Section II provides an inventory and analysis of the natural and man-made resources within the LWRP;
- Section III describes the policies governing the LWRP;
- Section IV details proposed land uses and projects within the LWRP;
- Section V summarizes the techniques to be used for implementing the LWRP;
- Section VI describes the state and federal programs likely to affect implementation of the LWRP;
- Section VII provides a summary of the city's consultations with other affected municipalities and government agencies;
- Section VIII describes the methodology for obtaining local commitment and citizen input.
- Appendix A Significant Coastal Fish and Wildlife Habitats
- Appendix B Supporting Local Legislation

Summary of the City of Rochester LWRP

Section I: Waterfront Revitalization Area Boundary

The city's LWRP boundary is based on the coastal boundary determined for Rochester by the New York State Department of State. The "spine" of the boundary follows the Genesee River within the city from the Middle Falls near Ravine Avenue, north to the river's mouth at Lake Ontario. The boundary includes part of the northern-most section of the city and contains portions of the Maplewood and Charlotte neighborhoods, as well as Seneca Park, Maplewood Park and Turning Point Park. The LWRP boundary also covers the city's Lake Ontario shoreline including Ontario Beach and Durand-Eastman Park. A small portion of Tryon Park, which borders Irondequoit Creek just south of Irondequoit Bay, is also included in the city's LWRP boundary. See LWRP Boundary on [Map I-1a](#) and [Map I-1b](#).

Section II: Inventory and Analysis

Water has been extremely important to the economic development of Rochester. The Genesee River falls and rapids have provided cheap, accessible power throughout the history of the city. The river and lake have been central in establishing shipping as an important industry in the area. The early settlements which were the forerunners of the city began because of proximity to the river and Lake Ontario.

In recent years, the river and lake have been rediscovered by city residents and visitors. Because of stricter environmental controls, the efforts of private industry and the completion of several major public works projects, water quality of the river and lake has improved significantly. As a result, the Genesee River and Lake Ontario can once again be enjoyed and appreciated as unique areas for hiking, sightseeing, fishing, swimming, and boating. The increased use of waterfront recreational facilities is creating additional demand for water-dependent and water-enhanced uses such as boat slips and pedestrian trails within the LWRP boundary.

The city's LWRP contains a wealth of natural and man-made resources. Marinas, boat slips and docks, public parks, beaches, historic sites, scenic views and vistas, and wetland areas are just a few of the many water-oriented resources or land uses that currently exist within the LWRP boundary. Additionally, the New York State Department of State has designated approximately six and one-half miles of the lower Genesee River as a coastal fish and wildlife habitat of statewide significance.

There are several obstacles to development that exist within the LWRP boundary. The most critical obstacle is wave surge action in the river caused by northeastern storms. Other obstacles include the steep slopes of the river gorge and the relative inaccessibility of the river in many locations. These constraints limit development in a substantial portion of the LWRP boundary. There are, however, several sites that have significant development potential within the LWRP boundary. The most important of these are the River Street area (including the former Conrail switching yards on the river, near the historic Genesee Lighthouse) and the former Port of Rochester site. Neither of these parcels has significant infrastructure problems, although each has its own unique set of development problems and constraints.

Section III: Policies

The most pertinent state policies that impact the city's LWRP are listed below.

- (1) Restore, revitalize and redevelop deteriorated and underutilized waterfront areas for commercial, industrial, cultural, recreational and other compatible uses.
- (2) Significant coastal fish and wildlife habitats shall be protected, preserved, and, where practical, restored so as to maintain their viability as habitats.
- (3) 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.

- (4) Activities or development in the coastal areas 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.
- (5) 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 the public in accordance with reasonably anticipated public recreation needs and the protection of historic and natural resources.
- (6) Protect, enhance and restore structures, districts, areas or sites that are of significance in the history, architecture, archaeology or culture of the state, its communities or the nation.

Section IV: LWRP Uses and Projects

The policies of the city's LWRP outlined in Section III were translated, with input from a citizen's advisory committee, into a conceptual development plan for the city's waterfront areas. This was accomplished by identifying appropriate land uses and projects for the following subareas within the LWRP boundary:

- Subarea A - Durand-Eastman Park
- Subarea B - Open Space I Critical Environmental Areas
- Subarea C1 - Developed portion of the Upland Area
- Subarea C2 - Buildable portion of the Upland Area
- Subarea D - River Harbor Zone and Lakefront Area
- Subarea E - Industrial Areas

The following generalized land uses are recommended for each LWRP subarea:

Subarea	Recommended Land Uses
(A) Durand-Eastman Park	Public walkways, fishing areas, swimming areas, picnicking areas, parking, cartop boat access, spectator site for off-shore events, treatment facilities, filed sports, and outdoor entertainment.
(B) Open Space / Critical Environmental Areas	Public walkways, fishing areas, picnicking areas, parking areas, cartop boat access, swimming, outdoor entertainment, museum, and zoo.
(C1) Developed Portion of the Upland Area	Public walkway, marine-related support facilities, hotel, general retail facilities including restaurants, office research facilities, parking, and housing.
(C2) Buildable Portion Of The Upland Area	Public walkway, housing, parking, office research facilities, and manufacturing facilities.
(D) River Harbor Zone and Lakefront Area	Public walkway, swimming areas, fishing areas, picnicking areas, outdoor entertainment, festival sites, field sports, marinas, marine-related support facilities, parking areas, cartop boat access, retail facilities including restaurants, hotel/boatel or bed and breakfast inn, and housing.
(E) Industrial Areas	Public walkways, fishing areas, parking, manufacturing facilities, power generating facilities, office research facilities, water treatment facilities, shipping, water-related retail support facilities, hotel or bed and breakfast inn, and housing.

Section V: Implementation Techniques

Changes to the City of Rochester Zoning Ordinance were adopted in order to implement many of the state coastal policies applicable to the LWRP. Some of the major changes are listed below.

- (1) Modification of the city's River Harbor (RH) Zoning District to permit such uses as housing, hotels, motels and boatels, multiple uses, and to allow certain uses subject to special permit.
- (2) Modification of the RH Zoning District to include: a purpose statement with references to the preservation and enhancement of the recreational character and visual quality of the river harbor area, the preservation and promotion of public access to the shoreline and the encouragement of tourism in the area; and a new use list which will permit such facilities as marinas, boat launches and docks, and public walkways.
- (3) Adoption of the Harbor Town Design Overlay District which will require a certificate of design compliance for certain types of new development in the shore zone, to be granted after a review process based on design guidelines for landscaping, signage, visual compatibility, site development, etc.

Section VI: State and Federal Programs Likely to Affect Implementation

A wide variety of federal and state programs and actions are likely to impact or be affected by the city's LWRP. The general program categories involved are listed below.

- Economic Development Policies and Programs
- National Oceanic and Atmospheric Programs
- Flood Control Projects
- Navigation Projects
- Community Development Block Grants / Entitlement Grants
- Fish and Wildlife Restoration and Research Projects
- Office of Parks, Recreation and Historic Preservation Programs
- Department of Transportation Programs
- Air Pollution / Water Pollution Control Programs and Grants
- Environmental Protection Programs and Grants
- Environmental Conservation Programs and Policies
- Division of Housing and Community Renewal Programs and Policies

Section VII: City's Consultations with Affected Agencies

As part of the preparation of the LWRP, the city consulted with numerous county, state and federal agencies, as well as with neighboring municipalities. Included in these consultations were the New York State Departments of State, Environmental Conservation, and Transportation, the Monroe County Planning Department and Parks Department, as well as the Towns of Irondequoit and Greece.

Section VIII: Local Commitment

The City of Rochester established a citizen's advisory committee to assist in the overall planning process and the development of specific LWRP recommendations, as well as to ensure public support and commitment for implementation of the LWRP. Organizations represented on the advisory committee

included neighborhood and business groups within or adjacent to the study area, the County Planning and Parks Departments, the City Planning Commission and Environmental Commission, and groups with maritime interests such as New York State Sea Grant, the Monroe County Fishery Advisory Board, a yacht club, a marina owner, and a real estate brokerage firm.

Support for the LWRP was also sought through meetings with the agencies and organizations which could be affected by implementation of the LWRP. Policy and project coordination also occurred between the city and adjacent towns who were preparing LWRP's. Further public participation in LWRP development occurred through the implementation requirements of the plan as well as through the LWRP adoption process.

Additional Information

Questions, comments or requests for additional information concerning the City of Rochester's Local Waterfront Revitalization Program should be directed to:

Larry O. Stid
Director of Planning
Department of Community Development, Office of Planning
Room 125-B, City Hall
30 Church Street
Rochester, New York 14614
Phone (716) 428-6924

Section I. Waterfront Revitalization Area Boundary

The City of Rochester Local Waterfront Revitalization Program (LWRP) boundary described in this section is based on the coastal boundary determined for the city by the New York State Department of State (NYSDOS) under the Coastal Zone Management Program. The city's LWRP boundary is delineated on 1 inch = 400 feet land use maps and 1 inch=24,000 feet New York State Department of Transportation (NYSDOT) planimetric maps. The boundary is shown on [Map I-1a](#) and [Map I-1b](#)

The city's northern LWRP boundary follows the Lake Ontario shoreline. This boundary runs from the Rochester/Greece municipal line on the west near Greenleaf Road, to the Rochester/Irondequoit municipal boundary located just east of the U.S. Coast Guard Station, on the east bank of the Genesee River. This section of the LWRP boundary includes the mouth of the Genesee River at Lake Ontario.

The “spine” of the City's LWRP boundary follows the Genesee River within the city, from the Middle Falls area near Ravine Avenue, north to the river's mouth at Lake Ontario. The boundary includes a large portion of the northern-most section of the city, which contains the Maplewood and Charlotte neighborhoods, as well as Ontario Beach Park, Seneca Park and Maplewood Park. The boundary also includes Durand-Eastman Park, which while technically contiguous to the city, is remotely located from the city proper. This park is located on Lake Ontario and is surrounded on three sides by the Town of Irondequoit. Portions of the LWRP study area are adjacent to the Town of Greece on the west, and the Town of Irondequoit on the east.

The western boundary of the LWRP begins at the western edge of the city's Lake Ontario shoreline, and proceeds south following the Rochester/Greece municipal line to the Lake Ontario State Parkway (LOSP). The boundary then heads east along the southern edge of Lake Avenue to Driving Park Avenue. Properties on the east side of this section of Lake Avenue are included within the LWRP boundary. Properties on the west side of this section of Lake Avenue are outside the boundary. At the Lake Avenue/Driving Park Avenue intersection, the boundary turns east, following the southern edge of Driving Park to the Genesee River Gorge. The boundary then heads south along the top of the gorge wall on the west side of the river, to the Middle Falls Dam.

At the Middle Falls Dam, the boundary heads southeast across the dam, then north, following the top of the gorge wall on the east side of the Genesee River Gorge. The boundary then heads south long the top of the gorge wall on the west side of the river, to the Middle Falls Dam.

At the Middle Falls Dam, the boundary heads southeast across the dam, then north, following the top of the gorge wall on the east side of the Genesee River, to Driving Park Avenue. At Driving Park Avenue, the boundary turns east and follows the eastern edge of St. Paul Street to long Acre Road. Properties to the east side of this section of St. Paul Street are located outside the boundary while properties on the west side are located within the boundary.

At the intersection of Long Acre Road and St. Paul Street, the boundary picks up the Rochester/Irondequoit municipal line and follows that line north, roughly parallel to the Conrail railroad tracks which are located on the eastern bank of the Genesee River. In one particular location along the east bank of the river, north of the Turning Basin, the boundary, by following the city/town line, actually extends out into the river, thereby excluding the river shore and adjacent sensitive environmental features from both the city's and Irondequoit's LWRP study areas. The eastern boundary of the city's LWRP continues north along the Rochester/Irondequoit municipal line to the Lake Ontario shoreline. The boundary terminates just east of the mouth of the Genesee River at Lake Ontario, near the U.S. Coast Guard Station.

The city's LWRP boundary also includes Durand-Eastman Park, which is located on Lake Ontario. The park is not immediately contiguous to the city, with the exception of a long narrow strip of land which is used as the Culver Road right-of-way and provides access to the park through the Town of Irondequoit. The park is bounded on the north by Lake Ontario and on the east, south and west by the Town of Irondequoit. The LWRP boundary for Durand-Eastman Park includes the shoreline of Lake Ontario on the north. The western boundary begins at the western edge of the park's Lake Ontario shoreline and proceeds southwest, following the City of Rochester/Town of Irondequoit municipal line. The boundary in this location runs roughly parallel to Oakridge Drive in the town, to an area near the intersection of Oakridge Drive and Scotch Lane. The boundary then heads east, following the city/town line, then turns south near where Kings Highway enters the park. At this point, the boundary turns east again, near Rainbow Drive in the town, jogging slightly south to Durand Drive. The boundary then heads north, to an area just north of Park Road in Irondequoit, then heads east parallel to Park Road and continues to Culver Road. The boundary follows Culver Road north to Havenwood Drive, and then heads east to an area just west of Birchhi11s Drive. The boundary then turns north, and continues to the Lake Ontario shoreline where it terminates to the west of Scenic View Drive.

Rochester's LWRP boundary also includes a portion of Tryon Park, which is located on the east side of the city, near Irondequoit Creek which is adjacent to Ellison Park. Tryon Park is situated to the east of the Route 590 Expressway, north of Browncroft Boulevard. The LWRP boundary for Tryon Park includes the City of Rochester/Town of Irondequoit municipal line on the east, north and west. The boundary on the south is a continuation of the city/town line which runs west to east, just north of Co1ebourne Road.

A potential problem exists regarding the exclusion of certain sensitive environmental features from both the Rochester and Irondequoit LWRP study areas adjacent to the river, north of the Turning Basin. These features include steep wooded slopes, wetlands, floodplain and drainage areas, and the shoreline itse1f.

Development of these sensitive environmental features could adversely impact Genesee River water quality, scenic views and vistas, and the availability of public access to and through the shore zone. The city's control over this area is limited by its own municipal boundary. The city is therefore concerned that the existing LWRP boundary along this portion of the river may not be sufficient to protect these sensitive environmental areas. The city believes that the LWRP boundary should be based on existing topographic and/or soils characteristics as well as other natural features in this area, rather than on "artificial" municipal boundary lines.

Section II. Inventory and Analysis

Community Profile

A. Location

Rochester is the third largest city in New York State and is located on the southern shore of Lake Ontario, between Buffalo and Syracuse (see [Map II-1](#)). The Genesee River flows northward through the center of the city to the lake. The New York State Barge Canal runs along the southern edge of the city, in a generally east-west direction. To the east of the city is Irondequoit Bay which was the pre-glacial outlet of the Genesee River to Lake Ontario. The city is connected to the New York State Thruway via Interstate Routes 390 and 490.

B. Population

Rochester is at the center of a larger metropolitan region which includes Monroe County and the counties of Wayne, Ontario, Livingston, Orleans and Genesee. According to the 1980 Census, Monroe County had a population of 702,238 people and contained 252,217 households, while the city had a population of 241,741 people and contained 94,597 households. As with many cities located in the northeastern United States, Rochester's population declined between 1960 and 1980. However, in recent years Rochester's population has begun to stabilize. The city's 1985 population was estimated by the Center for Governmental Research to be approximately 242,000 persons and is projected to reach 245,000 by 1990.

According to the 1980 Census, approximately 14% of Rochester's population was 65 years old or older. Almost 17% of the population lived below the poverty level. The median income for the city was \$13,641, as compared to a median income of \$18,940 within the Rochester Metropolitan Statistical Area (MSA).

Based on 1980 figures, the city's housing stock consists primarily of one and two-family units. Forty-six percent of the city's occupied housing units are owner-occupied while 54% are renter-occupied. The average selling price of a single-family home in the city increased from \$20,330 in 1976 to \$42,247 in 1983. Since 1977, approximately 15% of the city's housing stock has been upgraded through the use of one of several city sponsored housing rehabilitation programs.

C. Employment

Rochester has traditionally been an area of relatively stable employment. The major employers in the city are Eastman Kodak Company, Xerox Corporation, the University of Rochester and General Motors Corporation (Rochester Products and Delco Divisions). Total employment in Monroe County in 1986 was approximately 342,000. The Rochester area's unemployment rate at the end of 1986 was 4.8% as compared to the national rate of 6.3% (seasonally unadjusted).

LWRP Boundary and Subareas

A. Overview

Rochester's LWRP boundary includes a coastal zone with two distinct components. These are the Genesee River gorge, and the Lake Ontario shoreline. The Genesee River runs in a northerly direction through the center of the city to Lake Ontario, and provides a unique urban waterfront environment. A large portion of the riverfront north of downtown Rochester is characterized by a 200 foot deep gorge. There are over 71,000 feet of river shoreline within the entire city.

The approximately 14,000 feet of Lake Ontario shoreline within the City of Rochester are located at the extreme northern end of the city, in the neighborhood of Charlotte, and within Durand-Eastman Park. A large part of the 6,100 feet of lakefront shoreline located at the northern end of the city is utilized as a public beach and is contained within Ontario Beach Park. Durand-Eastman Park, located several miles to the east and surrounded by the Town of Irondequoit, contains approximately 7,600 feet of lakeside frontage and includes wooded slopes, several ponds, a golf course and a variety of passive recreational facilities.

B. LWRP boundary and subareas

The City of Rochester's LWRP boundary is shown on Maps [I-1a](#) and [I-1b](#). The boundary has been divided up into 6 subareas that are delineated and described in *Section IV. Uses and Projects*. The subarea boundaries are shown on [Map IV-1](#).

C. Rochester's waterfront planning areas

The city's waterfront can be divided into three distinct sections with respect to city planning activities. These sections are shown on [Map II-2](#). The northern-most portion of the river, from the Middle Falls area north to Lake Ontario, and the lake frontage within the city limits, are included within the boundaries of the LWRP.

The area from the Veteran's Memorial Bridge south through downtown to the Troup-Howell Bridge is included within the city's Urban Cultural Park (UCP) Management Plan. The portion of the river between the Middle Falls and the Veteran's Memorial Bridge is, therefore, included in both the LWRP and the UCP. Development within Rochester's UCP will focus on the significance of the Genesee River in the city's history and growth, both past and present. The river's primary role was as a source of power to the city's early milling industries. The river was also important in providing transportation to and through the city, in facilitating Rochester's evolution from a mill town to a high technology manufacturing center, and the growth of Rochester's immigrant labor force which contributed to the city's industrial development. All of these ideas will be developed in some form within the UCP.

The adaptive reuse of the Brown's Race area within the park is key to the success of the city's UCP. Several other areas within the UCP have also been identified for development or preservation including Old Rochesterville, the Upper Falls industrial area, the Lake Avenue plateau, the Brewer Street flats area, and the area around the Maplewood YMCA near the Driving Park Bridge.

The area of the river from Ford Street south to the New York State Barge Canal (Erie Canal) is included in the Genesee River South Corridor Land Use and Development Plan. This plan, which focuses on the southern-most portion of the river within the city, was jointly funded and undertaken by the University of Rochester, the County of Monroe and the City of Rochester in the fall of 1984. The plan ties the redevelopment of the east side of the Genesee River, which is primarily occupied by the University of Rochester campus, with the phased development of the west bank.

The university plans to redevelop the east bank as an open space and recreational area, to permit university-related recreational activities, public hiking, etc. This redevelopment will include the closing of a portion of Wilson Boulevard, which now separates the main portion of the university campus from the river. The plan also includes residential development on the east bank. The west bank, much of which is vacant land recently acquired by the city from Conrail, is proposed for housing development and open space/recreational uses. The adjacent neighborhood is a mix of marginal industrial or warehousing uses and low to moderate-income housing. This area is currently the focus of plan implementation projects being undertaken by the city, Monroe County and the University of Rochester.

These projects include the construction of a pedestrian bridge across the Genesee River, and east and west river bank pedestrian/biking trails-that will connect with downtown.

Historical Development

A. Overview

Water has always been important to the economic development of Rochester. The Genesee River falls and rapids have been a source of relatively cheap, accessible power throughout the history of the city. The river and the access it provided to Lake Ontario have also been key to establishing shipping as an industry in this area. Early settlements which were the forerunners of the City of Rochester all began in this area because of the proximity to the Genesee River and Lake Ontario. These settlements are shown on [Map II-3](#).

B. Early Rochester's waterfront

The abundance of fish and game drew the Seneca Indians to the shore of the Genesee River in the years prior to the arrival of the white man. In 1789, Indian Allen, attracted by the potential energy source of the rapids and falls, built the first mill in the area. This was the first white settlement in what's now Rochester's central business district (CBD). It was not a permanent settlement, however, and lasted only a year. Three years later, in 1792, another settlement sprang up on the river. William Hinchey, his wife, and their eight children settled at the mouth of the Genesee River on the site of Rochester's present day port. This settlement eventually became known as the Village of Charlotte. In 1797, Gideon King and Zadock Granger settled King's Landing, later known as Hanford's Landing, on the west shore of the river, at the current site of Eastman Kodak Company's treatment plant. This area became an important shipping settlement.

The Village of Carthage was established on the east bank of the river in 1817. While Hanford's Landing and Carthage competed for shipping commerce from Lake Ontario, Colonel Nathaniel Rochester and

several partners bought a 100 acre tract of land south of the Upper Falls. Their tract was the nucleus of the Village of Rochester which was chartered in 1817.

As a result of the completion of the Erie Canal in 1823 and Rochester's new link with the Hudson River, the city's population boomed, growing from 5,400 in 1826 to 50,000 by 1860. The river was crucial to this development, as a source of power to run the many saw mills and flour mills. Schooners bringing wheat from Canada could navigate up the river to the Lower Falls. The milled flour would then be shipped to New York City via the canal system. The shipping industry on the lake soon flourished, making the Port of Rochester one of several important ports on the Great Lakes for both trade and shipbuilding.

The river and the lake have also provided significant recreational opportunities during the city's history. In the 19th Century, sidewheelers and other excursion boats evolved into a popular past time, with scheduled day trips departing regularly from Glen House near the Lower Falls. As time went on, other large boats provided excursions along the lake and to Canada.

The Village of Charlotte was a major tourist destination from the late 1880's to approximately 1915. An amusement park, several hotels and resort facilities were developed in Charlotte and attracted many visitors and summer residents to the area. The beach area in Charlotte became known as the "Coney Island of the West" during this time.

As other forms of transportation and power began to be developed, the importance of the Genesee River and Lake Ontario to the city began to decline. Over the years, dumping of industrial waste and municipal sewage into the river and lake resulted in a decline in the use of the lake and river as a recreational resource.

C. Waterfront rediscovery

During the last 25 years, the Genesee River and Lake Ontario have been rediscovered by city residents. As a result of stricter environmental controls, the efforts of private industry and completion of several major public works projects, the water quality of the river and lake have improved significantly. Because of this, the city's water resources can once again be enjoyed and appreciated. These areas provide opportunities for hiking, sightseeing, fishing, swimming and boating, all within the city limits. The river has been stocked with trout and salmon, and sport fishing has been revitalized. Ontario Beach Park was reopened for public bathing in the late 1970's. The reopening of the beach has encouraged a new appreciation of, and interest in Rochester's water resources among city residents. The City of Rochester's sesquicentennial celebration in 1984 centered on the waterfront and included a tall ships visit to the port area, as well as tens of thousands of visitors to the port and beach area during the event.

Geologic History

The City of Rochester rests on the Erie-Ontario Lowland, a relatively flat-lying plain, at an altitude of about 500 feet above mean sea level (msl). The principal geologic features within the LWRP boundary are the old and more recent courses of the Genesee River, and the lake's ridge or former shore of glacial Lake Iroquois. The high point of land in the area, now known as Ridge Road, is the southern edge of the

giant Lake Iroquois, which was the last of a series of glacial lakes which once covered the entire Great Lakes Basin.

Before the last glacier retreated roughly 10,000 years ago, the Genesee River flowed in a more easterly course, through what is now Irondequoit Bay, before emptying into the Ontario River, a westward flowing river which predates Lake Ontario. As the glacier retreated the course was shifted near the Town of Mendon to its present course. The modern course carved out the three waterfalls within Rochester and the steeply sloped river gorge which begins just north of the CBO and continues on to Lake Ontario. Elevations in this area range from about 490 feet above sea level at the Upper Falls to 250 feet above sea level at Lake Ontario.

The Genesee River gorge in Rochester exposes the pre-glacial rock record and provides a unique resource for geologic study. Between the Upper Falls and the Lower Falls (a distance of about 1.5 river miles) the rock strata or layers date back approximately 400 million years and include a classic section of Silurian aged rock. At least 200 species of marine fossils have been identified along this stretch of river indicating that this area was once part of an inland sea.

The oldest rock in this area is the Queenston Formation, which forms the base layer or stratum. The next stratum is about 50 feet thick and is known as the Grimsby Formation or Red Medina Sandstone. This rock is used extensively as building material throughout the Rochester area. Other distinctively colored strata include the nearly white Thorold Sandstone or Kodak formation, which separates underlying red shale from a 20 foot exposure of green Maplewood Shale. These two strata can be viewed about halfway up the west side of the gorge from the Rochester gas and Electric Company (RG&E) service road just north of the Lower Falls. The Kodak Formation forms the cap rock, or hard layer at the top of the Lower Fall. Reynales Limestone, the next stratum, is about 17 feet thick and caps the Middle Falls, providing a base for the floodgates located there. At the Upper Falls, the Gorge walls expose an 85 foot layer of dark blue-grey Rochester Shale capped by 20 feet of grey Lockport Dolomite Limestone. The gorge is listed in several New York State geological field guides, and is used for geology trips by schools, colleges and museums in the region.

Existing Land Uses

A. Overview

The City of Rochester's waterfront revitalization area includes a variety of land uses within approximately 2,800 acres or 4.4 square miles. LWRP land uses are listed in Table II-1. Approximately 62% of the city's waterfront revitalization area is used for recreation, parkland or as open space. Approximately 20% is in residential use, 2% in commercial use, 3% in industrial use and 8% is vacant land. The remaining land is used for transportation or utility purposes. Existing land uses within the LWRP boundary are shown on Maps [II-4a](#), [II-4b](#), and [II-4c](#).

Because the city's coastal area is primarily urban in nature, there are no agricultural uses existing within the boundary.

Table II-1 Local Waterfront Revitalization Program Existing Land Uses

TYPE OF USE	SUB-TOTAL	TOTAL ACRES
(1) Residential		
Medium density	526.2	
High density	37.2	
		563.4
(2) Commercial	48.0	48.0
(3) Industrial		
Light manufacturing	42.6	
Industrial park	28.8	
Sewage treatment	15.2	
		85.6
(4) Public/semi-public		
Cemeteries	323.7	
Educational facilities	21.5	
Other	75.8	
		421.0
(5) Outdoor recreation		
Public parks	1246.2	
Marinas and boat launching sites	57.3	
		1303.5
(6) Utilities		
Electric generation and transmission	2.7	
Sewage treatment	80.8	
		83.5
(7) Transportation		
Streets/highways/expressways	21.4	
Railroads	38.7	
		60.1
(8) Vacant land		
Open space	29.6	
Woodlands	204.3	
		233.9
<u>TOTAL COASTAL ZONE ACREAGE</u>		<u>2800.0</u>

B. General description

The portion of the river included within the LWRP boundary is divided into two distinct segments. The area from Lake Ontario to the beginning of the wetlands just south of Riverview Marina is characterized by intensive marina and boating activity and related development. Within this area the river appears to be nothing more than a channel between several large marinas. North of the railroad bridge, however,

the river widens to 500 feet or more. On the west bank of the river in this area are the remains of the original Village of Charlotte that include several buildings and a rail switching yard. The banks of the river in this area are lined with boat slips. The visual quality is degraded by outdoor storage of boats, and several dilapidated or inappropriate land uses.

The remaining portion of the river from the Riverview Marina south to the Middle Falls is characterized by densely wooded steep slopes and the absence of significant shoreline development. Seneca Park, which includes the Seneca Park Zoo, ball fields, and passive recreational facilities, occupies most of the eastern river bank and upland area. The western bank includes Maplewood Park, the proposed Lower Falls Park as well as cemeteries and undeveloped open space.

The majority of land within the LWRP boundary is currently used for recreational or other open space uses. Almost all of the four miles of riverfront, from the Middle Falls north to the Turning Basin, are utilized as parkland or cemeteries. Existing parkland along the river includes Ontario Beach Park, Turning Point Park, and Maplewood Park along the west bank, and Seneca Park along the east bank. Lower Falls Park is proposed for development along the west bank of the river, adjacent to the Lower Falls and just south of the Driving Park Bridge. Riverside Cemetery is located along the west bank of the river, just south of Turning Point Park, in the vicinity of the former St. Bernard's Seminary which is now owned by Eastman Kodak Company.

The steep banks of the Genesee River culminate in a gorge that exceeds 200 feet in depth in some areas. Located within this gorge, near the Lower Falls, is the Station 5 RG&E hydroelectric power plant. The Veteran's Memorial Bridge carries Route 104 over the Genesee River. Just north of this bridge is a pedestrian bridge which offers spectacular views of the river gorge, and which was constructed as part of the Combined Sewer Overflow Abatement Program (CSOAP).

Further north, at Hanford's Landing, Eastman Kodak Company has built an industrial waste treatment plant. A vacant wooded area on the west side of the river stretches north from Kodak's treatment plant to Turning Point Park. In this 3/4 mile long area, the uplands beyond the river gorge contain Kodak's Research Laboratories and the former Seminary site. This site was rezoned to an IPO District (Industrial Planned Development) and is being utilized by Kodak as an office and research complex.

The east and west river banks are primarily vacant from the Turning Basin north for approximately 3/4 mile. Near Denise Road, the primary land uses again become recreation and open space and continue north to the river mouth for approximately 1.3 miles. Boat slips and private marinas are the major types of waterfront development. Physical access to the shore zone becomes easier in this area, with the exception of a 1/2 mile long section along the west bank which contains railroad tracks. The portion of this area north and south of the Stutson Street Bridge has been purchased by the city.

The only existing commercial shipping activity on the river is conducted by the Rochester Portland Cement Company. Ships carrying approximately 8,500 tons of cement make weekly trips up the river from the lake, stopping at the company's docking facilities on the west bank of the river, adjacent to Turning Point Park. These ships arrive from Ontario, Canada. There are no commercial fishing facilities or activities on the river at the present time.

As one moves away from the gorge rim or riverbank and into the upland areas, land uses become more urban in character. These uses have no physical connection with the river. Actually, the river all but disappears from view in these areas. Residential uses predominate in the upland areas, with some commercial and industrial development located along major streets or at major street intersections. In addition, there are two large cemeteries in the upland areas on the west side of the river, approximately halfway between downtown and the lake.

The major portion of lakeside frontage within the city's LWRP boundary is designated as public parkland. Ontario Beach Park is located at the mouth of the Genesee River and contains approximately 2,100 feet of lakeside frontage. Park facilities include a bathhouse, a large public beach area, a bandstand and several picnic pavilions. Durand-Eastman Park, located several miles to the east, contains over 7,600 feet of lakeside frontage. This area also included a public beach, at one time. The remaining lake frontage within the LWRP boundary is in residential use and includes the 4,000 feet of shoreline to the west of Ontario Beach Park.

Water-Dependent and Water-Enhanced Uses

A. Overview and definitions

Water-dependent land uses are structures or economic activities that cannot exist without a waterfront location such as marinas, boat ramps, sewage treatments plants, etc. Water-enhanced land uses are structures or economic activities that increase their value or importance because of their proximity to a shoreline. Frequently, they function as support services for water-dependent uses and could include parks and other recreational facilities, as well as some types of commercial development.

B. Water-dependent and water-enhanced uses

Water-dependent uses along the river primarily involve recreational activities such as boating and fishing. The river is navigable by power boats and sail boats for the five miles from Lake Ontario to the Lower Falls area. The river has a mature warm water fish population and has significant trout and salmon runs in the spring and fall. Thus, it is used for fishing as well as for pleasure boating.

The steep slopes along the river gorge make development and access extremely difficult in most locations. Because of this, these areas are largely undeveloped and remain in their wooded state. Water-enhanced, passive recreational activities such as hiking and bird watching are the primary uses within these areas. North of Turning Point Park, the upland areas drop closer to river level and significant wetlands begin to line the shoreline on both banks. Further north, near the Stutson Street Bridge, private marinas line the river shoreline. In this area, the river is primarily used for water-dependent activities such as boating, fishing and other types of recreation. The Genesee Lighthouse which was built in 1821, the U.S. Coast Guard Station, two vacant warehouses, a public boat launch, and a railroad swing bridge are also located in this area.

There are several industrial uses located along the river that are also water-dependent. The RG&E Station 5 hydroelectric plant and Eastman Kodak Company's industrial waste treatment plant are dependent on the river for power as well as for processing water. The Rochester Portland Cement Plant,

located on the west bank across from Rattlesnake Point, is dependent on the river for its shipping operations.

The lakeshore area supports water-dependent and water-enhanced recreational uses such as boating and fishing. Public bathing is permitted at Ontario Beach Park. Public bathing also takes place at Durand-Eastman Park. Picnicking and other water-enhanced passive recreational activities are also supported at each park.

In summary, existing water-dependent uses are located in several areas within the city's LWRP boundary. These uses include:

- the Portland Cement Company, located on the west river bank, within Turning Point Park;
- Eastman Kodak's waste treatment facility, located on the west river bank, near Hanford Landing and just north of the Veteran's Memorial Bridge;
- various marinas, boat slips and docks located along the east and west banks of the river, including the Rochester Yacht Club, the Genesee Yacht Club, Shumway Marina, Pelican Bay Marina, Voyager Marina, and the Riverview Marina (including the Spirit of Rochester tour boat);
- the Monroe County Boat Launch located on the Port Authority Site, along the west bank of the river, just north of the railroad swing bridge;
- bathing beaches located at Ontario Beach Park and Durand-Eastman Park; and
- RG&E's Station 5 hydroelectric power plant.

Existing water-enhanced uses are also located in several areas within the city's LWRP boundary. These uses include:

- public parks (Ontario Beach Park, Turning Point Park, Seneca Park, Maplewood Park, and Lower Falls Park); and
- various commercial uses along River Street, just north of the Stutson Street Bridge.

C. Market demand for new uses

Water-dependent uses which are appropriate for and compatible in the city's waterfront areas include marinas, a boatel, boat slips, docks and launching ramps, public beaches and swimming areas. Water-enhanced uses which are appropriate for and compatible in these areas include recreational facilities, some types of housing and commercial/retail development and hotel, boatel or bed-and-breakfast facilities.

Future demand within the LWRP boundary for water-dependent uses such as marinas and boat slips was investigated as part of an engineering and marketing study for the Port Site completed for the city in 2009 by a consultant team. The *Marina Engineering Report and Feasibility Study* concluded that a marina project was economically feasible on the Port Site, given the existing and projected future demand for boat slips in the Rochester harbor area. The specific marina product recommendations presented in the market study included the following:

- Construction of a marina containing 100 - 200 slips with slip sizes ranging from 35 feet to 100 feet in length (potential demand currently exists for 200 - 500 additional slips in the harbor area)
- Development of marina and boat services offsite
- Development of a “flexible” mix of seasonal and transient slips within the marina
- Development of a “waterfront events” area adjacent to the marina to promote public access and usage and stimulate commercial development in the area
- Charging \$80 to \$85 per lineal foot as a summer rate for dockage (this slip rate results in a marina debt supportable cost of approximately \$32,000 per slip based on 2009 dollars)

The market study also identified the following housing product recommendations:

- Development of taller, high-density buildings on the site that respect views (six to ten stories) and minimize the use of existing parking and parkland
- Development of two to four-story town homes and/or residential lofts over commercial / retail uses directly fronting the marina and along Lake Avenue
- Development of a hotel or condominium hotel on site with adjoining conference facilities
- Continued development of cruise ship dockage along the river front

(It should be noted that these are recommendations of the market study and that they do not necessarily comply with current zoning regulations on the site.)

An earlier *Port of Rochester Master Plan* prepared by Sasaki Associates in 2006 included a market demand analysis for housing, retail, office, hospitality and marina/recreational boating development on the site. As a part of that analysis, existing reports and documents were reviewed and interviews and site visits were conducted. In addition, published data was analyzed to assess the viability of each market segment. The market study used both quantitative and qualitative data to gauge what could be reasonably supported in the area. Using the research, a likely trade area for each use was determined, the supportable square footage in the given trade area was calculated, and then a likely capture rate for the uses that would locate at the Port was projected. This assessment of area economic conditions found that the Port Site could reasonably support the following maximum development:

- Residential: 1,100 new units
- Retail: General 17,000 sf.
- Retail: Convenience 28,000 sf.
- Eating and Drinking: 33,000 sf.
- Office: 51,000-76,000 sf.
- Hotel: Limited opportunity for boutique/condo hotel
- Marina: 100+ boat marina and potential future small-scale ferry service
- Destination Use: Limited seasonal opportunities

These amounts were projected to be supportable within the next 5-7 years, based on data collected and analyzed at the time of the report and without the introduction of additional extraordinary economic conditions or circumstances that would change the given market.

Recreational Opportunities and Public Access

A. Recreational opportunities (public parkland)

Lake Ontario and the Genesee River offer many outdoor recreational opportunities such as swimming, boating and fishing as well as passive recreational activities. According to the Coast Guard, the river maintains a depth of approximately 10 feet as far south as the Veteran's Memorial Bridge. This permits a variety of small pleasure boats to use the river. Canoeists and kayak enthusiasts are able to continue up the river as far south as Seth Green Island. Beyond Seth Green Island, swift river currents make upstream travel difficult. The natural river depth is maintained in the port area by annual dredging operations conducted by the U.S. Army Corps of Engineers (USACE). The dredging operations ensure a river depth of approximately 21 feet which permits access up the river for large recreational craft.

Berthing or mooring in the river is not possible for all the boat owners. Although the port area has a number of marinas and yacht clubs that contain approximately 1,000 boat slips, this does not meet present demand. Previous market studies (such as the Monroe County Waterfront Recreational Opportunities Study completed in 1989) have identified Rochester and Monroe County as having a market with tremendous growth potential in boat sales, particularly in the 16'-25' range. While many marina owners would like to expand their facilities along the river, development costs and the lack of land for expansion and parking have become major limitations.

Owners of smaller trailered boats are also experiencing launching and docking problems in the area. Only one public boat launch exists within the LWRP boundary. The four-lane boat launching ramp constructed at the port site by Monroe County has the capacity to accommodate 107 cars with trailers. Renewed interest in sport fishing has increased the use of this facility. However, the location of the launch on the west bank north of the railroad swing bridge has made maintenance of the ramp a continuous and costly concern because of a continued river surge problem that is eroding and undermining the launch area and persists even after the construction of the Army Corps of Engineers wave surge control structure in the mid-1990's. Additionally, the location of the boat launch and associated parking in this area are not considered to be the highest and best use of land at the Port Site.

The west breakwall and pier at the mouth of the river are often used for fishing and provide direct public access to the river. The east breakwall and pier adjacent to the Coast Guard Station are periodically closed for security reasons. The east and west piers have been improved by the USACE and are generally in good condition. The portion of the west pier south of the beach area has, however, experienced undermining and erosion due to major winter storms. The east pier has varying surface conditions and is not as suitable for public access.

The northern portion of the Port Site is dedicated parkland which is shown on [Map II-11](#). Should future development be proposed in this area, the city will be required to utilize New York State parkland

alienation procedures to alienate parkland acreage and to replace it with appropriate and equivalent parkland acreage in another area (either on-site or off-site). See Maps [II-5a](#), [II-5b](#), and [II-5c](#) for park locations.

(1) DURAND-EASTMAN PARK (965 Acres):

Location:	On Lake Ontario, west of Irondequoit Bay and east of the Genesee River; the park can be entered from Lakeshore Boulevard and Kings Highway.
Facilities:	Hiking, bridle, and cross-country ski trails; 7 picnic shelters; playground area; winter warming shelter and riding stable; 18-hole golf course, golf clubhouse with food concession and pro shop; parking permitted on park roads.
Special features:	Steep wooded slopes; valleys; scenic vistas; small lakes and ponds; on Lake Ontario; botanical collections. Portions of the park make up part of the Monroe County Arboretum. Spring flowering trees and spectacular fall foliage colors make this park an area of exceptional beauty. Unique topography and soils permit the growing of plants not native to the area.
Estimated Usage:	Not available.
Development Opportunities:	Development of beach area for swimming (park is currently undergoing a phased capital improvement project totaling \$5.1 million).

(2) MAPLEWOOD PARK AND ROSE GARDEN (14 acres)

Location:	West side of the Genesee River, from Driving Park Avenue north to Hanford Landing Road; rose garden located at the intersection of Lake Avenue and Driving Park Avenue; park can be entered from Driving Park Avenue, Maplewood Avenue, Maplewood Drive, and Bridge View Drive as well as from various pedestrian trails.
Facilities:	Informal picnicking and strolling areas; tennis courts; fishing areas; parking area provided off Bridge View Drive; parking area for rose garden provided along park entrance drive from Driving Park Avenue.
Special features:	Pond located in lower Maplewood Park area; scenic views and vistas of Genesee River gorge and Veteran's Memorial Bridge; the rose garden, one of the largest in the country (selected by the American Rose Society as an "All American Rose Test

Garden"; peak blooms in late June and September); several overlooks that provide spectacular views of the Genesee River gorge.

Estimated Usage: Not available.

Development Opportunities: Improved access to gorge for hiking and fishing.

(3) LOWER FALLS PARK (3 acres):

Location: Proposed park to be located on the west bank of the Genesee River south of the Driving Park Bridge, overlooking the Lower Falls area; access to the park will be provided via Driving Park Avenue.

Facilities: Currently an undeveloped area. Potential uses could include picnic areas and shelters, river overlooks, pedestrian and hiking trails, and other passive recreational facilities.

Special features: Spectacular views of Lower Falls and river gorge; remains of various historic structures evident in some areas.

Estimated Usage: Park is currently undeveloped.

Development Opportunities: Historic/archaeological resources; scenic views and vistas of lower and middle falls; pedestrian and biking trails.

(4) ONTARIO BEACH PARK (39 acres):

Location: Northern-most portion of the city; on Lake Ontario, at the mouth of the Genesee River; park can be entered from Lake and Beach Avenues.

Facilities: Public beach; bathhouse; 6 picnic shelters; food concession stand; outdoor performance pavilion; ice-skating rink; historic carousel; parking areas for approximately 1,500 cars on the port site to the south and within an area south of Beach Avenue and west of Lake Avenue; soccer field and 2 softball fields located in an area to the south, along Estes Street.

Special features: One of the best natural sand beaches on Lake Ontario; supervised swimming areas; boat launch on the Genesee River; antique Dentzel Carousel designated as a City of Rochester Historic Landmark.

Estimated Usage: 800,000 visits / year

Development Opportunities: Enhancement of beach area; rehabilitation of bathhouse and pier; redesign of existing bandstand; improvements to

circulation; coordination with events and facilities on Port of Rochester site (park is currently undergoing a phased capital improvement project totaling \$6.7 million).

(5) SENECA PARK (297 acres):

- Location: Eastern bank of the Genesee River, north and south of the Veteran's Memorial Bridge; park can be entered from St. Paul Street, just north of Route 104 (Ridge Road East).
- Facilities: Outdoor swimming pool with bathhouse; playgrounds; softball fields; 2 picnic shelters; hiking trails; marked nature and jogging trails; zoo; parking area adjacent to zoo and along lower park road.
- Special features: Seneca Park Zoo; pond; steep wooded slopes along the river bank; wetlands; scenic views of the Genesee River gorge; park was originally designed by Frederick Law Olmstead.
- Estimated Usage: Not available.
- Development Opportunities: Enhancement of Olmstead Plan; improved access to river gorge for hiking and fishing; rehabilitation of zoo and public pool (park is currently undergoing a phased capital improvement project totaling \$3.9 million).

(6) SETH GREEN DRIVE AREA (2.3 acres/part of Seneca Park):

- Location: Eastern bank of the Genesee River; enter from St. Paul Street; area runs from Norton Street north to Seneca Towers.
- Facilities: Undeveloped open space area used for passive recreation; "switchback trail" provides access to river gorge for fishing.
- Special features: "Switchback trail" on steep wooded slopes along river provide spectacular views of Veteran's Memorial Bridge and river gorge.
- Estimated Usage: Not applicable.
- Development Opportunities: Scenic views and vistas; pedestrian or hiking trails; improved fishing access.

(7) TURNING POINT PARK (100 acres):

- Location: West bank of the Genesee River, just south of the Turning Basin; park can be entered from Lake Avenue via Boxart Street; park borders Riverside Cemetery to south.

Facilities:	Relatively undeveloped; hiking trails (connection to Lake Avenue); picnic areas; fishing piers and dock; bird watching; parking area at end of Boxart Street, at entrance to park.
Special features:	Park provides access to the water's edge for fishing and canoeing; park provides spectacular views of river gorge and Turning Basin; small waterfalls.
Estimated Usage:	Not available.
Development Opportunities:	Scenic views and vistas; pedestrian or hiking trails; improved fishing access.

(8) TRYON PARK (82 acres):

Location:	Adjacent to Irondequoit Creek and southwestern edge of the Irondequoit Creek wetlands, just south of Irondequoit Bay; park can be entered via Tryon Park Road.
Facilities:	Relatively undeveloped; hiking trails; passive recreational opportunities.
Special features:	Steep wooded slopes; wetlands, scenic views and vistas of the Irondequoit Creek wetlands and Irondequoit Bay.
Estimated Usage:	Not available.
Development Opportunities:	Enhancement of scenic views; new hiking and biking trails.

While not officially designated as parkland, Riverside Cemetery and Holy Sepulcher Cemetery, located just south of Turning Point Park on the west bank of the river, also offer passive recreation opportunities such as hiking, biking and bird watching.

B. Public access

With the exception of Durand-Eastman, all of the parks listed above are adequately serviced by public transportation (bus) via either Lake Avenue or St. Paul Street. Adequate parking is available at all of the sites with the exception of Ontario Beach Park where overflow parking is a problem during peak periods of summertime weekend use.

The CSOAP project, which involved construction of underground holding tunnels to reduce the water quality impacts of the city's combined storm and sanitary sewer system in certain areas, included the construction of a pedestrian walkway across the river, just north of the Veteran's Memorial bridge. This walkway links Seneca Park with Maplewood Park and provides unique physical and visual access to the river gorge for pedestrians and handicapped persons.

Within the LWRP, direct public access to the water is limited, despite the many public parks and open space areas. The problem with providing direct public access to much of the city's waterfront is

complicated by the topography of the areas involved. These areas include heavily wooded steep slopes which become more difficult to traverse as one moves south from the mouth of the river to the Lower Falls area. Even if better access to the river could be provided in certain areas, the safety of potential users would remain a significant issue.

On the east side of the river, Seneca Park has a variety of hiking trails that provide access along the rim of the river gorge and to the river itself via "switchback trails". Direct pedestrian access to the river on the east side is only possible from Seth Green Drive, located just south of the Veteran's Memorial Bridge, and from an RG&E service road located just north of the Driving Park Bridge.

Along the west bank, direct access to the river is possible from Turning Point Park, although visual access is provided from a variety of sites including Riverside Cemetery and Maplewood Park. Some informal trails exist along the east and west banks of the river, particularly near the Driving Park Bridge. Fishermen use these trails for access to prime fishing areas along the river. Hastings Street located just south of the bridge, leads to Lower Falls Park and provides access to an open area with spectacular views which runs from the Lower Falls southward to the Middle Falls. A formal hiking trail has also been developed in Maplewood Park from the Veteran's Memorial Bridge to the Kodak Park area.

Ontario Beach Park, with its long sandy beach, provides direct public access to Lake Ontario. However, few public trails or walkways exist for passive recreation use along the lake shoreline. A small public lakefront sidewalk currently exists along Beach Avenue between Clematis and Cloverdale Streets.

Historic Resources

Because Rochester began and grew along the Genesee River, there are many historic resources within the city's LWRP. These include archaeological sites, a local Preservation District, local, state and national landmarks, and a number of properties eligible for landmark designation.

In 1986, the Rochester Museum and Science Center prepared the Cultural Resources Inventory for the City of Rochester LWRP. This report identified 21 known archaeological sites, seven historic Euro-American archaeological sites, two landmarks listed on the National and State Registers of Historic Places, and three locally-designated landmarks. In April, 1987, the Beach Avenue Preservation District was designated, pursuant to the city's zoning ordinance.

The Genesee Lighthouse, at 70 Lighthouse Street, is perhaps the most historically significant site within the LWRP and gives an indication of the wealth of resources in this area of the City of Rochester. The site is listed on the National and State Registers of Historic Places, is a local landmark, contains the remains of the first light keeper's house (c. 1822), was the site of the cabin of the first permanent Euro-American settler in what was to become Rochester, and contains evidence of American Indian occupation.

Table II-2 illustrates the various historic and archaeological resources that exist within the LWRP boundary.

Visual Quality

A. Overview

Rochester's coastal area has a variety of unique topographical features including waterfalls, a river gorge, ravines, and several small river islands. Several breathtaking views and vistas are found throughout the city's waterfront revitalization area and enhance the city's urban environment. Significant scenic views and vistas within the city's LWRP are shown on Maps [II-6a](#), [II-6b](#) and [II-6c](#).

B. Description

The beach and port area dominate the land use pattern in the extreme northern portion of the city's waterfront revitalization area and contribute to the overall visual quality of that area. An exceptional view of the lake and mouth of the river can be seen as one drives north on Lake Avenue, past the Conrail railroad bridge. However, some of the cluttered, underutilized or dilapidated land uses along the Lake Avenue commercial strip detract from the aesthetics of the area.

Moving south from the port along the river, several spectacular views and vistas exist but are not easily accessible. A river overlook along the southern map approach to the Veteran's Memorial Bridge offers tremendous views of the river gorge and the eastern riverbank. Several vacant properties along St. Paul Street, on the eastern side of the river, also offer panoramic views and vistas of the river gorge and the western riverbank.

RG&E's Station 5 hydroelectric plant at the Lower Falls provides good views of the river in the spring and early summer. During the summer months, however, dense foliage obscures this view. Further north, near Kodak's research laboratories, is an area that could provide a spectacular river overlook, if developed properly.

Seneca Park, located along the river's eastern bluff, provides an excellent view of the river's wetlands and wooded slopes. Seneca and Maplewood Parks are connected via a pedestrian bridge which crosses the river and provides spectacular views of the river gorge. Kodak's waste water treatment plant on the opposite side of the river detracts from this view, however. The overlook at the end of Boxart Street provides a view of the wooded slopes near Seneca Park and views of the river gorge to the north. Areas within Turning Point Park provide spectacular views of the river and the Turning Basin, as well as the wetland areas along the eastern bank.

A footpath that leads down the steep slope at Turning Point Park provides direct pedestrian access to the river. A path which continues north from the park passes Riverview Marina and the remains of Old Charlotte and terminates at the Genesee Lighthouse, providing unique views of the land and the river.

Additional scenic views and vistas of Lake Ontario and various ponds and valleys exist in Durand-Eastman Park. Scenic views and vistas of Irondequoit Creek, Irondequoit Bay and the adjacent wetlands exist in Tryon Park. Views from the river and the lake of existing development and upland areas are also significant in many areas.

Table II-2 Local Waterfront Revitalization Program Culturally Significant Sites within the LWRP

Properties listed on the National and State Registers of Historic Places:	Genesee Lighthouse - 70 Lighthouse Street "Shingleside" (house) - 476 Beach Avenue
Properties designated as local landmarks:	Ontario Beach Carousel - Ontario Beach Park Genesee Lighthouse - 70 Lighthouse Street St. Bernard's Seminary - 2260 lake Avenue
Properties within the Beach Avenue Preservation District:	Properties between 480 and 670 Beach Avenue on the north side of street 551 Beach Avenue on the south side.
Historic Euro-American Archaeological Sites:	Genesee Lighthouse Historic Site Lower Falls Mill and Industrial Site Carthage-Brewer's Dock Historic Site Carthage Flats Mill and Industrial Site Glen House Historic Site King's-Hanford's Landing Historic Site Kelsey's-Buell's Dock Historic Site
Archaeological Sites:	Twenty-one sites as identified by the Rochester Museum and Science Center.
Properties Potentially Eligible to be Listed on the National and State Registers of Historic Places:	According to the City of Rochester Historic Resources Survey prepared by Mack Consulting Associates in 1986, two districts and 26 individual properties may meet the criteria for listing on the National and State Registers of Historic Places. The individual properties are, for the most part clustered on Beach Avenue, Stutson Street, Latta and River Roads, and on Lake Avenue between Driving Park Avenue and Flower City Park. The Ontario Beach Park District is wholly within the LWRP, while approximately half of the Maplewood District falls within the LWRP boundaries (south of Seneca Parkway).

Natural Resources

A. Overview

Rochester's waterfront revitalization area contains a variety of significant natural resources and environmental features. These include fish and wildlife habitat areas, wetlands and unique topographic features. These areas are shown on Maps [II-7a](#), [II-7b](#) and [II-7c](#).

B. Fishery resources and habitats

The Genesee River flows north through the City of Rochester and is one of four major New York State tributaries of Lake Ontario. The large size of the Genesee, and the fact that much of the river corridor is essentially undisturbed, make it one of the most important fish and wildlife habitats in the Great Lakes

Plain ecological region of New York State. However, water pollution and extensive alteration of the lower channel have reduced the environmental quality of the river.

The New York State Department of State (NYS DOS) has designated almost six and one-half miles of the river as a "coastal fish and wildlife habitat of state-wide significance". (See Appendix A) This habitat area extends from the mouth of the river at Lake Ontario to the Lower Falls, just south of the Driving Park Bridge. The Lower Falls is a natural impassable barrier to fish. The lower river area received a rating of 54, which is well above the 15.5 threshold for designation as a state coastal fish and wildlife habitat. The rating system was based on five criteria: ecosystem rarity; species vulnerability; human use; population level of species present; and replaceability.

The Genesee River is a highly productive warm water fisheries habitat which supports concentrations of many residents, and Lake Ontario based fish species. Among the more common resident species are smallmouth bass, brown bullhead, northern pike, channel catfish, walleye, carp and white sucker. Lake-run species found in the Genesee River include white bass, yellow perch, white perch, smelt, bowfin, sheepshead, rock bass and American eel. These fish populations are supplemented by seasonal influxes of large numbers of trout and salmon. In the spring (late February -April), steelhead (lake-run rainbow trout) and brown trout run up the river, and lake trout occur at the river's mouth. In fall (September - November), concentrations of coho and chinook salmon, brown trout and steelhead are found throughout the river during their spawning runs. The salmonid concentrations in the Genesee River are among the largest occurring in Lake Ontario tributaries, and are largely the result of an ongoing effort by NYSDEC to establish a major salmonid fishery in the Great Lakes through stocking. In 1985, approximately 20,000 steelhead and 300,000 chinook salmon were released in the river.

The Genesee River provides an important recreational fishery, attracting anglers from throughout New York State and beyond. Its location within the City of Rochester results in very heavy fishing pressure from residents of the metropolitan area. Major fishing areas along the river include the river mouth at Lake Ontario, and the riverfront between Seth Green Island and Lower Falls. Although the seasonal salmonid runs attract the greatest number of fishermen to the area, the river also supports an active warm water fishery. Easy access to the river for fishing is a problem in many areas, however, due to the topography of the river gorge. Ponds within Durand-Eastman Park also receive heavy fishing use during the spring and summer months. The fishing derbies held in the park are important to many local residents.

C. Wildlife resources and habitats

Wildlife use of the river and shore zone is extremely limited and not well documented. It appears to be limited to those species that can inhabit a relatively narrow riparian corridor, and are somewhat tolerant of human activities in adjacent areas. Possible or confirmed breeding bird species include mallard, wood duck, red-tailed hawk, spotted sandpiper, belted kingfisher, red-winged blackbird, swamp sparrow and various woodpeckers and woodland passerine birds. Other species occurring in the area probably include beaver, deer, squirrel, skunk, raccoon, muskrat, northern water snake and painted turtle.

Due to the inaccessibility of the gorge, there are no significant wildlife-related human uses of the river. The steep slopes of the gorge and the wooded areas of Durand-Eastman Park provide refuge for many types of wildlife. The park is an invaluable nature area that contains significant wetlands and a deer population of between 200 and 300 animals.

D. Tidal and freshwater wetlands

Wetlands are valuable fish and wildlife habitats and serve as nesting and breeding areas for many migratory species as well as spawning and nursery areas for many species of fish. Wetlands also provide flood and stormwater retention capacity by slowing runoff and temporarily storing water, thus protecting downstream areas from flooding. Aquifer recharge, erosion control and recreational opportunities are other benefits of wetland preservation.

In recognition of the benefits of wetlands, New York State enacted the Freshwater Wetlands Act (Article 24 of the Environmental Conservation Law). Wetlands encompassing 12.4 acres or more are protected, as are smaller areas having unusual local significance such as supporting a rare or endangered species. Any filling or alteration of a wetland or within a 100 foot buffer zone immediately surrounding the wetland requires a permit from the NYSDEC.

Wetlands are classified into four categories. Class I wetlands are the most valuable and least disturbed, while Class IV wetlands are the least valuable. Permits for alteration of a wetland are more likely to be granted for Class III and IV wetlands than those in the higher classes. Table II-3 lists state-designated wetlands within the city's LWRP, and the state classification category of each.

The U.S. Fish and Wildlife Service (USFWS), a branch of the U.S. Department of the Interior, has classified all significant wetlands in the Rochester area, regardless of size. Maps showing wetland boundaries and indicating the type of structural features and vegetation present were completed using 1978 and 1981 aerial photography.

The USFWS classification system categorizes wetlands first by the ecological system present. In Rochester, this is usually riverine (in or adjacent to a river) or palustrine (poorly drained or swampy area).

Some lacustrine (in or adjacent to a lake) wetlands are found in and adjacent to Durand and Eastman Lakes in Durand-Eastman Park. Further classifications include open water areas, emergent vegetation which is rooted under the water with parts of the plant extending up out of the water, shrub/scrub areas, and forested areas. Common examples of emergent vegetation in Rochester are cattails and purple loosestrife.

Vegetation found in shrub/scrub areas includes alder, buttonbush and dogwoods. In forested wetland areas within Rochester, willows, red and silver maples and red ash are likely to be found.

The USFWS areas identified generally occur in those areas shown on the NYSDEC maps, with the exception of certain smaller and isolated wetlands scattered throughout the city. Federally designated wetlands impose requirements upon federal agencies and federally-assisted projects, as well as requiring permits through the USACE.

Table II-3. Local Waterfront Revitalization Program State Designated Wetlands within the LWRP (12.4 Acres or Greater)

State Code	State Class	Location
RH-6	II	River, NE, north of Rattlesnake Point
RH-8	II	River, NW, below Riverside Cemetery
RH-9	II	River, NE, Turning Point Park and northward
RH-20	I	River, NE, Seneca Park
RH-21	II	River, NE, Seneca Park and northward
RH-12	I	Durand-Eastman Park
RH-13	I	Durand Lake, D-E Park
RH-14	I	Eastman Lake, D-E Park
RH-15	I	Durand-Eastman Park
RH-16	I	Durand-Eastman Park
PN-1	I	Tryon Park (small portion of Ellison Park wetlands area)

E. Water quality

The Genesee River accumulates and transports a variety of pollutants to Lake Ontario. Water quality in the lower river has degraded over the years because of the dumping of industrial wastes and untreated sewage into the river. According to the Monroe County Health Department (MCHD), the combination of combined sewer overflows, Eastman Kodak Company waste discharges and connections with the Barge Canal have significantly contributed to the pollution of the Genesee River. Because of improvements to the city's sewer systems and the upgrading of Eastman Kodak's King's Landing waste treatment plant which now removes silver and other chemicals from plant waste water discharges, river water quality has begun to improve. Small amounts of cadmium used in the photographic process still collect in river sediment, however, and can constitute a health problem when the river is dredged causing these toxic metal particles to become suspended in water. The NYSDEC is currently investigating elevated levels of toxic sediments in the lower Genesee and the toxicity of Kodak discharges.

The Monroe County Pure Waters Agency (MCPWA) was formed in 1967 to consolidate and improve municipal sanitary waste discharges. The Rochester Pure Waters District, one of five county sewer districts, operates and maintains treatment facilities, interceptor sewers and a collection system which serve the entire city. A network of sewer interceptors and new overflow tunnels collects sewage, stores it during periods of high storm water runoff, and then directs it to the Frank E. VanLare Treatment Plant in Durand-Eastman Park for secondary treatment. Five chlorination stations also serve the city.

Even though the upgraded city sewer system and improvements to industrial wastewater treatment have greatly improved Genesee River water quality, there are occasional periods of high storm water runoffs that cause serious but temporary pollution problems in the river. Pollution resulting from combined sanitary and stormwater sewers have been a long-term problem for the Genesee River. When stormwater runoff and sanitary sewage is carried in the same system, a heavy rainfall will generally

produce flows which exceed treatment plant capacity. When this happens, the excess flow of combined stormwater and sewage bypasses the treatment plant and flows directly into the river. Rochester and Monroe County are involved in the CSOAP project which has been designed to correct this problem through the construction of large, underground holding tunnels.

F. Air quality

At the current time, Rochester's air quality is not known to be a significant problem and meets all national air quality standards.

Flood Hazard Areas

A. Water flow

The greatest impact on water flow in the river is created by a series of dams. These include the Mount Morris Dam, the Court Street Dam and the Middle Falls floodgates. These dams regulate overall river levels and flows in order to provide flood control for the region and to generate electricity. Stream flow in the lower Genesee fluctuates extensively according to NYSDEC records. Mean annual flow is generally in the 3,000 to 3,500 cubic feet per second (cfs) range. Mean annual maximum flows generally fall in the 14,000 to 16,000 cfs range with mean minimum flows in the 450 to 500 cfs range.

B. Flooding

As noted earlier, the Genesee River follows a well-defined channel through much of its course through the City of Rochester. Flooding along the river has been virtually eliminated with the construction of the Mt. Morris Dam in 1952. The dam is located about 35 miles south of the city. The only large area of the city which is below the 100 year flood elevation is Genesee Valley Park, which is largely open space. Flood plain development has been kept to a minimum in the city due to the steep topography of the river gorge. Areas of lower elevation near Lake Ontario have been protected from flooding by filling, breakwalls and construction of bulkheads.

The City of Rochester participates in the National Flood Insurance Program administered by the Federal Emergency Management Agency (FEMA). FEMA recently completed a new Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRM) for the city. The FIS and FIRM became effective on August 28, 2008. These maps establish flood hazard areas in the city based on the 100-year and 500-year flood plain. Flood hazard areas in the City of Rochester are generally located along the Genesee River, south of the Court Street Dam and near the mouth of the Genesee River at Lake Ontario. Portions of the Port Site located just south of Ontario Beach Park and west of the river are located with flood zone AE and may require flood insurance and/or the construction of new development above the base flood elevation established by FEMA. Ontario Beach Park and Durand-Eastman Park (to the east along Lake Ontario) may also lose some beach area in the event of significant flooding which occurs during times of peak lake levels.

Erosion Hazard Areas, Siltation and Dredging

A. Coastal erosion hazard areas

A coastal erosion hazard area has been designated by the NYSDEC along the shoreline of Lake Ontario, from the City of Rochester/Town of Greece municipal boundary on the west, along the shoreline, to the City of Rochester/Town of Irondequoit municipal boundary on the east, at the eastern end of Durand-Eastman Park. This area is shown on maps prepared by the NYSDEC entitled: Coastal Erosion Hazard Area Map, City of Rochester and dated August 29, 1988. These maps are on file in the City Clerk's Office at City Hall, and show the boundaries of natural protective features and structural hazard areas within the LWRP.

These maps indicate that the shoreline area north of Beach Avenue from the city / Town of Greece municipal boundary east to Welland Street is eroding at a rate of approximately 1.5 feet per year. The shoreline area from Welland Street east to Clematis Street is eroding at approximately 1.0 feet per year. The shoreline area contained within Ontario Beach Park has been designated as a natural protective feature.

The shoreline area within Durand-Eastman Park from the western park boundary to Sunset Point Road has also been designated as a natural protective feature. The shoreline area that runs from Sunset Point Road east for approximately 1100 feet is eroding at approximately 1.0 feet per year. The remaining portion of the Lake Ontario shoreline within the boundaries of the LWRP is eroding at approximately 1.5 feet per year.

A natural protective feature is defined as a nearshore area, beach, bluff, primary dune, secondary dune, or wetland, and the vegetation thereon. A structural hazard area is defined as those shorelands, other than natural protective features, subject to erosion and located landward of shorelines having an average annual recession rate of 1 foot or more per year. The inland boundary of a structural hazard area is calculated by starting at the landward limit of a bluff and measuring along a line which is perpendicular to the shoreline a horizontal distance which is 40 times the long-term average annual recession rate.

B. Other erosion problems

An additional erosion problem continues to occur in the lower Genesee River, north of the O'Rourke Bridge, near the river's outlet with Lake Ontario. This problem involves wave surge action in the river caused by severe northeastern storms. This wave action causes damage to boats and boat docks in the river, as well as the undermining of other structures and facilities along the river bank. Many marinas along the river north of Stutson Street have suffered damage to structures, boats and shoreline due to the wave surge action of major storms during the last several years.

In the mid-1990s, the Army Corps of Engineers constructed a wave-dampening stone revetment along the inner seawall areas of the eastern and western breakwaters of the pier structures extending into Lake Ontario. Although these structures have reduced wave energies in the harbor, it has not effectively eliminated them. During strong northerly winds, there is a 3- to 6-foot surge at the northern end of the

Port Site, which is further reduced to 1 to 2 feet at the southern end of the site. Appropriate marine and coastal engineering will need to be developed into any marina development plan for the Port Site to reduce these wave energies to an acceptable condition for recreational marina / boating purposes. Accordingly, a southern entrance is much preferred to a northern entrance for any marina basin constructed on the site.

C. Siltation and dredging

Siltation primarily caused by bank and sheet erosion, construction activities, and some farming practices, can have a significant effect on water quality. Turbid water is visually unattractive. Silt also destroys stream habitats by changing the natural water environment. Silt covers and retains sewage wastes and other organic materials, which, through the process of decomposition, depletes the supply of dissolved oxygen in the water resulting in the killing of fish as well as water insect populations. Silt in water can also negatively impact fish spawning.

Bank erosion, a major factor in siltation, occurs partly because of natural wave action and surface runoff as well as from the wash created by powerboats on the river. A speed limit of 6 mph has been set by the Coast Guard as a safety measure and as a means to protect riverbanks from serious erosion. Enforcement of the speed limit is difficult, however.

Dredging activities in the port area designed to deepen the channel and to clear marina slips of silt have also had a negative impact on water quality. When dredging occurs, sediment is released and suspended in the water. The larger, heavier particles soon resettle on the bottom while the finer silts and clays remain suspended for longer periods of time and are transported from the dredge site by local currents. This causes significant pollution problems within the river and is detrimental to the natural fish and wildlife populations present there.

Both the NYSDEC and the Monroe County Health Department (MCHD) operate water quality monitoring stations in Lake Ontario and the Genesee River. NYSDEC's three surveillance stations are located near the Charlotte docks, approximately two miles south of the Stutson Street Bridge at Boxart Street, and on the east bank of the river between RG&E's Station 5 power plant and Driving Park Avenue. The MCHD maintains several stations in the lake and along the river and has increased the frequency of data collections since 1972.

Water and Sewer Service

Existing water and sewer lines and service within virtually all areas of the city's LWRP are adequate and in relatively good condition. There are no developable areas that are not currently serviced for water and sewers. No major problems have been identified with this element of the public infrastructure. Therefore, adequate water and sewer service within the LWRP is not currently a hinderance to development.

Transportation Network

The transportation network within the city's LWRP boundary involves an extensive system of existing streets, roads and highways that are operated and maintained by the city, county and New York State. Major and minor arterials and principal collector streets within the LWRP include Lake Avenue, St. Paul Street, Ridge Road West, the Lake Ontario State Parkway (LOSP), Beach Avenue, Lakeshore Boulevard and Driving Park Avenue. Virtually all developed areas within the LWRP boundary are also serviced by public transportation through the Rochester/Genesee Regional Transit Authority (R/GRTA).

Transportation network issues that exist within the city's LWRP include general traffic congestion in the vicinity of Ontario Beach Park and the Port Site during major events and festivals and periods of peak summer use as well as the potential for improved linkages with the New York State Seaway Trail.

From Ridge Road West north to the LOSP, Lake Avenue is part of the State legislated arterial system. The section north of the parkway is on the Federal Aid Urban System (FAUS). Lake Avenue is a major north/south arterial which runs parallel to the west bank of the Genesee River. Lake Avenue provides access to downtown Rochester, Kodak Park, the West Ridge Road area, several residential areas (including the Maplewood and Charlotte neighborhoods), several strip commercial areas, the parkway, Ontario Beach Park, and the Port Site. The northern terminus of Lake Avenue is Beach Avenue, near Ontario Beach Park.

In the mid-1990's a combined reconstruction and rehabilitation project for Lake Avenue was completed which included geometric improvements at several intersections, a variety of surface and sub-surface structural improvements, provision of new pedestrian and bicycle facilities, streetscapes and wide pedestrian sidewalks in several areas and the redevelopment of the Beach Avenue / Lake Avenue intersection from a T-intersection into a 2-leg intersection with pedestrian crossings.

Traffic congestion in the vicinity of Ontario Beach Park continues to be a problem during periods of peak park use during the summer as well as during special events or festivals held at the park or on the Port Site. Traffic volumes on Lake Avenue fluctuate between 14,000 and 20,000 vehicles per day according to the Monroe County Department of Traffic Engineering. These volumes can increase significantly during major events and festivals or on warm summer weekends when the beach is open for public use. The city has instituted remote parking areas and shuttle service into and out of the area and has also redirected traffic flow on Lake Avenue to accommodate additional traffic volumes and improve efficiency of Lake Avenue and the transportation network during these types of events and occurrences.

The former Stutson Street Bridge was replaced in the mid-1990 with the new O'Rourke Bridge. The new bridge was relocated to the south of the old location on an alignment which connected with the existing Lake Ontario State Parkway (LOSP) and allowed a more efficient flow of traffic across the Genesee River and along Lake Avenue. This new alignment helped to alleviate much of the traffic congestion and convoluted traffic circulation patterns that formerly existed at the Lake Avenue / Stutson Street intersection.

An integral part of the New York State Seaway Trail is located within the city's LWRP boundary. This section of the trail includes the LOSP and Lakeshore Boulevard. The Seaway Trail is a mixed-use, shared right-of-way recreation corridor which runs for approximately 474 miles from the New York/

Pennsylvania border to Massena, New York. The Seaway Trail has been designated a National Recreation Trail and will be the initial element of a proposed Great Lakes trail system to run from Grand Portage, Minnesota to the New England seaboard. There is a potential to develop loops or linkages to existing and proposed recreation/tourism facilities in the city from the Seaway Trail via informational signage, brochures and marketing. Areas that could be included in this expanded trail system include the Genesee River gorge, Ontario Beach Park, Port Site, Turning Point Park, Seneca Park and Maplewood Park.

Other Issues

A. Hazardous waste sites and storage of toxic materials

The NYSDEC maintains a list of inactive hazardous waste disposal sites known as the *NYS Registry of Inactive Hazardous Waste Disposal Sites*. State funds for cleanup of these sites are currently provided by the Environmental Quality Bond Act (EQBA) of 1986, which provided \$1.2 billion for remediation of inactive hazardous waste sites. Three of the twelve sites on the NYS Registry for Rochester are located within the LWRP boundary. These sites are summarized in Table II-4 from data taken from the *City of Rochester State of the Environment Report (1988)*.

Generators of hazardous wastes, or those companies, institutions, government agencies, and other facilities which produce hazardous wastes in their operations, are required to obtain permits and report regularly to the NYSDEC and USEPA on their activities under State and federal law. The City of Rochester has 65 permitted hazardous waste generators, producing approximately 26,331 tons of wastes annually. The top ten generators produce close to 97% of all hazardous wastes generated in Rochester. The largest generator is Eastman Kodak Company which produces about 21,737 tons annually from seven locations in Rochester, or about 83% of the regulated hazardous waste in the city.

Seven industries operate treatment, storage, and disposal facilities (TSDFs or TSDs) for their own hazardous wastes. There are no commercial TSDs located in Rochester. The Eastman Kodak Company operates a hazardous waste incinerator at Kodak Park. The remaining TSD's are used for temporary storage of material prior to disposal outside of the county, either in the Buffalo area or out of state.

Pursuant to the Inactive Hazardous Waste Disposal Sites Act of 1979 (Article 27, Title 13 of the New York State Environmental Conservation Law), Monroe County has responsibility for the identification of suspected inactive waste disposal sites. Sites which are suspected of containing hazardous waste are referred to the NYSDEC for further investigation.

The county has developed draft maps of all suspected and confirmed dumpsites in Rochester using aerial photography, public agency files, and information provided by the general public. Over 90 dumpsites were identified within the city. The county has also compiled site activity records which are keyed to these maps.

It should also be noted that at present, no program for proper disposal of household hazardous waste such as insecticides, used automobile oil and paint remover exists at the city, county, or state levels of government.

Table II-4 Local Waterfront Revitalization Program NYS Registry Inactive Hazardous Waste Sites within the LWRP

Site/(State Id.#)	Classification	Summary
Old Rochester City Landfill (Pattonwood Drive) (8-28-009)	2a	Active period: 1930's -1970. Approx. size: 20 acres. Former city landfill. Soil contaminated with hydrocarbons. Scheduled for Phase II investigation in 1990.
Genesee River Gorge (8-28-044)	2	Active period: 1800-1970's. Site generally located between Upper and Lower Falls, including former Deep Hollow Ravine. Coal gasification wastes suspected of being disposed of in gorge. Chemical seeps leaching out of face of Lower Falls, similar in nature to material encountered during Cliff Street siphon tunnel construction (Feb.- March 1985). Xylene, toluene, benzene, creosote products found. Expanded Phase I report completed in 1988. DEC is negotiating with the potentially responsible parties (PRP) to conduct the RI/FS. City and RG&E have proposed work program to DEC.
Eastman Kodak Co. Kodak Park East, (8-28-071)	2	Active period: 1953-present. Approx. size: 60 acres. Groundwater contaminated with methylene chloride and other solvents. As an interim remedial action, a few recovery wells are removing groundwater and discharging it to Kodak's King's Landing Waste Water Treatment Plant.

B. Summary of local laws and regulations

Local laws and regulations which were enacted as a result of the LWRP are contained in the Appendices to the LWRP. Local laws and regulations which are relevant to the City's LWRP are summarized in Table II-5 below. Zoning within the northern portion of the LWRP boundary is shown on [Map V-1a](#)

Table II-5 Local Waterfront Revitalization Program Relevant Laws and Regulations

ZONING DISTRICT OR OTHER REGULATIONS	PRIMARY LWRP AREAS	SUMMARY OF REGULATIONS
Harbortown-Village (H-V) District	Port Site East/west river banks Summerville area River Street Site Portions of upland area	Permits water-dependent and/or water-enhanced development; minimum waterfront setbacks are required; special permit required for uses within 30/100 feet of Genesee River

Open Space (OS) District	Public parkland Genesee River Gorge Riverside Cemetery	Restricts development to parks, cemeteries, and outdoor recreation facilities. Special permit required for many uses.
Site plan review procedures	All LWRP areas	Requires review of site plan designs for virtually all development or rehabilitation within LWRP boundary. Includes criteria for review of plans.
Environmental Review Procedures	All LWRP areas	Requires detailed environmental review for all Type I and Unlisted Actions. Review requires identification of proposed mitigating measures. Type I actions include development in sensitive environmental areas within shorezone.

Development Opportunities and Constraints

A. Overview

Steep slopes, potential erosion problems and inaccessibility make any significant development in the river gorge itself unfeasible. Slope problems are most severe in the area from Turning Point Park south to the Upper Falls. At the park, the waterfront revitalization area broadens into a series of three plateaus stepping down to the river. At this point, however, the presence of wetlands along the river's edge prevents direct access to the water and serves as a major constraint to development.

Few existing areas or land uses within the city's waterfront area are derelict, underutilized or abandoned. There are, however, five significant development sites within the LWRP boundary. These areas are discussed below, and are show on Map [II-8a](#), [II-8b](#), and [II-8c](#) along with major land owners within the LWRP.

An area to the north of Seneca Park, along the east bank of the river, is characterized by steep, wooded slopes and contains significant wetlands. This area is virtually undevelopable and should be designated as permanent open space or public parkland. The remaining four development areas within the LWRP boundary have significant development potential.

B. General description of development parcels within the LWRP

The four development areas within the LWRP boundary include:

- (1) A parcel near St. Bernard's Seminary (22 acres). Currently, this parcel is part of Eastman Kodak's Park facilities and is zoned M-IPD. Kodak is developing this parcel as a research/office facility.
- (2) Boxart Street/Burley Road area (18 acres). Although this area is located within the waterfront revitalization area, it is an upland area and is not visible from the river. The

parcel is zoned residential and has been developed for single-family housing on 12.6 acres. The remaining acreage has been retained as open space.

- (3) The River Street area (5 1/2 acres). This area includes the abandoned Conrail switching yards on the west bank of the river, near the historic Genesee Lighthouse. This area includes two parcels: one is owned by the City of Rochester and the other is owned by New York State.
- (4) The Port Site (22 acres) once housed a large blast furnace and later supported commercial shipping operations. In 2004, the City of Rochester completed the construction of a Ferry Terminal Building on the site, along with significant parking and other public infrastructure improvements, in anticipation of the arrival of a Fast Ferry service between Rochester and Toronto which began in 2004. The ferry service was abandoned in 2006 and the terminal building remains with its current use as restaurant and office space. A large portion of the remainder of the site is used for parking for Ontario Beach Park and commercial establishments on Lake Avenue. A 4-ramp boat launch which is owned and operated by Monroe County is also located at the southern end of the site.

None of the parcels listed above have significant infrastructure problems. Water and sewer lines and public streets existed or have been constructed as part of approved development. At the Boxart-Burley site, main sewer connections existed. Water and sewer lines were installed in the area as part of the subdivision development.

C. The Port Site

Site description

The 22-acre Port Site is bordered to the north by Ontario Beach Park, west by Lake Avenue, south by the former CSX railroad right of way, and to the east by the Genesee River. This property contains a number of physical features, including approximately 1,400 lineal feet of river shoreline on the Genesee River. The site contains a 53,200 square foot former ferry terminal building. Additional features on the site include a 104-car/trailer space boat launch (owned and operated by Monroe County) and approximately 830 public parking spaces mixed between a grid pattern roadway and site utility infrastructure system. The site topography varies approximately 30 feet sloping from Lake Avenue easterly to the river's edge. Soils are generally poor throughout the site with the best soils located on the westerly portion of the property.

Background/history

Over its history, the port site has been used for a variety of purposes. In the mid-19th century, it served as the home to a carnival and amusement park, including roller coasters, a midway and baseball fields. The river and lake provided the desirable commercial and recreational venues of a beach and a waterfront environment for strolling. At the same time, the area served as a stop on the Underground Railroad, bringing slaves from farther south for travel to Canada and freedom. Around 1870, a portion of the site was converted to an iron manufacturing plant, with a blast furnace that made pig iron for other

fabricators in the Rochester area. Again, the river/beach setting provided easy access for shipping to bring iron ore and other raw materials to the plant, and to ship product out. An extensive network of railroad facilities, including multiple tracks and a turntable, were also constructed to support the movement of goods and materials for the factory. The blast furnace was initially very successful, but started to struggle in the late 1800's, operating on an intermittent basis until it was permanently shut down and dismantled in the 1920's. The site then became a shipping facility, loading and unloading materials destined for Toronto and other cities on both sides of Lake Ontario. The rail network first established to serve the blast furnace helped support this use, as one of the primary exports was coal.

A terminal building was constructed on the site in the 1920's to facilitate the lake shipping trade and passenger travel through the port. Trade through the port followed increases and declines with the wars of the early 20th century. Primary cargoes for the port were coal and touring cars with passengers bound for Toronto and other Canadian ports. With the development of the roadway and railroad networks around the western end of the lake, both of these trades slowly tapered off. Passenger and car ferry service ended in the late 1940's and freight continuing but at very low volumes into the 1950's. It was in this same post World War II time frame that the current use of the port as a marina for pleasure craft started to develop. The Coast Guard estimated the total number of private pleasure boats on the river at 900 in the early 1950's. The terminal continued to be used for imports of newsprint and cement and exports of coal, but trade continued to slow through the 1950's and 1960's.

The conversion of the port area to support a high-speed ferry service began in 2000 with the reconstruction of the terminal building as a passenger terminal, including extensive customs facilities for walk-on passengers and vehicle processing. Ferry service to Toronto was initiated in June of 2004. In 2005 the ferry was operated by the City of Rochester. Ferry operations ceased in January 2006.

Regional context

The Port Site is located roughly seven miles north of downtown Rochester. Approximately 400,000 people live within ten miles of the site, which includes the majority of the Rochester metropolitan area. The population within 100 miles of the site is approximately 2.6 million; this area includes the metropolitan areas of Buffalo (70 miles to the west) and Syracuse (70 miles to the east). Regional access is provided by the interstate highway system which connects to limited access highways that bring traffic within a half-mile of the site. The Rochester Regional Transit Authority provides bus service from the site to downtown; there is no rail or boat service providing public transportation to the site.

The Port Site lies at the end of a strip of annexed land on both banks of the Genesee River between downtown Rochester and the lake. The site and its immediate environs provide the only access to the lake within the corporate limits of Rochester. This location creates the opportunity for many services that are unique to the region: Ontario Beach Park and Durand Eastman Beach are the only public swimming beaches in the vicinity of Rochester. The Genesee River provides marina services with immediate lake access to the western Rochester area; other marinas are typically at the southern ends of bays and inlets along the lakeshore, moving them well inland from the lake itself. As the site is bordered on the north by Lake Ontario, most services needed by the residents of Charlotte are to the south of the development site. There is small-scale retail immediately adjacent to the site, but large regional shopping centers are clustered in the Town of Greece (to the south and west of the site) and

the Town of Irondequoit (across the river and to the south and east), as well as in downtown Rochester. Likewise, major employment centers are nearer to downtown and on the south side of the downtown core. While Canada is only 50 miles across the lake from the site, the influence of Canadian trade is limited with the cessation of the ferry service to Toronto. There is a small amount of private boat traffic back and forth across the lake, but it does not have a significant impact on retail and business opportunities.

Neighborhood context

The Port Site is shown on [Map II-9](#) and [Map II-10](#). The site lies within the community of Charlotte, formerly a separate village that was annexed by the City of Rochester in 1916. The site is bordered by different land uses on each side. To the north lies Ontario Beach Park, with an expansive sand beach that is heavily used in the summer months, as well as an historic carousel, band stand, and picnic shelters. The band stand is host to a Wednesday evening concert series in the summer. There is also a large community center within the park. The eastern border of the site is the Genesee River, the opposite bank of which is home to a series of marinas and yacht clubs that house as many as 900 boat slips. The site's immediate southern edge is the former CSX rail right-of-way, now abandoned except for a single track that carries coal to a nearby power plant. Beyond the rail line is a collection of light industrial properties, concentrated along the river and rail line. The original Genesee River lighthouse, built in 1822, overlooks the site from a bluff south of the rail corridor.

The western edge of the Port is defined by Lake Avenue, which connects the site and Charlotte to downtown Rochester along the Genesee River. The eastern side of Lake Avenue is undeveloped, with the exception of two single-story restaurants north of Corrigan Street. Lake Avenue is developed on its western side with older two and three story structures, mostly wood frame residential buildings, which have been converted to retail stores, restaurants and bars over the years. Behind the buildings fronting Lake Avenue are residential properties. These properties front the cross streets of Lakeland, Fleming, Hincer, Corrigan, and Estes Streets, which run parallel to Lake Avenue. This residential community is separated from a larger residential area by an active recreation park that borders the western side of Estes Street.

The community of Charlotte maintains a strong identity among its residents and throughout the Rochester metropolitan area. Charlotte has an active community association that promotes its image and identity very effectively. The community plays host to a number of events and festivals throughout the year, and is frequently visited for its various attractions by many from Rochester and beyond. The community also maintains a strong sense of its history, through a local historical society and many points of historical interest, such as the Genesee Lighthouse.

Site opportunities and constraints

Site opportunities and constraints for the port site are shown on [Map II-11](#). The greatest asset of the site is its location near the mouth of the Genesee River and the Lake Ontario shore. This location provides extraordinary physical access to boating and other water-dependent activities. The context of existing and proposed marinas and mature vegetation of Ontario Beach Park create an ambiance that will be desirable to potential residents and visitors. The proximity to the park also creates a recreational and

entertainment amenity to the site: the park includes swimming supported by a large bathhouse; basketball and beach volleyball courts; a bandstand that supports a regular summer concert schedule; a historic carousel; and picnicking and passive recreation facilities. A strong connection between the park and the development, particularly as a visual amenity, has been one of the most important issues for participants in the public meetings.

Transportation into and out of the site is one of the problems that must be resolved in advancing future development plans. The site is currently fed primarily by Lake Avenue, which can become a restriction for access during peak times (festivals and summer concerts at the beach). There are several opportunities to address this, particularly the development of River Street that can be used to re-route traffic around the Lake Avenue railroad crossing, usually the choke point in traffic movements. Also, greater use of Beach Avenue and its connections to the Lake Ontario State Parkway and Route 390, possibly combined with improvements to Estes Street to take traffic off Lake Avenue, can be used to mitigate the overall traffic picture. In the long term, there are opportunities to use the railroad corridor heading south along the river and west towards Greece as a transportation link, either through the development of bike and walking trails within the right-of-way or for some form of public transportation.

One of the greatest issues facing development will be dealing with the geo-technical and geological conditions of the site. The industrial uses during the late 1800's and early 1900's deposited a layer of slag across much of the site, ranging in depths from two to ten feet. This material is not considered a restriction to redevelopment, but its placement will be controlled (it must be placed with sufficient cover to isolate it). Slag removed from the site will be considered a regulated solid waste. The city is in the process of making a 6NYCRR Part 360 Beneficial Use Determination request to the New York State Department of Environmental Conservation which will allow reuse of slag as aggregate or other similar purposes in construction and filling projects. Slag that is not beneficially reused will be managed by the city as a solid waste and transported for proper disposal at a permitted facility. The site's geology will also place limits on the structures to be developed: the soils will only support four to five stories of wooden-framed construction on spread footings; depth to bedrock is generally in excess of 100 feet, making pile-supported construction expensive.

In the mid-1990s, the U.S. Army Corps of Engineers constructed a wave-dampening stone revetment on the inner seawall area of the east and west breakwaters of the pier structures extending into Lake Ontario. Although this structure has reduced wave energies in the harbor, it has not effectively eliminated them. During strong northerly winds or major northeastern storm events, there is a 3-foot to 6-foot surge at the northerly end of the site, which is further reduced to 1 to 2 feet at the southerly end of the site. Appropriate marine and coastal engineering will need to be developed as part of any new marina plan to reduce these wave energies to an acceptable condition for recreational marina / boating purposes. Accordingly, a southern marina entrance is much preferred to a northern entrance.

Designated parklands are located on the site in both the northerly area adjacent to Ontario Beach Park and in the southern portion of the site within the boat launch area. These generalized areas are conceptually shown on [Map II-11](#). If development is pursued on any of these lands, the exact boundaries of the designated parklands affected will be determined by the City of Rochester and any

required alienation will be completed in accordance with city and State of New York statutes and procedures. Ownership issues will also need to be addressed between the city and Monroe County regarding the boat launch area.

D. The River Street area

The River Street area, located to the south of the port site and immediately adjacent to the Genesee River, has a unique neighborhood character that results from its topography and relative seclusion, its architecture, and the small bars, restaurants and other commercial uses that are found there. The River Street site is shown on [Map II-9](#).

Views of the river and port area from the bluff and the Genesee Lighthouse are exceptional. The lighthouse is a tremendous asset to the area due to its historic significance and unique architecture. Similarly, the abandoned railroad station, located between River Street and the Genesee River, is an interesting building with good reuse potential. Some of the older buildings in the area are also architecturally significant and offer unique opportunities for adaptive reuse. Many of the adjacent commercial uses on Lake Avenue near Latta Road provide services to neighborhood residents. These uses are a valuable asset for potential new residential development. Some of these area businesses offer products and services for fishermen, boaters and tourists.

Despite these positive features, the River Street area has several development constraints. The RG&E substation is unattractive and detracts from views from the lighthouse grounds. The sewage lift station on River Street is another unattractive feature that could constrain future development. Finally, the east-west rail line which crosses the river at the swing bridge physically separates this area from the port site, while the north-south rail line limits development, particularly in the area north of the Tapecon manufacturing facility. Although occasional trains using these tracks could be a positive site feature by contributing to the unique ambience of the area, the railroad right-of-way still restricts access and movement and hinders full development in this area.

Access to the River Street area is somewhat difficult due to street widths, grade and direction. River Street is currently one-way, going north from Stutson Street. Access to the lighthouse is particularly confusing and it is not easily seen from Lake Avenue. In addition, the River Street area has very little land available for parking. All of these factors serve to constrain development in the area. River Street is a dead-end street and contains few uses which generate people. The street is too narrow and confined to successfully accommodate many types of new uses and the pedestrian and vehicular traffic they would generate. At the same time, the area has virtually no residential uses. These factors contribute to a "no man's land" quality which constrains many types of future public and private development.

The area along the river to the south of River Street (the former Conrail land from Stutson Street to Petten Street) is narrow and has limited access. Near Petten Street, where the property widens, there is more development potential, particularly for water-dependent uses. These uses could include a boat-launching ramp with car-trailer parking, boat slips, a dry-stack storage facility for boats, or a pedestrian footpath that connects the area with the River Street area to the north.

Section III Local Waterfront Policies

Development policies

POLICY 1

Restore, revitalize and redevelop deteriorated and underutilized waterfront areas for commercial, industrial, cultural, recreational and other compatible uses.

- Policy 1A Redevelop vacant and underutilized land and structures located at the port site at the mouth of the Genesee River, in a manner which addresses boating demand, leverages private investment and includes a mix of water-dependent and/or water-enhanced commercial, residential and recreational uses.
- Policy 1B Redevelop vacant and underutilized land and structures in the vicinity of River Street, adjacent to the west bank of the Genesee River, to include water-oriented commercial and recreational uses.
- Policy 1C Upgrade existing commercial uses located along the west side of Lake Avenue, near the port site.
- Policy 1D Rehabilitate the bathhouse and adjacent beach areas at Durand-Eastman Park to support appropriate water-oriented recreational uses.
- Policy 1E Promote the redevelopment of vacant land within subarea e (industrial areas) with recreational uses, facilities and activities that are compatible with existing development in these areas.
- Policy 1F Redevelop, reconfigure or relocate, in cooperation with Monroe County, the existing public boat launch facility at the port site in a manner which creates the highest and best use of land, maximizes development potential of land-side parcels, continues to meet public boat launch demand and minimizes environmental and traffic impacts.
- Policy 1G Promote and encourage the continued redevelopment and improvement of various recreational facilities at Durand-Eastman park, Ontario Beach Park, Turning Point Park, Seneca Park, Maplewood Park, and Lower Falls Park.

Explanation of Policies

The waterfront areas along Lake Ontario and the Genesee River are among the most important recreational, aesthetic and economic resources in the region. Federal, state and local agencies intend to restore, revitalize and redevelop deteriorated and underutilized waterfront areas by encouraging uses or activities appropriate for the waterfront revitalization area based on their water and recreation-oriented characteristics.

Several significant development opportunity areas have been identified within the city's Local Waterfront Revitalization Program (LWRP) boundary. These sites include the Port Site at the mouth of the river on Lake Ontario, the River Street area along the west bank of the river north of Stutson Street, the Lake Avenue commercial corridor north of Stutson Street, the eastern bank of the river, just south of Stutson Street, and the various public parks located along the river and lake, including Ontario Beach Park, Durand-Eastman Park, Turning Point Park, Seneca Park, Maplewood Park and Lower Falls Park.

In addition, there are several sites within the city's LWRP boundary that are zoned for industrial use. These sites include the Portland Cement Co., located on the west bank of the river just south of the Turning Basin, R.G.&E.'s Station 5 power plant located in the river gorge near the Lower Falls, and Eastman Kodak Company's Waste Treatment Plant located on the west bank of the river, just north of the Veteran's Memorial Bridge. These uses are water-dependent and will continue for the fore-seeable future. If these uses were to be discontinued, however, redevelopment options should be encouraged which would result in a more appropriate water-oriented land use for the area.

When an action is proposed to take place in these opportunity areas, the following guidelines will be used:

- (1) Priority should be given to uses which are dependent on a location adjacent to the water;
- (2) The action should enhance existing and anticipated uses;
- (3) The action should serve as a catalyst to private investment in the area;
- (4) The action should improve the deteriorated condition of a site, and should, at a minimum, not cause further deterioration;
- (5) 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;
- (6) The action should have the potential to improve the existing economic base of the community, and, at a minimum, must not jeopardize this base;
- (7) The action should improve adjacent and upland views of the water, and, at a minimum, must not affect these views in an insensitive manner; and
- (8) The action should have the potential to improve the potential for multiple uses of the site.

The standards and guidelines associated with the city's Overlay Harbor Town Design District will be used to ensure that deteriorated and underutilized areas are developed appropriately.

Policy 2

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

Policy 2A Existing water dependent uses, as identified in *Section IV: Uses and Projects*, will be maintained.

Explanation of Policies

Because of the location of sensitive environmental features in the shore zone and the general competition for waterfront locations of various types of land uses, there is a limited amount of waterfront land that is actually suitable for development within the LWRP boundary. The development of waterfront areas has not always been based upon whether or not the particular land use actually

requires a specific location on the waterfront. Agencies recognize that water-dependent uses and activities should have priority over non-water-dependent uses in terms of development within the shore zone. In order to ensure that water-dependent uses can be located and developed in waterfront locations, government agencies will avoid undertaking, funding, or approving non-water-dependent actions or activities when such actions or activities conflict with the development of water-dependent uses or would pre-empt the reasonably foreseeable development of water-dependent uses in the same area.

For the purposes of the LWRP, government agencies will consider the following uses and facilities to be water-dependent:

- (a) Uses which involve the transfer of goods (i.e., shipping activities at the port site and at the Portland Cement site just south of the turning basin);
- (b) Recreational activities requiring access to coastal waters (i.e., fishing, boating, and swimming);
- (c) Navigational structures (i.e., lighthouses and piers);
- (d) Boat and ship service and storage facilities (i.e., marinas and boat yards);
- (e) Flood and erosion control structures (i.e., river bulkheads and beach groins);
- (f) Uses which rely upon transportation of raw materials or products on water when such transportation would be difficult on land (i.e., cement plants);
- (g) Uses which require large amounts of cooling or processing water (i.e., power plants and waste treatment plants);
- (h) Scientific and educational activities requiring access to coastal waters (i.e., maritime museum); and
- (i) Facilities that support or enhance water dependent uses.

Existing water dependent uses located within the LWRP boundary include various commercial, industrial and shipping activities, a waste treatment plant, a hydroelectric power plant, marinas and other fishing and boating facilities, as well as certain miscellaneous recreational uses. These uses and activities are scattered throughout the waterfront area and are, in some instances, located adjacent to sensitive environmental areas. Marinas and related fishing and boating facilities are concentrated at the northern end of the Genesee River, near Lake Ontario.

Existing municipal zoning district regulations and procedures, the local site plan review process, as well as the intermunicipal review and coordination of waterfront activities have determined the location, nature and extent of existing water-dependent uses in the shore zone. These procedures and regulations were developed, in part, to control and promote appropriate water-dependent uses along the lake and river.

When an action is proposed, the following guidelines will be used:

- (a) Water-dependent uses should be matched with compatible sites or locations in order to reduce conflicts between competing uses, to protect coastal resources, and to address impacts on the real estate market;
- (b) Water-dependent uses should be sited with consideration to the availability of public infrastructure including sewers, water, access and transportation;
- (c) Water-dependent uses should be compatible with surrounding land uses;
- (d) Underutilized, shoreline sites should be given special consideration for water-dependent uses; and
- (e) Water-dependent uses should be sited with consideration to increasing demand, long-term space needs and the possibility of future expansion.

Policy 3

Encourage the development of the state's existing major ports of Albany, Buffalo, New York, Ogdensburg, and Oswego as centers of commerce and industry, and encourage the siting, in these port areas, including those under the jurisdiction of state public authorities, of land use and development which is essential to or in support of waterborne transportation of cargo and people.

This policy is not applicable to the city's LWRP because Rochester is not one of the major ports listed.

Policy 4

Strengthen the economic base of smaller harbor areas by encouraging the development and enhancement of those traditional uses and activities which have provided such areas with their unique maritime identity.

This policy is not applicable to the city's LWRP because Rochester does not have a small harbor area as defined by the state.

Policy 5

Encourage the location of development in areas where public services and facilities essential to such development are adequate, except when such development has special functional requirements or other characteristics which necessitates its location in other coastal areas.

Policy 5A Promote and encourage appropriate water- dependent and water-enhanced land uses and development on the port site.

Policy 5B Promote and encourage appropriate water- dependent development along River Street and upgrade the existing infrastructure in the area.

Policy 5C Promote and encourage appropriate residential development in the Boxart Street-Burley Road upland area.

Explanation of policies

New development proposed within the LWRP boundary should be adequately serviced by existing or upgraded public services and facilities. Almost all major development areas within the LWRP boundary

are currently serviced by adequate public services and facilities including vehicular access, storm and sanitary sewers, as well as electric, gas and water lines. If a given area is not currently serviced by adequate public services and facilities, upgrades, extensions or connections to existing systems are usually possible. The specific development proposals outlined in POLICY 1 will involve an analysis of existing public services and facilities in the areas proposed for development, as well as possible rehabilitation or upgrading of those services and facilities as a part of the actual implementation of the development project.

In assessing the adequacy of an area's infrastructure and public services, the following points shall be considered:

- (a) Whether or not streets and highways serving the proposed site can safely accommodate the peak traffic generated by the proposed development;
- (b) Whether or not the development's water needs can be met by the existing water system;
- (c) Whether or not wastes generated by the development can be handled by sewage disposal systems;
- (d) Whether or not energy needs of the proposed development can be accommodated by existing utility systems;
- (e) Whether or not stormwater runoff from the proposed site can be accommodated by on-site and/or off-site facilities; and
- (f) Whether or not schools, police and fire protection, and health and social services are adequate to meet the needs of any expected increase in population resulting from the proposed development.

The Port Site is serviced by separate sanitary and storm sewer systems maintained by Monroe County. The existing 12" sanitary sewer runs across the middle of the site and may need to be realigned in order to develop the site as proposed in the concept plan. The existing sanitary sewer system and the existing sewer pump station have enough capacity to accommodate the redevelopment plan proposed for the site. The existing 60"-72" storm sewer system for the port area runs under Estes Street and Beach Avenue. Monroe County has indicated that this sewer is also adequate to handle redevelopment of the site. The site is adequately serviced by gas, electric, water and telephone lines. Vehicular access to the port site from the city is via Lake Avenue. Lake Avenue is a minor arterial which, in the area of the port site, is in relatively good condition but could use some physical improvements including intersection widening and new streetscape treatments.

The River Street area is also proposed for major redevelopment. This area is serviced by a sanitary sewer system with a pump station located at the northern end of River Street. This system is adequate to accommodate the proposed development plan. Because there is no storm sewer system within the River Street area, any redevelopment would require significant storm sewer improvements. While this site is also serviced by existing gas, electric, water and telephone lines, redevelopment would probably require the installation of underground telephone and electric systems. Because the pavement condition of River Street is fair to poor, significant street reconstruction and/or rehabilitation would be required as a part of any redevelopment plan for the area.

Policy 6

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

Explanation of policy

Government agencies recognize the need for efficient and uncomplicated permit approval procedures for development activities proposed within the LWRP boundary. The local permit review and approval process should not be designed to restrict or impede development applications or proposals. The city has developed a permit review and approval system which includes coordination with other local and state agencies and eliminates unnecessary or duplicative levels of review.

Site plan review is coordinated by the City Bureau of Zoning as are requests for zoning variances, rezoning and subdivision approval. Environmental impacts and other areas of special concern for proposed development are considered early in the review process and are investigated in conjunction with the City Office of Planning as well as the City's Environmental Commission. The entire process is characterized by reasonable timetables and deadlines, relatively simple paper work, and specific but uncomplicated development review standards. A "one-stop-shop" approach has been developed by the city which allows developers to become aware of permit procedures and requirements and obtain all necessary paper work at one location and at one time. Where necessary and appropriate, special considerations for development activities proposed within the LWRP boundary will be included in the city permit review and approval procedures in order to further simplify those requirements.

State agencies and local governments should make every effort to coordinate their permit procedures and regulatory programs for waterfront development, as long as the integrity of the regulations' objectives is not jeopardized. Also, efforts should be made to ensure that each agency's procedures are synchronized with those of other agencies within a given level of government. Legislative and/or programmatic changes should be made, if necessary, to accomplish this.

Fish and Wildlife Policies

Policy 7

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

- Policy 7A Protect and preserve the Genesee River in order to maintain its viability as a fish and wildlife habitat of statewide significance.
- Policy 7B Protect and preserve Durand-Eastman Park, Turning Point Park, Seneca Park and Maplewood Park as locally significant fish and wildlife habitat areas.
- Policy 7C Protect and preserve formerly owned CONRAIL property, along the east bank of the Genesee River, opposite the turning basin, as a locally significant wildlife habitat area.

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.

The specific habitat impairment test that must be met is as follows:

In order to protect and preserve a significant habitat, land and water uses or development shall not be undertaken if such actions would:

- destroy the habitat; or
- significantly impair the viability of a habitat.

Habitat destruction is defined as the loss of fish or wildlife use through direct alteration, disturbance, or pollution of a designated area, or through the indirect effects of these actions on a designated area. 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, 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 or 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:

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.

NYSDOS has designated the Genesee River as a significant coastal fish and wildlife habitat area of state-wide significance within the LWRP boundary. (See the Appendix A). The Genesee River habitat is a major tributary of Lake Ontario, located in the city. The habitat includes a six and one-half mile long segment of the river, extending from Lake Ontario to the Lower Falls, which is a natural impassable barrier to fish.

The large size of this river and the fact that much of the river corridor is essentially undisturbed makes it one of the most important potential fish and wildlife habitats in the Great Lakes Plain ecological region. Resident species such as small mouth bass, brown bullhead and northern pike, and lake run species such as white bass and yellow perch are supplemented by seasonal influxes of large numbers of trout and salmon. The river provides throughout New York State and beyond. Although the seasonal salmonid runs attract the greatest number of fishermen to the area, the river also supports an active warm water fishery. Wildlife use of the river appears to be limited to those species that can inhabit a relatively narrow riparian corridor, and are somewhat tolerant of human activities in adjacent areas.

Any activity that substantially degrades water quality, increases temperature or turbidity, reduces flows, or increases water level fluctuations in the Genesee River would affect the biological productivity of this area. Important species of fish and wildlife would be adversely affected by water pollution, such as chemical contamination (including food chain effects), oil spills, excessive turbidity, and waste disposal. Continued efforts should be made to improve water quality in the river, which is primarily dependent upon controlling discharges from combined sewer overflows, industrial point sources, ships, and agricultural lands in the watershed.

The existing navigation channel should be dredged between mid-May and mid-August or between mid-November and early April in order to avoid impacts on the habitat use by migrating salmonids. Activities that would affect the habitat above the navigation channel should not be conducted during the period from March through July in order to protect warm water fish habitat values.

New dredging (outside the existing navigation channel) would likely result in the direct removal of warm water fish habitat values and should not be permitted. Contaminated dredge spoils should be deposited

in upland containment areas. Barriers to fish migration, whether physical, or chemical, would have significant effects on fish populations within the river, and in adjacent Lake Ontario waters. Installation and operation of water intakes could have a significant impact on fish concentrations, through impingement of juveniles and adults, or entrainment of eggs and larval stages. Elimination of wetland habitats (including submergent aquatic beds), and further human encroachment into the river channel, would severely reduce its value to fish and wildlife. Existing areas of natural vegetation bordering the river should be maintained for their value as cover, perching sites, and buffer zones.

The water quality of the river and lake has continued to improve over the past several years. Both currently support a significant variety of fish species. Among the fish found within the LWRP boundary are American Eel, Northern Pike, Goldfish, Carp, White Channel Catfish, White Perch, White Bass, Rock Bass, Small Mouth Bass, Blackeye Crappie and Walleye. Additionally, the river is the site of significant spawning runs for a variety of fish including the Chinook and Coho Salmon, as well as the Brown and Steelhead Trout. Preservation of lake and river wetland areas is an important element of the city's program to preserve and protect fish habitats within the LWRP boundary.

Durand-Eastman Park, Turning Point Park, Seneca Park, Maplewood Park, as well as most of the river gorge, function as a natural wildlife habitat area. Durand-Eastman Park contains a significant wild deer population as well as wetland areas that provide habitats for several fish and wildlife species. Bullock's Woods in Turning Point Park is a large, heavily wooded area that also provides habitat for several species of wildlife. Government agencies will continue to promote and encourage various redevelopment activities within these parks which will preserve and protect their significance as wildlife habitats.

The standards and guidelines in the city's environmental review procedures will be used to ensure that locally significant fish and wildlife habitat areas within the LWRP boundary are protected. Development actions within 100 feet of the river and lake, within areas zoned as open space, in heavily wooded areas, and within state-designated freshwater wetlands are Type I actions under the City's Environmental Quality Review Ordinance, since these locations have been designated as critical environmental areas. Type I actions require a complete environmental impact review. As part of this review, a project's impacts on fish and wildlife habitat areas would be determined and addressed, and mitigation measures could be proposed, if required, to protect those areas from adverse impacts.

Activities most likely to affect significant coastal fish and wildlife habitats include the draining of ponds and wetlands, the filling of wetlands or shallow areas of streams, lakes and bays, grading of land, clear cutting, dredging and excavation, dredge spoil disposal, physical alteration of shore areas, and the introduction, storage or disposal of pollutants in upland areas or landfills.

Policy 8

Protect fish and wildlife resources in the coastal area from the introduction of hazardous wastes and other pollutants which bioaccumulate in the food chain or which cause significant sublethal or lethal effects on those resources.

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 "a waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may: (a) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (b) 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 the hazardous waste list adopted by NYSDEC and USEPA are strictly regulated in New York State to prevent their entry or introduction into the environment, particularly into the state's air, land and waters. Such controls should minimize possible contamination and bio-accumulation of these wastes in the state's coastal fish and wildlife resources at levels that would cause mortality or create physiological and behavioral disorders. "Other pollutants" are those conventional wastes, generated from point and non-point sources, and not identified as hazardous wastes but controlled through other state laws.

The following state laws enforce this policy:

- (a) Industrial Hazardous Waste Management Act.
Environmental Conservation Law (Article 27, Title 9)
- (b) State Pollutant Discharge Elimination System.
Environmental Conservation Law (Article 17, Title 8)
- (c) State Certification.
Federal Water Pollution Control Act (Section 401)
- (d) Toxic Substances Monitoring Program.
Environmental Conservation Law (Article 17)
- (e) Substances Hazardous to the Environment.
Environmental Conservation Law (Article 37)
- (f) Solid Waste Management.
Environmental Conservation Law (Article 27, Title 7)
- (g) Control of Pollution Injurious to Fish and Shellfish.
Environmental Conservation Law (Article 13-0345 and Article 17-0503)
- (h) Stream Pollution Prohibited.
Environmental Conservation Law (Article 11-0503)
- (i) Oil Spill Prevention, Control and Compensation.
Navigation Law (Article 12)

- (j) Siting of Major Steam/Electric Generating Facilities.
Public Service Law (Article VIII)
- (k) Sanitary Code.
Public Health Law (Article 3)

The city and Monroe County are participating in a Combined Sewer Overflow Abatement Program (CSOAP) which will eliminate combined storm and sanitary sewers in many areas of the city. This project involves the construction of several large underground holding tunnels which will discharge sewage and storm water, collected after major rainfalls, to the Frank E. VanLare Treatment Plant located in Durand-Eastman Park. Prior to the construction of these tunnels, large volumes of combined sewage and storm water that occurred after major rainfalls in the area flowed directly into the river and lake without being treated. This sewage contributed to pollution problems in the river and lake and the destruction of fish and wildlife species. The completion of the underground holding tunnels will eliminate a major source of pollution discharge into the river and lake that will help improve aquatic habitat for the area.

Eastman Kodak Company operates a large industrial waste treatment facility on the western bank of the river, opposite Seneca Park. This treatment plant handles industrial sewage and waste from Kodak Park manufacturing facilities located on Lake Avenue and Ridge Road West. This treatment plant also helps to preserve existing fish species in the river and lake by eliminating the dumping of otherwise harmful or toxic substances into the water.

The city is participating, along with other governmental agencies, in the development of a Remedial Action Plan (RAP) for the Rochester Embayment. A RAP is an agreement among federal, state, and local governments, with the support of area citizens, on a plan to restore the water quality and beneficial uses of the waters of the Area of Concern. The goal of the Rochester Embayment RAP is to develop an implementation plan that will improve the water quality of Lake Ontario and all of the waterways that flow into it, including the Genesee River. The implementation of the RAP for the Rochester Embayment will help to protect fish and wildlife resources from the introduction of hazardous wastes and other pollutants.

Policy 9

Expand recreational use of fish and wildlife resources in coastal areas by increasing access to existing resources, supplementing existing stocks and developing new resources. Such efforts shall be made in a manner which ensures the protection of renewable fish and wildlife resources and considers other activities dependent on them.

Policy 9A Expand recreational fishing opportunities and public access to other wildlife resources within Durand-Eastman Park, Turning Point Park, Seneca Park, Maplewood Park and Lake Ontario, by providing or improving vehicular and pedestrian access to the waterfront.

Policy 9B Redevelop, reconfigure or relocate, in cooperation with Monroe County, the existing public boat launch facility at the port site in a manner which creates the highest and

best use of land, maximizes development potential of land-side parcels, continues to meet public boat launch demand and minimizes environmental and traffic impacts.

Explanation of policies

Increasing public access to existing fish and wildlife resources located within the LWRP boundary is an important objective of the city's LWRP. As the water quality of the river and lake has improved over the past several years, sport fishing has become a significant local recreational activity in the Rochester metropolitan area. The river is a major fall fishery for Chinook salmon and serves as a focus for salmon fishing. Late in the summer, the Eastern-Southern Lake Ontario (ESLO) Sport Fishing Derby is held on Lake Ontario. This event also generates substantial local interest and participation.

There are few well-developed public access points along the river for fishermen. The primary access points for fishing along the river include the base of the Lower Falls, which can be accessed by a RG&E service road on the east bank, the east and west piers located on Lake Ontario at the mouth of the river, as well as waterfront areas within Turning Point Park. In addition, fishermen also access the Lower Falls area from steep and unsafe trails along the west bank of the river. The use of these trails by the public is not condoned or promoted.

Government agencies, including the city and Monroe County, will promote and encourage the development and expansion of recreational fishing opportunities and public access to other wildlife resources at several public parks located within the LWRP boundary. These parks include Durand-Eastman Park and Ontario Beach Park which are located on Lake Ontario, and Turning Point Park, Seneca Park, and Maplewood Park which are located along the river. Expansion of recreational fishing opportunities should involve provision of direct public access to the shoreline for fishermen as well as boaters. Improvements will include the development of parking areas, access trails, fishing piers, wharves and boating facilities in appropriate areas within the parks. Provisions for increased public access to other wildlife resources located within these parks would include the rehabilitation or construction of hiking trails, pedestrian paths, overlooks and shelters.

Government agencies will promote and encourage the development of a public boat launch facility along the eastern bank of the Genesee River, just south of the Stutson Street Bridge, to improve and expand recreational fishing opportunities for boaters on the Genesee River and Lake Ontario. The area proposed for the boat launch is largely vacant with the exception of deteriorated boat slips and miscellaneous marina-related uses and activities. The facility will be developed in conjunction with Monroe County.

Policy 9 suggests that state and local actions within the LWRP boundary should balance the continued maintenance and protection of fish and wildlife resources with increased public access to and recreational use of those resources. The control of fish stocking within the river or lake is coordinated by the NYSDEC. When appropriate, the state is encouraged to continue and expand its fish stocking program and the completion of studies concerning habitat maintenance and improvement. Stocking programs should be directed towards areas where known habitats will support and enhance increased fish populations.

The following additional guidelines should be considered by local, state and federal agencies as they determine the consistency of their proposed action with the above policy:

- (1) Consideration should be made as to whether an action will impede existing or future utilization of the state's recreational fish and wildlife resources;
- (2) Efforts to increase access to recreational fish and wildlife resources should not lead to overutilization of that resource or cause impairment of the habitat;
- (3) The impacts of increasing access to recreational fish and wildlife resources should be determined on a case-by-case basis, consulting the significant habitat narrative (see POLICY 7 and Appendix A) and/or conferring with a trained fish and wildlife biologist; and
- (4) Any public or private sector initiatives to supplement existing stocks or develop new resources must be done in accordance with existing state law.

Policy 10

Further develop commercial finfish, shellfish and crustacean resources in the coastal area by: (1) encouraging the construction of new or improvement of existing on shore commercial fishing facilities; (2) increasing marketing of the state's seafood products; and (3) maintaining adequate stocks and expanding aquaculture facilities. Such efforts shall be made in a manner which ensures the protection of such renewable fish resources and considers other activities dependent on them.

This policy is not applicable to the city's LWRP because there are no commercial finfish, shellfish and crustacean resources located within Rochester's LWRP boundary.

Flooding and Erosion Hazards Policies

Policy 11

Buildings and other structures will be sited in the coastal area so as to minimize damage to property and the endangering of human lives caused by flooding and erosion.

Policy 11A Discourage development along the top of the riverbank, on the steep slopes within the river gorge, within designated coastal erosion hazard areas, or in any other areas experiencing or susceptible to erosion.

Policy 11B Buildings or structures within designated flood hazard areas will be sited in the coastal area to comply with construction and insurance requirements of the federal emergency management agency (FEMA) and the U.S. department of housing and urban development.

Explanation of policies

Government agencies recognize the importance of regulating development in critical environmental areas such as erosion hazard areas and floodplains within the local waterfront revitalization boundary.

Erosion hazard areas which have been identified by New York State include the shore zones along Beach Avenue and within Ontario Beach Park and a major portion of Durand-Eastman Park. The beach areas contained within these parks are considered natural protective features (see Policy 12). Floodplain areas are those areas identified as flood hazards on the Flood Insurance Maps filed with the City of Rochester. All of these areas contain physical features or conditions that naturally limit development and that may also enhance aesthetic or wildlife resources within the shore zone. Unregulated development in these areas could cause severe erosion and flooding problems, loss of property and other valuable resources, as well as potential loss of life.

Much of the land within the LWRP boundary that is designated as a floodplain or an erosion hazard area, or that contains steep slopes in excess of 15%, is in public ownership and is zoned as open space. The city's Open Space District regulates development in these critical environmental areas by limiting the types of uses and activities permitted. Lands zoned for open space within the LWRP boundary will remain in their natural state and will contribute to the enhancement and protection of other features in the waterfront area.

City Zoning Code regulations require a special permit for development located within a designated floodplain. This permit is reviewed and approved by the City Planning Commission following a public hearing. The special permit can only be approved if the applicant demonstrates, among other items, that the proposed development will be constructed above the base flood elevation at the particular location and that the development will not cause or increase flooding in the area or within the floodway in general. The standards and guidelines which all government agencies will use to evaluate development in flood hazard areas are included in Section 115.29 of the Rochester Zoning Code. These standards and guidelines deal with such items as anchoring of structures, appropriate construction materials, provision of utility service, etc.

In addition to the zoning regulations cited above, the city's site plan review procedures will be followed to help ensure that proposed development activities do not cause or contribute to erosion and/or flooding problems within the LWRP boundary. Setback, lot size, and construction considerations, as well as the need for erosion control measures on site, can be identified and evaluated during this review process.

Existing environmental review procedures and regulations will also be utilized to ensure that steep slopes and other areas prone to erosion as well as floodplain areas are protected within the LWRP boundary. Development proposed within 100 feet of the river and lake, within areas zoned as open space, in heavily wooded areas, within state-designated freshwater wetlands, and areas with a slope of 15% or greater are Type I actions under the City's Environmental Quality Review Ordinance, because these locations have been designated as critical environmental areas. Actions in these areas will require a complete environmental impact review. As a part of this review, a project's potential impacts on erosion, drainage and flooding problems would be determined and addressed, and mitigating measures, if required, could be proposed in order to protect those areas from adverse development impacts.

Policy 12

Activities or development in the coastal area will be undertaken so as to minimize damage to natural resources and property from flooding and erosion by protecting natural protective features including beaches, dunes, barrier islands and bluffs. Primary dunes will be protected from all encroachments that could impair their natural protective capacity.

Policy 12A Protect, as natural protective features, the beach areas identified on the New York State coastal erosion hazard map and located along Beach Avenue and within Ontario Beach Park and a major portion of Durand-Eastman Park.

Explanation of policies

The natural beach areas located along the shoreline of Lake Ontario and included within the LWRP boundary are considered to be critical environmental areas that need to be preserved and protected. These beach areas have been identified as natural protective features on the State Coastal Erosion Hazard Map.

This policy will apply to these specific areas. Portions of the city's inland coastal areas, including residential development located along Beach Avenue and recreational facilities located in Ontario Beach Park and Durand-Eastman Park, are protected from flooding and serious erosion by this sensitive beach area. Excavation and certain other development activities conducted on these fragile natural features could lead to their weakening or destruction and, consequently, to a loss of their protection of other coastal areas.

The need to review and regulate development on or near the beach areas, and in nearshore areas and on underwater lands, to the extent they are within the city's municipal boundaries, is recognized, in order to minimize damage to property and other resources from lake flooding and erosion from high wave action.

The standards and guidelines in the city's environmental review procedures will be used to ensure that beach areas prone to erosion and flooding are protected within the LWRP boundary. Development actions proposed within 100 feet of Lake Ontario are Type I actions under the City's Environmental Quality Review Ordinance, since these areas have been designated as critical environmental areas. Such actions will require a complete environmental impact review. As a part of this review, a project's potential impacts on erosion, drainage and flooding problems would be determined and addressed, and mitigating measures, if required, could be proposed in order to protect those areas and surrounding development from adverse environmental impacts.

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 13A Promote the maintenance of the east and west piers located on Lake Ontario at the mouth of the Genesee River.

Explanation of policies

Government agencies recognize the importance of constructing and maintaining erosion protection structures within the LWRP boundary that are designed to eliminate or reduce erosion problems along the river and lake and are based on accepted design and engineering standards and practices. This policy shall apply to structures designed to reduce or prevent erosion such as a groin, jetty, seawall, revetment, breakwater, artificial beach nourishment project, pier extensions or other similar types of erosion protection or control structures. The possibility of permitting the development of such structures that fail to provide adequate protection due to improper design, construction and/or maintenance, or that are otherwise inadequate to do the job they were intended to do should be avoided. Such a situation would only cause erosion problems to continue or worsen.

The standards and guidelines in the city's environmental and site plan review procedures should be used to ensure that erosion protection structures constructed within the LWRP boundary will have a reasonable probability of controlling erosion for at least thirty years and will be properly designed and maintained. Construction of such structures will require site plan review and approval by the city as well as an environmental impact review because it will be located within 100 feet of the lake. Such activities are Type I actions under the City's Environmental Quality Review Ordinance, since the 100 foot "buffer" area has been identified as a critical environmental area. As a part of the environmental review, a project's potential impacts on erosion would be determined and addressed, and the ability of the structure to control erosion for the thirty year period, based on design and maintenance standards, could be evaluated.

As a part of the review of the development of erosion control structures, all government agencies, including the city, will ensure that:

- (a) Long-term maintenance programs developed for the structure will include specifications for normal maintenance of degradable materials and the periodic replacement of removable materials;
- (b) All material used in the structure will be durable and capable of withstanding inundation, wave impacts, weathering and other effects of storm conditions; and
- (c) The construction, modification or restoration of the structure will not have adverse impacts on natural protective features or other natural resources.

The maintenance of the east and west piers located on the lake and river is promoted and encouraged. The west pier provides some erosion protection from high wind and wave action for beach areas to the

west and has probably contributed to the deposition of additional material and the creation of a larger beach area for Ontario Beach Park.

The construction of groins in the area of Durand-Eastman Park to control erosion of the beach in that area is also a possibility. As noted in earlier LWRP policies, waterfront recreational facilities located within Durand-Eastman Park are proposed for significant redevelopment and/or rehabilitation. The development of such erosion protection features will be evaluated in terms of their overall costs and benefits as well as environmental impacts.

Policy 14

Activities and development, including the construction or reconstruction of erosion protection structures, shall be undertaken so that there will be no measurable increase in erosion or flooding at the site of such activities or development, or at other locations.

Explanation of policy

Erosion and flooding are processes which occur naturally along almost all areas of the shoreline. However, there are many types of development activity that can increase the amount or severity of coastal flooding and/or erosion. These activities include:

- (1) the construction of such things as groins and impermeable docks which block off-shore currents and sediment transport to adjacent shore lands, thus increasing their rate of recession;
- (2) improper shoreline development;
- (3) improper construction and/or maintenance of erosion protection structures; and
- (4) the failure to maintain good drainage or to restore land after construction which would increase run-off and contribute to the erosion and weakening of nearby shore lands.

Such activities must be properly reviewed and regulated so that they do not contribute to erosion or flooding problems within the site or at other locations.

The standards and guidelines in the City's environmental and site plan review procedures will be used to ensure that development proposed within the LWRP boundary (including the construction of erosion protection structures) will not cause, or contribute, to erosion or flooding problems. Development actions proposed within 100 feet of the lake are Type I actions under the City's Environmental Quality Review Ordinance, since these areas have been designated as critical environmental areas. Actions in these areas will require a complete environmental impact review. As a part of this review and the site plan review process, a project's potential impacts on erosion, drainage and flooding problems would be identified and addressed, and necessary mitigating measures could be implemented in order to protect those areas and surrounding development from adverse environmental impacts.

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, excavation or dredging in near shore or off shore waters which changes the supply and net flow of such materials, can deprive shore lands of their natural regenerative powers. Such mining, excavation and dredging should be accomplished in a manner so as not to cause a reduction of supply, and thus an increase of erosion, to such shore lands.

The NYSDEC regulates dredging, mining and excavation activities in shoreline and wetland areas. These regulations are comprehensive in design and intent and address actions according to their potential to interfere with the natural coastal processes which supply beach materials, as well as the potential for increasing erosion.

Policy 16

Public funds shall only be used for erosion protective structures where necessary to protect human life, and new development which requires a location within or adjacent to an erosion hazard area to be able to function, or existing development; and only where the public benefits outweigh the long term monetary and other costs including the potential for increasing erosion and adverse effects on natural protective features.

Explanation of policy

Public funds are used for a variety of purposes along the city's shorelines. This policy recognizes the need for the protection of human life and the need for investment in existing or new development which requires a location near the coastal area or in adjacent waters in order to function. However, it also recognizes the adverse impacts of such activities and development on the rates 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.

Public funds should not be invested in the construction, rehabilitation, modification or maintenance of erosion protection structures for new or proposed development which is strictly "private" in nature. The need for and the construction of an erosion protection structure designed to eliminate river surge problems within the Genesee River will continue to be investigated. The construction of such a structure would reduce erosion problems and protect and enhance existing and proposed marinas, boat launching ramps, and other commercial and recreational facilities which could be public or private, located along the river, near the outlet to Lake Ontario.

Policy 17

Whenever possible, use nonstructural measures to minimize damage to natural resources and property from flooding and erosion. Such measures shall include:

- (1) the set back of buildings and structure**
- (2) the planting of vegetation and the installation of sand fencing and draining;**
- (3) the reshaping of bluffs; and**
- (4) the flood-proofing of buildings or their elevation above the base flood level.**

Policy 17A discourage development along the top of the riverbank, on the steep slopes within the gorge adjacent to the Genesee River, within designated coastal erosion hazard areas, or in any other areas experiencing or susceptible to erosion.

Explanation of policies

This LWRP policy promotes the use of non-structural techniques and/or management measures to prevent damage to natural resources and property from flooding and erosion. The policy suggests that such measures as structure siting, flood proofing and elevation of buildings, the reshaping and vegetation of slopes, the provision of drainage systems to reduce run-off that may weaken slopes, and the retention of existing vegetation should be incorporated into the early planning and review of any project. Such measures over other "structural" and more complicated techniques are to be encouraged, and the existing site plan and environmental review processes are the best means of doing this.

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

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

- (1) Within identified coastal erosion hazard areas:
 - (a) use of minimum setbacks;
 - (b) strengthening of coastal landforms by such means as:
 - (1) planting appropriate vegetation on dunes and bluffs;
 - (2) 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
 - (3) installing drainage systems on bluffs to reduce runoff and internal seepage of waters which erode or weaken the landforms.
- (2) Within identified flood hazard areas:
 - (a) avoidance of risk or damage from flooding by the siting of buildings outside the hazard area; and
 - (b) flood-proofing of buildings or their elevation above the base flood level.

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

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

Much of the area within the LWRP boundary, that has been identified as being within the Genesee River or Lake Ontario floodplain or that contains steep slopes in excess of 15% and thus subject to serious erosion problems, is in public ownership and is zoned for open space use. Development activities in these critical environmental areas are regulated by limiting the types of uses and activities permitted. The extensive use of this regulation within the LWRP boundary helps assure that damage to natural resources and property resulting from flooding and erosion will be minimized.

The standards and guidelines found in the city's environmental, special permit, and site plan review procedures will be applied in evaluating and promoting non-structural erosion and flood protection measures for development proposed within the LWRP boundary. Development proposed within areas zoned as open space or within 100 feet of the lake or river are Type I actions under the City's Environmental Quality Review Ordinance. Such actions will require a complete environmental impact review in which the need for and use of non-structural means of erosion and flood protection proposed for the project will be evaluated. The special permit review process used to review and approve applications for development within designated floodplain areas should also be used to ensure that structures are flood-proofed, located above the base flood elevation, or setback an appropriate distance from the floodplain boundary. The site plan review process considers erosion, drainage, and flood control/protection measures and should also be used to promote planting of vegetation to control drainage and erosion problems.

Policy 18

To safeguard the vital economic, social and environmental interests of the state and of its citizens, proposed major actions in the coastal area must give full consideration to those interests, and to the safeguards which the state has established to protect valuable coastal resource areas.

Explanation of policy

Government agencies recognize that valuable coastal resource areas contained within the city's LWRP boundary should be developed and protected for all the citizens of the state. Proposed major actions undertaken within the LWRP boundary are appropriate only if they do not significantly impair or diminish valuable coastal features and resources and do not conflict with the vital economic, social and environmental interests of the state and its citizens. All government agencies recognize and will

continue to ensure that proposed major actions undertaken by the city, county, state or federal government that would affect natural resources, water levels and flows, hydroelectric power generation, shoreline damage or recreational facilities, take into account the social, economic and environmental interests of the state and all its citizens.

Public Access Policies

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 Maintain, facilitate or improve public access to waterfront recreational resources and facilities through existing public parks along the Genesee River and Lake Ontario.
- Policy 19B Promote and encourage development of an improved public transportation system to and through Durand Eastman Park.
- Policy 19C Redevelop, reconfigure or relocate, in cooperation with Monroe County, the existing public boat launch facility at the port site in a manner which creates the highest and best use of land, maximizes development potential of land-side parcels, continues to meet public boat launch demand and minimizes environmental and traffic impacts.
- Policy 19D Promote and encourage increased public access for fishing through the continued maintenance of the east and west piers on Lake Ontario, at the mouth of the Genesee River.

Explanation of policies

Government agencies recognize the need to increase public access to waterfront resources and facilities while considering the impacts of such access and ensuring the protection of sensitive environmental features, historic areas, and fragile fish and wildlife habitats. Priority will be given to improving physical access to existing coastal recreational sites as well as those under development and to improving the ability of residents to get to those areas via the public transportation system.

Improved public access to the shore zone and to recreational resources and facilities that are part of the six public parks located within the LWRP boundary will be promoted and, possibly, further developed.

The development of a public transportation system to Durand-Eastman Park, in cooperation with the Rochester/Genessee Regional Transportation Authority, will be investigated. Government agencies will encourage the establishment of a special bus route to and through the park, particularly during periods of peak park use.

The redevelopment and/or potential relocation of the public boat launch facility operated by Monroe County and located at the southern end of the Port site will be promoted and encouraged. Any new facility will be developed in cooperation with Monroe County and other adjoining municipalities and will be designed, located and constructed to reduce environmental and traffic impact, take maximum advantage of land side development opportunities, revitalize underutilized areas of riverfront and increase public access to the river for boating, sailing and fishing based on identified market demand.

The following 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 recreational 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) Proposed projects 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 accordance with estimated public use. If not, the proposed level of access to be provided shall be deemed inconsistent with this policy.
 - (b) The level of access to be provided shall not cause a degree of use which would exceed the physical capacity of the resource or facility. If this were determined to be the case, then the proposed level of access shall be deemed inconsistent with this policy.
- (3) The state will not undertake or fund any project which increases access to a water-related resource or facility that is not open to all members of the public.

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 20A Public access to the waterfront shall be provided and maintained as part of the development of water-dependent and/or water-enhanced mixed use facilities at the port site.

Policy 20B Increase public access to the waterfront and to recreational resources and facilities at the river street site through implementation of water-oriented, mixed-use development projects.

- Policy 20C Develop a comprehensive pedestrian trail system that will provide public access to the river, along property located on the east and west banks of the river, south of the Stutson Street Bridge, in the vicinity of Turning Point Park.
- Policy 20D Increase access to the Genesee River gorge area through the development of a system of built river overlooks, hiking and biking trails, and pedestrian paths.
- Policy 20E Negotiate the development of public access to the riverfront through private property where feasible.

Explanation of policies

Government agencies will provide access to publicly owned areas of the shore zone where the provision of such access is feasible and would require only minimal facilities and where it will not endanger sensitive environmental features, historic areas, and fish and wildlife habitats or be incompatible with adjacent land uses. Guidelines 1 through 3 under Policy 19 will be used in determining the consistency of a proposed government action or private development with this policy.

As part of the development of a mixed-use, water-oriented facility at the Port Authority and River Street sites, government agencies will ensure that public access to the waterfront is maintained and enhanced. Agencies will ensure that the provision of this access will be compatible with adjacent land and water uses proposed for the sites. This access will take the form of a major riverfront promenade or pedestrian trail, marinas, boat docks, riverfront restaurants and a riverfront park that are coordinated with other development proposed for the area. Continued maintenance of the east and west piers and facilities within Ontario Beach Park is also included in the plans.

Public access to and through the river gorge is, in most places, dangerous, not well defined and of limited use. Existing trails are difficult to follow and not always walkable. With the exception of the existing county boat launch at the Port Authority site, and the existing canoe launch in Turning Point Park, very little formal, guaranteed public access is available.

Projects which increase public access to the gorge should be encouraged where feasible. A pedestrian trail system could be developed within the gorge that would link major waterfront resources and facilities. While much of the land within the river gorge is publicly owned, most of the areas that offer the best access to the river shoreline are in private ownership. Government agencies will, therefore, continue to investigate and promote the establishment of public access to recreational facilities through private development, where feasible. The development of this access would be completed in a manner which ensures preservation of sensitive environmental features and wildlife habitats and does not exceed the carrying capacity of the area.

It is important to remember that 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. 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.

Recreation Policies

Policy 21

Water dependent and water enhanced recreation shall be encouraged and facilitated and shall be given priority over non-water-related uses along the coast, provided it is consistent with the preservation and enhancement of other coastal resources and takes into account demand for such facilities. In facilitating such activities, priority shall be given to areas where access to the recreation opportunities of the coast can be provided by new or existing public transportation services and to those areas where the use of the shore is severely restricted by existing development.

Policy 21A Facilitate development of marinas, boat docks and boat launching ramps, fishing access and other water-dependent and water-enhanced recreational uses in appropriate locations along the Genesee River, particularly at the port site and along River Street.

Policy 21B Develop new and expanded water-dependent or water-enhanced recreational uses at Turning Point Park.

Policy 21C Promote and encourage the development, reconstruction or rehabilitation of water-dependent and water-enhanced recreational uses at Ontario Beach Park, Durand-Eastman Park, Seneca Park, and Maplewood Park.

Explanation of policies

The development of water-dependent and water-enhanced recreational uses in appropriate locations along the lake and river is the main focus of the city's LWRP. Because of the limited availability of coastal lands and resources in the region, government agencies recognize the need to give priority to development of recreational uses within the shore zone which are water-dependent, are enhanced by a coastal location and which increase public access to the waterfront.

Water-related recreation includes such things as boating and fishing facilities, pedestrian and bicycle trails, picnic areas, scenic overlooks and passive recreational areas that take advantage of coastal scenery. These water-dependent uses should be promoted and encouraged within both public and private development projects. In each case, government agencies will ensure that such development only occurs where water-related recreational uses are consistent with the preservation and enhancement of important coastal resources and within the carrying capacity of the resource to accommodate the particular activity or use. Boating facilities should, where appropriate, include parking, park-like surroundings, and restroom and pump-out facilities.

Redevelopment plans for the port site and River Street area, which encourage development of water-dependent and water-related recreational facilities, have been prepared and will be promoted. Priority to such uses will be given within the context of any development plan which is finally implemented for these areas.

Government agencies recognize the unique opportunities that exist within the six public parks located along the lake and the river to promote and provide water-oriented recreational uses as well as public access to the shore zone. Development of water-oriented recreational facilities that are part of these

parks will be promoted, encouraged and supported. Public access to the waterfront will be improved, and appropriate water-oriented recreational uses will be located in the waterfront areas in each park. These uses could include pedestrian trails, fishing access, boat docking facilities, boat launching ramps and cartop boat launch facilities, and swimming.

Opportunities for "linkage" of areas along the lake and river through development of linear pedestrian trails will be investigated. Such opportunities exist along the east and west banks of the river gorge, near Turning Point Park. The siting or design of new public or private development which would result in a barrier to the recreational use of the shore zone or which would damage sensitive environmental areas or conflict with anticipated public demand for such development will be discouraged. Public transportation service to water-oriented recreational facilities will be a major priority.

Information regarding estimated demand for water-dependent and water-enhanced recreational uses such as boat slips, launching facilities, etc. is provided in Section II, Inventory and Analysis. This information can provide the basis for determining the need for and potential locations of water-related recreational facilities. Higher priority should be given to locating and developing water-dependent recreational development over those which are only enhanced by or do not require a coastal location.

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.

Policy22A Facilitate development of an appropriate mix of water-related recreational uses with other development on the port site and along River Street.

Policy 22B Negotiate, where feasible, with various industrial facilities to develop or improve public access to the waterfront and to provide certain types of passive recreational uses within the shore zone.

Explanation of policies

There are several areas within the city's LWRP boundary that could accommodate water-related recreational uses, in conjunction with mixed-use or multiple-use facilities. Most of these areas are underutilized sites that should be encouraged to develop as mixed-use facilities which include water-oriented recreation. Government agencies recognize the following types of development which can generally provide water-related recreation as a multiple-use:

- (a) Parks
- (b) Highways
- (c) Power plants
- (d) Sewage treatment facilities
- (e) Mental health facilities
- (f) Hospitals
- (g) Schools and universities
- (h) Nature preserves

- (i) Large residential subdivisions containing 50 units or more
- (j) Shopping centers
- (k) Office buildings

Whenever development proposals involve shore zone areas or areas adjacent to the shore, government agencies will evaluate whether or not they should be considered for or required to incorporate recreational uses within them. Whenever a proposed development is consistent with other LWRP policies and would, through the provision of water-oriented recreation and other multiple-uses, significantly increase public use and enjoyment of the shore zone, government agencies will encourage such development to locate adjacent to the shore. In general, some form of recreational use should be accommodated, unless there are compelling reasons why such recreation would not be compatible with the development, or a reasonable demand for public use cannot be foreseen.

Appropriate recreation uses which do not require any substantial additional construction shall be provided at the expense of the project sponsor provided the cost does not exceed 2% of the total project cost. In determining whether compelling reasons exist which would make recreation inadvisable as a multiple use, safety considerations should reflect recognition that some risk is acceptable in the use of recreational facilities.

There are several opportunities for development of water-related recreational uses and improvement of public access to the shore zone that are located within existing industrial facilities. An example of such an opportunity would be the improvement of public vehicular and pedestrian access, down Seth Green Drive, to the RG&E Station 5 Power Plant on the west bank of the river, just north of the Driving Park Bridge. Improvement of public access in this location would greatly enhance the area's use by fishermen. Development of a fish-cleaning station could also be considered.

There are several other areas within the LWRP boundary that provide significant vistas of the river gorge. These areas are also within privately-owned industrial facilities. Negotiating public access and development of such facilities as overlooks and rest areas within these areas is considered to be a major priority with the city.

Historic and Scenic Resources Policies

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 23A Identify, protect and restore significant historic structures located within the LWRP boundary, to include the Genesee lighthouse and other buildings which may be of national or local significance.

Policy 23B Redevelop the port site and the River Street area in a manner which is compatible with and complements the character and integrity of significant architectural and/or historic structures in the area and which specifically protects and enhances the Genesee lighthouse.

Policy 23C Identify and protect archaeologically and historically significant sites located within the LWRP boundary, through the development of various master plans and designs for the six public parks located along the lake and river.

Explanation of policies

Government agencies recognize the need for and place a high priority on the identification and preservation of structures, sites and districts within the LWRP boundary that are significant in terms of the history, architecture, archaeology or culture of the state or the nation. Extensive historic surveys have been conducted of the LWRP study area by the Landmark Society of Western New York and the Rochester Museum and Science Center. The surveys have identified and located structures which are listed on the National Register of Historic Places, which are potential nominations to the national register, or which may have local historic significance and should be classified as local landmarks. After completion of these surveys, the city will prepare a list of LWRP structures to be nominated to the National Historic Register, will identify structures to be designated as local landmarks, will evaluate the possibility of extending or creating new preservation districts, and will identify sites that should be preserved as a part of redevelopment plans for public parks.

Structures, facilities, sites or other areas within the LWRP boundary that have already been identified as being locally or nationally significant in terms of their architecture or history include:

- (a) The Genesee Lighthouse (National Register Listing)
- (b) The Ontario Beach Park Carousel
- (c) St. Bernard's Seminary
- (d) Eastman Kodak Hawkeye Plant
- (e) RG&E Station 5 Power Plant and Middle Falls Dam
- (f) Railway Station on River Street
- (g) Carthage Landing
- (h) Kelsey's Landing and Glenn House
- (i) Seneca Park
- (j) Rochester School For The Deaf
- (k) An area on the east and west river banks, between the Middle and Lower Falls, which contains archaeologically significant sites and remains of historic mill races.

Redevelopment plans proposed for the Port Authority site and the River Street site will consider architecturally and historically significant structures and facilities in the area and will be designed to protect and enhance these resources. A major element of the River Street concept plan is the enhancement of the area's existing "neighborhood" and "nautical" character and ambience. New development will be compatible with existing architecturally and historically significant buildings in terms of appearance, design and construction.

Government agencies also consider the preservation of several archaeologically significant sites located within public parks and other areas along the river gorge to be a major priority. These sites include Carthage Landing, located on the east bank of the Genesee River, just south of the Veteran's Memorial Bridge, Kelsey's Landing, located on the west bank of the river, below Maplewood Park, and an area

near the proposed Lower Falls Park, just south of the Driving Park Bridge. These areas contain historic remains of buildings and other facilities that date back to the early 1800's. The identification, classification and protection of these areas through park redevelopment plans will be promoted and encouraged.

Developers in areas which have been identified within the river gorge as significant archeological sites shall contact the New York State Office of Parks, Recreation and Historic Preservation to determine appropriate protective construction measures. All practicable means to protect structures, districts, areas or sites that are of significance in the history, architecture, archeology or culture of the state or nation shall include any techniques, measures, or controls required to prevent a significant adverse change to such structures, districts, areas or sites.

This policy should not be construed to prevent the construction, reconstruction, alteration, or demolition of any building, structure, earthwork, or component thereof of a recognized historic, cultural or archeological resource which has been officially certified as being imminently dangerous to the public health, safety or welfare.

Policy 24

Prevent impairment of scenic resources of statewide significance, as identified on the coastal area map. Impairment shall include:

- (1) the irreversible modification of geological forms, the destruction or removal of vegetation, the destruction or removal of structures, wherever the geologic forms, vegetation or structures are significant to the scenic quality of an identified resource; and**
- (2) the addition of structures which because of siting or scale will reduce identified views or which because of scale, form, or materials will diminish the scenic quality of an identified resource.**

Explanation of why policy is not applicable: This policy is not applicable to the City's LWRP because there are no scenic resources of state-wide significance within Rochester's LWRP boundary.

Policy 25

Protect, restore and enhance natural and man-made resources which are not identified as being of state-wide significance, but which contribute to the scenic quality of the coastal area.

- Policy 25A Protect and enhance the aesthetic quality of the Genesee River gorge, as a natural resource of local significance, through general clean-up of the river banks and removal of debris.
- Policy 25B Protect and enhance the lower and middle falls area as well as vistas of the falls from adjacent lands.
- Policy 25C Enhance scenic views and vistas within the Genesee River gorge and along Lake Ontario, through the development of scenic overlooks, viewing areas, and pedestrian trails, and through the preservation of the natural aesthetic qualities of these areas.

Explanation of policies

Government agencies recognize the importance of restoring and preserving natural and man-made resources within the LWRP boundary that contribute to the scenic quality of the river and lake. Activities which could degrade scenic qualities of these areas include modification of natural features and the removal of vegetation.

The standards and guidelines associated with the city's site plan review, Harbortown Village District and environmental review procedures will be used to ensure that proposed private development does not interfere with, but rather enhances, existing natural or man-made resources that contribute to the scenic quality of the lake and river.

Much of the area within the river gorge contains steep slopes in excess of 15%, is in public ownership and is zoned for open space uses. The city's Open Space Zoning District limits and regulates development activities in this critical environmental area. Lands zoned for open space within the LWRP boundary will remain in their natural state and will contribute to enhancement and preservation of the scenic qualities of the gorge.

Maintenance plans and measures to clean-up the riverfront area and steep slopes within the gorge, in order to enhance their visual qualities, will be promoted and encouraged. The development of trails, overlooks and viewing areas, in and around the public parks located on the river, will be promoted and encouraged in order to provide increased viewing opportunities of the gorge area for park visitors.

The following siting and facility-related guidelines are to be used to achieve this policy, recognizing that each development situation is unique and that the guidelines will have to be applied accordingly.

Guidelines include:

- (1) Siting structures and other development such as highways, power lines and signs 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) Clustering or orienting structures to retain views, save open space and provide visual organization within a development;
- (3) Incorporating sound, existing structures (especially historic buildings) into the overall development scheme;
- (4) Removing deteriorated or degraded elements;
- (5) Maintaining or restoring the original land form, except when changes screen unattractive elements or add appropriate interest;
- (6) Maintaining or adding vegetation to provide interest, encourage the presence of wildlife, blend structures into the site, and obscure unattractive elements, except when selective clearing removes unsightly, diseased or hazardous vegetation and when selective clearing creates views of coastal areas;
- (7) Using appropriate materials, in addition to vegetation, to screen unattractive elements; and
- (8) Using appropriate scales, forms, and materials to ensure buildings and other structures are compatible with and add interest to the landscape.

Agricultural Lands Policy

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.

This policy is not applicable to the city's LWRP because there are no agriculturally zoned lands within Rochester's LWRP boundary.

Energy and Ice Management Policies

Policy 27

Decisions on the 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 27A evaluate existing energy facility sites for other uses, if and when such sites are abandoned, in consideration of public energy needs, the site's compatibility with adjacent uses, and the need for a shorefront location.

Explanation of policies

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 new facilities. The directives for determining this need are set forth in the New York State Energy Law. With respect to transmission lines, Article VII of the State's Public Service Law requires additional forecasts and establishes the basis for determining the compatibility of these facilities with the environment and the necessity for a shorefront location. With respect to electric generating facilities, environmental impacts associated with siting and construction will be considered by one or more State agencies or, if in existence, an energy siting board. 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 city, the NYSDOS will comment on State Energy Office policies and planning reports as may exist; present testimony for the record during relevant proceedings under State law; and use the SEQR law and NYSDOS regulations to ensure that decisions on other proposed energy facilities

(other than those certified under the Public Service Law) which would impact the waterfront area are made consistent with the policies and purposes of this LWRP.

The only major energy facility site that currently exists within the LWRP boundary is the RG&E Station 5 Power Plant and the adjacent Middle Falls Dam. Although it is anticipated that this facility and use will continue at its present location for the foreseeable future, if RG&E ever does abandon the site, an evaluation of the best reuse for the site will be made which acknowledges the need for compatibility with the surrounding environment and the 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.

This policy is not applicable to the city's LWRP because ice management practices are not currently undertaken within Rochester's LWRP boundary. Should such practices be undertaken in the future in order to maintain navigation, an assessment shall be made of their impacts upon fish and wildlife 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.

Policy 29

Encourage the development of energy resources on the outer continental shelf, in Lake Erie and in other water bodies, and ensure environmental safety of such activities.

This policy is not applicable to the city's LWRP. Activities existing or contemplated within the city's LWRP boundary or within the metropolitan region will have no known impact on any energy resources which have been or may be identified on the lake or river.

Water and Air Resources Policies

Policy 30

Municipal, industrial, and commercial discharge of pollutants, including but not limited to toxic and hazardous substances, into coastal waters will conform to state and national water quality standards.

Explanation of policy

Municipal, industrial and commercial discharges include "end-of-pipe" discharges into surface and groundwater as well as plant site runoff, leaching, spillages, sludge and other waste disposal, and drainage from raw materials storage sites. Regulated industrial discharges include those that directly empty into receiving coastal waters and those which pass through municipal treatment systems before reaching the State's waterways.

The Monroe County Health Department currently monitors the water quality of discharges of less than 1,000 gallons per day into the river and lake. The NYSDEC currently monitors discharges of more than

1,000 gallons per day into the river and lake. These monitoring activities will be supported and encouraged to ensure that discharges into the lake and river comply with State and federal water quality standards.

The entire shoreline of Lake Ontario as well as the Genesee River is considered to be a critical environmental area under the city's existing site plan and environmental review procedures. Because of this, the impacts on water quality of stormwater runoff and/or effluent discharge from development sites is evaluated and mitigating measures can be required if adverse environmental impacts such as serious degradation of water quality should occur.

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), New York State has classified its coastal and other waters in accordance with the consideration of best usage in the interest of the public, and has adopted water quality standards for each class of waters. These classifications and standards are reviewable at least every three years for possible revision or amendment, and will be reviewed by the State in light of the adopted LWRP.

The Genesee River has been classified as having "B" water quality. No bodies of water within the city's LWRP boundary are currently classified as "limiting segments".

As noted in POLICY 30, the shorelines of the lake and river are considered to be critical environmental areas under the city's site plan and environmental review procedures. Because of this, the impacts on water quality of stormwater runoff and/or effluent discharge from development sites is evaluated and mitigating measures can be required if adverse environmental impacts such as the serious degradation of water quality should occur. Government agencies consider the achievement and maintenance of a water quality level in the Genesee River and Lake Ontario, which enables the widest possible recreational use while protecting important wildlife habitats, to be a major priority. The intent of the city's LWRP is to maintain the water quality of the lake and river by controlling stormwater runoff and effluent discharge from development sites as well as from vessels.

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.

This policy is not applicable to the city's LWRP because innovative sanitary waste systems are not considered to be economically feasible or desirable, from an engineering standpoint, within the LWRP boundary. Proposed development will be required to be placed on existing public sanitary waste

systems or be required to provide for extensions of existing systems in order to service the development site.

Policy 33

Best management practices will be used to ensure the control of stormwater runoff and combined sewer overflows draining into coastal waters.

Explanation of policy

The city and Monroe County are participating in a Combined Sewer Overflow Abatement Program (CSOAP) which will eliminate combined storm and sanitary sewers in many areas of the city. This project involves the construction of several large underground holding tunnels which will discharge sewage and storm water, collected after major rainfalls, to the Frank E. VanLare Treatment Plant located in Durand-Eastman Park. Prior to the construction of these tunnels, large volumes of combined sewage and storm water that occurred after major rainfalls in the area flowed directly into the river and lake without being treated. This sewage contributed to pollution problems in the river and lake and the destruction of fish and other wildlife species. The completion of the underground holding tunnels will eliminate a major source of pollution discharge into the river and lake and will help preserve existing stocks of fish in the area. Government agencies will continue to investigate and promote improvements to other portions of the city storm and sanitary sewer systems in order to maintain and enhance the existing water quality in the river and lake. The improvements will be based on accepted best management practices (BMP's) for stormwater runoff and drainage control.

As noted in Policy 30, the shorelines of the lake and river are considered to be critical environmental areas under the city's site plan and environmental review procedures. Because of this, the impacts on water quality of stormwater runoff and effluent discharge from development sites is evaluated and mitigating measures can be required if adverse environmental impacts such as the serious degradation of water quality should occur. Government agencies consider the achievement and maintenance of a water quality level in the Genesee River and Lake Ontario, which enables the widest possible recreational use while protecting important wildlife habitats, to be a major priority.

Policy 34

Discharge of waste materials from vessels into coastal waters will be limited so as to protect significant fish and wildlife habitats, recreational areas and water supply areas.

Explanation of policy

Government agencies will promote and encourage the control or prohibition of discharges of waste materials from vessels into coastal waters, in order to protect significant fish and wildlife habitats, recreational resources and water supply areas. Counties in New York State may regulate such activity under Section 46 of New York State Navigation Law. The possibility of establishing no-discharge zones within the City's river and lake may be explored. In addition, all relevant building, sanitary and health codes that apply to the discharge of sewage, waste and other pollutants in local waters will be enforced.

The discharge of sewage, garbage, rubbish and other solid and liquid materials from watercraft and marinas into the State's waters is regulated. Priority will be given to the enforcement of this law in areas such as shellfish beds and other significant habitats, beaches and public water supply intakes, which need protection from contamination by vessel wastes. Also, specific effluent standards for marine toilets have been promulgated by the U.S. Department of Transportation. To that end, the provision of adequate pump-out facilities for existing and proposed marina facilities will be required in the City of Rochester.

Policy 35

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

Explanation of policy

Dredging is often essential for waterfront revitalization and development, maintenance of navigation channels at sufficient depths, pollutant removal as well as addressing other coastal management needs. Such dredging projects may, however, 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 operation and proper siting of the dredge spoil disposal site.

The NYSDEC will issue dredging permits if it has been demonstrated that the anticipated adverse effects of such operations have been reduced to levels which satisfy State dredging permit standards set forth in regulations developed pursuant to the Environmental Conservation Law (Articles 15, 24, 25 and 34), and are consistent with policies pertaining to the protection of coastal resources.

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 definition of hazardous materials.

The following implement and address this policy:

- (a) Oil Spill Prevention, Control and Compensation.
Navigation Law (Article 12)
- (b) Penalties and Liabilities for Spills of Bulk Liquids.
Environmental Conservation Law (Article 71-1941)
- (c) Transportation Law.
(Article 2, Section 14-F)

These measures are adequate for the city because no activities related to the shipment or substantial storage of petroleum or other hazardous materials occur within the local waterfront revitalization boundary, or will occur within the boundary in the foreseeable future. All activities within the LWRP boundary which are subject to this policy shall also comply with state and federal regulations.

Policy 37

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

Explanation of policy

Government agencies recognize the need to control the nonpoint discharge of excess nutrients, organics and eroded soils into local coastal waters. However, a major portion of the area contained within the LWRP boundary is serviced by storm and sanitary sewers which do not outfall to the river or lake without adequate sewage treatment. Remaining areas of natural forest and woodland do not contribute significantly to nonpoint discharge of excess nutrients, organics or eroded soils into the river and lake.

As noted in POLICY 30, the shorelines of the lake and river are considered to be critical environmental areas under the city's site plan and environmental review procedures. Because of this, the impacts on water quality of stormwater runoff, erosion, and/or effluent discharge from development sites is evaluated and mitigating measures can be required if adverse environmental impacts such as the serious degradation of water quality should result. Soil erosion control practices and surface drainage control techniques will be evaluated or may be required based on accepted best management practices (BMP's), and as a result of the site plan and environmental review processes. Standards to be used in this evaluation are contained in Section 108 of the Administrative Procedures for the Issuance of Site Preparation Permits (see LWRP Appendix B), and are based on two documents: Guidelines for Erosion and Sediment Control in Urban Areas of New York State, and Best Management Practices for Stormwater Runoff Management.

Government agencies consider, as a major priority, the achievement and maintenance of a water quality level in the river and lake that enables the widest possible recreational use while protecting important wildlife habitats.

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

The city consumes between 40 and 49 million gallons of water each day. The city's primary source of water is through the Upland Watershed which includes Hemlock and Canadice Lakes in Ontario, Livingston and Steuben Counties. The city also gets some of its water supply from Lake Ontario through the Monroe County Water Authority (MCWA). The majority of the area within the city's LWRP boundary receives its water from Lake Ontario and the MCWA.

The Upland Watershed encompasses approximately 66 square miles. Twenty-two percent of the watershed or 7,200 acres are directly controlled by the city, including the entire shoreline of both lakes. Water quality problems have occurred within the watershed in recent years. In order to help resolve controversy surrounding the use of the upland lakes as a water supply, an Upland Watershed Advisory Committee was formed by the city in 1985. Six management objectives, developed by the committee, are used to ensure water quality in the Upland Watershed:

- (1) Maintain city-owned property around the lakes as undeveloped;
- (2) Enforce rules and regulations to protect the watershed from environmental hazards;
- (3) Maintain recreational activities around the lakes that are compatible with conservation and water quality;
- (4) Plan forest management to enhance forest quality and to control erosion;
- (5) Manage water levels, wetlands, fish stocking and the use of local roads; and
- (6) Support an investment sufficient to practice good husbandry.

In addition, a water filtration plant for the upland watershed will be constructed.

The city relies on the MCWA to monitor and maintain the quality of water received from Lake Ontario. Standards to achieve this policy goal will be enforced.

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 land and scenic resources.

Explanation of policy

Solid wastes include sludge from air or water pollution control facilities, demolition and construction debris, and industrial and commercial wastes. Solid waste management facilities include resource recovery facilities, sanitary landfills, and solid waste reduction facilities. These definitions are based on the New York State Solid Waste Management Act (Environmental Conservation Law, Article 27).

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 the New York State Environmental Conservation Law (Section 27-0901 (3)) as "waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics, may: (1) cause, or significantly contribute to an increase in mortality, or an increase in serious irreversible or incapacitating reversible illness; or (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed or otherwise managed." A list of hazardous wastes has been adopted by the NYSDEC (6 NYCRR Part 371).

There is currently no active transport, storage, treatment or disposal of hazardous wastes within the city's LWRP boundary. In addition, no activity is proposed or will occur within the waterfront revitalization area that will produce such hazardous or solid wastes, as defined in the Environmental

Conservation Law, Article 27. Government standards regarding disposal of such wastes, when required, will be met.

Policy 40

Effluent discharge 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 does 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.

The RG&E Station 5 Power Plant located on the east bank of the river near the Driving Park Bridge, and the Eastman Kodak Company Industrial Waste Treatment Plant located on the west bank of the river, just north of the Veteran's Memorial Bridge, are the only facilities within the LWRP boundary that are the types of uses described in this policy. All activities within the city's waterfront which are subject to this policy shall comply with appropriate local, state and federal regulations to ensure that existing water quality standards are met and that appropriate disposal methods are used.

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 city's LWRP incorporates the air quality policies of and programs for the State prepared by the NYSDEC, pursuant to the Clean Air Act and State laws regulating air quality. The requirements of the Clean Air Act are the minimum air quality control standards applicable within the coastal area.

Existing and proposed land uses within the city's LWRP boundary will be restricted to residential, recreational and marine-related and/or supporting commercial facilities. None of these uses are likely to produce significant degradation of air quality in the area. The NYSDEC has jurisdiction over the monitoring of air quality to ensure that the provisions of the Federal Clean Air Act are being met. Monitoring activities will continue.

Policy 42

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

Explanation of policy

The policies of the State Coastal Management Program and Rochester 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 NYSDOS will provide the NYSDEC with recommendations for proposed prevention of significant deterioration land classification designations, based upon State Coastal Management and Rochester LWRP policies.

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 New York State Coastal Management Program incorporates the State's policies on acid rain. Therefore, the Coastal Management Program will assist in the State's efforts to control acid rain. These efforts to control acid rain will enhance the continued viability of coastal fisheries, wildlife, agricultural, scenic and water resources.

Wetlands Policy

Policy 44

Preserve and protect tidal and freshwater wet-lands and preserve the benefits derived from these areas.

Explanation of policy

Government agencies recognize the need to preserve and protect freshwater wetlands located within the LWRP boundary and consider this to be a major priority within the context of other LWRP policies. For the purposes of this policy, freshwater wetlands include marshes, swamps, bogs and flats that support aquatic and semi-aquatic vegetation, as well as other wetlands as defined in the New York State Freshwater Wetlands Act and the New York State Protection of Waters Act. Government agencies recognize that the benefits derived from the protection of such wetland areas include maintenance of fish and wildlife habitats, control of erosion and drainage, protection of groundwater supplies, and provision of recreational opportunities.

Over the past several years, many existing wetland areas within the LWRP boundary have been transferred to public ownership through historic donations, as well as through actual acquisition and purchase by the city. Additional purchases of wetland areas along the river are being investigated; these

would, if completed, result in all such areas being in public ownership and controlled by the city or Monroe County, as well as the NYSDEC.

The standards and guidelines contained in the city's environmental review procedures and regulations will be used to ensure that wetlands as well as surrounding areas are preserved and protected within the LWRP boundary. Development actions proposed within 100 feet of the river and lake and within areas zoned as open space, which include all significant wetland areas along the river and lake, are Type I actions under the city's Environmental Quality Review Ordinance, since these locations have been designated as critical environmental areas. Actions in these areas will require a complete environmental impact review. As a part of this review, a project's potential impacts on existing fish and wildlife habitat areas and other wetland features would be determined and addressed and mitigating measures, if required, could be proposed in order to protect these areas from adverse development impacts.

Section IV Proposed Land and Water Uses and Proposed Projects

Introduction

The policies of the City of Rochester's Local Waterfront Revitalization Program (LWRP) were developed into a cohesive, physical plan for the city's waterfront area through the identification of appropriate land uses and projects for the various subareas within the LWRP boundary. These land uses and projects, in turn, reflect and implement the city's policy goals and statements for the waterfront area as outlined in Section III Policies. The process of developing appropriate land uses and projects included the identification of general land use subareas, assessment of the city's land use needs, and consideration of the development potential and constraints of major waterfront sites within the LWRP boundary. In addition, the city evaluated the proposed land uses and projects against the applicable policy goals and statements, in order to ensure that the land use plan was consistent with those policy objectives. A citizen's advisory committee (CAC) was formed to aid city staff in the preparation of development objectives and specific recommendations of the land use plan.

Identification of LWRP Subareas

In order to determine the types of land uses and projects which represented the most appropriate use of the city's waterfront resources, the area within the LWRP boundary was divided into 6 subareas. These subareas include:

- Subarea A-Durand-Eastman Park
- Subarea B-Open Space / Critical Environmental Areas
- Subarea C1-Developed portion of the Upland Area
- Subarea C2 -Buildable portion of the Upland Area
- Subarea D -River Harbor Zone and Lakefront Area
- Subarea E-Industrial Areas

Each subarea was further divided into subzones which are shown on [Map IV-1](#).

Each subarea was analyzed according to its development potential and existing land use characteristics, based on the following general classifications:

- Areas of existing stable uses where significant changes in the patterns of development were unlikely to occur.
- Large areas of open space or environmentally sensitive land, or undeveloped or inappropriately developed land suitable for a variety of land uses, or suitable for land banking and/or protection.

- Areas of particular concern, which typically included specific sites where important natural or manmade resources were found, that offered unique development opportunities, and/or contained incompatible uses or blighting conditions that needed to be removed.

Description of LWRP Subareas

Subarea A - Durand-Eastman Park

LWRP Subarea A is the 965 acre Durand-Eastman Park, which is located on the shore of Lake Ontario, in the northeastern-most section of the city. The park is surrounded by the Town of Irondequoit on the west, south and east. The park is located west of Irondequoit Bay and east of the Genesee River. It can be entered from Lakeshore Boulevard, Kings Highway and St. Paul Boulevard. Durand-Eastman Park is leased to Monroe County which is responsible for its operation and maintenance. The park is zoned as an Open Space (OS) District.

Recreational facilities within Durand-Eastman Park include hiking, bridle and cross-country ski trails, picnic shelters, playground areas, a riding stable and an 18-hole golf course with clubhouse. The park also contains approximately 10,000 linear feet of lakeside frontage and an abandoned beach area.

The park is characterized by various unique and sensitive environmental features including several ponds and wetland areas, steep wooded slopes and valleys, small lakes, as well as a portion of the Monroe County Arboretum. Spring flowering trees and spectacular fall foliage colors make this park an area of exceptional beauty with many scenic views and vistas. Unique topography and soils permit many species of plants to grow within the park that are not normally native to this area. Ponds within the park are heavily utilized by fishermen during the spring and summer months. The park is invaluable as a nature area and contains a significant deer population of between 200 and 300 animals, as well as several wetland areas that act as natural fish and wildlife habitats. The park also contains the Frank E. VanLare Treatment Plant which processes sanitary and storm sewage collected from a major portion of Monroe County via a series of underground tunnels.

Monroe County has prepared, in cooperation with the city, a master plan for the future development of Durand-Eastman Park. The master plan recommends that:

- The beach area of the park should be redeveloped and increased in size through the construction of a seawall and/or groins supplemented by a phased program of beach nourishment;
- A bathhouse should be constructed in the beach area along with various safety facilities including lifeguard tower stations and buoys, lines and markers;
- Additional parking should be provided along Lake Shore Boulevard along with suitable safe crossings between the beach area and the remainder of the park;
- A nature center and outdoor amphitheatre should be constructed within the park, along with sufficient accessory parking and support facilities;
- A system of hiking trails should be developed within the park that connects the proposed nature center, satellite nature study areas and wildlife study areas.

The City of Rochester considers Subarea A to be an area which requires special attention and protection because of the many unique and important natural resources and recreational opportunities found there. The presence of sensitive natural features such as steep wooded slopes, wetlands and wildlife habitat areas requires that Subarea A continue to remain in its present undeveloped state as public parkland and open space. Monroe County currently has approximately \$5.1 million worth of capital improvements programmed for the park through 1996. The city agrees with the major recommendations contained in the Durand-Eastman Park Master Plan developed by Monroe County and will promote and encourage several specific park plan improvements through its LWRP.

Subarea A contains two geographic subzones that will be utilized later to delineate specific land use recommendations. See [Map IV-1](#) for LWRP subareas. The subzones in subarea A include:

- (A1) The Durand-Eastman Park shoreline;
- (A2) The remainder of Durand-Eastman Park.

Subarea B - Open Space / Critical Environmental Areas

LWRP Subarea B includes open space and critical environmental areas within the LWRP boundary such as steep slopes, wetlands, floodplains, fish and wildlife habitats, and scenic views and vistas. Subarea B comprises the entire Genesee River gorge, from the Lower Falls on the south to the northern edge of the state-designated wetland area on the west bank of the river near Denise Road. Subarea B includes Turning Point Park, Riverside Cemetery, Seneca Park, Maplewood Park and Lower Falls Park. Virtually all lands contained within Subarea 2, including the public parks, are zoned as Open Space (OS) Districts.

Turning Point Park is located on the west bank of the Genesee River, just south of the Turning Basin. The park can be entered from Lake Avenue via Boxart Street. The southern boundary of the park borders Riverside Cemetery. Turning Point Park is designed as a natural area and contains passive recreational facilities such as hiking trails and picnic areas. The park provides access to the river's edge for fishing and canoeing and is noted for its spectacular views of the river gorge and the turning basin. Turning Point Park is owned, operated and maintained by the city.

The city has proposed various minor physical improvements to Turning Point Park. These improvements include the development of cartop boat access to the river and the enhancement of a pedestrian trail to the south and west, along an abandoned railroad bed. This trail could be potentially linked up with a larger trail system which would run along the length of the river, from the port area south to the Barge Canal.

Seneca Park contains 297 acres and is located on the east bank of the Genesee River, north and south of the Veteran's Memorial Bridge. The park can be entered from St. Paul Boulevard, just north of Route 104. Recreational facilities within Seneca Park include an outdoor swimming pool with bathhouse, a zoo, playgrounds and softball fields, two picnic shelters, as well as hiking, nature and jogging trails. In addition, the park contains steep wooded slopes along the river bank, wetlands, and spectacular scenic views of the Genesee River Gorge. The park was originally designed by Frederick Law Olmstead. The park is leased to Monroe County which is responsible for its operation and maintenance.

Monroe County, in cooperation with the city, is in the process of developing a master plan for Seneca Park. The city supports the maintenance, protection and enhancement of the original Olmstead plan and design for the park. The city supports the development of new pedestrian trails and overlooks within the park, a general upgrading and expansion of the park zoo, as well as an investigation of expanding the park to the north, along the Genesee River. Such an expansion could be used to protect sensitive wetland areas and steep, wooded slopes along the river bank, as well as to provide additional hiking trails for potential nature studies or similar activities.

Maplewood Park contains 14 acres and is located along the west side of the Genesee River, between the Driving Park Bridge and the Veteran's Memorial Bridge. The park can be entered from Hanford Landing, Driving Park Avenue as well as from various pedestrian trails. The park contains passive recreational areas that include informal picnicking and strolling areas. In addition, the park contains one of the largest rose gardens in the country. Several overlooks within the park provide spectacular views of the river gorge. Maplewood Park is owned by the city which maintains the middle and northern portions of the park. Monroe County maintains the southern end of the park.

Monroe County is also preparing, in cooperation with the city, a master plan for the development of Maplewood Park. The city would like to see additional pedestrian trails and paths developed within the park, along with improvements to and expansions of existing parking facilities. The city also supports the connection of the park to an existing pedestrian trail along Bridgeway Drive, and the development of safe, controlled fishing access to the river, in appropriate locations along the park's riverfront.

Lower Falls Park is currently undeveloped and is located along the west bank of the Genesee River near the Maplewood YMCA, just south of the Driving Park Bridge. The park can be accessed from Driving Park Avenue via Hastings Street. The park contains 3 acres and provides spectacular views of the Lower Falls and the surrounding river gorge. The park is leased to Monroe County and is being evaluated as a part of the master plan effort that includes Maplewood and Seneca Parks.

The city supports development of Lower Falls Park as an archaeological and/or interpretive site, focusing on the remains and ruins of former mill structures and other buildings in the area that date back to the early 1800's. Several building foundations can be seen in the park, while other remains are buried and would have to be unearthed and partially restored. The city also supports the construction of river overlooks within the park to enhance scenic views of the gorge and falls.

The remainder of Subarea B includes Riverside and Holy Sepulchre Cemeteries, which occupy a large open space area on the west bank of the river, just south of Turning Point Park and east of Lake Avenue, and the steep wooded slopes, wetlands and wildlife habitat areas within the river gorge.

The city considers Subarea B to be another significant area within the LWRP boundary that requires special attention and protection because of the many unique and important natural resources and recreational opportunities found there. The public parks and undeveloped open space within Subarea B are protected through the use of the restrictive Open Space (OS) zoning district which regulates or prohibits land uses and development activity. In addition, all parkland within this Subarea is publicly owned. The presence of sensitive natural features such as steep wooded slopes, wetlands, wildlife

habitat areas and spectacular scenic views requires that Subarea B be maintained in its present undeveloped state as public parkland and open space.

The city does not foresee any type of significant development taking place within the open space areas of the river gorge in Subarea B. The city does support, however, various improvements to the public parks located in this area as a way to enhance water-related recreational opportunities along the river. The city will continue to work with Monroe County to implement those improvements.

Subarea B contains seven geographic subzones that will be utilized later to delineate specific land use recommendations. These subzones include:

- (B1) Turning Point Park;
- (B2) Seneca Park;
- (B3) Maplewood Park;
- (B4) Lower Falls Park;
- (B5) Seth Green area;
- (B6) Rattlesnake Point area;
- (B7) Riverside Cemetery.

Subarea C1 - Developed portion of the Upland Area

LWRP Subarea C1 includes upland areas that contain existing residential, commercial and industrial development. This upland area extends through an extensive residential zone along Beach Avenue and Lake Avenue, from the city line on the north, to Riverside Cemetery on the south. Another large portion of Subarea C1 includes residential areas around Kodak Park as well as between Lake Avenue and Maplewood Park, from Ridge Road West to Driving Park Avenue. Subarea C1 includes portions of residential neighborhoods such as Charlotte and Maplewood, small strip commercial areas, and the industrial facilities of Kodak Park. There is relatively little undeveloped or underutilized land within LWRP Subarea C1. Zoning classifications contained within the Subarea include large sections of residentially-zoned land (R-1, R-2, R-3, R-4 and R-5), areas zoned for commercial use (C-1, C-2 and C-3) and areas zoned for industrial use (M-2). All portions of Subarea C1 are adequately served by public utilities including storm and sanitary sewers, gas and water lines and streets and highways.

Because Subarea C1 is an upland area, land use and development activities within it do not have an immediate or significant impact on the shore zone. The subarea has a definite urban character and provides little if any physical or visual access to the river. The city considers Subarea C1 to be stable in terms of its present land uses and does not anticipate any significant changes in the area's development patterns. The city does not anticipate rezoning any areas within Subarea C1 as a result of the adoption of the LWRP.

Subarea C1 contains two geographic subzones that will be utilized later to delineate specific land use recommendations. These subzones include:

- (C-1-A) Lake Avenue/Stutson Street area;
- (C-1-B) Remainder of the upland area.

Subarea C2 - Buildable portion of the Upland Area

LWRP Subarea C2 includes the buildable or undeveloped portion of the upland area within the LWRP boundary. This subarea includes two sites where new development is currently underway. The first site is located just north of Riverside Cemetery and west of Turning Point Park, within an existing residential area that extends from Boxart Street to Burley Road. The new development in this area includes 56 single-family residential units constructed within three new cul-de-sacs and on infill lots. In addition, small areas within the subdivision were retained and zoned as permanent open space. The developers are currently completing phase III of the plan. This subdivision is adjacent to a new pedestrian trail which will provide access into Turning Point Park from the south.

The second developable site within Subarea C2 is the former St. Bernard's Seminary located on the east side of Lake Avenue, between Riverside Cemetery and the Kodak Research Laboratories. Eastman Kodak Company has purchased this land which has been rezoned to a Manufacturing-Industrial Planned Development District (M-IPD). This zoning district permits the development of typical manufacturing or industrial facilities and allows flexible planning and design standards. Eastman Kodak will develop the existing Seminary building into a industrial research facility that preserves the architectural and historic integrity of the structure and grounds. Kodak may also construct new buildings on the site, to be located to the north and/or south of the Seminary building, in existing open space areas. The city will ensure, through existing site plan and environmental review procedures, that redevelopment of the building and grounds and construction of new buildings on the site are undertaken in a manner which preserves and enhances the aesthetic and historic qualities of the area.

The city recognizes that Subarea C2 contains developable or underutilized land. Development activities proposed for this area, however, have been clearly defined and will be reviewed and regulated using existing zoning and environmental controls. It is not anticipated that these land uses will have a direct or significant impact on the waterfront area. When the proposed development activities outlined above are completed, the city will consider Subarea C1 to be stable in terms of its existing land uses and would not anticipate any significant changes in the area's development patterns in the foreseeable future. The city does not anticipate rezoning any additional areas within Subarea C2 as a result of the adoption of the LWRP. Subarea C2 contains two geographic subzones that will be utilized later to delineate specific land use recommendations. These subzones include:

- (C-2-A) Boxart Street / Burley Road Area;
- (C-2-B) Eastman Kodak / St. Bernard's Seminary.

Subarea D - River Harbor Zone and Lakefront Area

LWRP Subarea D contains the river harbor zone at the mouth of the river, and lakefront areas along Beach Avenue and adjacent to Ontario Beach Park. This subarea is characterized by extensive water-related recreational and commercial activity and includes two major undeveloped or underutilized sites that together form the focus of the city's diverse waterfront areas.

The river harbor zone within Subarea D extends from the mouth of the Genesee River on Lake Ontario, to the southern end of existing marina development on the river, near Denise Road. This zone includes:

the Summerville area and U.S. Coast Guard Station on the east bank of the river near Lake Ontario; extensive private marina development also located on the east bank of the river, north of Stutson Street; the Port Site and River Street Site located on the west bank of the river, north of Stutson Street; and, additional private marina development located on the west bank of the river, south of Stutson Street in the vicinity of Petten Street. The vast majority of this area is zoned as a Harbortown Village (H-V) District.

The 22 acre Port Site includes a ferry terminal building, a 4-ramp boat launch facility, and a large surface parking area. The port site is owned by the city with the exception of the existing boat launch facility which is owned by Monroe County. The entire area is zoned as a Harbortown Village (H-V) District. Access to the port site is obtained via Lake Avenue and Beach Avenue. Development constraints on the site include the possible need to realign the sanitary sewers in the area, bedrock depths and soil types with bearing capacities that limit the height of buildings that can be constructed on the site, and the existence of subsurface slag material that needs to be removed or relocated before development can begin.

The River Street site, located to the south of the port site and immediately adjacent to the river, has a unique neighborhood character that results from its topography and relative seclusion, its architecture, as well as the many small bars, restaurants and commercial establishments found in the area. The site also includes an abandoned railroad station that has significant development potential. In addition, the site is located adjacent to the Genesee Lighthouse which is listed on the National Register of Historic Places. The city owns the land immediately adjacent to the west bank of the river, from an area near the Pelican Bay Marina on the north, to an area just north of the O'Rourke Bridge. These land holdings include the abandoned railroad station. Development constraints on the River Street site include the location of a sewer pumping station and RG&E substation in the area, the dissection of the site by the Conrail tracks, the lack of adequate parking, and the design and condition of River Street itself.

The lakefront zone within Subarea D extends from the river west along Lake Ontario to the city line near Greenleaf Road. This zone includes Ontario Beach Park which is located on the lake at the mouth of the river, as well as existing lakefront residential development located on the north side of Beach Avenue, to the west of the park.

Ontario Beach Park contains 39 acres and features one of the best natural sand beaches on Lake Ontario. The park is accessed from Lake Avenue and Beach Avenue. Recreational uses in the park include the beach and Robach Community Center, supervised swimming, a soccer field, 2 softball fields, basketball courts, volleyball courts on the beach during the summer, 6 picnic pavilions, an outdoor performance pavilion and various concession stands. An antique Dentzel carousel which has been designated as a Rochester Historic Landmark is located at the eastern end of the park. The park is zoned as an Open Space (OS) District and is leased to Monroe County which is responsible for its operation and maintenance.

The city has prepared a comprehensive development plan for the Port Site that proposes the establishment of a significant public marina, mixed-use development including housing adjacent to the marina basin, improved public access to the marina and the river and surface parking areas. This plan is

graphically illustrated as a development concept for the Port Site on [Map IV-2](#). The plan includes two phases of development that ultimately require the relocation of the county boat launch facility.

The city has also developed conceptual recommendations for the redevelopment of the broader river harbor area which includes River Street, the Lake Avenue corridor north of the Lake Ontario Parkway, and the area between Lake Avenue and River Street, north of Stutson Street. These recommendations include construction of boat slips and a pedestrian walkway along the river, development of open space areas and picnic shelters along the river, redevelopment of the railroad station, construction of additional parking areas, and development of new housing.

The city recognizes that LWRP Subarea D, which includes the Port Site and the River Street Site, represents a significant opportunity to develop or enhance water-related recreational and commercial uses adjacent to the lake and river. These uses could include boating, fishing, passive recreation activities such as walking, hiking and biking, as well as marine-related stores, shops, bars and restaurants. Major special events such as fishing derbies, water sports activities and concerts could also be included in the development program. Subarea D is the only area within the city's LWRP where greater public access to and use of the river and lake could be provided, and where the local economy could be stimulated through the development of uses which must be located on or near the water in order to prosper. The city considers Subarea D to be its prime opportunity site and the one which requires the most city involvement to ensure that appropriate redevelopment occurs in a manner which will realize the area's full potential. Subarea D contains eleven geographic sub-zones that will be utilized later to delineate specific land use recommendations:

- (D1) Beach Avenue residential area;
- (D2) Ontario Beach Park;
- (D3) Lake Avenue / Estes Street area;
- (D4) Port Site;
- (D5) River Street Site;
- (D6) Lake Avenue commercial area;
- (D7) Petten Street area;
- (D8) Marina area;
- (D9) Summerville area;
- (D10) Railroad to Stutson Street (east bank of river);
- (D11) Stutson Street to Rattlesnake Point (east bank of river).

Subarea E - Industrial Areas

LWRP Subarea E contains three sites that are zoned and used for industrial activities. The first site is located at the end of Boxart Street, adjacent to Turning Point Park. The site is utilized by the Portland Cement Company. The company receives shipments of cement from special cargo ships which sail up the Genesee River from Lake Ontario, to a small docking area located along the east bank of the river, within Turning Point Park. The cement is then piped to a processing facility located a short distance away, within an M-1 Manufacturing District. The land which is used for the docking area and the pipe system for the cement is in Turning Point Park and is owned by the city. This use is water-dependent

although the site is not located immediately adjacent to the river. Access to the river for the site is controlled by the city.

The second site is located on the east bank of the river, just north of Maplewood Park. The site is owned by Eastman Kodak Company and is used for an industrial waste treatment facility that services manufacturing operations located in Kodak Park to the west. The site is zoned as an M-1 Manufacturing District and is accessed via Hanford Landing and Maplewood Drive.

The treatment plant is a water-dependent use which is located adjacent to the river, within the gorge. In addition to the treatment facility, this portion of Subarea E includes the Kodak Park manufacturing facility located west of Lake Avenue and north of Ridge Road West. This area includes an array of buildings and facilities where Kodak manufactures such products as photographic film, paper, chemicals and other supplies. Kodak's Research Laboratories are also located in this general area. Kodak Park is zoned as an M-2 Manufacturing District.

The third site within LWRP Subarea E is located on the west bank of the river, just south of the Driving Park Bridge. The site is owned by Rochester Gas and Electric Corporation (RG&E) and is used for the Station 5 hydroelectric power plant. This plant generates electricity using hydropower produced by the Middle Falls Dam. Water is diverted from the dam and piped via a tunnel to the power plant. Access to the plant is from Seth Green Drive to the north. The area around the plant, adjacent to the river, provides exceptional fishing opportunities. Public access to this area, however, is not well-developed and is controlled by RG&E. The site is zoned as an M-1 Manufacturing District.

An additional site zoned for manufacturing use contained in Subarea E is located at the top of the west bank of the Genesee River, at the end of Glenwood Avenue. This site is currently being used for a mechanic's laundry.

Two smaller manufacturing facilities are located within the LWRP boundary but outside of the three sites outlined above. These facilities include the Tape-Con Company, located on River Street at Latta Road, and Weyerhaeuser, located on Boxart Street. The Weyerhaeuser facility includes several other smaller manufacturing companies.

The city considers Subarea E to be stable in terms of its present land uses and does not anticipate any significant changes in the area's development patterns. The city does not anticipate rezoning any areas within Subarea E as a result of the adoption of the LWRP. The water-dependent, industrial uses which are currently located in this subarea are expected to remain for the foreseeable future.

Should expansions or modifications to the existing industrial land uses be proposed, the city will review those proposals in terms of the policy goals and statements contained in the LWRP, using existing site plan and environmental review procedures. Should changes in land use be proposed for these areas at some point in the future, the city will ensure that such uses take advantage of their waterfront locations and are appropriate in terms of overall shorezone development priorities.

Subarea E contains five geographic subzones that will be utilized later to delineate specific land use recommendations. These subzones include:

- (E1) Portland Cement Company;

- (E2) Kodak Park;
- (E3) RG&E Station 5 Power Plant;
- (E4) Tape-Con;
- (E5) Weyerhaeuser.

Recommended Land Uses for each LWRP Subarea

Introduction

In order to aid city staff in the preparation of development objectives for the waterfront area, as well as to help develop the specific recommendations of the land use plan, an LWRP Citizen's Advisory Committee (CAC) was formed. This group met on a regular basis with city staff over a period of several years. The group analyzed the LWRP subareas in terms of the appropriate LWRP policy goals and statements outlined in SECTION III, in order to develop appropriate land use recommendations for each of those areas. These recommendations included both water-dependent and water-enhanced recreation, commercial and open space uses.

The CAC developed generalized land use needs and objectives for the various subareas within the city's LWRP. These land use objectives were based on a review and analysis of the city's LWRP policies and included the following:

- Environmentally-sensitive or unique areas of special concern within the LWRP boundary should be preserved and enhanced. These areas included such natural features as steep wooded slopes, watercourses, flood plains, erosion-hazard areas, beaches, bluffs, scenic views and vistas, fish and wildlife habitats, and architecturally or historically significant sites.
- Appropriate water-dependent uses and activities should be developed in the shorezone that take advantage of their waterfront location, enhance the visual and aesthetic qualities of the waterfront, and contribute to the economic development of the city.
- Appropriate water-enhanced or water-dependent recreational uses and activities should be developed along the lake and river that take advantage of their waterfront location, enhance the visual and aesthetic qualities of the waterfront, and increase the type and variety of recreational opportunities available. These uses or activities included marinas, boat-docks and slips, boat launching ramps, public walkways, picnic and other open space areas, fishing and swimming areas, other more passive recreational activities, and marine-related commercial uses.
- Existing and stable residential, commercial and industrial areas should be protected and enhanced.
- The Port Site and the River Street site should be recognized and treated as unique development opportunities within the waterfront area. A water-dependent, mixed-use development should be created on the port site that takes maximum advantage of its unique waterfront location, enhances the use and ambience of the shorezone, improves public access to the waterfront,

increases public recreational opportunities, addresses boating demand and leverages future private investment.

- A mix of water-dependent and water-enhanced uses and activities should be developed on the River Street site and within the river harbor area in general, that takes maximum advantage of their waterfront location, enhances the unique neighborhood and maritime ambience and history of the area, provides public access to the river, increases public recreational opportunities, and rehabilitates existing structures as much as possible.

Having developed a generalized set of land use goals or objectives to be implemented within the LWRP boundary through specific land use recommendations for each subarea, the CAC reviewed the specific LWRP policies in terms of their relevancy to each subarea. The LWRP policies were grouped into three broad categories and were then evaluated against each subarea to determine whether and how each policy should be considered when determining specific land use recommendations for the six subareas. The results of this evaluation process are contained in Table IV-1. In developing the land use recommendations for the six LWRP Subareas, the committee also reviewed and considered the existing land use controls that are in place within the City of Rochester's LWRP boundary.

The LWRP policy evaluation for each subarea indicated those policy goals and statements that the committee considered important and relevant for the various geographical areas within the LWRP boundary. This evaluation also led to discussions regarding how each policy should be implemented or addressed in the proposed land use plan. Specific land use recommendations were then developed for each subarea from a wide range of potential uses or activities.

Additional development objectives were created for the Port Site as a result of the completion of the *Marina Engineering Report and Feasibility Study* by a consultant team in 2009. These development objectives are intended to form a policy framework within which future development proposals for the port site can be reviewed, evaluated and approved. The development objectives are summarized in subsection Recommended Projects of Section IV of the LWRP.

Table IV-1 Local Waterfront Revitalization Program Summary of LWRP Policy Evaluations by Subarea

LWRP POLICIES BY GENERAL CATEGORY	LWRP SUBAREAS					
	A	B	C1	C2	D	E
PROMOTE COASTAL USES						
1 Revitalize waterfront areas	X				X	*
2 Facilitate dependent uses	X	X			X	X
4 Redevelop existing built environment		X			X	
5 Encourage development near public services				*	*	*
23 Protect historic structures	*	*	*	*	*	*
9 Expand access/recreational use	X	X			X	
19 Protect public access to water-oriented recreation	X	X			X	
20 Provide public access to shore	X	X			X	X

LWRP POLICIES BY GENERAL CATEGORY	LWRP SUBAREAS					
	A	B	C1	C2	D	E
21 Encourage water-oriented recreation	*	*			*	*
22 Develop recreation as multi-use	*	*		*	*	*
27 Develop energy resources	+	+		+	+	+
6 Expedite permit procedures	*		*	*	*	*
1 Revitalize waterfront areas	X				X	*
PROTECT COASTAL RESOURCES						
7 Protect fish/wildlife habitats	*	*				
8 Control hazardous wastes	*	*	*	*	*	*
4 Promote traditional character of harbor areas		X			X	
24 Protect scenic areas		*		*		
12 Protect dunes and natural protective features	*	*		*	*	*
44 Protect wetland areas	X	X				
27 Site energy facilities in appropriate locations	+	+		+	+	+
31 Consider coastal policies in reviewing water classifications	*	*			*	*
33 Use best management practices to control runoff	*	*	*	*	*	*
40 Control effluent discharge						*
41 Maintain air quality standards	+	+	+	+	+	+
42 Reclassify land based on Clean Air Act	+	+	+	+	+	+
43 Prevent acid rain generators			+	+	+	
25 Protect scenic resources	X	X		X	X	X
REGULATE MAJOR COASTAL ACTIVITIES						
39 Manage solid wastes	*	*	*	*	*	*
15 Control dredging, mining and excavations	+	+			*	
11 Control construction in erosion hazard areas		*		*	*	*
13 Regulate erosion protection structures	*	*		*	*	*
14 Prevent erosion and flooding	*	*		*	*	*
16 Use of public funds for erosion control	*	*		*	*	*
17 Use non-structural flood and erosion protection		*		*	*	*
18 Review major coastal activities		X			X	
KEY: X = very relevant policy; * = relevant policy; + = less relevant policy. Blank: = not a relevant policy						

Based on the LWRP policy evaluations, as well as general land characteristics and development constraints found within the LWRP boundary, a range of potential land uses or activities that was considered appropriate within the subareas was developed by the committee and included:

- Marinas;
- Public walkways, promenades, pedestrian paths, hiking and biking trails, bridal paths;
- Swimming areas and beaches;
- Boat launches and boat ramps;
- Boat docks and slips, finger piers, T-piers;
- Fishing areas;
- Water-related retail support facilities (bait and tackle shops, fishing/boating supply stores, etc.);
- Hotels, boatels, bed and breakfast operations;
- Industrial or municipal waste treatment facilities;
- Power generating facilities;
- Shipping facilities;
- Museums (waterfront-related museum facilities, interpretive centers, historic displays, historic landmarks, etc.);
- Picnicking areas and open space areas;
- Parking;
- General retail facilities including stores and restaurants;
- Office research facilities and laboratories;
- Manufacturing facilities;
- Housing at various densities;
- Field sports (softball, soccer, etc.);
- Waterfront access for cartop boats and canoes;
- Zoo;
- Outdoor entertainment facilities (gazebos, bandshells, performance pavilions, etc.);
- Festival site (water-oriented, mixed-use entertainment area with associated commercial uses);
- Spectator site for off-shore events or activities.

In addition to an identification of the range of appropriate land uses to be considered for the LWRP Subareas, the CAC established whether or not each potential use was water-dependent, water-enhanced or unrelated to the water, in each subarea and subzone.

In order to determine which specific land uses from the above list were appropriate for each subarea, a rating sheet and rating criteria were developed by city staff and distributed to committee members. The rating sheet listed all potential uses for each subarea and subzone, noted the type of relationship the use had with the water, and listed the rating categories and scores to be used. Committee members were asked to evaluate and score each subzone within the six LWRP subareas in terms of how well a particular use located in that area would satisfy the following criteria:

- The particular use in the proposed location PROMOTED COASTAL USES (addressed the applicable LWRP Policies as determined by the committee).
- The particular use in the proposed location PROTECTED COASTAL RESOURCES (addressed the applicable LWRP Policies as determined by the committee).

- The particular use in the proposed location SUPPORTED ECONOMIC CONSIDERATIONS (addressed economic costs and benefits as determined by the committee).
- The particular use in the proposed location SUPPORTED EXISTING OR PROPOSED WATERFRONT DEVELOPMENT POLICIES (addressed other applicable policies contained within existing or proposed master plans, comprehensive development plans, etc., as determined by the committee).

The rating process consisted of an evaluation, by each committee member, of the appropriateness of a particular use in a given subzone, based on how well that use satisfied each of the criteria listed above. For example, committee members were asked to evaluate the appropriateness of a marina located at the Durand-Eastman Park shoreline, based on how well that use in that location would promote coastal uses, protect coastal resources, support economic considerations and support existing or proposed waterfront policy. Committee ratings were based on a scale of 1 to 5, where 5 equaled a superior score.

Using a computerized statistical analysis program, committee ratings for each use in each subzone were analyzed to determine average committee scores, as well as the high and low score given for each criteria. Results from the computer analysis were then reviewed to determine which of the uses that were ranked the highest by the committee were actually appropriate and desirable for each subzone. This review was based on the following additional considerations:

- Was the proposed use realistic in terms of current land use patterns, development trends and projected needs in the proposed location?
- Was the proposed use appropriate in terms of its relationship to the physical features, environmental constraints, and other determinants of the suitability of land for development at the proposed location?
- Did the proposed use concentrate development in a location that includes adequate public infrastructure and services?
- Did the proposed use in the proposed location allocate adequate space for existing and future water-dependent uses and reduce or avoid conflicts between water-dependent and non-water-dependent uses?
- Did the proposed use in the proposed location help maintain or increase public access to the shoreline?
- Did the proposed use in the proposed location minimize, reduce or eliminate the potential for loss of human life and property damage as a result of erosion and flooding?
- Did the proposed use in the proposed location help to protect or enhance important natural, historic, cultural or scenic resources?

Based on a comprehensive review of the rating scores and further discussions of the criteria and other considerations mentioned above for each use in each location, the committee developed a list of proposed land uses for each of the 29 subzones within the LWRP subareas. This list represents the basic elements of the proposed land use plan for the city's LWRP. It should be noted that the lists of recommended land uses for the LWRP subareas do not represent a priority ranking of those land uses for that particular zone, but merely a generalized listing of appropriate types of development for the area, as determined by the committee.

Subarea A - Durand-Eastman Park

Within LWRP Subarea A -Durand-Eastman Park, the following land uses are recommended to be promoted, encouraged and developed:

Recommended Land Uses for LWRP Subarea A-Durand-Eastman Park

GEOGRAPHIC SUBZONE	RECOMMENDED LAND USES
(A1) Durand-Eastman Park Shoreline	Public walkway Swimming areas Fishing areas Picnicking areas Parking Cartop boat access Spectator site for off-shore events
(A2) Remainder of Durand-Eastman Park	Public walkway Fishing areas Treatment facilities Picnicking areas Parking Field sports Outdoor entertainment Bridal paths

The land uses recommended for LWRP Subarea A (Durand-Eastman Park) promote waterfront recreational opportunities, promote public access to the shore zone, preserve or enhance sensitive environmental areas and natural features, and do not conflict with existing land uses, development patterns or zoning classifications. These land uses can be encouraged and developed through the implementation of the Durand-Eastman Park Master Plan, currently being prepared by Monroe County, in cooperation with the city. Treatment facilities are listed as an appropriate use within the major portion of Durand-Eastman Park because of the presence of the existing VanLare Treatment Plant in the park and the realization that this land use will remain in this location for the foreseeable future.

Subarea B - Open Space / Critical Environmental Areas

Within LWRP Subarea B (Open Space / Critical Environmental Areas), the following land uses are recommended to be promoted, encouraged and developed:

Recommended Land Uses for LWRP Subarea B- Open Space / Critical Environmental Areas

GEOGRAPHIC SUBZONE	RECOMMENDED LAND USES
(B1) Turning Point Park	Public walkway Fishing areas Picnicking areas Parking Cartop boat access
(B2) Seneca Park	Public walkway Swimming areas Fishing areas Picnicking areas Parking Zoo Outdoor entertainment
(B3) Maplewood Park	Public walkway Fishing areas Picnicking areas Parking Outdoor entertainment
(B4) Lower Falls Park	Public walkway Museum (historic/interpretive center) Picnicking areas
(B5) Seth Green area	Public walkway Fishing areas Parking Cartop boat access
(B6) Rattlesnake Point area	Public walkway Fishing areas Picnicking areas Parking
(B7) Riverside and Holy Sepulcher Cemeteries	Public walkway Parking

Land uses recommended for LWRP Subarea B (Open Space / Critical Environmental Areas) recognize that this area should remain undeveloped, but that public access to and through the area should be improved. The recommended land uses promote waterfront recreation, preserve or enhance sensitive environmental areas and natural features, do not conflict with existing land uses patterns, and promote public access to the shore zone. These uses can be developed through implementation of the park

master plans being prepared by Monroe County and the city. Development proposed within Turning Point and Lower Falls Park will be undertaken by the city. The proposed land uses for this subarea are permitted and regulated by the Open Space (OS) Zoning District which covers most of this area.

The proposed land uses recommended for Subarea B also address several of the goals and objectives of the Lower Genesee River Land Use Plan which was reviewed and adopted by the Rochester City Council in 1979. These goals and objectives include the development of public physical and visual access to the river gorge, development of passive recreational opportunities on the river, and preservation of sensitive environmental features.

Subarea C1 - Developed portion of the Upland Area

Within LWRP Subarea C1 (developed portion of the Upland Area), the following land uses are recommended to be promoted, encouraged and developed:

LWRP Subarea C1: Developed Portion of the Upland Area Recommended Land Uses

GEOGRAPHIC SUBZONE	RECOMMENDED LAND USES
(C-1-A) Lake Avenue/Stutson Street Area	Public walkway Marine-related retail support facilities Hotel Parking General retail facilities, including restaurants Office research facilities Housing
(C-1-B) Remainder of the Upland Area	Public walkway Hotel Parking General retail facilities, including restaurants Housing

Committee recommendations for LWRP Subarea C1 (developed portion of the Upland Area) promote land uses that are compatible with and enhance well-established development patterns in the upland area of the LWRP boundary. The recommended land uses are also compatible with existing zoning classifications. Although specific sites or locations for each of the recommended uses for this subarea have not been established or identified, they can be accommodated by existing city zoning regulations and site plan and environmental review procedures. Proposed water-related commercial support facilities, such as bait and tackle shops or boating and fishing supply stores, along with retail establishments, were recommended within the Lake Avenue/Stutson Street Subzone to help restore the economic viability of that area, and link it to the multi-use waterfront development projects proposed for the Port Authority and River Street sites.

Subarea C2 - Buildable portion of the Upland Area

Within LWRP Subarea C2 (buildable portion of the Upland Area), the following land uses are recommended to be promoted, encouraged and developed:

LWRP Subarea C2: Buildable Portion of the Upland Area Recommended Land Uses

GEOGRAPHIC SUBZONE	RECOMMENDED LAND USES
(C-2-A) Boxart Street/Burley Road Area	Public walkway Housing
(C-2-B) Eastman Kodak/St. Bernard's Seminary	Parking Office research facilities Manufacturing facilities

Committee recommendations for LWRP Subarea C2 (buildable portion of the Upland Area) promote land uses and facilities that are compatible with and enhance existing, well-established development patterns in this area. The recommended land uses are also compatible with existing zoning classifications. Any proposals to construct new facilities or rehabilitate existing buildings at the Eastman Kodak Company research laboratories at St. Bernard's Seminary will be reviewed under existing site plan and environmental review procedures and will conform with existing zoning regulations and historic preservation requirements.

Subarea D - River Harbor Zone and Lakefront Area

Within LWRP Subarea D (River Harbor Zone and Lakefront Area), the following land uses are recommended to be promoted, encouraged and developed:

LWRP Subarea D: River Harbor Zone and Lakefront Area Recommended Land Uses

GEOGRAPHIC SUBZONE	RECOMMENDED LAND USES
(D1) Beach Avenue residential area	Public walkway Housing
(D2) Ontario Beach Park	Public walkway Swimming areas Fishing areas Water-related retail support facilities Museum Picnicking areas Outdoor entertainment Festival site
(D3) Lake Avenue / Estes Street area	Public walkway Water-related retail support facilities Parking General retail facilities, including restaurants

GEOGRAPHIC SUBZONE	RECOMMENDED LAND USES
	<ul style="list-style-type: none"> Housing Field sports
(D4) Port Site	<ul style="list-style-type: none"> Marina and marina support facilities Public walkway and trails Boat docks Boat launch / ramp Fishing areas Museum / aquarium Waterfront education / research facilities Water-related retail support facilities Picnicking areas Parking areas and parking structures Outdoor entertainment Festival site Hotel, boatel, conference center General retail facilities, including restaurants Housing Mixed-use buildings and development Parks, open space Visitor information center Transportation terminal
(D5) River Street site	<ul style="list-style-type: none"> Marina Public walkway Boat docks Fishing areas Water-related retail support facilities Hotel Parking Housing Outdoor entertainment
(D6) Lake Avenue commercial area	<ul style="list-style-type: none"> Public walkway Water-related retail support facilities Hotel Museum (Genesee Lighthouse) Parking General retail facilities including restaurants Outdoor entertainment Housing
(D7) Petten Street area	<ul style="list-style-type: none"> Marina Public walkway Boat docks Fishing areas Water-related retail support facilities

GEOGRAPHIC SUBZONE	RECOMMENDED LAND USES
	Parking Housing
(D8) Marina area	Marina Public walkway Boat docks Fishing areas Parking Cartop boat access
(D9) Summerville area	Public walkway Swimming areas Fishing areas Water-related retail support facilities Parking Outdoor entertainment Marina Boat docks Housing
(D10) Railroad to Stutson Street (east bank of river)	Marina Public walkway Boat docks Water-related retail support facilities Hotel/Boatel Parking Boat launch Housing
(D11) Stutson Street to Rattlesnake Point (east bank of river)	Marina Public walkway Boat launch Boat docks Fishing areas Parking Water-related retail support facilities Housing

The land uses recommended for LWRP Subarea D (River Harbor Zone and Lakefront Area) promote waterfront recreation, preserve or enhance scenic views and vistas and other sensitive or unique environmental areas, increase public access to the waterfront, and do not conflict with existing land uses or development patterns. The recommended land uses also help create a focus for waterfront development and activity within the city's LWRP boundary. Many of the uses can be developed through implementation of the Ontario Beach Park Master Plan prepared by Monroe County, and the comprehensive development plans prepared by the city for the Port Authority and River Street sites. The

land uses recommended by the committee for this subarea take advantage of the unique development potential and recreational opportunities within the shore zone on the lake and at the mouth of the river.

The majority of land uses proposed for this subarea does not conflict with and are permitted and regulated by the existing River Harbor (R-H) and Open Space (OS) Zoning Districts which cover most of this area. The city undertook, however, as a part of the completion of LWRP Section V: Implementing Techniques, an analysis of the existing River-Harbor Zoning District regulations and site plan review procedures to determine if they were adequate to address all of the land use, site plan, design and environmental considerations of the committee's land use recommendations. The results of that analysis are contained in Section V.

The land uses recommended for Subarea D also address several of the goals and objectives of the Lower Genesee River Land Use Plan which was adopted by the Rochester City Council in 1979. These goals and objectives include the development of public physical and visual access to the river gorge, development of passive recreational opportunities on the river, and preservation of sensitive environmental features.

Subarea E - Industrial Areas

Within LWRP Subarea E (Industrial Areas), the following land uses are recommended to be promoted, encouraged and developed:

LWRP Subarea E: Industrial Areas Recommended Land Uses

GEOGRAPHIC SUBZONE	RECOMMENDED LAND USES
(E1) Portland Cement Company	Public walkway Fishing areas Shipping Parking Manufacturing facilities
(E2) Kodak Park	Public walkway Treatment facilities Parking Office research facilities Manufacturing facilities
(E3) RG&E Station 5 Power Plant	Public walkway Fishing areas Power generating facilities Parking
(E4) Tape-Con Site	Water related retail support facilities Hotel/Bed and Breakfast Inn Parking Manufacturing facilities Housing
(E5) Weyerhaeuser	Parking Manufacturing facilities

Committee recommendations for LWRP Subarea E (Industrial Areas) promote land uses and certain waterfront recreational activities that are compatible with and enhance well-established development in this portion of the LWRP boundary. The recommended land uses are also compatible with existing zoning classifications. Much of Subarea E is zoned for manufacturing or industrial use which permits virtually all of the land uses listed above for this area.

Although specific sites or locations for several of the recommended uses for this subarea have not been established or identified, they can be accommodated by existing city zoning regulations as well as site plan and environmental review procedures. Development of fishing areas and passive recreational opportunities along the river will be promoted and encouraged by the city and could be implemented through negotiations with various private industries or land owners. Potential future redevelopment of the Tape-Con Site would proceed based on the recommendations for this area contained in the River Harbor Plan outlined later in this Section. The city considers the development of improved fishing access and facilities at the RG&E Station 5 Power Plant and at the Portland Cement Company to be particularly important. Expansions of, or modifications to, existing industrial facilities or changes in use proposed for these areas will be reviewed by the city based on the LWRP policy statements and land use recommendations outlined in this Section.

Recommended Projects within the LWRP

A. Introduction

As noted earlier, the city has developed and proposed several major projects within the LWRP boundary which are designed to address and implement many of the LWRP policies outlined in SECTION III, as well as the specific land use recommendations contained in this Section. These project proposals represent a significant amount of investigation, research, evaluation and planning on the part of city staff and the CAC. The projects which are proposed as part of the city's LWRP include:

- Development of a mixed-use, waterfront center / festival site at the Port Authority site, along with enhancement of existing water-oriented recreational activities, commercial facilities and public access along the river and within Ontario Beach Park.
- Development of a mixed-use waterfront district within the River Street site, to include enhancement of water-oriented recreational activities and public access along the river, development of new housing, and rehabilitation of existing commercial facilities in the area.
- Development, in cooperation with Monroe County, of a boat launch facility, as well as adjacent public access and water-related recreational activities along the east bank of the river, just south of the Stutson Street Bridge.
- Implementation, in cooperation with Monroe County, of improvements in Durand-Eastman Park, Ontario Beach Park, Turning Point Park, Seneca Park, Maplewood Park, and Lower Falls Park. Specific projects will include improvements in public access to the shore zone, enhancement of existing water-oriented recreational facilities, and development of new water-oriented recreational facilities.

B. Development of the Port Site

In 2008, the city, in conjunction with a team of marina and waterfront development consultants and engineers, investigated the land use and marina market potential as well as development and engineering constraints of the 30-acre Port Site located at the northern terminus of Lake Avenue, along the west bank of the Genesee River near the outlet with Lake Ontario.

The Port Site is bordered on the north by Ontario Beach Park, on the west by Lake Avenue, on the south by the former CSX railroad right of way, and on the east by the Genesee River. The property contains a number of physical features including approximately 1,400 lineal feet of river shoreline on the Genesee River, a 53,200 square foot former ferry terminal building, a 4-ramp boat launch with 104 car/trailer parking spaces (owned and operated by Monroe County) and approximately 830 public parking spaces contained within a grid pattern roadway and site utility infrastructure system. The site topography varies approximately 30 feet, sloping from Lake Avenue easterly to the river's edge. Soils are generally poor throughout the site with the best soils located on the western portion of the property.

The city recognized that this site offered a unique opportunity to develop a focus for the city's waterfront areas that could attract visitors and tourists from Rochester and Monroe County as well as from outside the metropolitan area. The site could provide increased public access to the waterfront along with a variety of water-dependent recreational activities and uses and could also leverage significant private investment if developed properly.

The city and consultant team recognized that the existing large parking area and expanse of open space on the site was not the highest and best use of the land and was inconsistent with a series of general project goals that were reviewed with community stakeholders and are identified below.

Port Site Development Goals:

- Preserve and enhance the “village” character of Charlotte
- Create a family-oriented, four-season development
- Maintain and enhance visual and physical access to the water
- Improve access into and out of the port area
- Enhance economic development and business activity within Charlotte
- Improve pedestrian circulation and safety in the area
- Protect /enhance the environmental, historic and cultural resources in the area, and
- Develop a mixed-use project that balances public uses and needs with appropriate private development that expands the tax base

An extensive marina and waterfront development market analysis was completed by the city's consultant team in 2008. The analysis concluded that a marina project was economically feasible on the site, given the existing and projected future demand for boat slips in the Rochester harbor area. The specific marina product recommendations presented in the market study included the following:

- Construction of a marina containing 100 to 200 slips with slip sizes ranging from 35 feet to 100 feet in length (potential demand currently exists for 200 to 500 additional slips in the harbor area)

- Development of marina and boat services offsite
- Development of a “flexible” mix of seasonal and transient slips in the marina
- Development of a “waterfront events” area adjacent to the marina to promote public access and usage and stimulate commercial development in the area
- Charging \$80 to \$85 per lineal foot as a summer rate for dockage (this slip rate results in a marina debt supportable cost of approximately \$32,000 per slip in 2009 dollars)

The market study also identified the following housing product recommendations:

- Development of taller, high-density buildings on the site that respect views (six to ten stories) and minimize the use of existing parking and parkland
- Development of two to four-story town homes and/or residential lofts over commercial / retail uses directly fronting the marina and along Lake Avenue
- Development of a hotel or condominium hotel on site with adjoining conference facilities
- Continued development of cruise ship dockage along the river front

Based upon the market analysis and a series of community meetings and workshops, six conceptual plan options were developed by the consultant team. The options investigated various sizes, shapes and locations for the marina basin within the site and for the marina entrance along the river, as well as various land side development parcel configurations and parking and public infrastructure scenarios.

It became apparent during the development of the various options that the marina basin entrance needed to be located as far south as possible, in order to minimize the effects of the existing wave surge problem in the Genesee River. In the mid-1990s, the Army Corps of Engineers constructed a wave-dampening stone revetment on the inner seawall area of the westerly breakwater of the pier structure extending into Lake Ontario. Although this structure has reduced wave energies in the harbor, it has not effectively eliminated them. During strong northerly winds, there is a 3- to 6-foot surge at the northerly end of the site, which is further reduced to 1 to 2 feet at the southerly end of the site. To reduce these wave energies to an acceptable condition for recreational marina / boating purposes, appropriate marine and coastal engineering must be incorporated into the proposed marina design. Accordingly, a southern marina entrance was recommended by the consultant team. It also became apparent that the marina needed to have a more central location within the site and a more natural or “organic” shape and design, in order to maximize development potential around the basin and public access to and interest in the water and to leverage private investment in the site.

The six development options were then reviewed and further discussed by key stakeholders for the project. The conclusion of that public input and a final analysis by the consultant team was to prepare a refined “Option 7” plan that incorporated the most feasible design and engineering elements from the other scenarios. The plan addressed all key project goals and issues, minimized costs and environmental impacts and provided maximum private investment opportunities surrounding the proposed marina basin. Key elements of the recommended plan include:

- Development of residential condominium units on the site, with some units sited directly adjacent to the marina basin

- Development of commercial/retail uses along Lake Avenue and around/adjacent to the marina basin
- Construction of a new natural or “organic” shaped marina basin with slip sizes ranging from 35 to 100 feet
- Development of a slip mix in the marina that is 50% seasonal and 50% transient initially, but can be adjusted to meet market demand in the future
- Dedication of some slips to adjoining private residential development through a publically available slip license structure
- Development of major public spaces along and/or around the marina basin for future public use and access and for the programming of waterfront events, festivals and exhibitions; development of a marina promenade (extensive public boardwalk 10 feet to 30 feet in width) that is open to the public and connects to the river pier to the north and the city’s river/bike path/trail system to the south
- Development of a landscaped pedestrian connection from Lake Avenue to the marina basin and public marina promenade, and
- Development of dock space to accommodate visitors from other ports on Lake Ontario as well as for tour and charter boats

It will be necessary to eliminate some of the parking spaces that currently exist on the site in order to allow for the creation of appropriate land areas that could be utilized to develop the marina basin and surrounding residential development. Based upon input in the public workshops/focus groups, it was felt that public parking on the site should not be reduced to less than half of the existing parking or approximately 450 spaces. Additionally, the majority of the parking nearest to Ontario Beach Park should be preserved to the degree it can to balance the site’s development potential with existing and future public usage of site amenities and the park.

Existing permanent parking spaces would also be maintained in the area south of Beach Avenue, west of Lake Avenue and east of Estes Street. As facilities and activities are developed at Ontario Beach Park and the port site, the parking supply and demand situation would be closely monitored by the city. If additional parking became necessary, the city would investigate various alternatives for either reducing demand or increasing the supply of spaces. These alternatives could include the development of off-site parking lots and the use of a bus shuttle system to bring people into the area, new signage to direct vehicles to existing, underutilized parking areas, the use of parking fees, the development of temporary, overflow parking, or the construction of a parking garage on the port site.

The recommended plan is proposed to be developed in two phases. The initial phase would not require additional property transfers, would avoid alienation of parklands, and would not require boat launch relocation. The consultant team proposed that Phase I could begin after an 18-month entitlement period. Phase II could begin as soon as three years thereafter, depending on various market conditions affecting the marina, residential and commercial development absorption rate during Phase I.

Phase II requires the relocation of the Monroe County boat launch and parking area. The existing boat launch is located within a designated parkland area and contains approximately 104 car-trailer parking spaces, in addition to a 4-lane boat launch ramp configuration. If development were to proceed in this

area, a replacement launch would need to be constructed on other lands to mitigate the elimination of this launch. Any parkland alienation would need to be initiated through the New York State parkland alienation process. It was the opinion of the consultant team that a boat launch is not the highest and best use of this land and that it should be relocated. Relocation of the boat launch would permit expansion of the marina basin and enhanced land side development surrounding the basin.

As a result of the implementation of the concept plan outlined above, the Port Site would be transformed into a new, mixed-use waterfront development area with significant water-dependent and/or water-enhanced public amenities and new public marina. The proposed concept plan addresses many of the LWRP policy goals and statements contained in Section III as well as the overall project goals and development/design objectives agreed upon by city staff, the consultant team, citizens and stakeholders. The plan would also implement the specific land use recommendations for the site that are contained in this Section. The plan promotes tourism, enhances the area's image as a recreation and waterfront attraction, strengthens the economic base of the region, promotes public access to the shore zone, increases the amount and type of water-related recreational activities and opportunities, addresses boating demand, enhances beach accessibility and use for large numbers of people, and improves overall pedestrian and vehicular circulation in the area.

A summary of the elements of the proposed Port Site Concept Plan is provided below. [Map IV-2](#) illustrates the concept plan. This is a schematic plan that represents development ideas in a conceptual manner only. Specific elements, components, locations and configurations of actual projects such as the marina basin, public amenities and any land side development would be determined only after detailed design, engineering, and environmental studies were completed.

C. Summary of Port Site Development/Design Objectives

The proposed concept plan for the Port Site was developed based on a series of development and design objectives that were proposed by city staff and then reviewed by the consultant team as well as residents of Charlotte and other community stakeholders at a variety of community meetings and workshops. These objectives address major LWRP goal and policy statements described in Section III and create a development framework within which all projects, actions and activities proposed on the site will be reviewed and evaluated through the city's LWRP consistency review legislation and procedures. See [Map IV-2](#). The objectives are listed below:

(1) Maintain and enhance local use and enjoyment of the site, Ontario Beach Park, the Genesee River and Lake Ontario:

- a) relate and connect new development to existing neighborhood land uses, features and amenities
- b) connect streets, neighborhoods, districts and amenities to each other and to the river and lake
- c) establish and/or maintain public access to and along the waterfront
- d) preserve local open space, recreational facilities and other public amenities
- e) maintain significant views and vistas to and from the lake and the river and to and from the Genesee Lighthouse along streets, sidewalks and trails

(2) Develop the site in a way that maximizes city tax revenues and other important revenue streams:

- a) create development parcels and a phased development approach that satisfies reasonable market demand and maximizes investment return potential while preserving a village character and scale
- b) encourage the development of a small-scale, private ferry service using existing infrastructure when feasible
- c) utilize existing public infrastructure where feasible
- d) utilize existing public infrastructure and facilities to create revenue streams where appropriate and feasible

(3) Encourage the use and development of the site as a waterfront tourist destination through appropriate water-dependent and/or water-enhanced uses and public amenities:

- a) develop a public marina with transient slips and amenities
- b) develop “specialty” retail or unique retail experiences in appropriate locations
- c) establish a “village” atmosphere or design character on the site
- d) create a visitors / information center and link it to the Seaway Trail
- e) establish a “critical mass” of uses, attractions and amenities to attract visitors
- f) develop site as an “entrance” or “gateway” into the city / region
- g) create public spaces to accommodate festivals and events that compliment the beach, park and marina
- h) encourage the development of a small-scale, private ferry service using existing infrastructure when feasible
- i) create at least one destination attraction (recreational or entertainment oriented)
- j) establish a directional signage system to guide visitors and tourists
- k) develop a hotel, boatel and/or bed and breakfast facility on or near the site

(4) Improve pedestrian circulation, safety and enjoyment on the site:

- a) complete a river front promenade with connections to the existing Genesee River trail
- b) establish a comprehensive pedestrian / visitor signage system
- c) connect streets, neighborhoods, districts, trails and amenities to each other and to the river and lake
- d) create a significant pedestrian experience at the north end of Lake Avenue at the park
- e) develop Lake Avenue and River Street as the major pedestrian spines of the area
- f) connect the site to River Street, the Turning Basin and the parks and river gorge to the south.

(5) Create a 4-season “character” and functionality on the site:

- a) develop a significant public space or venue that can be programmed for 4-season uses
- b) create public spaces to accommodate festivals and events that compliment the beach, park and marina
- c) establish a year-round residential population base

- d) develop an appropriate mix of recreational, entertainment and retail uses
- e) create at least one destination attraction (recreational or entertainment oriented)
- f) create a visitors / information center and link it to the Seaway Trail

(6) Encourage an appropriate mix of land uses, public amenities and development that facilitate the creation of a “village” scale and character on the site:

- a) develop an appropriate mix of land and building uses (in horizontal and vertical relationships) that takes advantage of proximity to the lake, river, park and other amenities
- b) establish an appropriate village scale, massing, density and aesthetic for buildings (heights, facades, dormers, roof lines and construction materials)
- c) create buildings with street level window storefronts, awnings and pedestrian- scale signs and lighting
- d) establish a consistent public streetscape design theme with pedestrian-scale details
- e) develop a comprehensive signage system (directional and historic/interpretive)
- f) create a unique pedestrian experience along Lake Avenue and River Street
- g) establish a year-round, residential population base on the site

(7) Develop alternative means of transportation to, from and through the site and the Charlotte neighborhood:

- a) encourage the establishment of a multi-modal terminal (ferry, bus, car rental, taxi, bike, shuttle)
- b) develop a system of off-site, remote parking lots for major events
- c) develop a shuttle system to move visitors from remote lots to the site
- d) establish a village “people mover” (i.e., jitney, carriage rides, water taxi) to move people to/from attractions and parking
- e) investigate acquisition of the CSX right-of-way (if feasible) for use as access to remote lots, additional parking and/or other means of internal circulation and movement
- f) develop walking trails and bike paths to and through the site

(8) Protect/enhance waterfront recreational, historic and cultural resources on or near the site:

- a) preserve and enhance the Genesee Charlotte Lighthouse and connect it, physically and visually, with surrounding development and amenities
- b) preserve and enhance the Robach Community Center, Dentzel Carousel, and Genesee River Pier and riverwalk
- c) establish additional attractions / amenities within Ontario Beach Park and the beach itself to encourage and promote public use and enjoyment in accordance with appropriate plans and studies

(9) Preserve and enhance business activity on the site and in the Charlotte neighborhood:

- a) preserve and enhance the existing commercial corridor along Lake Avenue as the Charlotte Harbortown Village “Main Street”

- b) create new infill mixed-use development along the east side of Lake Avenue, on the site
- c) develop new commercial/retail opportunities on the site that complement existing commercial development along Lake Avenue
- d) develop new mixed use development along River Street that creates an exciting new waterfront ambience
- e) develop street intersections within the site for ground floor retail/commercial uses
- f) develop “specialty” retail or unique retail experiences in appropriate locations

(10) Utilize the waterfront portion of the site for water-dependent and/or water-enhanced uses:

- a) develop a river front trail system connecting the site with River Street, the Turning Basin and the parks and river gorge to the south
- b) complete a river front promenade and connect it to other waterfront trail systems
- c) encourage the development of a SUNY/Brockport Great Lakes Natural Resource Center or similar facility along the river
- d) develop a public marina(s) with transient slips and appropriate amenities that can also service new residential development
- e) develop public boat launches at appropriate locations along the river that allow access for trailered and car-top boats

(11) Develop the site as a “water gateway” into Rochester, Monroe County and the Genesee/Finger Lakes Region:

- a) establish a multi-modal terminal (ferry, bus, car rental, taxi, bike, shuttle)
- b) establish a directional signage system to guide visitors and tourists
- c) establish a village “people mover” (i.e., jitney, carriage rides, water taxi) to move people to/from attractions and parking
- d) develop a public marina with transient slips and amenities
- e) encourage the development of a small-scale, private ferry service using existing infrastructure when feasible
- f) develop public boat launches at appropriate locations along the river that allow access for trailered and car-top boats
- g) develop a hotel, boatel and/or bed and breakfast facility on or near the site

(12) Develop the site in a way that minimizes negative environmental and neighborhood impacts, adequately addresses housing, commercial and boating market demand issues and does not create additional significant parking, access or circulation problems:

- a) locate site development in areas that can accommodate that development to minimize environmental impacts, preserve open space, public access and amenities and maintain significant views to and from the lake and river
- b) develop an appropriate mix of transportation options to, within and through the site
- c) maintain public access to and along the waterfront and connect new development and the surrounding neighborhood to the water as much as possible

- d) create development parcels and a phased development approach that satisfies market demand and maximizes investment return potential
 - e) balance parking demand needs with protection of environmentally sensitive areas and concerns for site “walkability”
 - f) preserve local open space, recreational facilities and other public amenities
- (13) Improve water quality at Ontario Beach Park:**
- a) research and document the specific causes of and factors influencing the water quality problems at Ontario Beach
 - b) develop and implement an appropriate mitigation system to improve beach water quality and enhance public access to the water for swimming based on Army Corps of Engineers recommendations
- (14) Preserve and enhance significant views and vistas within and through the site:**
- a) place buildings and structures on the site in a manner that preserves, protects and enhances existing significant views, vistas or panoramas of the Genesee River, Ontario Beach Park and the Genesee Lighthouse
 - b) create view sheds from Lake Avenue to the river along streets, trails or public open spaces
- (15) Maintain and enhance public safety throughout the site by providing adequate security amenities or features and by designing trails, open spaces, public and private development, parking areas and marina dock spaces to include adequate lighting and identifiable “defensible space” elements.**
- (16) Create a public marina on the site that addresses market demand for new public and private boat slips (including transient slips), protects Genesee River water quality, interfaces with the Genesee River in a manner that does not substantially increase the wave surge problem within the river or within the basin, addresses other environmental concerns, creates appropriate development parcels surrounding the basin and leverages private development interest in the site:**
- a) create a basin and marina entrance design that reduces siltation within the basin
 - b) create a basin entrance that reduces or minimizes wave surge problems within the basin
 - c) enhance water quality in the basin and provide for adequate “flushing” of basin water
 - d) enhance landside development opportunities with an appropriate basin size, shape and location on the site
 - e) include a public walkway and public access around the basin as well as open spaces or public space features and amenities
 - f) develop a marina “focal point” or “icon” to draw attention to the site and serve as a public marker for the marina, and as a ‘gateway” for the Charlotte community and the City of Rochester itself.
 - g) develop a marina basin and river front docking area that encourages and promotes cruise ship and charter fishing activity

- h) provide appropriate marina amenities and services adjacent to the basin
 - i) encourage the development of a small scale private ferry service (without vehicular ferry service) if market demand exists and utilize the existing terminal and dock space along the pier or within the new basin to accommodate this activity
- (17) Redevelop and extend River Street north through and into the site, on an alignment that closely follows the existing access road along the east side of the CSX right-of-way and that connects to Portside Street to provide an alternate means of getting into and out of the main portion of the site. Continue the extension of River Street north to Ontario Beach Park and associated parking areas following a traffic analysis and an evaluation of alignment options and traffic circulation patterns that considers overall implications for land side development parcels and the marina basin configuration.**
- (18) Encourage the development of a small-scale, private ferry service on the site (without vehicular service), utilizing a portion of the existing terminal building, parking and queuing areas and other public infrastructure. If a ferry service is not developed, encourage appropriate alternatives for the re-use of the ferry terminal building such as an inter-modal terminal or visitor's center.**
- (19) Encourage a higher and better use of land side development parcels and opportunities on the site by pursuing the relocation of the Monroe County Parks Maintenance Facility off the site, to a building and parcel of land appropriate for such use, that minimizes adverse impacts and is located in an area conducive to the efficient conduct of the activities and functions associated with that facility.**
- (20) Encourage a higher and better use of land side development parcels and opportunities on the site by pursuing the reconfiguration of all or a portion of the Monroe County Boat Launch Facility (4 ramps) in its approximate existing location or by relocating the facility off the site in a manner and location consistent with launch ramp demand, appropriate design and engineering considerations and minimal adverse environmental and traffic impacts.**
- (21) Pursue development of a SUNY/Brockport Natural Resource Center and/or permanent Great Lakes Research Facility on the site, either within a portion of the existing terminal building or in a stand-alone facility, adjacent to the Genesee River and/or public marina.**
- (22) Investigate the acquisition and development of the CSX right-of-way for potential parking, circulation and access if that land becomes available and that option is determined to be feasible.**
- (23) Develop remote parking areas and shuttle systems to satisfy long-term peak demand during major events, festivals or other activities on the site.**
- (24) Preserve and protect Ontario Beach Park and all existing designated parkland areas (including associated parking) and replace parkland lost to development through required New York State parkland alienation procedures.**

(25) Develop the site as a mixed-use, waterfront village community that includes appropriate public amenities and attractions and a strong residential or housing component built around a major public marina facility.

(26) Create an urban design environment within the site that:

- a) relates building first floors to streets with high levels of transparency, prominent and clearly identifiable entrances and appropriate design details
- b) establishes a regular rhythm of windows and bays over building facades
- c) terminates the tops of buildings with a combination of recessed wall planes, cornices, roof forms and other architectural details
- d) locates parking to the rear of buildings and at the center of blocks
- e) maintains waterfront views and vistas down side streets to the river and north on Lake Avenue to the lake
- f) incorporates building architectural styles or details that reflect the area's waterfront history and that complement the lighthouse, bath house, carousel and other historic design details from Ontario Beach Park
- g) incorporates appropriate design elements that reflect an historic amusement park / Ontario Beach Park / maritime theme and identifies a specific waterfront design "icon" that can be used and repeated in public spaces and featured in building architectural details and styles
- h) enhances pedestrian movement to and from the lake and the river through wide sidewalks, pedestrian scale street furniture, lighting and signage, prominent landscaping and street trees and other design elements
- i) develops public pocket parks, open spaces and landscaped areas throughout the site to maintain a park like ambience and provides for public functions/activities within development
- j) utilizes specific design elements such as landscaping, paving materials, signage and lighting to create "gateway" experiences for pedestrians, motorists and boaters at major water and land-side entryways into the site

D. Development of the River Street Site

Initial planning and design work for the River Street site was undertaken in conjunction with the preparation of the redevelopment plans for the Port Authority site and Ontario Beach Park. The city, assisted by a planning consultant and the CAC, investigated the land use potential and development constraints of the River Street site which is located along the west bank of the Genesee River, just north of the Stutson Street Bridge.

The city recognized that this site, when combined with former Conrail right-of-way property recently purchased by the city and located along the river, also offered a unique opportunity to develop a focus

for the city's waterfront. This area could attract visitors and tourists from Rochester as well as from outside the metropolitan area. In addition, the site provided an opportunity to create a waterfront area with a unique neighborhood flavor or ambience due to its relative seclusion and the nature of existing land uses in this part of the shore zone. The site could also increase public access to the waterfront and could provide several water-oriented recreational uses if developed properly.

As noted above, the railroad right-of-way which runs from Petten Street north along the river to the existing Pelican Bay Marina is now owned by the city and New York State and contains approximately 5 acres of land. Two smaller properties located at the northern end of this right-of-way are also owned by the city. The remaining portion of River Street site is in private ownership. Existing uses on the site include an historic railroad station, the Genesee Lighthouse which is listed on the National Register of Historic Places, several small bars, restaurants and commercial establishments, small manufacturing facilities, as well as various vacant structures.

The city developed an initial proposal to rehabilitate the River Street site and the five acre railroad right-of-way property acquired from Conrail. This development plan enhanced the facilities and activities proposed for the Port Authority site and created a unique and distinctive area along River Street that took advantage of the riverfront location, existing buildings and reuse opportunities.

The plan recommended that local demand for boat slips be addressed through the development of about 200 new slips along the river, in an area that extends from the existing railroad swing bridge south to the Petten Street extension. In addition, the plan proposed the construction of a promenade or pedestrian path along the river that would link the site with the port area to the north. The pedestrian walkway would also provide access to new open space and picnicking areas to be developed along the river. These areas would include new picnic shelters and river overlooks. Enhancements to the Genesee Lighthouse and surrounding area that involve creation of additional open space, a pedestrian connection to the river, and additional parking areas, were included in the plan. Rehabilitation of the existing railroad station into a unique riverside restaurant was also proposed. Finally, adaptive reuse of existing vacant commercial structures in the area was envisioned as a major part of the overall redevelopment of the River Street site.

This initial city plan for the redevelopment of the River Street area was reviewed and analyzed by a consultant team that included the landscape architects who prepared the Ontario Beach Park and Port of Rochester Concept Plans described above. This review was undertaken as part of a study which produced a report entitled the River Harbor Redevelopment Area Design/Feasibility Study. The study had as its overall objective, the preparation of a concept plan for redevelopment of the large waterfront and upland area which runs from just south of the Port Authority site to Petten Street, between Lake Avenue and the River.

As part of the River Harbor Redevelopment Project, the consultants reviewed and analyzed historic data and existing development characteristics and conditions within the study area, which included the River Street site. They also identified significant development issues affecting the study area (such as the proposed replacement of the Stutson Street Bridge) and prepared a series of development goals and objectives. From this information, the consultants developed a unified, thematic concept for the study area which focused on the historic, turn-of-the-century Charlotte village. Specific design standards and

guidelines for building facades, streetscapes, signage, and site development were also prepared by the consultants and were incorporated into the city's Zoning Ordinance as described in Section V: Implementing Techniques. Finally, schematic site plans for five redevelopment sites within the study area were prepared that incorporated the land use recommendations of the CAC for this area, as well as other data collected or developed as part of the project. Portions of the River Harbor Redevelopment Area Design/Feasibility Study final report, prepared by the Reimann-Buechner Partnership, are included in the Appendices to the city's LWRP.

The five redevelopment sites that were examined as part of the River Harbor Redevelopment Area Design/Feasibility Study included the Pelican Bay Marina at the northern end of River Street along with the city-owned waterfront area between Pelican Bay and Petten Street (which includes the existing historic railroad station), the Genesee Lighthouse site, the Tape-Con property at the northwest corner of River Street and Latta Road, an infill site on River Street between Stutson Street and Latta Road, and an infill site along the Lake Avenue corridor.

The proposed redevelopment plan for the River Harbor Redevelopment Area addresses many of the LWRP policy goals and statements contained in SECTION III, as well as additional objectives that were developed by city staff, CAC members and citizens. The plan also implements the specific land use recommendations for the River Street site that are contained in this Section. The plan promotes tourism, enhances the city's image as a waterfront recreational area and major waterfront attraction, strengthens the economic base of the region, promotes public access to the shore zone, and increases the amount and type of water-related recreational activities.

A summary of the elements of the proposed River Harbor Redevelopment Area Concept Plan is provided below. [Map IV-2](#) illustrates the proposed concept plan. This is a schematic plan that represents development ideas in a conceptual manner only. Specific elements and impacts of actual projects would be determined only after detailed design, engineering, and environmental studies were completed.

E. Summary of River Harbor Area Concept Plan Components

Boat slips, T-piers, dry-storage facility and river wall/rip-rap:

All of the area immediately adjacent to the river, from Pelican Bay Marina south to Petten Street, will be developed for approximately 215 boat slips. This would include finger piers along the river north of the Stutson Street Bridge, and T-piers along the river south of the bridge, near Petten Street. Rip-rap will be emplaced or a new river wall will be constructed along the length of the river in this area and in conjunction with development of the boat slips, to prevent shore erosion and to protect the dock areas and on-shore public facilities. Dry-storage facilities for up to 35 boats will be provided at the Pelican Bay Marina site and within a new structure located at the southern end of the study area along the river.

River promenade and a riverfront park:

A river promenade or pedestrian walkway will be constructed along the river that will connect or link the River Street area with the port site and Ontario Beach Park to the north, as well as with potential future riverfront recreational trails to the south. The walkway will provide a variety of routes for pedestrians to follow through the area and will include river overlooks, a fishing pier, gazebos, as well as shelters and

restrooms at several points along its length. A small riverfront park will be constructed adjacent to the river promenade at the northern end of the site that will include picnic pavilions, landscaping, open space areas and overlooks.

Railroad station:

The existing vacant railroad station located adjacent to the river, just north of Stutson Street, will be rehabilitated for use as a unique riverfront restaurant and/or bar. Landscaped open space, a river overlook and an outdoor cafe or veranda could also be developed as part of the restaurant.

Parking areas and vehicular circulation:

An access road and several linear parking areas will be developed along the length of the riverfront portion of the site to provide adequate vehicular circulation and access to the boat slips, railroad station and other public facilities in the area. The access road would connect with River Street, Latta Road and Petten Street. Approximately 490 new parking spaces will be provided throughout the concept plan. Some of the new parking spaces will be provided as part of the development of new housing units and mixed-use buildings in the study area.

Adaptive use of commercial structures and vacant land infill:

Several existing unique commercial structures along the west side of River Street will be developed for adaptive reuse. New uses for these structures could include marina services, marine-related commercial establishments, restaurants, a hotel, bed and breakfast operations, and housing. New housing is proposed as infill development on vacant land in the River Street/Stutson Street/Latta Road area, and as part of the overall redevelopment of the Tape-Con site. A total of 44 Townhomes and 20 apartments are proposed for development in the study area as part of the River Harbor concept plan. Genesee Lighthouse:

Genesee Lighthouse

The area around the historic Genesee Lighthouse will be upgraded through the enhancement of scenic views and vistas in the area. This area will be upgraded through the development of improved access, additional landscaped open space adjacent to the river, a pedestrian connection across existing railroad tracks to the river and to the port site, and a new parking and turn-around area at the end of Lighthouse Street.

Replacement and relocation of Stutson Street Bridge:

The Lake Ontario State Parkway (LOSP) is recommended to be extended eastward through existing residential areas, across River Street and over the Genesee River by means of a new lift bridge to replace the existing Stutson Street Bridge. To minimize the impact on this residential area, it is recommended that the center median be removed prior to crossing Lake Avenue.

The recommended bridge replacement option involves construction of a 54-foot vertical clearance lift bridge which would cross Lake Avenue at a signalized, at-grade intersection. The four-lane road, with sidewalks and bike paths for both east and westbound traffic would cross River Street with an 8-foot vertical clearance. A pedestrian ramp or stair should be provided to allow bridge users to access River

Street directly. The new bridge should tie-in on the west shore of the river to the existing bridge interface at Pattonwood Drive. River Street should be severed at the bridge interface and a cul-de-sac should be developed at each end of the street.

The abutment of the old Stutson Street Bridge should be used as a major river overlook with access provided from Stutson Street and River Street, and from the westbank riverfront trail system via a stairway or ramp system.

This recommended bridge replacement project will allow for the development of the River Harbor Area, Ontario Beach Park and Port Authority site in a manner consistent with the plans outlined in this Section, by reducing or eliminating major existing traffic congestion and circulation problems at the Lake Avenue and Stutson Street intersections. The recommended project will also permit development of appropriate land uses in the vicinity of Stutson Street and River Street as outlined in this Section.

Construction of Genesee River surge protection structure:

The River Harbor Redevelopment Concept Plan requires that a surge protection or surge control structure be constructed at the mouth of the Genesee River, in order to eliminate the significant wave surge problem in the river during northeast storm events. This surge problem causes extensive damage to boats and boat slips, undermines and erodes the existing county boat launch area, and prohibits charter and pleasure boat activity, fishing and water-sport events during many storm or rough water periods throughout the year. Some of the proposed boat slips and finger piers along the west bank of the Genesee River, as well as the 75-slip transient marina proposed as part of the Port of Rochester Redevelopment Plan, may not be able to be constructed without such a surge protection structure in the river.

The recommended project alternative for a river surge control structure involves construction of a permanent "dog-leg" extension at the northern end of the west pier. This alternative would be constructed in a northeasterly direction and would require additional river dredging to accommodate the larger commercial river traffic. The city, County of Monroe and U.S. Army Corps of Engineers should work cooperatively together to fund, undertake and complete a surge control project that will eliminate or significantly reduce the surge problem in the river.

Implementation of design standards / guidelines for River Harbor area:

The River Harbor Area Redevelopment Concept Plan identified two design themes that are to be implemented through design standards and guidelines within the study area. A "turn-of-the-century village" theme will be developed primarily along the Lake Avenue corridor, north of the Lake Ontario State Parkway, and a "turn-of-the-century maritime center" theme will be developed primarily along River Street, north of the Stutson Street Bridge.

Private development within the study area that meets certain thresholds or criteria delineated in the City Zoning Ordinance will be required to meet design standards and guidelines that implement these thematic concepts. City public projects within the study area such as street reconstruction or development of new public recreation facilities will be required to meet the same design standards and guidelines through the city's capital improvement program review and funding process.

F. Development of the Genesee River boat launch facility

The city, in cooperation with Monroe County, and as part of the preparation of its LWRP, investigated the development of a 4-ramp boat launch and associated support facilities, to be located on the east bank of the Genesee River, just south of Stutson Street. The city supports the development of this water-dependent activity and would provide leased access across city property as well as river frontage to the County in order to construct the facility. Access to the site could be obtained via Thomas Avenue, within the Town of Irondequoit. The city will continue to work with Monroe County and the Town of Irondequoit to evaluate specific site characteristics and development constraints along the east bank of the river and in other appropriate areas, in order to identify the most appropriate site for this facility. Support facilities that could be part of the boat launch could include pedestrian walkways and river overlooks, picnic areas and open space, as well as accessory parking.

The development of a boat launch facility along the east bank of the river would help implement the specific land use recommendations for this area that are contained in this Section. Such a facility could promote tourism, strengthen the economic base of the river harbor area, promote public access to the shore zone, and increase water-related recreational activities along the river. Appropriate provisions for vehicular and pedestrian access to this proposed facility should also be incorporated into any designs developed for the Stutson Street Bridge replacement project.

G. Development of various improvements to the LWRP public parks

The city, as part of the preparation of its LWRP, reviewed comprehensive master plans prepared by Monroe County for the redevelopment of five of the public parks located along Lake Ontario or the Genesee River. These parks include Durand-Eastman Park, Turning Point Park, Seneca Park, Maplewood Park, and Lower Falls Park. All of these parks are owned by the city. Durand-Eastman, Lower Falls, Seneca and portions of Maplewood Park are leased to Monroe County which is responsible for their operation and main-tenance. Turning Point Park is under the direct control of the city.

The city supports the major recommendations contained in the master plans for the redevelopment of existing park facilities or the construction of new park facilities within the LWRP boundary. Specifically, the city supports the following park improvement activities as a means of addressing or implementing appropriate LWRP waterfront policies or specific land use recommendations:

- Within Durand-Eastman Park:
 - Redevelopment and enlargement of the beach area of the park through the construction of a seawall and/or groins, supplemented by a phased program of beach nourishment;
 - Construction of a bathhouse in the beach area along with various safety facilities including lifeguard tower stations and buoys, lines and markers;
 - Provision of additional, defined parking along Lake Shore Boulevard and suitable safe crossings between the beach area and the remainder of the park;

- Construction of a nature center and outdoor amphitheater within the park, along with sufficient accessory parking and support facilities; and
- Development of a system of hiking trails within the park that connect the proposed nature center, satellite nature study areas and wildlife study areas.
- Within Turning Point Park:
 - Development of cartop boat access to the river; and
 - Enhancement of a pedestrian trail to the south and west, along an abandoned railroad bed (this pedestrian trail provides pedestrian access to the park from the south, at Lake Avenue).
- Within Seneca Park:
 - Maintenance, protection and enhancement of the original Olmstead plan and design for the park; development of new pedestrian trails and overlooks within the park, and a general upgrading and expansion of the park zoo; and
 - Acquisition of property located along the east bank of the Genesee River, opposite Turning Point Park, in an area of the river known as Rattlesnake Point (this acquisition could enlarge the land area of the park, increase passive recreational opportunities within the park, and protect extremely sensitive wetland areas and steep, wooded slopes along the river bank; this additional park area could be developed with hiking trails for potential nature studies or similar activities).
- Within Maplewood Park:
 - Construction of additional pedestrian trails and paths within the park;
 - Provision of adequate parking facilities to support the various recreational activities in the park;
 - Development of a connection between Lower Maplewood Park and an existing pedestrian trail along Bridgeview Drive; and
 - Development of safe and controlled fishing access to the Genesee River, in appropriate locations along the park's riverfront.
- Within Lower Falls Park:
 - Development of the park as an archaeological / interpretive site, focusing on the remains and ruins of former mill structures and other buildings in the area that date back to the early 1800's;
 - Construction of several river overlooks within the park to enhance the scenic views and vistas of the gorge and falls area; and

- Construction of trail connections to Maplewood Park under the new Driving Park Bridge.

Summary of Section IV: Uses and Projects

The policies of the city's LWRP outlined in SECTION III were translated, with input from a citizen's advisory committee, into a conceptual development plan for the city's waterfront areas. This was accomplished by identifying appropriate land uses and projects for the following subareas within the LWRP boundary:

- Subarea A - Durand-Eastman Park
- Subarea B - Open Space / Critical Environmental Areas
- Subarea C1 - Developed portion of the Upland Area
- Subarea C2 - Buildable portion of the Upland Area
- Subarea D - River Harbor Zone and Lakefront Area
- Subarea E - Industrial Areas

The following generalized land uses are recommended for each LWRP subarea:

SUBAREA	RECOMMENDED LAND USES
(A) DURAND-EASTMAN PARK	Public walkways, fishing areas, swimming areas, picnicking areas, parking, cartop boat access, spectator site for off-shore events, treatment facilities, field sports, and outdoor entertainment.
(B) OPEN SPACE / CRITICAL ENVIRONMENTAL AREAS	Public walkways, fishing areas, picnicking areas, parking areas, cartop boat access, swimming, outdoor entertainment, museum, and zoo.
(C1) DEVELOPED PORTION OF THE UPLAND AREA	Public walkways, marine-related support facilities, hotel, general retail facilities including restaurants, office research facilities, parking, and housing.
(C2) BUILDABLE PORTION OF THE UPLAND AREA	Public walkway, housing, parking, office research facilities, and manufacturing facilities.
(D) RIVER HARBOR ZONE AND LAKEFRONT AREA	Public walkways, swimming areas, fishing areas, picnicking areas, outdoor entertainment, festival sites, field sports, marinas, marina-related support facilities, parking areas, cartop boat access, retail facilities including restaurants, hotel/boatel or bed & breakfast inn, and housing.
(E) INDUSTRIAL AREAS	Public walkways, fishing areas, parking, manufacturing facilities, power generating facilities, office research facilities, water treatment facilities, shipping, water-related retail support facilities, hotel or bed & breakfast inn, and housing.

Section V Techniques for Implementation of the Program

Map [V-1a](#), [V-1b](#), [V-1c](#), and [V-1d](#) depict the zoning within the City of Rochester's waterfront revitalization area. The following material describes the legislation and additional actions implementing applicable LWRP policies.

POLICIES (1), (1A), (1B), (1C), (1D), (1E), (1F), (1G):

(A) LEGISLATION THAT IMPLEMENTS THESE POLICIES:

The city considers its waterfront areas along Lake Ontario and the Genesee River to be among its most important recreational, aesthetic and economic resources. The city intends to revitalize and redevelop deteriorated and underutilized waterfront areas by encouraging uses or activities deemed appropriate for the waterfront revitalization area based on their water and recreation-oriented characteristics.

Several city ordinances and legislation will help to implement the LWRP policies listed above. Much of the area within the LWRP boundary and adjacent to the lake or river is zoned as an Open Space (OS) District. This district will help to control and promote appropriate water-dependent and water-enhanced uses within the shorezone by permitting parks, outdoor recreational facilities, and natural wildlife areas. In addition, such uses as public and community recreation buildings, athletic fields, zoos, and small concessionaire shops incidental to the operation of public recreational uses, are permitted subject to a special permit. The purpose statement contained within the OS District includes references to the preservation and enhancement of major open spaces and recreational areas through protection of natural amenities and the encouragement of development that is consistent with those natural amenities.

In addition, the City Zoning Ordinance contains comprehensive site plan review procedures and requirements that will help to address development. These requirements deal with aesthetic considerations, relationships to surrounding land uses and environmental features, landscaping and screening, as well as pedestrian and vehicular circulation. The city will continue to utilize these zoning ordinance provisions to encourage and promote the development of appropriate commercial, industrial and recreational uses within the LWRP boundary. The City Zoning Ordinance's site plan review procedures are required for all development proposed on sites located adjacent to the river and other types of development activity. These procedures include the consideration of adequate circulation, screening and landscaping, preservation of open space and critical environmental areas, as well as the relationship of the proposed development to surrounding land uses and natural features.

The following changes made to the City's Zoning Ordinance as a result of the LWRP implement the above policies:

(1) The city's Harbortown Village (H-V) zoning district has been adopted to encourage the development of water-dependent and/or water-enhanced uses on the Port Site. The district generally promotes marinas, boat docks, slips and launching ramps as well as hotels, motels, museums, aquariums, tourist information centers, housing and mixed-use development. Certain uses adjacent to the Genesee River are allowed subject to special permit. The district includes minimum lot coverage and yard setbacks and also establishes additional design standards beyond city-wide requirements.

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

(1) The city prepared and will promote, in cooperation with other governmental agencies, a phased redevelopment plan for the port site which embraces the development policies of the LWRP. The proposed plan includes construction of a marina for approximately 75 to 120 boats, a public walkway adjacent to the marina basin and the river, land side residential and mixed use buildings, related marine services and marina-related commercial establishments, open space areas and other public amenities, which could be used for public events, festivals and performances, and surface parking facilities. The goal of the proposed plan is to encourage water-oriented and water-dependent uses on the site that are compatible with existing land uses, address recreational opportunities and boating demand, encourage private investment on the site, and to improve the area's economic stability.

Implementation of the Port of Rochester redevelopment plan will include the following tasks or activities:

- Abandon the River Street right-of-way as necessary on the Port site
- Develop mitigation plan and alienate parkland if necessary
- Complete design/engineering study for the marina basin
- Apply for marina basin permits with New York State DEC and Army Corps of Engineers
- Prepare/distribute RFQ/RFP for development parcels on Port site
- Select developer for phase I (and potentially Phase II)
- Update city's LWRP (Focus Area 1) and expand boundary utilizing NYSDOS grant
- Complete Harbor Management Plan for Port of Rochester utilizing NYSDOS grant
- Apply for and obtain necessary funding for marina construction
- Relocate Monroe County maintenance facility
- Begin marina basin construction (phase I)
- Begin landside development (phase I)
- Relocate/reconfigure Monroe County boat launch as necessary
- Begin marina basin construction (phase II)
- Begin landside development (phase II)
- Investigate purchase of CSX right-of-way running west of Port site

- Develop off-site remote parking areas and shuttle service as needed
- (2) The city prepared and will promote, with other governmental agencies, a redevelopment plan for the River Street site which embraces the development policies of the LNRP. The proposed plan takes advantage of the proximity of the site to the historic Genesee Lighthouse, as well as the river and nearby marinas. The plan promotes water-related commercial and recreational uses in the area. The plan includes redevelopment of the railroad station into a unique waterfront restaurant, construction of boat slips and a public walkway along the river, development of direct public access to the Lighthouse, construction of picnic facilities and open space areas along the river, and provisions for additional parking and more efficient vehicular circulation in the area. The plan also identifies several buildings and structures in the area that could be redeveloped or rehabilitated for appropriate water-related commercial uses, and identifies new housing development sites.
 - (3) The city will encourage and promote the development of commercial and recreational uses along the Lake Avenue corridor that will support and enhance the land uses and development activities on the port site and at Ontario Beach Park. In addition to the rehabilitation of major buildings, the city will promote the provision of off-street parking areas and streetscape amenities such as tree plantings, landscaping, street furniture and pavement treatments as a part of public infrastructure projects in the area.
 - (4) The city will promote and encourage, in cooperation with other governmental agencies, the redevelopment of Durand-Eastman Park's public beach area, located on Lake Ontario, immediately north of Lakeshore Boulevard. The city will continue to encourage Monroe County to open the beach area to the public, and redevelop the bathhouse and the adjacent beach in order to provide a suitable recreational facility. This would provide city residents with a second major public beach area along the lake. Support uses such as small concession areas and public walkways should also be developed by the county.
 - (5) The city will promote and encourage, in cooperation with Monroe County and other governmental agencies, the redevelopment, relocation or reconfiguration of the public boat launch facility on the Port Site in a manner which creates the highest and best use of land, maximizes development potential of land-side parcels, continues to meet public boat launch demand and minimizes environmental and traffic impacts. This project may involve the development of new boat launch ramps or facilities in other areas along the Genesee River within the Rochester Harbor area.
 - (6) The city, in cooperation with Monroe County, will promote, encourage and support the redevelopment of several recreational facilities that are part of the six public parks located within the LWRP boundary. These parks include Durand-Eastman Park and Ontario Beach Park, which are located on Lake Ontario, and Turning Point Park, Seneca Park, Maplewood Park and Lower Falls Park, which are located on the river. Many of the parks' recreational facilities are in a deteriorated condition and could be improved or

enhanced through construction of additional facilities such as pedestrian paths, trails, river landings, parking areas and overlooks. The city will ensure that public access to the waterfront is improved, and that appropriate water-enhanced recreational uses are located in the waterfront areas in each park.

POLICY (2), (2A):

(A) LEGISLATION THAT IMPLEMENTS THIS POLICY:

The city recognizes that, because of the location of sensitive environmental features in the shorezone and the general competition for waterfront locations of various types of land uses, there is a limited amount of waterfront land that is actually suitable for development within the LWRP boundary. The city also recognizes that water-dependent uses and activities should have priority over non-water-dependent uses in terms of development within the shorezone of the waterfront revitalization boundary. In order to ensure that water-dependent uses can be located and developed in waterfront locations, the city will utilize the OS Open Space zoning district within the LWRP boundary. The city will also avoid undertaking, funding, or approving non-water-dependent actions or activities when such actions or activities conflict with the development of water-dependent uses or would preempt the reasonably foreseeable development of water-dependent uses in the same area.

The OS Open Space District within the LWRP boundary includes areas along the river south of Denise Road, as well as Ontario Beach Park and Durand-Eastman Park. This district consists almost entirely of publicly- owned land and only permits open space uses such as parks, playgrounds, outdoor recreational facilities and some specially permitted uses. The Open Space District basically restricts development in sensitive environmental areas within the LWRP boundary. The open space uses that are water-dependent and located in the shorezone are expected to remain that way for the foreseeable future.

One change made to the City's Zoning Ordinance as a result of the LWRP implements the above policies:

- (1) The River Harbor (RH) District was modified to include all areas adjacent to the river, from Denise Road north to Lake Ontario, as well as the Port and River Street sites. This zoning district promotes water-dependent uses through its list of permitted uses and requirements for special permits for some of those uses. The district permits marinas, public boardwalks, boat launches, boating and fishing docks, as well as harbor-related retail and consumer service establishments. Most of the existing uses within the LWRP's River Harbor District are expected to be maintained as water-dependent facilities within the foreseeable future.

(B) ADDITIONAL PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THIS POLICY:

- (1) See (1), (2), (3), (4) and (5) under (B).

POLICIES (3), (4):

NOT APPLICABLE.

POLICIES (5). (5A). (5B). (5C):

(A) LEGISLATION THAT IMPLEMENTS THESE POLICIES:

The city recognizes that new development proposed within the LWRP boundary should be adequately serviced by existing or upgraded public services and facilities. Virtually all major development areas within the LWRP boundary are serviced by adequate public services and facilities such as vehicular access, storm and sanitary sewers, as well as electric, gas and water lines. If an area is not adequately serviced by existing public services and facilities, then upgrades, improvements, or extensions to existing systems are usually possible.

The site plan review process contained in the City Zoning Ordinance includes development review criteria which consider the adequacy of service to development sites by such public services as storm and sanitary sewers and access roads. The city intends to continue using this process and these criteria to ensure that new development proposed within the LWRP boundary is adequately serviced by public facilities.

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

- (1) See (1) under (B). The port site is adequately serviced with the public services and infrastructure that are essential to the development of the proposed plan as outlined above.
- (2) See (2) under (B). The River Street site is adequately serviced with the public services and infrastructure that are essential to the development of the proposed plan as outlined above.
- (3) See (4) under (B). As a part of the redevelopment of various county parks within the LWRP boundary, the City will promote and encourage the improvement of vehicular and pedestrian access to the parks and to the shorezone itself.

POLICY (6):

(A) LEGISLATION THAT IMPLEMENTS THIS POLICY:

The city recognizes the importance of efficient and uncomplicated permit approval procedures for development activities proposed within the LWRP boundary. The city has a permit review and approval system which includes coordination with other local and state agencies and eliminates unnecessary or duplicative levels of review.

Site plan review is coordinated by the City Bureau of Zoning as are requests for zoning variances, rezoning and subdivision approval. Environmental impacts and other areas of special concern for proposed development activities are considered early in the review process and are investigated in conjunction with the City Office of Planning as well as the City Environmental

Commission. The entire development review process is characterized by reasonable timetables and deadlines, relatively simple and easy to understand paper work, and specific, but uncomplicated development review standards. A "one-stop-shop" approach has been developed by the city which allows applicants and/or developers to become aware of permit procedures and requirements and obtain all necessary paper work at one location at one time.

POLICIES (7), (7A), (7B), (7C):

(A) LEGISLATION THAT IMPLEMENTS THESE POLICIES:

The city recognizes the need to preserve and protect significant fish and wildlife habitat areas located within the LWRP boundary. The New York State Department of State (NYS DOS) has designated approximately six and one-half miles of the Genesee River, from the river mouth to the Lower Falls, as a "fish and wildlife habitat of statewide significance". The city will pursue a policy which preserves, protects and enhances this habitat area.

The city will continue to utilize existing zoning district regulations, as well as site plan and environmental review procedures to ensure that statewide and locally-significant fish and wildlife habitat areas within the LWRP boundary are preserved and protected.

As noted in SECTION IV: USES AND PROJECTS, a large amount of the city's waterfront area is publicly-owned parkland zoned as OS Open Space Districts. Uses permitted within the OS District include parks, outdoor recreational facilities, and natural wildlife areas. In addition, the purpose statement contained within the district includes references to the preservation and enhancement of Rochester's major open spaces and recreational areas through protection of natural amenities and the encouragement of development which respects and is consistent with those natural amenities. The restrictive nature of the Open Space District, in terms of the types of land uses permitted and the development controls that are included within it will be utilized by the city to ensure that development activities are undertaken in these areas in a manner consistent with the maintenance and protection of wildlife habitat areas.

The City Zoning Ordinance's site plan review procedures are required for all development proposed on sites located adjacent to the river as well as for numerous other types or classifications of development activity. In addition, development actions proposed within 100 feet of the Genesee River and Lake Ontario, within areas zoned as open space, in heavily wooded areas, and within state-designated freshwater wetlands are Type I actions under the City's Environmental Quality Review Ordinance, since these locations have been identified as critical environmental areas. Such actions require a complete environmental review. As a part of the site plan and environmental reviews, the city would determine and address the project's potential impacts on existing fish and wildlife habitat areas, and require mitigating measures, if necessary, in order to protect those areas from adverse development impacts. City environmental review procedures will be utilized to ensure that development activities that have been determined to be Type I actions under this legislation will be consistent with LWRP goals, policies and objectives including the protection of significant fish and wildlife habitats, etc.

One change made to the City's Zoning Ordinance as a result of the LWRP implements the above policies:

- (1) A Waterfront Consistency Ordinance was adopted, which mandates the consideration of a project's consistency with LWRP goals, policies and objectives as criteria for review of projects within the LWRP boundary.
- (B) ADDITIONAL PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THESE POLICIES:
- (1) The city, in cooperation with Monroe County, will promote, encourage and support the redevelopment of several recreational facilities that are part of the six public parks located within the LWRP boundary. These parks include Durand-Eastman Park and Ontario Beach Park which are located on Lake Ontario, and Turning Point Park, Seneca Park, Maplewood Park and Lower Falls Park which are located on the river. Several of the proposed improvements will help enhance the stability of existing fish and wildlife habitat areas within the parks.

POLICY (8):

(A) LEGISLATION THAT IMPLEMENTS THIS POLICY:

The city recognizes and will carry out the applicable local provisions of the following state laws in order to implement this policy:

- (a) Industrial Hazardous Waste Management Act, Environmental Conservation Law (Article 27, Title 9)
- (b) State Pollutant Discharge Elimination System, Environmental Conservation Law (Article 17, Title 8)
- (c) State Certification, Federal Water Pollution Control Act (Section 401)
- (d) Toxic Substances Monitoring Program, Environmental Conservation Law (Article 17)
- (e) Substances Hazardous to the Environment, Environmental Conservation Law (Article 37)
- (f) Solid Waste Management, Environmental Conservation Law (Article 27, Title 7)
- (g) Control of Pollution Injurious to Fish and Shellfish, Environmental Conservation Law (Article 13-0345 and Article 17-0503)
- (h) Stream Pollution Prohibited, Environmental Conservation Law (Article 11-0503)
- (i) Oil Spill Prevention, Control and Compensation, Navigation Law (Article 12)
- (j) Siting of Major Steam/Electric Generating Facilities, Public Service Law (Article VIII)
- (k) Sanitary Code, Public Health Law (Article 3)

In addition, the city will utilize comprehensive site plan and environmental review procedures in order to implement this LWRP policy. These regulations are sufficient to deal with potential

erosion, sedimentation or other pollution problems which could adversely affect fish and wildlife habitat areas within the LWRP boundary.

The City's site plan review procedures are required for all development proposed on sites located adjacent to the Genesee River as well as for numerous other types or classifications of development activity. These site plan review procedures include the consideration of such items as preservation of open space and critical environmental areas, as well as the relationship of the proposed development to surrounding land uses and natural features including fish and wildlife habitat areas.

Development actions proposed within 100 feet of the Genesee River and Lake Ontario, within areas zoned as open space, in heavily wooded areas, and within state-designated freshwater wetlands are Type I actions under the City's Environmental Quality Review Ordinance, since these locations have been identified as critical environmental areas. City environmental review procedures will be utilized to ensure that development activities that have been determined to be Type I actions under this legislation will be consistent with LWRP goals, policies and objectives including the protection of significant fish and wildlife habitats, etc.

A Waterfront Consistency Ordinance was adopted which mandates the consideration of a project's consistency with LWRP goals, policies and objectives as a criteria for review of projects within the LWRP boundary.

(B) **ADDITIONAL PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THIS POLICY:**

- (1) The city, in cooperation with Monroe County, will continue to support and participate in a Combined Sewer Overflow Abatement Project (CSOAP) which will eliminate combined storm and sanitary sewers in many areas of the city. This project involves the construction of several large underground holding tunnels which will discharge sewage and storm water, collected after major rainfalls, to the Frank E. VanLare Treatment Plant located in Durand-Eastman Park. Prior to the construction of these tunnels, large volumes of combined sewage and storm water that occurred after major rainfalls in the area flowed directly into the Genesee River and Lake Ontario without being treated. This sewage contributed to pollution problems in the river and lake and the elimination or destruction of fish and other wildlife species. The completion of the underground holding tunnels will eliminate a major source of pollution discharge into the river and lake and will help preserve existing stocks of fish in the area. In addition, the city will continue to investigate and promote improvements to other portions of the city storm and sanitary sewer systems in order to maintain and enhance the existing water quality in the river and lake.
- (2) The city is participating, along with other governmental agencies, in the development of a Remedial Action Plan (RAP) for the Rochester Embayment. A RAP is an agreement among federal, state, and local governments, with the support of area citizens, on a plan to restore the water quality and beneficial uses of the waters of the Area of Concern. The specific goal of the Rochester Embayment RAP is to prepare an implementation plan

that will improve the water quality of Lake Ontario and all of the waterways that flow into it, including the Genesee River. The implementation of the RAP for the Rochester Embayment will help to protect fish and wildlife resources from the introduction of hazardous wastes and other pollutants.

POLICIES (9), (9A), (9B):

(A) LEGISLATION THAT IMPLEMENTS THESE POLICIES:

Much of the area located within the LWRP boundary and adjacent to Lake Ontario or the river is currently zoned for open space use (OS District) or river-harbor use (RH District). The OS district resources within the LWRP boundary by increasing access to existing resources and by developing new resources.

Uses permitted within the OS Open Space District include parks, outdoor recreational facilities, and natural wildlife areas. Development of these types of uses will facilitate and promote the expansion of the recreational use of existing fish and wildlife habitat areas by increasing public access to these areas. In addition, the purpose statement contained within the OS Open Space District includes references to the preservation and enhancement of Rochester's major open spaces and recreational areas through protection of natural amenities and the encouragement of development which respects and is consistent with those natural amenities. This statement is important and will be used to interpret the intent of the district and help ensure that any proposed development is consistent with the City's goals and objectives for waterfront areas, including the expansion of recreational use of existing fish and wildlife habitat areas.

One change made to the City's Zoning Ordinance as a result of the LWRP implements the above policies:

- (1) The RH River Harbor District was modified to include a purpose statement which includes references to the preservation and enhancement of the recreational character of the harbor area at the mouth of the Genesee River, the improvement of the visual quality of the harbor area, the preservation and promotion of public access to the shoreline, and a new use list which permits such facilities as marinas, boat launches and docks, and public walkways.

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

- (1) See (6) under (B). Expansion of recreational fishing opportunities will involve include the development of parking areas, access trails, fishing piers and wharves and boating facilities in appropriate areas within the parks. Provisions for increased public access to other wildlife resources located within these parks will include the rehabilitation or construction of hiking trails, pedestrian paths, overlooks and shelters.
- (2) See (5) under (B).
- (3) The city will complete the acquisition of properties formerly owned by Conrail and located along the east bank of the Genesee River, opposite the Turning Basin. These

properties, which are located within the Genesee River Gorge, contain areas of steep, wooded slopes, and provide habitats for a wide variety of wildlife species, including bird and deer populations, which should be preserved and protected. The city will investigate the use of these properties for development of a linear, passive recreational trail system along the river that would increase public access to wildlife resources within the river gorge.

- (4) The city will, when appropriate, encourage the state to continue and expand its fish stocking program and will promote the completion of studies by NYSDEC concerning habitat maintenance and improvement. The city will insist that stocking programs are directed towards areas where known habitats will support and enhance increased fish populations.

POLICY (10):

NOT APPLICABLE.

POLICIES (11), (11A), (11B):

- (A) LEGISLATION THAT IMPLEMENTS THESE POLICIES:

The city recognizes the importance of controlling or prohibiting development in critical environmental areas such as erosion hazard areas and floodplains within the LWRP boundary. Zoning regulations and other land use controls are the primary means of dealing with these types of problems.

Much of the area within the LWRP boundary that has been identified as being within the Genesee River or Lake Ontario floodplain or that contains steep slopes in excess of 15% is in public ownership and is zoned for open space use. As noted earlier, the city's Open Space District effectively prohibits development in these critical environmental areas by severely limiting the types of uses and activities permitted. Lands zoned for open space within the LWRP boundary will remain in their natural state and will contribute to the enhancement, preservation and protection of other features and characteristics in the waterfront area.

The city's rigorous site plan review procedures will also be utilized to ensure that development activities will not cause or contribute to erosion and/or flooding problems within the LWRP boundary. The City's site plan review process is required for all development proposed on sites located adjacent to the Genesee River as well as for numerous other types or classifications of development activity. The site plan review procedures include the consideration of such things as setbacks, lot sizes, erosion control measures, impacts on existing drainage systems, as well as the relationship of the proposed development to surrounding land uses and natural features. Site plans that do not adequately address erosion, drainage or flooding problems will be denied or will be required to include mitigating measures that will eliminate such problems.

If a development site is located in a designated floodplain, a special permit is required which is reviewed and approved by the City Planning Commission following a public hearing. The special

permit can only be approved if the applicant demonstrates, among other items, that the proposed development will be constructed above the base flood elevation at the particular location, and that the development will not cause or increase flooding in the area or within the floodway in general.

The city will utilize existing environmental review procedures to ensure that steep slopes and other areas prone to erosion as well as floodplain areas within the LWRP boundary are protected. Development actions proposed within 100 feet of the Genesee River and Lake Ontario, in areas zoned as open space, in heavily wooded areas, in state-designated freshwater wetlands, and in areas with a slope of 15% or greater are Type I actions under the City's Environmental Quality Review Ordinance. These locations have been designated as critical environmental areas. Such actions will require a complete environmental impact review. This review will be utilized to ensure that development activities that have been determined to be Type I actions will be consistent with LWRP goals, policies and objectives including the protection of steep slope areas and erosion or flood-prone areas. As a part of this review, the city will address the project's potential impacts on erosion, drainage and flooding problems, and propose mitigating measures, if required, in order to protect those areas from adverse environmental impacts.

Lands within the LWRP boundary that have been identified as coastal erosion hazard areas by New York State include the shorezone along Beach Avenue and Ontario Beach Park and a major portion of Durand-Eastman Park. The beach areas contained within these shorezones have been identified as natural protective features. The City recognizes the need to regulate development in these areas in order to protect existing resources from lake flooding and erosion.

A Waterfront Consistency Ordinance was adopted which mandates the consideration of a project's consistency with LWRP goals, policies and objectives as a criteria for review of projects within the LWRP boundary.

POLICIES (12), (12A):

(A) LEGISLATION THAT IMPLEMENTS THESE POLICIES:

The city will ensure that beach areas identified as natural protective features on the State Coastal Erosion Hazard Map are preserved and protected. The city considers these features to be critical environmental areas that help protect certain inland coastal areas from flooding as well as serious erosion problems. Most of these areas are contained within existing OS Open Space Zoning Districts.

The city will utilize existing environmental review procedures to ensure that beach areas identified as natural protective features on the State Coastal Erosion Map are protected. Development actions proposed within 100 feet of Lake Ontario as well as in areas zoned as open space are Type I actions under the City's Environmental Quality Review Ordinance. These locations have been designated as critical environmental areas. Such actions will require a complete environmental impact review. In coordination with this review, the city will address

the project's overall consistency with LWRP goals, policies and objectives as well as its potential impacts on beach areas as well as erosion, drainage and/or flooding problems. Mitigating measures, if required, will be proposed in order to protect those areas from adverse environmental impacts.

As noted above, most of the beach areas identified as natural protective features on the State Coastal Erosion Hazard Map are located within existing OS Open Space Zoning Districts. It is anticipated that lands zoned for open space within the LWRP boundary will remain in their natural state and will, therefore, contribute to the enhancement, preservation and protection of existing beach areas. Additionally, most development activity that is permitted in Open Space Districts requires site plan review and approval and/or City Planning Commission special permit review and approval. These review procedures will help ensure that proposed development will have minimal adverse impacts on beach areas within the LWRP boundary.

A Waterfront Consistency Ordinance was adopted which mandates the consideration of a project's consistency with LWRP goals, policies and objectives as a criteria for review of projects within the LWRP boundary.

POLICY (13). (13A):

(A) LEGISLATION THAT IMPLEMENTS THESE POLICIES:

The city recognizes the importance of constructing and maintaining erosion protection structures within the LWRP boundary which are designed to reduce or eliminate erosion problems along the Genesee River and Lake Ontario. The city will utilize existing review procedures to ensure that such structures provide adequate protection and are properly designed, constructed and maintained.

The city will utilize existing environmental and site plan review procedures to ensure that erosion protection structures constructed within the LWRP boundary have a reasonable probability of controlling erosion for at least thirty years and will be properly designed and maintained. Construction of such structures will require an environmental impact review by the city because they will be located within 100 feet of the Genesee River or Lake Ontario. Such activities are Type I actions under the City's Environmental Quality Review Ordinance, since the 100 foot "buffer" area has been identified as a critical environmental area. As a part of this review, the city would be able to address the project's potential impacts on erosion, and evaluate the ability of the structure to control erosion for the thirty year period.

Additionally, construction of such structures along the river will require site plan review and approval. This process will also be utilized by the city to ensure that such structures are adequately designed, constructed and maintained and will provide the necessary erosion control for the desired thirty year period.

A Waterfront Consistency Ordinance was adopted which mandates the consideration of a project's consistency with LWRP goals, policies and objectives as a criteria for review of projects within the LWRP boundary.

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

- (1) The city will work with Monroe County and the U.S. Army Corps of Engineers (USACE) to encourage the maintenance of the east and west piers located on Lake Ontario at the mouth of the Genesee River. The west pier provides some erosion protection from high wind and wave action for beach areas to the west and has probably contributed to the deposition of additional material and the creation of a larger beach area for Ontario Beach Park.
- (2) The City will discuss with Monroe County the possibility of constructing groins in the area of Durand-Eastman Park to control erosion of the beach in that area. As noted in the discussion of the various LWRP policies, waterfront recreational facilities located within Durand-Eastman Park are proposed for significant redevelopment and/or rehabilitation. The development of such erosion protection features will be evaluated in terms of their overall costs and benefits as well as environmental impacts.

POLICY (14):

(A) LEGISLATION THAT IMPLEMENTS THIS POLICY:

The city will utilize existing zoning procedures and land use regulations to ensure that development within the LWRP boundary does not contribute to erosion, flooding or drainage problems, either on-site or in other locations.

The city will utilize existing environmental review procedures to ensure that development proposed within the LWRP boundary, including the construction of erosion protection structures will not cause or contribute to erosion or flooding problems. Development actions proposed within 100 feet of the river and lake are Type I actions under the City's Environmental Quality Review Ordinance, since these areas have been designated as critical environmental areas. Actions in these areas will require a complete environmental impact review. As a part of this review, the city would be able to address the project's potential impact on erosion, drainage and flooding problems. The city could then require any necessary mitigating measures in order to protect those areas and surrounding development from adverse environmental impacts.

The city's rigorous site plan review procedures will also be utilized to ensure that proposed development activities, as well as the construction of erosion protection structures, will not cause or contribute to erosion and/or flooding problems within the LWRP boundary. The City's site plan review process is required for all development proposed on sites located adjacent to the Genesee River as well as for numerous other types or classifications of development activity. The site plan review procedures include the consideration of such things as setbacks, lot sizes, erosion control measures, impacts on existing drainage systems, as well as the relationship of the proposed development to surrounding land uses and natural features. Site plans that do not adequately address erosion, drainage or flooding problems will be denied or will be required to include mitigating measures that will eliminate such problems.

A Waterfront Consistency Ordinance was adopted which mandates the consideration of a project's consistency with LWRP goals, policies and objectives as a criteria for review of projects within the LWRP boundary.

POLICY (15):

(A) LEGISLATION THAT IMPLEMENTS THIS POLICY:

The New York State Department of Environmental Conservation (NYSDEC) regulates dredging, mining and excavation activities in shoreline and wetland areas. These regulations are comprehensive in design and intent and address actions according to their potential to interfere with the natural coastal processes which supply beach materials, as well as the potential for increasing erosion.

POLICY (16):

(A) LEGISLATION THAT IMPLEMENTS THIS. POLICY:

None required or identified.

(B) ADDITIONAL PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THIS POLICY:

None required or identified.

POLICY (17), (17A):

(A) LEGISLATION THAT IMPLEMENTS THESE POLICIES:

The city recognizes that such measures as structure siting, flood proofing and elevation of buildings, the reshaping and vegetation of slopes, the provision of drainage systems to reduce run-off that may weaken slopes, and the retention of existing vegetation should be incorporated into the early planning and review of projects within the LWRP boundary. In addition, other more complicated "structural" techniques can be used to minimize damage to natural resources and property from flooding and erosion. The city will utilize existing site plan and environmental review procedures to ensure that these techniques are implemented where necessary and appropriate within the LWRP boundary.

Much of the area within the LWRP boundary that is located along the top of the riverbank, within a floodplain, or that contains steep slopes in excess of 15% is in public ownership and is zoned for open space use. Uncontrolled development in these areas has the potential for creating serious erosion and/or flooding problems. As noted earlier, however, the city's Open Space District prohibits development in these critical environmental areas by severely limiting the types of uses and activities permitted. Lands zoned for open space within the LWRP boundary will remain in their natural state and will contribute to the preservation and protection of other features and characteristics in the waterfront area.

The city's site plan review procedures will be utilized to ensure that proposed development activities will not cause or contribute to erosion and/or flooding problems within the LWRP boundary. The City's site plan review process is required for all development proposed on sites located adjacent to the Genesee River as well as for numerous other types or classifications of development activity. The site plan review procedures require the consideration of such things as setbacks, lot sizes, erosion control measures, impacts on existing drainage systems, landscaping, as well as the relationship of the proposed development to surrounding natural features. Non-structural methods of controlling erosion and flooding problems can be investigated and/or required as a part of the site plan review process. Site plans that do not adequately address erosion or flooding problems will be denied or will be required to include mitigating measures that will eliminate such problems.

Development proposed within areas zoned as open space or within 100 feet of Lake Ontario or the Genesee River are Type I actions under the City's Environmental Quality Review Ordinance. Such actions will require a complete environmental impact review. In coordination with this review, the city would evaluate the general consistency of the proposed action with the goals, policies and objectives of the LWRP, as well as the need for and the adequacy of structural as well as non-structural means of erosion and flood protection within the project.

In addition, if a development site is located in a designated floodplain, a special permit is required, which is reviewed and approved by the City Planning Commission following a public hearing. The special permit can only be approved if the applicant demonstrates, among other items, that the proposed development will be constructed above the base flood elevation at the particular location and that the development will not cause or increase flooding in the area or within the floodway in general. Non-structural methods of minimizing damage to natural resources and property from flooding could also be considered and/or required as a part of this review process.

A Waterfront Consistency Ordinance was adopted which mandates the consideration of a project's consistency with LWRP goals, policies and objectives as a criteria for review of projects within the LWRP boundary.

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

- (1) The city will continue acquisition of properties formerly owned by Conrail located along the east bank of the Genesee River, opposite the Turning Basin. These properties are located within the Genesee River Gorge, contain areas of steep, wooded slopes, and also provide habitats for a wide variety of wildlife species, including bird and deer populations. Acquisition of this land by the city will help ensure that development within certain areas of steep slopes or within certain areas of the Genesee River floodplain, that may be susceptible to erosion and/or flooding, will be prohibited.

POLICY (18):

(A) LEGISLATION THAT IMPLEMENTS THIS POLICY:

The city recognizes that proposed major actions undertaken by the city, county, state or federal government, which would affect natural resources, water levels and flows, hydroelectric power generation, recreational facilities or that would cause significant shoreline damage, should be reviewed and considered in terms of the overall social, economic and environmental interests of the state and all its citizens.

POLICIES (19), (19A), (19B), (19C), (19D):

(A) LEGISLATION THAT IMPLEMENTS THESE POLICIES:

The city recognizes the importance of increasing public access to waterfront resources while considering the impacts that such access may have on sensitive environmental features and wildlife habitats within the shorezone. Although much of the land within the river gorge is in public ownership, most of the areas that offer direct access to the river shoreline and to existing recreational facilities are in private ownership. The city will utilize site plan and environmental review procedures to ensure that public access to shore-zone recreational resources is provided where appropriate and feasible within private development projects.

The city's site plan review procedures and requirements will be utilized to consider and review the feasibility of providing public access to waterfront recreational areas through private development projects. These procedures are required for all development proposed on sites located adjacent to the river as well as for other types of development activity. The type and amount of public access to the shorezone which is provided within individual private development projects will be reviewed to ensure that the physical use capacity of the recreational resource or facility is not exceeded and that this access will accommodate the anticipated levels of public use of the facility.

The city's environmental review procedures and requirements will also be utilized to consider and review the feasibility of providing public access to waterfront recreational areas through private development projects. Development proposed within areas zoned as open space or within 100 feet of Lake Ontario or the Genesee River are Type I actions under the City's Environmental Quality Review Ordinance. Such actions require a complete environmental impact review. As a part of this review, the city would consider the feasibility and/or desirability of providing public access to existing or proposed water-related recreational facilities or resources such as beaches, marinas, fishing areas and waterfront parks. This access would be evaluated in terms of type and adequacy during the review process.

A Waterfront Consistency Ordinance was adopted which mandates the consideration of a project's consistency with LWRP goals, policies and objectives as a criteria for review of projects within the LWRP boundary.

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

- (1) See (4), (5), and (6) under (B).
- (2) See (3) under (B).
- (3) The city will work with Monroe County and the USACE to properly maintain the east and west piers located on Lake Ontario at the mouth of the Genesee River. This will ensure adequate public access to the river and the lake for fishing and other passive recreational activities.

POLICIES (20), (20A), (20B), (20C), (20D), (20E):

(A) LEGISLATION THAT IMPLEMENTS THESE POLICIES:

The city will attempt to facilitate access to publicly-owned areas of the shorezone where the provision of such access is feasible and where it will not endanger sensitive environmental features and wildlife habitats nor be incompatible with adjacent land uses. Guidelines for the provision or development of such access which will be utilized by the city are contained within the discussion of Policy 20, in Section III: Policies.

The purpose statement of the city's River Harbor (RH) Zoning District contains references to the provision of public access to the shorezone in site development. The city's site plan review procedures contain standards or criteria for the adequate provision of pedestrian circulation and access in site development. The city's special permit procedures contain standards which require site development to be in conformance with the City Comprehensive Plan, and therefore, with the policies of the LWRP that specifically relate to waterfront public access.

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

- (1) See (1), (2), (4), and (5) under (B).
- (2) See (3) under (B)

POLICIES (21), (21A), (21B), (21C):

(A) LEGISLATION THAT IMPLEMENTS THESE POLICIES:

The city recognizes the importance of facilitating the development of water-dependent and water-enhanced recreational uses in appropriate locations along the shoreline of the river and lake. Such water-enhanced and water-dependent uses should be promoted within the context of both public and private development projects.

Much of the area located within the LWRP boundary and immediately adjacent to the lake or river is currently zoned for open space use (OS District). The OS district regulations will help control and promote appropriate water-dependent and water-enhanced recreational uses within the shorezone of the LWRP boundary.

Uses permitted within the OS District include parks, outdoor recreational facilities, and natural wildlife areas. In addition, such uses as public and community recreation buildings, athletic fields, zoos, and small concessionaire shops incidental to the operation of public recreational uses are permitted subject to a special permit. The purpose statement for the district includes references to the preservation and enhancement of the city's major recreational areas through protection of natural amenities and the encouragement of development which respects and is consistent with those natural amenities.

The River Harbor (RH) District, modified as a result of the LWRP, permits such uses as housing, hotels, motels and boatels, multiple uses and mixed-uses and certain other uses subject to special permit.

- (B) ADDITIONAL PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THESE POLICIES:
 - (1) See (1), (2), and (6) under (B).

POLICIES (22), (22A), (22B):

- (A) LEGISLATION THAT IMPLEMENTS THESE POLICIES:

The city recognizes the need to promote and encourage, as a multiple use, water-related recreational facilities within the LWRP, whenever such recreational uses are compatible with existing demand and the primary purpose of the overall development. Whenever actions or proposals involve shorezone areas, the city will utilize site plan and environmental review procedures to evaluate whether or not they should be considered for, and required to incorporate appropriate recreational uses.

The city's site plan review procedures will be used to consider and review the feasibility of providing water-related recreation, as a multiple use, within public and private development projects. As noted earlier, site plan review procedures are required for all development proposed on sites located adjacent to the river as well as for numerous other types or classifications of development activity. During the review process, the city will evaluate whether or not the development of water-related recreational facilities as multiple uses on particular sites adjacent to the shore are appropriate and feasible

The R-H River Harbor District, modified as a result of the LWRP, specifically permits certain multiple uses that include water-oriented recreational facilities within the shorezone, subject to permit and to appropriate conditions and standards.

- (B) ADDITIONAL PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THESE POLICIES:
 - (1) The city prepared and will promote, in cooperation with other governmental agencies, a phased redevelopment plan for the Port and River Street sites which provides for water-related recreation, as part of a multiple-use which is compatible with other land uses and activities within the areas. The proposed plan includes construction of a small marina basin, development of a public walkway immediately adjacent to the basin and river, development of related marine services and land-side mixed-use buildings,

rehabilitation of a railroad station into a restaurant or similar use, and construction of new public open spaces, picnic and outdoor seating and viewing areas. The proposed water-related recreational uses are based on reasonably anticipated demand levels for such activities determined during a lengthy inventory, planning and analysis process undertaken by the city and outside consultants.

- (2) The city identified and will promote the development of several water-related recreational uses and the improvement of public access to the shorezone that are located within existing industrial facilities. An example of such an opportunity would be the improvement of public vehicular and pedestrian access, down Seth Green Drive, to the RUE Station 5 Power Plant on the west bank of the river, just north of the Driving Park Bridge. Improvement of public access in this location would greatly enhance the area's use by fishermen. Development of a fish-cleaning station could also be considered. There are several other areas within the LWRP boundary that provide significant vistas of the river gorge. These areas are within privately-owned industrial facilities. The city will attempt to negotiate with private landowners the provision of public access and the development of overlooks and rest areas within these areas.

POLICIES (23), (23A), (23B), (23C):

- (A) LEGISLATION THAT IMPLEMENTS THESE POLICIES:

The city recognizes the need for and places a high priority on the identification and preservation of structures, sites and districts within the LWRP boundary that are significant in terms of the history, architecture, archaeology or culture of the state or nation.

The city will utilize the site plan review and approval process to ensure that full consideration is given to how development proposed within the LWRP boundary "fits" into existing historic areas. Adverse impacts on existing historic districts and structures, as well as on the historic "character" of many areas, will be minimized through the consideration of the overall appearance and specific design and construction details of new development during the site plan review process.

The city will utilize zoning overlay district regulations for historic preservation to protect areas that may be designated as new preservation districts or enlargements to existing districts within the LWRP boundary. These designations would be the result of completion of historic surveys by the Landmark Society of Western New York and the Rochester Museum and Science Center. The districts may include buildings or structures that have been identified for nomination to the National Register of Historic Places and/or for consideration as locally-significant historic places.

Two changes made to the City's Zoning Ordinance as a result of the LWRP implement the above policies:

- (1) The City's historic preservation regulations were modified to include new, more specific standards for the designation of landmarks and landmark sites.

- (2) An Overlay Harbor Town Design (OHTD) District was adopted, which requires a certificate of design compliance, granted after a review process based on design guidelines for landscaping, signage, visual and historic compatibility, site development, etc., for certain types of new development in the shorezone.

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

- (1) The city prepared and will promote, in cooperation with other governmental agencies, a redevelopment plan for the port and River Street sites that preserves many architecturally and historically significant structures in the area. The plans are specifically designed to protect and enhance these resources. A major element of the proposed River Street concept plan is the enhancement of the existing "village" and "nautical" character or ambience present in the area.
- (2) The city will promote and encourage the preservation of several archaeologically significant sites located in various public parks and other areas along the river gorge. These sites include Carthage Landing, located on the east bank of the Genesee River, just south of the Veteran's Memorial Bridge, Kelsey's Landing, located on the west bank of the river, below Maplewood Park, and an area near the proposed Lower Falls Park, just south of the Driving Park Bridge. These areas contain historic remains of buildings and other facilities that date back to the early 1800's. The city will promote and encourage, in cooperation with Monroe County, the identification and protection of these areas as a part of redevelopment plans prepared for each park.
- (3) As a result of the completion of historic surveys by the Landmark Society of Western New York and the Rochester Museum and Science Center, the city will prepare a list of structures within the LWRP boundary that have the potential to be nominated to the National Historic Register of Historic Places, will identify those structures and facilities that have the potential for being designated as local landmarks, and will evaluate the possibility of extending or creating new preservation districts within the LWRP boundary.

POLICY (24):

NOT APPLICABLE.

POLICY (25), (25A), (25B), (25C):

(A) **LEGISLATION THAT IMPLEMENTS THESE POLICIES:**

The city will utilize zoning, site plan and environmental review procedures to protect natural and man-made resources which enhance scenic views and vistas within the LWRP boundary. These regulations will ensure that proposed private development will not interfere with or destroy existing natural or man-made features that contribute to the scenic quality of the lake and the river.

As noted in previous LWRP policies, much of the area located within the city's LWRP boundary and immediately adjacent to the lake or river is currently zoned for open space use (OS District). The district regulations are adequate to prohibit or control most types of development which would have a detrimental effect on significant scenic views and vistas and other scenic resources within the LWRP boundary. The purpose statement contained within the OS District includes references to the preservation and enhancement of the city's major open spaces and recreational areas through protection of natural amenities and the encouragement of development which respects and is consistent with those amenities.

Development actions proposed within 100 feet of the river and lake, within areas zoned as open space, in heavily wooded areas, and within steep slope areas are Type I actions under the City's Environmental Quality Review Ordinance, since these locations have been identified as critical environmental areas. A complete environmental review, including a visual resource inventory and analysis, would be required for projects proposed in such areas. City environmental review procedures will be utilized to ensure that development activities that have been determined to be Type I actions under this legislation will not adversely affect significant scenic views and vistas or other scenic resources within the LWRP boundary.

The City's site plan review procedures are required for all development proposed on sites located adjacent to the river as well as for other types of development activity. These procedures include such items as preservation of open space and critical environmental areas, as well as the relationship of the proposed development to surrounding land uses and natural features including scenic views and vistas. These procedures will ensure that significant scenic resources within the river gorge will be identified and protected as a part of the review of development activity within the LWRP boundary.

A Waterfront Consistency Ordinance was adopted which mandates the consideration of a project's consistency with LWRP goals, policies and objectives as a criteria for review of projects within the LWRP boundary.

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

- (1) The city will promote and encourage, in cooperation with Monroe County and other governmental agencies, the development of maintenance plans and measures to clean-up the riverfront area and steep slopes within the gorge, in order to enhance visual quality.
- (2) The city, in cooperation with Monroe County, will encourage and support the redevelopment of various recreational facilities that are part of the six public parks located within the LWRP boundary. These parks include Durand-Eastman Park and Ontario Beach Park which are located on Lake Ontario, and Turning Point Park, Seneca Park, Maplewood Park and Lower Falls Park which are located on the Genesee River. The city will promote the development of trails, overlooks and viewing areas in and around these public parks, in order to provide increased viewing opportunities for park visitors of scenic resources within the gorge area.

POLICY (26):

NOT APPLICABLE.

POLICIES (27), (27A):

(A) LEGISLATION THAT IMPLEMENTS THESE POLICIES:

The only major energy facility that exists within the LWRP boundary is the RG&E Station 5 Power Plant and the adjacent Middle Falls Dam. This facility and use will continue at its present location for the foreseeable future. However, if RG&E ever does abandon the site, the city will use site plan and environmental review procedures to ensure that an evaluation of the best reuse for the site is completed. This evaluation will acknowledge the need to consider the compatibility of the new use with the surrounding environment as well as the facility's potential need for a shorefront location.

Site plan review and approval would be required for development proposed within sites adjacent to the river as well as for other types of development activity. These procedures address preservation of open space and critical environmental areas, as well as the relationship of the proposed development to surrounding land uses and natural features. The procedures will ensure compatibility of the proposed development with the site's waterfront location.

Additionally, development actions proposed within 100 feet of the river and lake, within areas zoned as open space, in heavily wooded areas, and within steep slope areas are Type I actions under the City's Environmental Quality Review Ordinance. A complete environmental review would be required for such projects. This review will ensure that such facilities are developed in a manner that does not adversely affect the environment.

A Waterfront Consistency Ordinance was adopted which mandates the consideration of a project's consistency with LWRP goals, policies and objectives as a criteria for review of projects within the LWRP boundary.

POLICY (28):

NOT APPLICABLE.

POLICY (29):

NOT APPLICABLE.

POLICY (30):

(A) LEGISLATION THAT IMPLEMENTS THIS POLICY:

Site plan review and approval is required for development proposed within sites adjacent to the river, as well as for other types of development activity including manufacturing or industrial

facilities that might discharge materials or pollutants into the river or lake. These procedures address preservation of critical environmental areas, potential creation of erosion or drainage problems, as well as the relationship of the proposed development to surrounding land uses and natural features.

The procedures will ensure that the project does not adversely impact water quality due to the discharge of pollutants or other materials.

Development actions proposed within 100 feet of the river and lake, within areas zoned as open space, in heavily wooded areas, and within steep slope areas are Type I actions under the City's Environmental Quality Review Ordinance, since these locations have been identified as critical environmental areas. A complete environmental review would be required for such projects. City environmental review procedures will ensure that development activities that are Type I actions under this legislation will not adversely impact water quality in the river or lake due to the discharge of pollutants or other materials.

A Waterfront Consistency Ordinance was adopted which mandates the consideration of a project's consistency with LWRP goals, policies and objectives as a criteria for review of projects within the LWRP boundary.

(B) **ADDITIONAL PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THIS POLICY:**

- (1) The city will continue to assist in and support the water quality monitoring activities of the Monroe County Health Department and the NYSDEC, to ensure that discharges into Lake Ontario and the Genesee River comply with state and federal water quality standards.

POLICY (31):

(A) **LEGISLATION THAT IMPLEMENTS THIS POLICY:**

Development actions proposed within 100 feet of the Genesee River and Lake Ontario are Type I actions under the City's Environmental Quality Review Ordinance, because this area has been identified as a critical environmental area. A complete environmental review would be required for such projects. The city will use the environmental review procedures to ensure that water quality impacts of stormwater runoff and effluent discharge from Type I development activities, as well as overall water quality and pollution levels adjacent to such sites are considered and evaluated prior to any project approval. The environmental review process will also ensure that mitigating measures or project alternatives will be required if adverse environmental impacts such as further degradation of water quality should result. City environmental review procedures will ensure that development activities that have been determined to be Type I actions will not adversely impact water quality in the river or lake due to the discharge of pollutants or other materials.

A Waterfront Consistency Ordinance was adopted which mandates the consideration of a project's consistency with LWRP goals, policies and objectives as a criteria for review of projects within the LWRP boundary.

POLICY (32):

NOT APPLICABLE.

POLICY (33):

(A) LEGISLATION THAT IMPLEMENTS THIS POLICY:

Development actions proposed within 100 feet of the Genesee River and Lake Ontario are Type I actions under the City's Environmental Quality Review Ordinance, because these areas have been identified as critical environmental areas. A complete environmental review would be required for projects in these areas. The city will use the environmental review process to ensure that best management practices (BMP's) will be used to control stormwater runoff and other effluent discharge from Type I development activities. The environmental review process will also ensure that mitigating measures or project alternatives will be required if adverse environmental impacts such as degradation of water quality should result.

The following changes made to the City's Zoning Ordinance as a result of the LWRP implement the above policies:

- (1) A Waterfront Consistency Ordinance was adopted which mandates the consideration of a project's consistency with LWRP goals, policies and objectives as a criteria for review of projects within the LWRP boundary.
- (2) Administrative procedures were adopted which will control site development activities such as grading, filling, excavations, stripping and removal of topsoil in coordination with a permit review and approval process. The procedures will include standards for permit approvals and will also mandate soil erosion and sediment control measures for development activity, based on accepted engineering standards as well as best management practices (BMP's) for stormwater runoff management.

(B) ADDITIONAL PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THIS POLICY:

- (1) The city, in cooperation with Monroe County, is participating in the Combined Sewer Overflow Abatement Program (CSOAP) which will eliminate combined storm and sanitary sewers in many areas of the city. This project involves the construction of several large underground holding tunnels which will discharge sewage and storm water, collected after major rainfalls, to the Frank E. VanLare Treatment Plant located in Durand-Eastman Park. Prior to the construction of these tunnels, large volumes of combined sewage and storm water that occurred after major rainfalls in the area flowed directly into the river and lake without being treated. This sewage contributed to pollution problems in the river and lake and the elimination or destruction of fish and other wildlife species. The completion of the underground holding tunnels will eliminate a major source of pollution discharge into the river and lake and will help preserve existing stocks of fish in the area.

- (2) The city will continue to investigate and promote improvements to other portions of the city storm and sanitary sewer systems in order to maintain and enhance the existing water quality in the river and lake. The improvements will be based on accepted best management practices (BMP's) for stormwater runoff and drainage control.

POLICY (34):

(A) LEGISLATION THAT IMPLEMENTS THIS POLICY:

The city will enforce all existing and relevant building, sanitary and health codes that apply to the discharge of sewage, waste and other pollutants into local waters.

(B) ADDITIONAL PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THIS POLICY:

- (1) The city will promote and encourage, in cooperation with Monroe County, the control and/or prohibition of discharges of waste materials from vessels into coastal waters, in order to protect significant fish and wildlife habitats, recreational resources and water supply areas (counties in New York State may regulate such activity under Section 46 of New York State Navigation Law).
- (2) The city will explore with Monroe County the possibility of establishing no-discharge zones within the Genesee River and Lake Ontario.

POLICY (35):

(A) LEGISLATION THAT IMPLEMENTS THIS POLICY:

The NYSDEC issues dredging permits when it has been demonstrated that the anticipated adverse effects of such operations have been reduced to levels which satisfy state dredging permit standards as set forth in regulations developed pursuant to the New York State Environmental Conservation Law.

Development activities proposed within 100 feet of the Genesee River and Lake Ontario are Type I actions under the City's Environmental Quality Review Ordinance, because this area has been identified as a critical environmental area. A complete environmental review would be required for such projects. The city will use the environmental review process to ensure that the deposition of any dredge spoil materials within the LWRP boundary is conducted in a manner which protects and preserves significant fish and wildlife habitats, scenic resources, natural protective features or wetlands. The environmental review process will also ensure that mitigating measures or project alternatives will be required if adverse environmental impacts such as destruction of significant habitat areas or other existing natural resources should result.

A Waterfront Consistency Ordinance was adopted which mandates the consideration of a project's consistency with LWRP goals, policies and objectives as a criteria for review of projects within the LWRP boundary.

(A) LEGISLATION THAT IMPLEMENTS THIS POLICY:

The city will utilize the following State legislation as a means of implementing this policy:

- (a) Oil Spill Prevention, Control and Compensation, Navigation Law (Article 12)
- (b) Penalties and Liabilities for Spills of Bulk Liquids, Environmental Conservation Law (Article 71-1941)
- (c) Transportation Law (Article 2, Section 14-F)

These measures are considered adequate for the city because no activities related to the shipment or substantial storage of petroleum or other hazardous materials currently occur within the LWRP boundary, or will be approved within the boundary in the foreseeable future.

POLICY (37):

(A) LEGISLATION THAT IMPLEMENTS THIS POLICY:

Development actions proposed within 100 feet of the river and lake are Type I actions under the City's Environmental Quality Review Ordinance, because these areas have been identified as critical environmental areas. A complete environmental review would be required for projects in these areas. The city will utilize the environmental review process to ensure that best management practices (BMP's) will be used to control the non-point discharge of excess nutrients, organics and eroded soils from Type I development activities. The environmental review process will also ensure that mitigating measures or project alternatives will be required if adverse environmental impacts such as degradation of water quality should result.

See (1) and (2) under (A) on page V-33 for a description of changes made to the City's Zoning Ordinance, which are a result of the LWRP, and which implement the above policy.

POLICY (38):

(A) LEGISLATION THAT IMPLEMENTS THIS POLICY:

None required or identified.

(B) ADDITIONAL PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THIS POLICY:

- (1) The city's primary source of water is its Upland Watershed at Hemlock and Canadice Lakes, and the Monroe County Water Authority which uses Lake Ontario as its major water source. The city recognizes and endorses the policy of the Monroe County Water Authority, and will work with the appropriate regional monitoring agencies to ensure that appropriate standards to implement this policy are enforced.

POLICY (39):

(A) LEGISLATION THAT IMPLEMENTS THIS POLICY:

None required or identified.

(B) ADDITIONAL PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THIS POLICY:

- (1) There is currently no active transport, storage, treatment and/or disposal of hazardous wastes within the city's LWRP boundary. In addition, no land use or activity will occur within the waterfront revitalization area that will produce such hazardous or solid wastes, as defined in the Environmental Conservation Law, Article 27. However, the city will continue to work with the appropriate monitoring and permit agencies to ensure that government standards regarding disposal of such wastes are met.

POLICY (40):

(A) LEGISLATION THAT IMPLEMENTS THIS POLICY:

None required or identified.

(B) ADDITIONAL PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THIS POLICY:

- (1) The RUE Station 5 power plant located on the east bank of the river, near the Driving Park Bridge, and the Eastman Kodak Company Industrial Waste Treatment Plant, located on the west bank of the river, just north of the Veteran's Memorial Bridge, are the only two facilities within the LWRP boundary that are the types of uses described in this policy. The city will continue to work with the appropriate local, state and federal monitoring and permit agencies to ensure that the water quality standards are being met and that appropriate disposal methods are used.

POLICY (41):

(A) LEGISLATION THAT IMPLEMENTS THIS POLICY:

Existing and proposed land uses within the city's LWRP boundary will be restricted to residential, recreational and marine-related or supported commercial facilities. None of these uses are likely to produce significant degradation of air quality in the area. The NYSDEC has jurisdiction over the monitoring of air quality to ensure that the provisions of the Federal Clean Air Act are being met.

POLICY (42):

(A) LEGISLATION THAT IMPLEMENTS THIS POLICY:

None required or identified.

(B) ADDITIONAL PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THIS POLICY:

The policies of the State Coastal Management Program and Rochester 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 NYSDEC will provide the NYSDEC with recommendations for proposed prevention of significant

deterioration land classification designations, based upon State Coastal Management and Rochester LWRP policies.

POLICY (43):

(A) LEGISLATION THAT IMPLEMENTS THIS POLICY:

None required or identified.

(B) ADDITIONAL PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THIS POLICY:

The New York State Coastal Management Program incorporates the State's policies on acid rain. Therefore, the Coastal Management Program will assist in the State's efforts to control acid rain. These efforts to control acid rain will enhance the continued viability of coastal fisheries, wildlife, agricultural, scenic and water resources.

There are currently no generators of significant amounts of acid rain precursors located with the LWRP boundary and no opportunities exist for new development which would include these generators.

POLICY (44):

(A) LEGISLATION THAT IMPLEMENTS THIS POLICY:

The city will utilize environmental review procedures and regulations to ensure that wetlands as well as surrounding "buffer" areas are preserved and protected within the LWRP boundary. Development actions proposed within 100 feet of the river and lake and within areas zoned as open space, both of which include all significant wetland areas along the river and lake, are Type I actions under the City's Environmental Quality Review Ordinance, because these locations have been designated as critical environmental areas. Such actions will require a complete environmental impact review. As a part of this review, the city would be able to determine and address the project's potential impacts on existing fish and wildlife habitat areas and other wetland features, and would propose mitigating measures, if required, in order to protect those areas from adverse development impacts.

A Waterfront Consistency Ordinance was adopted which mandates the consideration of a project's consistency with LWRP goals, policies and objectives as a criteria for review of projects within the LWRP boundary.

(B) ADDITIONAL PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THIS POLICY:

(1) The city will continue acquisition of properties formerly owned by Conrail along the east bank of the river, opposite the Turning Basin. These properties are located within or adjacent to the river gorge, contain wetland areas and steep, wooded slopes and provide habitats for a wide variety of wildlife species, including fish and bird populations that should be preserved and protected. The city will acquire these properties to

preserve and protect existing freshwater wetland areas as well as the scenic and aesthetic quality of the river gorge in general.

Table V-1 Local Waterfront Revitalization Program Summary of Legislation and Additional Actions which Implement LWRP Policies

LEGISLATION	WILL IMPLEMENT THESE LWRP POLICIES
City Zoning Ordinance Open Space District	1, 2, 7, 9, 11, 12, 17, 21, 25
City Zoning Ordinance Site Plan Review Procedures	1, 5, 7, 8, 11, 12, 13, 14, 17, 18, 19, 22, 23, 25, 27, 30
City Code Chapter 48, Environmental Review Process	8, 11, 12, 13, 14, 17, 18, 19, 25, 27, 30, 31, 33, 35, 37, 44
City "one-stop-shop" permit procedures	6
City floodplain/special permit regulations	11, 17
City Zoning Ordinance River Harbor District	1,2,9,20,21,22
City historic preservation regulations	23
City Zoning Ordinance Overlay-Harbor Town Design District	1,23
City Code Consistency Ordinance	7, 8, 11, 12, 13, 14, 17, 18, 19, 25, 27, 30, 31, 33, 35, 37, 44
Administrative procedures with best management practices (BMP's) for runoff control	33,37
ADDITIONAL ACTIONS	WILL IMPLEMENT THESE LWRP POLICIES
Implement port site concept plan	1, 2, 5, 20, 21, 22, 23
Implement River Street concept plan	1, 2, 5, 20, 21, 22, 23
Redevelop Lake Avenue corridor	1
Redevelop Durand-Eastman Park	1, 2, 5, 19, 20
Develop boat launch on Genesee River	1, 2, 9, 19, 20
Improve various county parks	1, 2, 5, 7, 9, 18, 19, 21, 23, 25
Participate in CSOAP	8, 33
Participate in Remedial Action Plan (RAP)	8
Acquire east bank riverfront land	9, 17, 19, 20, 44
Encourage expanded fish stocking programs	9
Maintain east and west river piers	13, 19
Investigate groins at Durand Beach	13
Improve public access in industrial areas	22
Develop list of historic register properties	23
Develop riverfront cleanup programs	25
Support water quality monitoring activities	30
Investigate storm/sanitary sewer Improvements	33
Investigate non-discharge zones in river	34

Summary of Section V: Implementation Techniques

Changes to the City of Rochester Municipal Code and Charter were made in order to implement many of the state coastal policies applicable to the LWRP. Some of the major changes are listed below.

- (1) Modification of the city's River Harbor (RH) Zoning District to permit such uses as housing, hotels, motels and boatels, multiple uses, and to allow certain uses subject to special permit.

Modification of the RH Zoning District purpose statement to include references to the preservation and enhancement of the recreational character and visual quality of the river harbor area, the preservation and promotion of the public access to the shoreline and the encouragement of tourism in the area.
- (2) Adoption of the Harbor Town Design Overlay District which requires a certificate of design compliance for certain types of new development in the shorezone, to be granted after a review process based on design guidelines for landscaping, signage, visual compatibility, site development, etc.
- (3) Adoption of administrative procedures which will control site development activities such as grading, filling, excavations, stripping and removal of topsoil in coordination with a permit review and approval process. The procedures include standards for permit approvals and also mandate soil erosion and sediment control measures for development activity, based on accepted engineering standards as well as best management practices (BMP's) for stormwater runoff management.
- (4) Modification of a section of the City Zoning Ordinance to include specific standards for the designation of landmark sites.
- (5) Amendment to the Code of the City of Rochester to include a new Waterfront Consistency Review Ordinance, which allows the city to implement and administer the consistency requirements of the New York State Coastal Management Program.

Additionally, the city will undertake projects at the Port Authority site and the River Street site within the LWRP boundary, which will improve public access to the shore zone and to the water itself, promote water-dependent and water-enhanced uses along Lake Ontario and the Genesee River, promote tourism and economic development, and contribute to the revitalization of the city's important waterfront areas.

Section VI Federal and State Actions and Programs Likely to Affect Implementation of LWRP

1. State and Federal actions and programs which should be undertaken in a manner consistent with the LWRP

A. State Agencies

OFFICE FOR THE AGING

- 1.00 Funding and/or approval programs for the establishment of new or expanded facilities providing various services for the elderly.

DEPARTMENT OF AGRICULTURE AND MARKETS

- 1.00 Agricultural Districts Program
- 2.00 Rural Development Program
- 3.00 Farm Worker Services Programs.
- 4.00 Permit and approval programs:
 - 4.01 Custom Slaughters/Processor Permit
 - 4.02 Processing Plant License
 - 4.03 Refrigerated Warehouse and/or Locker Plant License

DIVISION OF ALCOHOLIC BEVERAGE CONTROL/STATE LIQUOR AUTHORITY

- 1.00 Permit and Approval Programs:
 - 1.01 Ball Park -Stadium License
 - 1.02 Bottle Club License
 - 1.03 Bottling Permits
 - 1.04 Brewer's Licenses and Permits
 - 1.05 Brewer's Retail Beer License
 - 1.06 Catering Establishment Liquor License
 - 1.07 Cider Producer's and Wholesaler's Licenses
 - 1.08 Club Beer, Liquor, and Wine Licenses
 - 1.09 Distiller's Licenses
 - 1.10 Drug Store, Eating Place, and Grocery Store Beer Licenses
 - 1.11 Farm Winery and Winery Licenses
 - 1.12 Hotel Beer, Wine, and Liquor Licenses
 - 1.13 Industrial Alcohol Manufacturer's Permits
 - 1.14 Liquor Store License
 - 1.15 On-Premises Liquor Licenses
 - 1.16 Plenary Permit (Miscellaneous-Annual)
 - 1.17 Summer Beer and Liquor Licenses

- 1.18 Tavern/Restaurant and Restaurant Wine Licenses
- 1.19 Vessel Beer and Liquor Licenses
- 1.20 Warehouse Permit
- 1.21 Wine Store License
- 1.22 Winter Beer and Liquor Licenses
- 1.23 Wholesale Beer, Wine, and Liquor Licenses

DIVISION OF ALCOHOLISM AND ALCOHOL ABUSE

- 1.00 Facilities, construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
 - 2.01 Letter Approval for Certificate of Need
 - 2.02 Operating Certificate (Alcoholism Facility)
 - 2.03 Operating Certificate (Community Residence)
 - 2.04 Operating Certificate (Outpatient Facility)
 - 2.05 Operating Certificate (Sobering-Up Station)

COUNCIL ON THE ARTS

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Architecture and environmental arts program

DEPARTMENT OF BANKING

- 1.00 Permit and approval programs:
 - 1.01 Authorization Certificate (Bank Branch)
 - 1.02 Authorization Certificate (Bank Change of Location)
 - 1.03 Authorization Certificate (Bank Charter)
 - 1.04 Authorization Certificate (Credit Union Change of Location)
 - 1.05 Authorization Certificate (Credit Union Charter)
 - 1.06 Authorization Certificate (Credit Union Station)
 - 1.07 Authorization Certificate (Foreign Banking Corporation Change of Location)
 - 1.08 Authorization Certificate (Foreign Banking Corporation Public Accommodations Office)
 - 1.09 Authorization Certificate (Investment Company Branch)
 - 1.10 Authorization Certificate (Investment Company Change of Location)
 - 1.11 Authorization Certificate (Investment Company Charter)
 - 1.12 Authorization Certificate (Licensed Lender Change of Location)
 - 1.13 Authorization Certificate (Mutual Trust Company Charter)
 - 1.14 Authorization Certificate (Private Banker Charter)
 - 1.15 Authorization Certificate (Public Accommodation Office Banks)
 - 1.16 Authorization Certificate (Safe Deposit Company Branch)
 - 1.17 Authorization Certificate (Safe Deposit Company Change of Location)

- 1.18 Authorization Certificate (Safe Deposit Company Charter)
- 1.19 Authorization Certificate (Savings Bank Charter)
- 1.20 Authorization Certificate (Savings Bank De Novo Branch Office)
- 1.21 Authorization Certificate (Savings Bank Public Accommodations Office)
- 1.22 Authorization Certificate (Savings and Loan Association Branch)
- 1.23 Authorization Certificate (Savings and Loan Association Change of Location)
- 1.24 Authorization Certificate (Savings and Loan Association Charter)
- 1.25 Authorization Certificate (Subsidiary Trust Company Charter)
- 1.26 Authorization Certificate (Trust Company Branch)
- 1.27 Authorization Certificate (Trust Company-Change of Location)
- 1.28 Authorization Certificate (Trust Company Charter)
- 1.29 Authorization Certificate (Trust Company Public Accommodations Office)
- 1.30 Authorization to Establish a Life Insurance Agency
- 1.31 License as a Licensed Lender
- 1.32 License for a Foreign Banking Corporation Branch

CENTRAL NEW YORK REGIONAL TRANSPORTATION AUTHORITY (regional agency)

- 1.00 Acquisition disposition lease grant of easement and other activities related to the management of land under the jurisdiction of the Authority.
- 2.00 Facilities construction rehabilitation expansion or demolition.
- 3.00 Increases in special fares for transportation services to public water-related recreation resources.

DEPARTMENT OF COMMERCE

- 1.00 Preparation or revision of statewide or specific plans to address State economic development needs.
- 2.00 Allocation of the state tax-free bonding reserve.

DEPARTMENT OF CORRECTIONAL SERVICES

- 1.00 Facilities construction rehabilitation expansion or demolition or the funding of such activities.

DORMITORY AUTHORITY OF THE STATE OF NEW YORK

- 1.00 Financing of higher education and health care facilities.
- 2.00 Planning and design services assistance program.

EDUCATION DEPARTMENT

- 1.00 Facilities construction, rehabilitation, expansion, demolition or the funding of such activities.
- 2.00 Permit and approval programs:
 - 2.01 Certification of Incorporation (Regents Charter)
 - 2.02 Private Business School Registration

- 2.03 Private School license
- 2.04 Registered Manufacturer of Drugs and/or Devices
- 2.05 Registered Pharmacy Certificate
- 2.06 Registered Wholesale of Drugs and/or Devices
- 2.07 Registered Wholesaler-Repacked of Drugs and/or Devices
- 2.08 Storekeeper's Certificate

ENERGY PLANNING BOARD AND ENERGY OFFICE

- 1.0 Preparation and revision of the State Energy Master Plan

NEV YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY

- 1.00 Issuance of revenue bonds to finance pollution abatement modifications in power-generation facilities and various energy projects.

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of lands under the jurisdiction of the Department.
- 2.00 Classification of Waters Program; classification of land areas under the Clean Air Act.
- 3.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 4.00 Financial assistance/grant programs:
 - 4.01 Capital projects for limiting air pollution
 - 4.02 Cleanup of toxic waste dumps
 - 4.03 Flood control, beach erosion and other water resource projects
 - 4.04 Operating aid to municipal wastewater treatment facilities
 - 4.05 Resource recovery and solid waste management capital projects
 - 4.06 Wastewater treatment facilities
- 5.00 Funding assistance for issuance of permits and other regulatory activities (New York City only).
- 6.00 Implementation of the Environmental Quality Bond Act of 1972, including:
 - (a) Water Quality Improvement Projects
 - (b) Land Preservation and Improvement Projects including Wetland Preservation and Restoration Projects, Unique Area Preservation Projects, Metropolitan Parks Projects, Open Space Preservation Projects and Waterways Projects.
- 7.00 Marine Finfish and Shellfish Programs.
- 8.00 New York Harbor Drift Removal Project.
- 9.00 Permit and approval programs:
 - Air Resources
 - 9.01 Certificate of Approval for Air Pollution Episode Action Plan
 - 9.02 Certificate of Compliance for Tax Relief -Air Pollution

Control Facility

- 9.03 Certificate to Operate: Stationary Combustion Installation; Incinerator; Process, Exhaust or Ventilation System
- 9.04 Permit for Burial of Radioactive Material •
- 9.05 Permit for Discharge of Radioactive Material to Sanitary Sewer
- 9.06 Permit for Restricted Burning
- 9.07 Permit to Construct: a Stationary Combustion Installation; Incinerator; Indirect Source of Air Contamination; Process, Exhaust or Ventilation System
Construction Management
- 9.08 Approval of Plans and Specifications for Wastewater Treatment Facilities

Fish and Wildlife

- 9.09 Certificate to Possess and Sell Hatchery Trout in New York State
- 9.10 Commercial Inland Fisheries Licenses
- 9.11 Fishing Preserve License
- 9.12 Fur Breeder's License
- 9.13 Game Dealer's License
- 9.14 Licenses to Breed Domestic Game Animals
- 9.15 License to Possess and Sell Live Game
- 9.16 Permit to Import, Transport and/or Export under Section 184.111-0511)
- 9.17 Permit to Raise and Sell Trout
- 9.18 Private Bass Hatchery Permit
- 9.19 Shooting Preserve Licenses
- 9.20 Taxidermy License

Lands and Forest

- 9.21 Certificate of Environmental Safety (Liquid Natural Gas and Liquid Petroleum Gas)
- 9.22 Floating Object Permit
- 9.23 Marine Regatta Permit
- 9.24 Mining Permit
- 9.25 Navigation Aid Permit
- 9.26 Permit to Plug and Abandon (a non-commercial, oil, gas or solution mining well)
- 9.27 Permit to Use Chemicals for the Control or Elimination of

Aquatic Insects

- 9.28 Permit to Use Chemicals for the Control or Elimination of

Aquatic Vegetation

- 9.29 Permit to Use Chemicals for the Control or Extermination of

Undesirable Fish

- 9.30 Underground Storage Permit (Gas)
- 9.31 Well Drilling Permit (Oil, Gas, and Solution Salt Mining)

Marine Resources

- 9.32 Digger's Permit (Shellfish)
- 9.33 License of Menhaden Fishing Vessel

- 9.34 License for Non-Resident Food Fishing Vessel
 - 9.35 Non-Resident Lobster Permit
 - 9.36 Marine Hatchery and/or Off-Bottom Culture Shellfish Permits
 - 9.37 Permits to Take Blue-Claw Crabs
 - 9.38 Permit to Use Pond or Trap Net
 - 9.39 Resident Commercial Lobster Permit
 - 9.40 Shellfish Bed Permit
 - 9.41 Shellfish Shipper's Permits
 - 9.42 Special Permit to Take Surf Clams from Waters other than the Atlantic Ocean
- Regulatory Affairs
- 9.43 Approval -Drainage Improvement District
 - 9.44 Approval -Water (Diversion for) Power
 - 9.45 Approval of Well System and Permit to Operate
 - 9.46 Permit -Article 15, (Protection of Water) -Dam
 - 9.47 Permit -Article 15, (Protection of Water) -Dock, Pier or Wharf
 - 9.48 Permit -Article 15, (Protection of Water) -Dredge or Deposit Material in a Waterway
 - 9.49 Permit-Article 15, (Protection of Water) -Stream Bed or Bank Disturbances
 - 9.50 Permit -Article 15, Title 15 (Water Supply)
 - 9.51 Permit -Article 24, (Freshwater Wetlands)
 - 9.52 Permit -Article 25, (Tidal Wetlands)
 - 9.53 River Improvement District Approvals
 - 9.54 River Regulatory District Approvals
 - 9.55 Well Drilling Certificate of Registration
- Solid Wastes
- 9.56 Permit to Construct and/or Operate a Solid Waste Management Facility
 - 9.57 Septic Tank Cleaner and Industrial Waste Collector Permit
- Water Resources
- 9.58 Approval of Plans for Wastewater Disposal Systems
 - 9.59 Certificate of Approval of Realty Subdivision Plans
 - 9.60 Certificate of Compliance (Industrial Wastewater Treatment Facility)
 - 9.61 Letters of Certification for Major Onshore Petroleum Facility Oil Spill Prevention and Control Plan
 - 9.62 Permit -Article 36, (Construction in Flood Hazard Areas)
 - 9.63 Permit for State Agency Activities for Development in Coastal Erosion Hazard Areas
 - 9.64 Permit for State Agency Activities for Development in Coastal Erosion Hazard Areas
 - 9.65 State Pollutant Discharge Elimination System (SPDES) Permit
 - 9.66 401 Water Quality Certification
- 10.00 Preparation and revision of Air Pollution State Implementation Plan.
 - 11.00 Preparation and revision of Continuous Executive Program Plan.

- 12.00 Preparation and revision of Statewide Environmental Plan.
- 13.00 Protection of Natural and Man-made Beauty Program.
- 14.00 Urban Fisheries Program.
- 15.00 Urban Forestry Program.
- 16.00 Urban Wildlife Program.

ENVIRONMENTAL FACILITIES CORPORATION

- 1.00 Financing program for pollution control facilities for industrial firms and small businesses.

FACILITIES DEVELOPMENT CORPORATION

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

OFFICE OF GENERAL SERVICES

- 1.00 Administration of the Public Lands Law for acquisition and disposition of lands, grants of land and grants of easement of land under water, issuance of licenses for removal of materials from lands under water, and oil and gas leases for exploration and development.
- 2.00 Administration of Article 4-B, Public Buildings Law, in regard to the protection and management of State historic and cultural properties and State uses of buildings of historic, architectural or cultural significance.
- 3.00 Facilities construction, rehabilitation, expansion, or demolition.

DEPARTMENT OF HEALTH

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
 - 2.01 Approval of Completed Works for Public Water Supply Improvements
 - 2.02 Approval of Plans for Public Water Supply Improvements.
 - 2.03 Certificate of Need (Health Related Facility –except Hospitals)
 - 2.04 Certificate of Need (Hospitals)
 - 2.05 Operating Certificate (Diagnostic and Treatment Center)
 - 2.06 Operating Certificate (Health Related Facility)
 - 2.07 Operating Certificate (Hospice)
 - 2.08 Operating Certificate (Hospital)
 - 2.09 Operating Certificate (Nursing Home)
 - 2.10 Permit to Operate a Children's Overnight or Day Camp
 - 2.11 Permit to Operate a Migrant Labor Camp
 - 2.12 Permit to Operate as a Retail Frozen Dessert Manufacturer
 - 2.13 Permit to Operate a Service Food Establishment
 - 2.14 Permit to Operate a Temporary Residence/Mass Gathering

- 2.15 Permit to Operate or Maintain a Swimming Pool or Public Bathing Beach
- 2.16 Permit to Operate Sanitary Facilities for Realty Subdivisions
- 2.17 Shared Health Facility Registration Certificate

DIVISION OF HOUSING AND COMMUNITY RENEWAL and its subsidiaries and affiliates

- 1.00 Facilities construction, rehabilitation, expansion, or demolition.
- 2.00 Financial assistance/grant programs:
 - 2.01 Federal Housing Assistance Payments Programs (Section 8 Programs)
 - 2.02 Housing Development Fund Programs
 - 2.03 Neighborhood Preservation Companies Program
 - 2.04 Public Housing Programs
 - 2.05 Rural Initiatives Grant Program
 - 2.06 Rural Preservation Companies Program
 - 2.07 Rural Rental Assistance Program
 - 2.08 Special Needs Demonstration Projects
 - 2.09 Urban Initiatives Grant Program
 - 2.10 Urban Renewal Programs
- 3.00 Preparation and implementation of plans to address housing and community renewal needs.

HOUSING FINANCE AGENCY

- 1.00 Funding programs for the construction, rehabilitation, or expansion of facilities.
- 2.00 Affordable Housing Corporation

JOB DEVELOPMENT AUTHORITY

- 1.00 Financing assistance programs for commercial and industrial facilities.

MEDICAL CARE FACILITIES FINANCING AGENCY

- 1.00 Financing of medical care facilities.

OFFICE OF MENTAL HEALTH

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
 - 2.01 Operating Certificate (Community Residence)
 - 2.02 Operating Certificate (Family Care Homes)
 - 2.03 Operating Certificate (Inpatient Facility)
 - 2.04 Operating Certificate (Outpatient Facility)

OFFICE OF MENTAL RETARDATION AND DEVELOPMENT DISABILITIES

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:

- 2.01 Establishment and Construction Prior Approval
- 2.02 Operating Certificate Community Residence
- 2.03 Outpatient Facility Operating Certificate

DIVISION OF MILITARY AND NAVAL AFFAIRS

- 1.00 Preparation and implementation of the State Disaster Preparedness Plan.

NATURAL HERITAGE TRUST

- 1.00 Funding program for natural heritage institutions.

OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION (including Regional State Park Commission)

- 1.00 Acquisition, disposition, lease, grant of easement or other activities related to the management of land under the jurisdiction of the Office.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 3.00 Funding program for recreational boating, safety and enforcement.
- 4.00 Funding program for State and local historic preservation projects.
- 5.00 Land and Water Conservation Fund programs. VI-14
- 6.00 Nomination of properties to the Federal and/or State Register of Historic Places.
- 7.00 Permit and approval programs:
 - 7.01 Floating Objects Permit
 - 7.02 Marine Regatta Permit
 - 7.03 Navigation Aide Permit
 - 7.04 Posting of Signs Outside State Parks
- 8.00 Preparation and revision of the Statewide Comprehensive Outdoor Recreation Plan and the Statewide Comprehensive Historic Preservation Plan and other plans for public access, recreation, historic preservation or related purposes.
- 9.00 Recreation services program.
- 10.00 Urban Cultural Parks Program.

POWER AUTHORITY OF THE STATE OF NEW YORK

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Authority.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition.

ROCHESTER-GENESEE REGIONAL TRANSPORTATION AUTHORITY (regional agency)

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Authority.

- 2.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 3.00 Increases in special fares for transportation services water-related recreation resources to public

NEW YORK STATE SCIENCE AND TECHNOLOGY FOUNDATION

- 1.00 Corporation for Innovation Development Program.
- 2.00 Center for Advanced Technology Program.

DEPARTMENT OF SOCIAL SERVICES

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Homeless Housing and Assistance Program.
- 3.00 Permit and approval programs:
 - 3.01 Certificate of Incorporation (Adult Residential Facilities)
 - 3.02 Operating Certificate (Children's Services)
 - 3.03 Operating Certificate (Enriched Housing Program)
 - 3.04 Operating Certificate (Home for Adults)
 - 3.05 Operating Certificate (Proprietary Home)
 - 3.06 Operating Certificate (Public Home)
 - 3.07 Operating Certificate (Special Care Home)
 - 3.08 Permit to Operate a Day Care Center

DEPARTMENT OF STATE

- 1.00 Appalachian Regional Development Program.
- 2.00 Coastal Management Program.
- 3.00 Community Services Block Grant Program.
- 4.00 Permit and approval programs:
 - 4.01 Billiard Room License
 - 4.02 Cemetery Operator
 - 4.03 Uniform Fire Prevention and Building Code

STATE UNIVERSITY CONSTRUCTION FUND

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

STATE UNIVERSITY OF NEW YORK

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the University.

- 2.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

DIVISION OF SUBSTANCE ABUSE SERVICES

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
 - 2.01 Certificate of Approval (Substance Abuse Services Program)

NEW YORK STATE THRUWAY AUTHORITY (regional agency)

- 1.00 Acquisition, disposition lease, grant of easement and other activities related to the management of land under the jurisdiction of the Authority.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition.
- 3.00 Permit and approval programs:
 - 3.01 Advertising Device Permit
 - 3.02 Approval to Transport Radioactive Waste
 - 3.03 Occupancy Permit

DEPARTMENT OF TRANSPORTATION

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Department.
- 2.00 Construction, rehabilitation, expansion, or demolition of facilities, including but not limited to:
 - (a) Highways and parkways
 - (b) Bridges on the State highways system
 - (c) Highway and parkway maintenance facilities
 - (d) Barge Canal
 - (e) Rail facilities
- 3.00 Financial assistance/grant programs:
 - 3.01 Funding programs for construction /reconstruction and reconditioning /preservation of municipal streets and highways (excluding routine maintenance and minor rehabilitation)
 - 3.02 Funding programs for development of the ports of Albany, Buffalo, Oswego, Ogdensburg and New York
 - 3.03 Funding programs for rehabilitation and replacement of municipal bridges
 - 3.04 Subsidies program for marginal branchlines abandoned by Conrail
 - 3.05 Subsidies program for passenger rail service
- 4.00 Permits and approval programs:
 - 4.01 Approval of applications (construction projects) for airport improvements

- 4.02 Approval of municipal applications for Section 18 Rural and Small Urban Transit Assistance Grants (construction projects)
- 4.03 Approval of municipal or regional transportation authority applications for funds for design, construction and rehabilitation of omnibus maintenance and storage facilities
- 4.04 Approval of municipal or regional transportation authority applications for funds for design and construction of rapid transit facilities
- 4.05 Certificate of Convenience and Necessity to Operate a Railroad
- 4.06 Highway Work Permits
- 4.07 License to Operate Major Petroleum Facilities
- 4.08 Outdoor Advertising Permit (for off-premises advertising signs adjacent to interstate and primary highway)
- 4.09 Permits for Use and Occupancy of N.Y State Canal Lands (except Regional Permits [Snow Dumping])
- 4.10 Real Property Division Permit for Use of State-Owned Property
- 5.00 Preparation or revision of the Statewide Master Plan for Transportation and sub-area or special plans and studies related to the transportation needs of the State.
- 6.00 Water Operation and Maintenance Program-Activities related to the containment of petroleum spills and development of an emergency oil spill control network.

URBAN DEVELOPMENT CORPORATION and its subsidiaries and affiliates

- 1.00 Acquisition, disposition, lease, grant of easement or other activities related to the management of land under the jurisdiction of the Corporation.
- 2.00 Planning, development, financing, construction, major renovation or expansion of commercial, industrial, and civic facilities and the provision of technical assistance or financing for such activities, including, but not limited to, actions under its discretionary economic development programs such as the following:
 - (a) Tax-Exempt Financing Program
 - (b) Lease Collateral Program
 - (c) Lease Financial Program
 - (d) Targeted Investment Program
 - (e) Industrial Buildings Recycling Program
- 3.00 Administration of special projects. 4.00 Administration of State-funded capital grant programs.

DIVISION FOR YOUTH

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding or approval of such activities.

B. Federal Agencies

DIRECT FEDERAL ACTIVITIES AND DEVELOPMENT PROJECTS

DEPARTMENT OF COMMERCE

National Marine Fisheries Services

1.00 Fisheries Management Plans

DEPARTMENT OF DEFENSE

Army Corps of Engineers

1.00 Proposed authorizations for dredging, channel improvements, breakwaters, other navigational works, or erosion control structures, beach replenishment, dams or flood control works, ice management practices and activities, and other projects with potential to impact coastal lands and waters.

2.00 Land acquisition for spoil disposal or other purposes.

3.00 Selection of open water disposal sites.

Army, Navy and Air Force

4.00 Location, design, and acquisition of new or expanded defense installations (active or reserve status, including associated housing, transportation or other facilities).

5.00 Plans, procedures and facilities for landing or storage use zones.

6.00 Establishment of impact, compatibility or restricted use zones.

DEPARTMENT OF ENERGY

1.00 Prohibition orders.

GENERAL SERVICES ADMINISTRATION

1.00 Acquisition, location and design of proposed Federal Government buildings, whether leased or owned by the Federal property or Government.

2.00 Disposition of Federal surplus lands and structures.

DEPARTMENT OF INTERIOR

Fish and Wildlife Service

1.00 Management of National Wildlife refuges and proposed acquisitions.

Mineral Management Service

2.00 OCS lease sale activities including tract selection, lease sale stipulations, etc.

National Park Service

3.00 National Park and Seashore management and proposed acquisitions.

DEPARTMENT OF TRANSPORTATION

Amtrak, Conrail

- 1.00 Expansions, curtailments, new construction, upgrading or abandonments or railroad facilities or services, in or affecting the State's coastal area.

Coast Guard

- 2.00 Location and design, construction or enlargement of Coast Guard stations, bases, and lighthouses.
- 3.00 Location, placement or removal of navigation devices which are not part of the routine operations under the Aids to Navigation Program (ATON).
- 4.00 Expansion, abandonment, designation or anchorages, lightening areas or shipping lanes and ice management practices and activities.

Federal Aviation Administration

- 5.00 Location and design, construction, maintenance, and demolition of Federal aids to air navigation.

Federal Highway Administration

- 6.00 Highway construction.

St. Lawrence Seaway Development Corporation

- 7.00 Acquisition, location, design, improvement and construction of new and existing facilities for the operation of the Seaway, including traffic safety, traffic control and length of navigation season.

FEDERAL LICENSES AND PERMITS

DEPARTMENT OF DEFENSE

Army Corps of Engineers

- 1.00 Construction of dams, dikes or ditches across navigable waters, or obstruction or alteration of navigable waters required under Sections 9 and 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 401, 403).
- 2.00 Establishment of harbor lines pursuant to Section 11 of the Rivers and Harbors Act of 1899 (33 U.S.C. 404, 405).
- 3.00 Occupation of seawall, bulkhead, jetty, dike, levee, wharf, pier, or other work built by the U.S. pursuant to Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408).
- 4.00 Approval of plans for improvements made at private expense under USACE supervision pursuant to the Rivers and Harbors Act of 1902 (33 U.S.C. 565).
- 5.00 Disposal of dredged spoils into the waters of the U.S., pursuant to the Clean Water Act, Section 404, (33 U.S.C. 1344).

- 6.00 All actions for which permits are required pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
- 7.00 Construction of artificial lands and fixed structures in Long Island Sound pursuant to Section 4(f) of the River and Harbors Act of 1912 (33 U.S.C.).

DEPARTMENT OF ENERGY

Economic Regulatory Commission

- 1.00 Regulation of gas pipelines, and licensing of import or export of natural gas pursuant to the Natural Gas Act (15 U.S.C. 717) and the Energy Reorganization Act of 1974.
- 2.00 Exemptions from prohibition orders.

Federal Energy Regulatory Commission

- 3.00 Licenses for non-Federal hydroelectric projects and primary transmission lines under Sections 3(11), 4(e) and 15 of the Federal Power Act (16 U.S.C. 796(11), 797(11) and 808).
- 4.00 Orders for interconnection of electric transmission facilities under Section 202(b) of the Federal Power Act (15 U.S.C. 824a(b)).
- 5.00 Certificates for the construction and operation of interstate natural gas pipeline facilities, including both pipelines and terminal facilities under Section 7(c) of the Natural Gas Act (15 U.S.C. 717f(c)).
- 6.00 Permission and approval for the abandonment of natural gas pipeline facilities under Section 7(b) of the Natural Gas Act (15 U.S.C. 717f(b)).

ENVIRONMENTAL PROTECTION AGENCY

- 1.00 NPDES permits and other permits for Federal installations, discharges in contiguous zones and ocean waters, sludge runoff and aquaculture permits pursuant to Section 401, 402, 403, 405, and 318 of the Federal Water Pollution Control Act of 1972 (33 U.S.C. 1341, 1342, 1343, and 1328).
- 2.00 Permits pursuant to the Resources Recovery and Conservation Act of 1976.
- 3.00 Permits pursuant to the underground injection control program under Section 1424 of the Safe Water Drinking Water Act (42 U.S.C. 300h-c).
- 4.00 Permits pursuant to the Clean Air Act of 1976 (42 U.S.C. 1857).

DEPARTMENT OF INTERIOR

Fish and Wildlife Services

- 1.00 Endangered species permits pursuant to the Endangered Species Act (16 U.S.C. 153)a.

Mineral Management Service

- 2.00 Permits to drill, rights of use and easements for construction and maintenance of pipelines, gathering and flow lines and associated structures pursuant to 43 U.S.C. 1334, exploration and development plans, and any other permits or authorizations granted for activities described in detail in OCS exploration, development, and production plans.
- 3.00 Permits required for pipelines crossing federal lands, including OCS lands, and associated activities pursuant to the DCS Lands Act (43U.S.C. 1334) and 43 U.S.C. 931 (c) and 20 U.S.C. 185

INTERSTATE COMMERCE COMMISSION

- 1.00 Authority to abandon railway lines (to the extent that the abandonment involves removal of trackage and disposition of right of way); authority to construct railroads; authority to construct coal slurry pipelines.

NUCLEAR REGULATORY COMMISSION

- 1.00 Licensing and certification of the siting, construction and operation of nuclear power plants pursuant to Atomic Energy Act of 1954, Title II of the Energy Reorganization Act of 1974 and the National Environmental Policy Act of 1969.

DEPARTMENT OF TRANSPORTATION

Coast Guard

- 1.00 Construction or modification of bridges, causeways or pipelines over navigable waters pursuant to 49 U.S.C. 1455.
- 2.00 Permits for Deepwater Ports pursuant to the Deepwater Ports Act of 1974 (33 U.S.C. 1501).

Federal Aviation Administration

- 3.00 Permits and licenses for construction, operation or alteration of airports.

FEDERAL ASSISTANCE*

DEPARTMENT OF AGRICULTURE

- 10.068 Rural Clean Water Program
- 10.409 Irrigation, Drainage, and Other Soil and Water Conservation Loans
- 10.410 Low to Moderate Income Housing Loans
- 10.411 Rural Housing Site Loans
- 10.413 Recreation Facility Loans
- 10.414 Resource Conservation and Development Loans
- 10.415 Rural Renting Housing Loans
- 10.416 Soil and Water Loans
- 10.418 Water and Waste Disposal Systems for Rural Communities
- 10.422 Business and Industrial Loans

- 10.424 Industrial Development Grants
- 10.426 Area Development Assistance Planning Grants
- 10.429 Above Moderate Income Housing Loans
- 10.430 Energy Impacted Area Development Assistance Program
- 10.901 Resource Conservation and Development
- 10.902 Soil and Water Conservation
- 10.904 Watershed Protection and Flood Prevention
- 10.906 River Basin Surveys and Investigations

DEPARTMENT OF COMMERCE

- 11.300 Economic Development -Grants and Loans for Public Works and Development Facilities
- 11.301 Economic Development -Business Development Assistance
- 11.302 Economic Development -Support for Planning Organizations
- 11.304 Economic Development -State and Local Economic Development Planning
- 11.305 Economic Development -State and Local Economic Development Planning
- 11.307 Special Economic Development and Adjustment Assistance Program -Long Term Economic Deterioration
- 11.308 Grants to States for Supplemental and Basic Funding of Titles I, II, III, IV, and V Activities
- 11.405 Anadromous and Great Lakes Fisheries Conservation
- 11.407 Commercial Fisheries Research and Development
- 11.417 Sea Grant Support
- 11.427 Fisheries Development and Utilization Research and Demonstration Grants and Cooperative Agreements Program
- 11.501 Development and Promotion of Ports and Intermodal Transportation
- 11.509 Development and Promotion of Domestic Waterborne Transport Systems

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

- 14.112 Mortgage Insurance Construction or Substantial Rehabilitation of Condominium Projects
- 14.115 Mortgage Insurance -Development of Sales Type Cooperative Projects
- 14.117 Mortgage Insurance -Homes
- 14.124 Mortgage Insurance -Investor Sponsored Cooperative Housing
- 14.125 Mortgage Insurance -Land Development and New Communities
- 14.126 Mortgage Insurance -Management Type Cooperative Projects
- 14.127 Mortgage Insurance -Mobile Home Parks
- 14.218 Community Development Block Grants/Entitlement Grants
- 14.219 Community Development Block Grants/Small Cities Program
- 14.221 Urban Development Action Grants
- 14.223 Indian Community Development Block Grant Program

DEPARTMENT OF INTERIOR

- 15.400 Outdoor Recreation -Acquisition, Development and Planning
- 15.402 Outdoor Recreation -Technical Assistance

- 15.403 Disposal of Federal Surplus Real Property for Parks, Recreation, and Historic Monuments
- 15.411 Historic Preservation Grants-in-Aid
- 15.417 Urban Park and Recreation Recovery Program
- 15.600 Anadromous Fish Conservation
- 15.605 Fish Restoration
- 15.611 Wildlife Restoration
- 15.613 Marine Mammal Grant Program
- 15.802 Minerals Discovery loan Program
- 15.950 National Water Research and Development Program
- 15.951 Water Resources Research and Technology -Assistance to State Institutes
- 15.952 Water Research and Technology -Matching Funds to State Institutes

DEPARTMENT OF TRANSPORTATION

- 20.102 Airport Development Aid Program
- 20.103 Airport Planning Grant Program
- 20.205 Highway Research, Planning, and Construction
- 20.309 Railroad Rehabilitation and Improvement -Guarantee of Obligations
- 20.310 Railroad Rehabilitation and Improvement Redeemable Preference Shares
- 20.506 Urban Mass Transportation Demonstration Grants
- 20.509 Public Transportation for Rural and Small Urban Areas

GENERAL SERVICES ADMINISTRATION

- 39.002 Disposal of Federal Surplus Real Property

COMMUNITY SERVICES ADMINISTRATION

- 49.002 Community Action
- 49.011 Community Economic Development
- 49.013 State Economic Opportunity Offices
- 49.017 Rural Development Loan Fund
- 49.018 Housing and Community Development (Rural Housing)

SMALL BUSINESS ADMINISTRATION

- 59.012 Small Business Loans
- 59.013 State and Local Development Company Loans
- 59.024 Water Pollution Control Loans
- 59.025 Air Pollution Control Loans
- 59.031 Small Business Pollution Control Financing Guarantee

ENVIROMENTAL PROTECTION AGENCY

- 66.001 Air Pollution Control Program Grants
- 66.418 Construction Grants for Wastewater Treatment Works
- 66.426 Water Pollution Control -State and Areawide Water Quality Management Planning Agency

- 66.451 Agency Solid and Hazardous Waste Management Program Support Grants
- 66.452 Solid Waste Management Demonstration Grants
- 66.600 Environmental Protection Consolidated Grants Program Support Comprehensive Environmental Response, Compensation and Liability (Super Fund)

Numbers refer to the Catalog of Federal Domestic Assistance Program 1980 and its two subsequent updates

C. Federal and State actions and programs necessary to further the City of Rochester's LVRP

(1) Introduction

The majority of the uses and projects proposed in the city's LWRP can be implemented through local actions as described in SECTION V: IMPLEMENTING TECHNIQUES. The primary local action required for implementation of the LWRP is adoption of various amendments to the City Zoning Ordinance and Zoning Map, in order to encourage appropriate waterfront development and to protect sensitive environmental areas in the shorezone. This action requires City Council review and approval following a public hearing.

There are, however, several projects proposed in the plan which will require federal and State assistance and coordination. The various federal and State agencies which will be involved in this assistance and coordination are listed below, along with a description of the type of assistance required.

(2) Federal Actions:

(a) Department of Defense, Army Corps of Engineers (USACE):

- (1) The USACE should coordinate with and assist the city in the design, funding and completion of a surge protection and control project at the outlet of the Genesee River with Lake Ontario that eliminates or significantly reduces the surge problem in the river.
- (2) The USACE should investigate and discuss with the U.S. Coast Guard navigational problems in the Genesee River in order to determine how they may affect federally owned land at and adjacent to the Coast Guard Station.
- (3) The USACE should coordinate and cooperate with the city in the review and approval of the design / engineering of new boat docks, slips and riverbank stabilization along the west bank of the river, near the Stutson Street Bridge.

(b) Federal Highway Administration (FHWA):

- (1) The FHWA should coordinate and cooperate with the city in the funding, design and construction of a replacement bridge for the Stutson Street Bridge, over the Genesee River. The FHWA should provide appropriate funding for this project

- (2) The FHWA should coordinate and cooperate with the city in the funding, design and reconstruction of Lake Avenue from Ridge Road West to Beach Avenue. The FHWA should provide appropriate funding for this project.
- (3) State Actions:
 - (a) New York State Department of Transportation (NYSDOT):
 - (1) The NYSDOT should coordinate and cooperate with the city in the funding, design and construction of a replacement bridge for the Stutson Street Bridge, over the Genesee River. The NYSDOT should provide appropriate funding for this project.
 - (2) The NYSDOT should coordinate and cooperate with the city in the funding, design and reconstruction of Lake Avenue from Ridge Road West to Beach Avenue.
 - (b) New York State Department of Environmental Conservation (NYSDEC):
 - (1) The NYSDEC should implement and administer Article 24 of the New York State Environmental Conservation Law regarding wetland areas in Rochester
 - (2) The NYSDEC should coordinate with and assist the city in the mapping, adoption and implementation of New York State's Section 505 Coastal Erosion Control legislation, and the city's local coastal erosion ordinance.
 - (3) The NYSDEC should coordinate with and assist the city in the funding of the purchase of 40 acres of environmentally sensitive land along the east bank of the Genesee River, and 31 acres of land along the west bank of the river north of Turning Point Park, to be preserved as park land.
 - (c) New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP):
 - (1) The NYSOPRHP should coordinate with and assist the city in the design, planning, development, construction and funding of a 75-slip transient marina at the Port of Rochester site. The NYSOPRHP should provide appropriate funding for this project.
 - (2) The NYSOPRHP should coordinate and cooperate with the city regarding the potential designation of the redeveloped port site and new marina as a state park.
 - (3) The NYSOPRHP should coordinate with and assist the city in the funding of the purchase of 40 acres of environmentally sensitive land along the east bank of the Genesee River, and 31 acres of land along the west bank of the river north of Turning Point Park, to be preserved as park land.
 - (4) The NYSOPRHP should coordinate and cooperate with the city regarding the renegotiation of the operation and maintenance agreement for state-owned property along River Street, south of the Stutson Street Bridge.

- (d) New York State Department of State (NYS DOS):
- (1) The NYSDOS should coordinate with and assist the city in the provision of funding to implement portions of its LWRP including, but not limited to, the potential development and adoption of water surface use regulations and the planning, engineering and construction of future waterfront development projects and infrastructure improvements.
 - (2) The NYSDOS should coordinate with and assist the city in the provision of funding, along with local labor unions, for the preservation of the historic Genesee Lighthouse.
- (e) New York State Office of General Services:
- (1) Prior to any development occurring in the water or on the immediate waterfront, the Office of General Services should be consulted for a determination of the state's interest in underwater or formerly underwater lands and for authorization to use and occupy these lands.

2. Federal and State Actions and Programs Which Should Be Undertaken in a Manner Consistent With the LWRP

(A) Federal Actions and Programs

(Source: "Catalogue of Federal Programs 1984"):

- (1) Department of Commerce:
 - (a) Economic Development Administration:
 - Economic Development Grants for Public Works and Development Facilities
 - Economic Development -Business Development Assistance.
 - Economic Development Support for Planning Organizations.
 - Economic Development -Technical Assistance.
 - Economic Development -Public Works Impact Projects.
 - Economic Development State and Local Economic Development Planning.
 - Economic Development -District Operational Services.
 - Special Economic Development and Adjustment Assistance Program - Sudden and Severe or Long-Term Economic Deterioration.
 - (b) National Oceanic and Atmospheric Administration:
 - Geodetic Surveys and Services
 - Nautical Charts and Related Data.
 - Anadromous and Great Lakes Fisheries Conservation.
 - Commercial Fisheries Research and Development.
 - Sea Grant Support.
 - Coastal Zone Management Program Administration.
 - Coastal Zone Management Estuarine Sanctuaries.

- Coastal Energy Impact Program -Planning Grants.
 - Financial Assistance for Marine Pollution Research.
 - Fisheries Development and Utilization Research and Development Grants and Cooperative Agreements Program.
- (2) Department of Defense:
- (a) Department of the Army, Office of the Chief of Engineers:
- Aquatic Plant Control.
 - Beach Erosion Control Projects.
 - Flood Control Works and Federally Authorized Coastal Protection Works, Rehabilitation.
 - Flood Plain Management Services.
 - Flood Control Projects.
 - Navigation Projects.
 - Snagging and Clearing for Flood Control.
 - Protection, Clearing and Straightening Channels.
 - Planning Assistance to States.
 - Section 404 Permit Requirements and Permit Program.
- (3) Department of Housing and Urban Development:
- (a) Community Planning and Development:
- Community Development Block Grants/Entitlement Grants
 - Section 312 Rehabilitation Loans.
- (b) Office of Policy development and Research:
- General Research and Technology Activity.
- (4) Department of Interior:
- (a) Bureau of Reclamation:
- National Water Research and Development Program
- (b) U.S. Fish and Wildlife Service:
- Anadromous Fish Conservation
 - Fishery Research – Information
 - Fish Restoration
 - Sport Fish Technical Assistance
 - Wildlife Restoration
- (c) Geological Survey:
- Water Resources Investigation
- (d) National Park Service
- Historic Preservation Grants-in Aid
 - Historic American Buildings Survey/ Historic American Engineering Record
 - National Historic Landmark Program
 - National Register of Historic Places

- National Natural Landmarks Program
- Technical Preservation Services
- Outdoor Recreation – Acquisition, Development and Planning (Land and Water Conservation Fund Grants)
- Surplus Property Program
- Urban Park and Recreation Recovery Program
- (e) Office of Water Policy
 - Water Research Institute Program
- (4) Department of Transportation
 - (a) United States Coast Guard:
 - Boating Safety
 - Coast guard Cooperative Marine Sciences Program
 - (b) Federal Highway Administration
 - Highway planning and Construction
 - Highway Beautification
 - (c) Maritime Administration:
 - Development and Promotion of Domestic Waterborne Transport Systems
 - Maritime Research and Development
- (5) General Services Administration:
 - Disposal of Federal Surplus Real Property
 - Donation of Federal Surplus Real Property
- (6) Small Business Administration:
 - Small Business Loans
 - Small Business Investment Companies
 - State and Local Development Company Loans
 - Small Business Energy loans
 - Small business Pollution Control Financing Guarantee
- (7) Environmental Protection Agency:
 - (a) Office of Air, Noise and Radiation:
 - Air Pollution Control Program Grants
 - (b) Office of Water:
 - Construction Grants for Wastewater treatment Works
 - Water Pollution Control – State and Interstate Program Grants
 - Construction management Assistance Grants
 - Water Quality Management Planning
 - (c) Office of Research and Development
 - Environmental Protection – Consolidated Research Grants
 - Air Pollution Control Research Grants
 - Solid Waste Disposal Research Grants
 - Water Pollution Control – Research, Development and demonstration Grants

- Safe Drinking Water Research and Demonstration Grants
 - Toxic Substances Research Grants
 - (d) Office of Solid Waste and Emergency Response:
 - Hazardous Waste Management Financial Assistance to States
 - Hazardous Substance Response Trust Fund
 - (8) Federal Emergency Management Agency
 - (a) Federal Insurance Administration:
 - Flood Insurance
 - (b) State and Local Programs and Support:
 - State Assistance Program (Flood Hazard)
 - Acquisition of Flood-Damaged Structures
 - Disaster Preparedness Improvement Grants
- (B) State Actions and Programs (Source: NYSDEC, NYSDOS)**
- (1) Council on the Arts:
 - (a) Provisions of funding under the architecture and environmental arts program
 - (2) Dormitory Authority of the State of New York
 - (a) Provision of construction management, planning and design services for capital projects
 - (3) Department of Environmental Conservation:
 - (a) Planning, development, construction, major renovation or expansion of facilities.
 - (b) Division of Construction Management
 - Review and approval of federal grant application plans and specifications for wastewater treatment facilities
 - Mining Permit
 - Permit to Plug and Abandon Non-commercial wells
 - Permit to Use Chemicals to Control Aquatic Insects
 - Permit to Use Chemicals to Control Undesirable Fish
 - Underground Gas Storage Permit
 - Well drilling Permit.
 - (c) Division of Regulatory Affairs
 - Actions relating to provisions of the State Environmental Quality Review Act.
 - Approval of well system and permit to operate
 - Issuance of protection of waters permits for dams, fill, docks, piers, wharves, excavations in navigable waters, disturbance of the bed or bank of “protected streams”.
 - Water Supply Permits.

- Freshwater Wetlands Permits.

(d) Division of Air Resources

- Certificate of approval for Air Pollution Episode Action Plan.
- Certificate to Operate: Stationary Combustion; Installation; Incinerator; Process, Exhaust or Ventilation System.
- Permit for Burial of Radioactive Material.
- Permit for Restricted Burning.
- Permit to Construct: Stationary Combustion; Installation; Incinerator; Indirect Source of Air Contamination; Process, Exhaust or Ventilation System.
- Administration of other air resource rules and regulations.

(e) Division of Solid Waste

- Permit to Construct and/or Operate a Solid Waste Management Facility.
- Septic Tank Cleaner and Industrial Waste Collector Permit.

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Section VII Local Commitment and Consultation with Other Affected Federal, State, Regional and Local Agencies

Local Commitment

The city recognized the complexities of implementing a comprehensive land use plan for the City of Rochester's coastal areas, and the importance of direct public participation in that effort. It therefore established, early in the planning process, a Citizen's Advisory Committee (CAC) as a means of encouraging public interest in and developing public support and commitment for the Local Waterfront Revitalization Program.

Initially, public and private agencies with potential interest in waterfront revitalization were identified. These agencies included neighborhood and business groups within and adjacent to the LWRP study area, the Monroe County Planning Department and Parks Department, the City Environmental Commission and Planning Commission, and groups with maritime interests such as Sea Grant, the Monroe County Fishery Advisory Board, yacht clubs, marina operators, and real estate brokerage firms.

Each of the interested organizations was contacted in writing and requested to designate a person to represent the organization on the LWRP CAC. Eighteen individuals were designated as members of the city's CAC. The Chairperson of the City Planning Commission was designated as the Chairperson of the CAC.

In the six years from the date of its initial meeting on November 8, 1984, the CAC met routinely to:

- (a) discuss and review the LWRP inventory and analysis;
- (b) establish coastal management policies;
- (c) establish land use zones and subzones within the LWRP boundary and agree on appropriate uses and projects for those areas;
- (d) review concept design plans for Ontario Beach Park, the Port Authority site and the River Street site;
- (e) establish implementation techniques for the LWRP policies;
- (f) review proposed city charter changes, and zoning ordinance map and text amendments for the waterfront revitalization area;
- (g) oversee the preparation of a concept design plan for the River Harbor Redevelopment Area
- (h) review and comment on the Draft LWRP and Draft Generic Environmental Impact Statement (DGEIS) documents.

Communication to groups with a direct interest in the city's waterfront was also accomplished through the LWRP CAC. Each CAC member functioned as a conduit for the exchange of information and ideas about the plan between the committee and his or her respective constituencies.

In addition to meetings generated by the CAC, City staff held numerous meetings with the Charlotte Community Association and the Charlotte Businessmen's Association regarding the Draft LWRP and the River Harbor Redevelopment Area Design/Feasibility Study. Meetings were also held with governmental entities, which could be affected by the implementation of the city's LWRP. These included the adjacent towns of Greece and Irondequoit, who were also preparing LWRPs.

In summary, nearly 80 public meetings or presentations were conducted during development of the program to encourage public comment and participation.

A combined public hearing with the Rochester Environmental Commission (REC) and informational meeting with the City Planning Commission was held on March 5, 1990, regarding the city's Draft LWRP and DGEIS. At this meeting, citizens had an opportunity to connect on the specifics of the Draft LWRP document and environmental impact statement, as well as on the proposed zoning ordinance text and map amendments. Comments and testimony touched on various aspects of the Draft LWRP including environmental concerns, land use issues, traffic and parking management, zoning controls, business and neighborhood impacts, and the overall planning and public input process.

A final public hearing on the approval of the city's LWRP, Final Generic Environmental¹ Impact Statement, proposed city charter changes, and zoning ordinance text and map amendments was held with the Rochester City Council on August 14, 1990. Interested citizens, associations and organizations spoke at that meeting regarding their comments and concerns about the plan. The Final local Waterfront Revitalization Program and Final Generic Environmental Impact Statement were adopted by the Rochester City Council and approved for transmittal to the New York State Department of State on September 11, 1990.

State Agency Consultation

The city consulted and coordinated with various governmental agencies regarding preparation of the Local Waterfront Revitalization Program (LWRP). In addition, the city consulted with the adjacent towns of Greece and Irondequoit to ensure a coordinated approach to waterfront development in certain areas. The result of these consultations was a waterfront plan with greater public and agency acceptance, as well as greater potential for actual implementation.

The city had the following consultations with state agencies during development of its LWRP:

- (a) New York State Department of State (NYSDOS), dealing with:
 - (1) procedures for applying for a grant to prepare a Local Waterfront Revitalization Program;
 - (2) requirements for preparation of a Local Waterfront Revitalization Program, with particular attention to State policy interpretation and consistency requirements;

- (3) procedures for selecting consultants to work on the program;
 - (4) procedures for local participation in the program;
 - (5) establishment of a public participation process; and
 - (6) application for program implementation grants.
- (b) New York State Department of Environmental Conservation (NYSDEC), dealing with:
- (1) implementation and impacts of a Coastal Erosion Management Plan;
 - (2) coordination of proposed local environmental standards with existing county, State and federal standards;
 - (3) specific material contained in the LWRP inventory and analysis, including designation of the lower Genesee River as a -significant fish and wildlife habitat-I and
 - (4) preliminary review of the city's LWRP Draft Generic Environmental Impact Statement.
- (c) New York State Department of Transportation (NYSDOT), dealing with:
- (1) the review of city recommendations for the design and replacement of the Stutson Street Bridge; and
 - (2) the review of city plans for reconstruction of Lake Avenue

County Agency Consultation

The city had the following consultations with county agencies during development of its LWRP:

- (a) Monroe County Departments of Planning and Parks, dealing with:
 - (1) coordination of proposed LWRP uses and projects with those proposed by adjoining communities and with the recommendations of the master plan being prepared for county parks.
- (b) Monroe County Water Quality Management Agency, dealing with:
 - (1) review of proposals dealing with control of urban runoff and water quality in the Rochester embayment.

Neighboring Municipality Consultation

The city had the following consultations with neighboring municipalities during development of its LWRP:

- (a) Town of Irondequoit, dealing with:

- (1) determination of the appropriate boundary location for the city LWRP along the eastern bank of the Genesee River.
 - (2) review of the overall LWRP development program;
 - (3) recommendations for the design of a replacement for the Stutson Street Bridge;
 - (4) potential for future coordination of specific design plans for waterfront development along the east bank of the Genesee River, near the Stutson Street Bridge.
- (b) Town of Greece, dealing with:
- (1) review of the overall LWRP development program; and
 - (2) potential for future coordination of specific design plans for waterfront development projects including replacement of the Stutson Street Bridge.

Appendix A Significant Coastal Fish and Wildlife Habitats

COASTAL FISH & WILDLIFE HABITAT RATING FORM

Name of Area: **Genesee River**
 Designated: **October 15, 1987**
 County: **Monroe**
 Town(s): **Rochester**
 7½' Quadrangle(s): **Rochester East, NY; Rochester West, NY**

<u>Score</u>	<u>Criterion</u>
20	Ecosystem Rarity (ER) One of 4 major New York tributaries of Lake Ontario; unusual in the Great Lakes Plain ecological region, but rarity is reduced by human disturbances. Geometric mean: $(16 \times 25)^{\frac{1}{2}}$
0	Species Vulnerability (SV) Spotted salamander (SC) and spotted turtle (SC) have been observed but the extent of use not well documented.
16	Human Use (HU) A major recreational fishing area on Lake Ontario, attracting anglers from throughout New York State and beyond. Locally important for birdwatching and informal nature study.
9	Population Level (PL) Concentrations of spawning salmonids are among the largest occurring in New York's Great Lakes tributaries; unusual in the ecological region.
1.2	Replaceability (R) Irreplaceable

SIGNIFICANCE VALUE = $[(ER + SV + HU + PL) \times R] = 54$

SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS PROGRAM
A PART OF THE NEW YORK COASTAL MANAGEMENT PROGRAM

BACKGROUND

New York State's Coastal Management Program (CMP) includes a total of 44 policies which are applicable to development and use proposals within or affecting the State's coastal area. Any activity that is subject to review under Federal or State laws, or under applicable local laws contained in an approved local waterfront revitalization program will be judged for its consistency with these policies.

Once a determination is made that the proposed action is subject to consistency review, a specific policy aimed at the protection of fish and wildlife resources of statewide significance applies. The specific policy statement is as follows: "Significant coastal fish and wildlife habitats will be protected, preserved, and, where practical, restored so as to maintain their viability as habitats." 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. Although designated habitat areas are delineated on the coastal area map, the applicability of this policy does not depend on the specific location of the habitat, but on the determination that the proposed action is subject to consistency review.

Significant coastal fish and wildlife habitats are evaluated, designated and mapped under the authority of the Coastal Management Program's enabling legislation, the Waterfront Revitalization and Coastal Resources Act (Executive Law of New York, Article 42). These designations are subsequently incorporated in the Coastal Management Program under authority provided by the Federal Coastal Zone Management Act.

This narrative, along with its accompanying map, constitutes a record of the basis for this significant coastal fish and wildlife habitat's designation and provides specific information regarding the fish and wildlife resources that depend on this area. General information is also provided to assist in evaluating impacts of proposed activities on parameters which are essential to the habitat's values. This information is to be used in conjunction with the habitat impairment test found in the impact assessment section to determine whether the proposed activities are consistent with the significant coastal habitats policy.

DESIGNATED HABITAT: GENESSEE RIVER

LOCATION AND DESCRIPTION OF HABITAT:

The Genesee River is a major tributary of Lake Ontario, located in the City of Rochester, Monroe County (7.5' Quadrangles: Rochester West, N.Y.; and Rochester East, N.Y.). The fish and wildlife habitat is an approximate six and one-half mile segment of the river, extending from Lake Ontario to "Lower Falls" (located just above Driving Park Avenue), which is a natural impassable barrier to fish. The Genesee River is a large, warmwater river, with a drainage area of nearly 2,500 square miles, and an average annual discharge of approximately 2,800 cubic feet per second. Maximum water depths of up to 25 feet occur near the river mouth, and a navigation channel has been dredged upstream approximately two and one-half miles. Much of this lower segment is bordered by dense commercial, industrial, and residential development, accompanied by extensive bulkheading. Above this area, the Genesee River flows through a relatively undeveloped wooded gorge, and has a fringe of emergent wetland vegetation along much of its shoreline. This portion of the river is relatively shallow, with a rocky bottom. The only significant development within the gorge is an industrial wastewater treatment facility. However, the river has been subject to considerable water pollution problems, including discharges of sewage and chemical contaminants. Above Lower Falls, the Genesee River has been dammed for hydroelectric power development, resulting in some alteration of river flows downstream.

FISH AND WILDLIFE VALUES:

The Genesee River is one of 4 major New York tributaries of Lake Ontario. The large size of this river, and the fact that much of the river corridor is essentially undisturbed, makes this one of the most important potential fish and wildlife habitats in the Great Lakes Plain ecological region of New York State. However, water pollution, and extensive alteration of the lower river channel, have reduced the environmental quality of this area.

The Genesee River is a highly productive warmwater fisheries habitat, supporting concentrations of many resident and Lake Ontario based fish species. Among the more common resident species are smallmouth bass, brown bullhead, northern pike, channel catfish, walleye, carp, and white sucker. Lake-run species found in the Genesee River include white bass, yellow perch, white perch, smelt, bowfin, sheepshead, rock bass, and American eel. These fish populations are supplemented by seasonal influxes of large numbers of trout and salmon. In the spring (late February - April), steelhead (lake-run rainbow trout) run up the river, and lake trout occur at the mouth. In fall (September - November, primarily), concentrations of coho and chinook salmon, brown trout, and steelhead, are found throughout the river during their spawning runs. The salmonid concentrations in the Genesee River are among the largest occurring in tributaries of Lake Ontario, and are largely the result of an ongoing effort by the NYSDEC to establish a major salmonid fishery in the Great Lakes through stocking. In 1985, approximately 20,000 steelhead and 300,000 chinook salmon were released in the river. The Genesee River provides an important recreational fishery, attracting anglers from throughout New York State and beyond. Its location within the city results in very heavy fishing pressure from residents of the Rochester metropolitan area, concentrated primarily at the river mouth, and between Seth Green Island and Lower Falls. Although the seasonal salmonid runs attract the greatest number of fishermen to the area, the river also supports an active warmwater fishery.

Wildlife use of the Genesee River is not well documented, but appears to be limited to those species that can inhabit a relatively narrow riparian corridor, and are somewhat tolerant of human activities in adjacent areas. Possible or confirmed breeding bird species include mallard, wood duck, great horned owl, red-tailed hawk, spotted sandpiper, belted kingfisher, red-winged blackbird, swamp sparrow, and various woodpeckers and woodland passerine birds. Several beaver colonies inhabit the lower Genesee in the vicinity of Turning Point Park and Rattlesnake Point. Spotted salamander (SC) and spotted turtle (SC) have been observed in the Lower Genesee River Gorge but the extent of use by these species is not well documented. Other wildlife species occurring in the area probably include raccoon, muskrat, northern water snake, and painted turtle. The wildlife resources of the Genesee River and its adjacent woodlands are locally important for birdwatching, and informal nature study.

IMPACT ASSESSMENT:

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 the 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.

The specific **habitat impairment test** that must be met is as follows.

In order to protect and preserve a significant habitat, land and water uses or development shall not be undertaken if such actions would:

- destroy the habitat; or,
- significantly impair the viability of a habitat.

Habitat destruction is defined as the 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. 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, 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 or 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 include but are 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).

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 substantially degrades water quality, increases temperature or turbidity, reduces flows, or increases water level fluctuations in the Genesee River, would affect the biological productivity of this area. Important species of fish and wildlife would be adversely affected by water pollution, such as chemical contamination (including food chain effects), oil spills, excessive turbidity, and waste disposal. Continued efforts should be made to improve water quality in the river, which is primarily dependent upon controlling discharges from combined sewer overflows, industrial point sources, ships, and agricultural lands in the watershed.

The existing navigation channel should be dredged between mid-May and mid-August or between mid-November and early April in order to avoid impacts on the habitat use by migrating salmonids. Activities that would affect the habitat above the navigation channel should not be conducted during the period from March through July in order to protect warmwater fish habitat values. New dredging (outside the existing navigation channel) would likely result in the direct removal of warmwater fish habitat values and should not be permitted. Contaminated dredge spoils should be deposited in upland containment areas.

Barriers to fish migration, whether physical or chemical, would have significant effects on fish populations within the river, and in adjacent Lake Ontario waters. Installation and operation of water intakes could have a significant impact on fish concentrations, through impingement of juveniles and adults, or entrainment of eggs and larval stages. Elimination of wetland habitats (including submergent aquatic beds), and further human encroachment into the river channel, would severely reduce its value to fish and wildlife. Existing areas of natural vegetation bordering the river should be maintained for their value as cover, perching sites, and buffer zones.

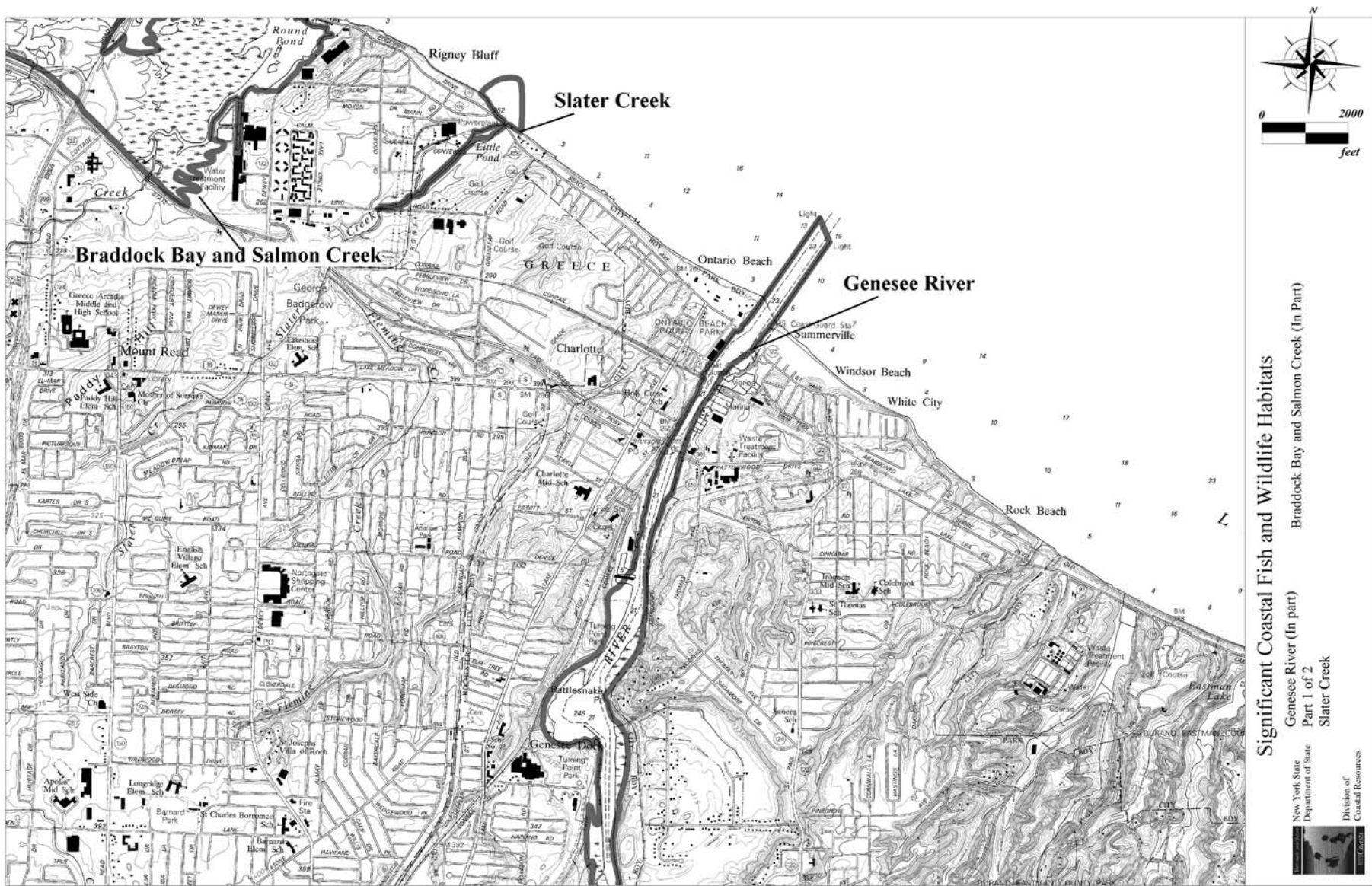
KNOWLEDGEABLE CONTACTS:

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NYSDEC - Information Services
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Phone: (518) 783-3932

Robert Stevenson, Chairman
Rochester Environmental Commission
City of Rochester
City Hall
30 Church Street
Rochester, NY 14614



Significant Coastal Fish and Wildlife Habitats
 Braddock Bay and Salmon Creek (In Part)

Genesee River (In part)
 Part 1 of 2
 Slater Creek

New York State
 Department of State
 Division of
 Coastal Resources

COASTAL FISH & WILDLIFE HABITAT RATING FORM

Name of Area: **Irondequoit Bay and Creek**
Designated: **October 15, 1987**
County: **Monroe**
Town(s): **Irondequoit, Webster, Penfield, Perinton, Rochester**
7½' Quadrangle(s): **Rochester East, NY; Webster, NY; Fairport, NY**

Score **Criterion**

- 25** Ecosystem Rarity (ER)
One of the major coastal bay and tributary systems on the Great Lakes coastal region.
- 24** Species Vulnerability (SV)
Least bittern (SC) and sedge wren (SC) nesting.
Additive division: 16 + 16/2
- 9** Human Use (HU)
A major recreational fishing area on Lake Ontario, attracting anglers from throughout western and central New York.
- 9** Population Level (PL)
Concentrations of many warmwater fish species and salmonids are unusual in the Great Lakes Plain ecological region.
- 1.2** Replaceability (R)
Irreplaceable

SIGNIFICANCE VALUE = [(ER + SV + HU + PL) X R] = **80**

SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS PROGRAM
A PART OF THE NEW YORK COASTAL MANAGEMENT PROGRAM

BACKGROUND

New York State's Coastal Management Program (CMP) includes a total of 44 policies which are applicable to development and use proposals within or affecting the State's coastal area. Any activity that is subject to review under Federal or State laws, or under applicable local laws contained in an approved local waterfront revitalization program will be judged for its consistency with these policies.

Once a determination is made that the proposed action is subject to consistency review, a specific policy aimed at the protection of fish and wildlife resources of statewide significance applies. The specific policy statement is as follows: "Significant coastal fish and wildlife habitats will be protected, preserved, and, where practical, restored so as to maintain their viability as habitats." 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. Although designated habitat areas are delineated on the coastal area map, the applicability of this policy does not depend on the specific location of the habitat, but on the determination that the proposed action is subject to consistency review.

Significant coastal fish and wildlife habitats are evaluated, designated and mapped under the authority of the Coastal Management Program's enabling legislation, the Waterfront Revitalization and Coastal Resources Act (Executive Law of New York, Article 42). These designations are subsequently incorporated in the Coastal Management Program under authority provided by the Federal Coastal Zone Management Act.

This narrative, along with its accompanying map, constitutes a record of the basis for this significant coastal fish and wildlife habitat's designation and provides specific information regarding the fish and wildlife resources that depend on this area. General information is also provided to assist in evaluating impacts of proposed activities on parameters which are essential to the habitat's values. This information is to be used in conjunction with the habitat impairment test found in the impact assessment section to determine whether the proposed activities are consistent with the significant coastal habitats policy.

DESIGNATED HABITAT: IRONDEQUOIT BAY AND CREEK

LOCATION AND DESCRIPTION OF HABITAT:

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

FISH AND WILDLIFE VALUES:

Irondequoit Bay and Creek comprise one of the few major coastal bay and tributary systems in the Great Lakes Plain ecological region of New York. The wetland area at the south end of the bay is one of the largest coastal marshes on western Lake Ontario. Irondequoit Bay supports a diverse and productive warmwater fishery, including such species as smallmouth bass, largemouth bass, northern pike, brown bullhead, white perch, white bass, longnose gar, and lake herring. Extensive beds of submergent and emergent wetland vegetation, found in most coves and tributary mouths, are important spawning and nursery areas for many of these species. Irondequoit Bay and Creek also have significant concentrations of steelhead (lake-run rainbow trout), coho salmon, and brown trout. These salmonids migrate through the bay and enter the creek to spawn (unsuccessfully in most instances) between late August and December. Steelhead also migrate into Irondequoit Creek between late February and April. Seasonal runs of salmonids occur as far inland as the confluence with Trout Creek, near the hamlet of Mendon, but actual population levels in the upper reaches (i.e., above Thomas Creek) are not well documented. Salmonid concentrations in Irondequoit Bay and Creek are the result of an ongoing effort by the NYSDEC to restore the Great Lakes salmonid fishery through stocking. In 1984, approximately 24,000 steelhead were released in Irondequoit Creek (as far inland as Trout Creek), and approximately 25,000 brown trout were released in the bay. Irondequoit Creek is also one of only three Lake Ontario tributaries where the NYSDEC is conducting an experimental landlocked (Atlantic) salmon stocking program to restore this fishery in the Great Lakes. Approximately 18,000 yearling Atlantic salmon were released in the creek in 1984. In the spring, salmonids are generally found out along the Lake Ontario shoreline and provide troll fishing opportunities for many anglers. During the winter months, Irondequoit Bay is a popular ice fishing area. As a result of the abundant fisheries resources in the area, anglers from throughout western and central New York are attracted to Irondequoit Bay.

The entire Irondequoit Bay complex is used as a resting and feeding area by waterfowl during spring and fall migrations. Species that regularly occur here during these periods include

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

IMPACT ASSESSMENT:

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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.

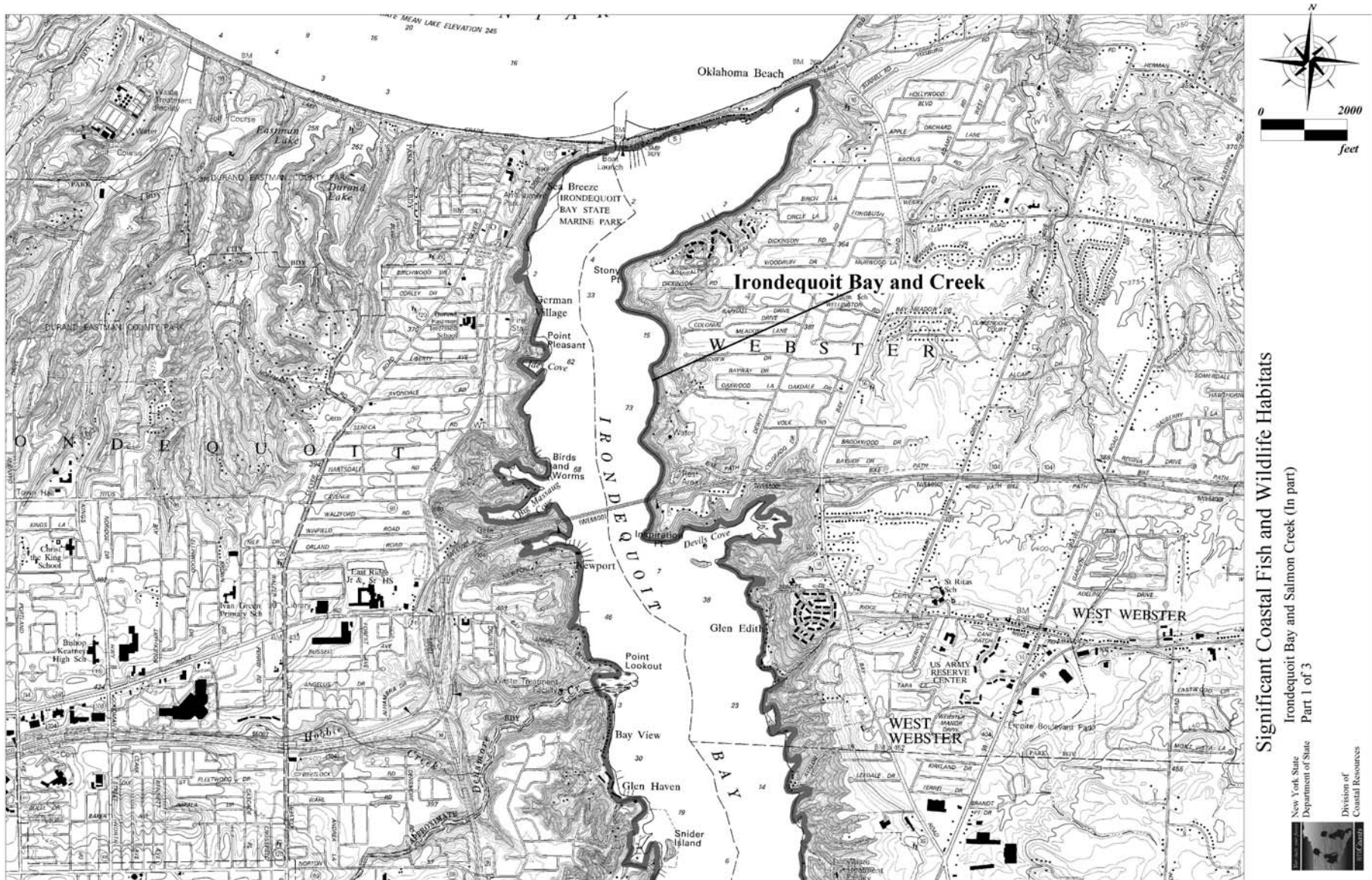
Any activity that degrades water quality, increases temperature or turbidity, alters water depths, or reduces flows in Irondequoit Bay or Creek would adversely affect the fish and wildlife resources of this area. Discharges of sewage or stormwater runoff containing sediments, nutrients, or chemical pollutants could adversely impact on fish and wildlife resources. Warmwater species would be most sensitive during March through July, when spawning and incubation take place. Salmonids would be most sensitive during their respective spawning periods, and in the spring after hatchery-raised fish are released in the creek. Barriers to fish migration, whether physical or chemical, would have a significant effect on salmonid populations in Irondequoit Bay and Creek. Activities affecting Irondequoit Creek as far inland as Trout Creek should be evaluated for potential impacts. The fisheries resources in Irondequoit Bay could support increased recreational fishing pressure, resulting in a fishery of statewide or greater significance. Expansion of the channel connecting Irondequoit Bay with Lake Ontario may significantly increase access for human uses of fish and wildlife in this area. However, improved motorboat access may also stimulate further development of marinas and housing around the bay. Such development could have significant impacts on fish and wildlife, through disturbance or elimination of productive wetland areas and littoral zones, and through pollution of the bay from upland activities. Existing areas of natural vegetation bordering Irondequoit Bay and Creek should be maintained to provide bank cover, perching sites, soil stabilization, and buffer zones.

KNOWLEDGEABLE CONTACTS:

Tom Hart or Greg Capobianco
Division of Coastal Resources & Waterfront Revitalization
NYS Department of State
162 Washington Avenue
Albany, NY 12231
Phone (518) 474-6000

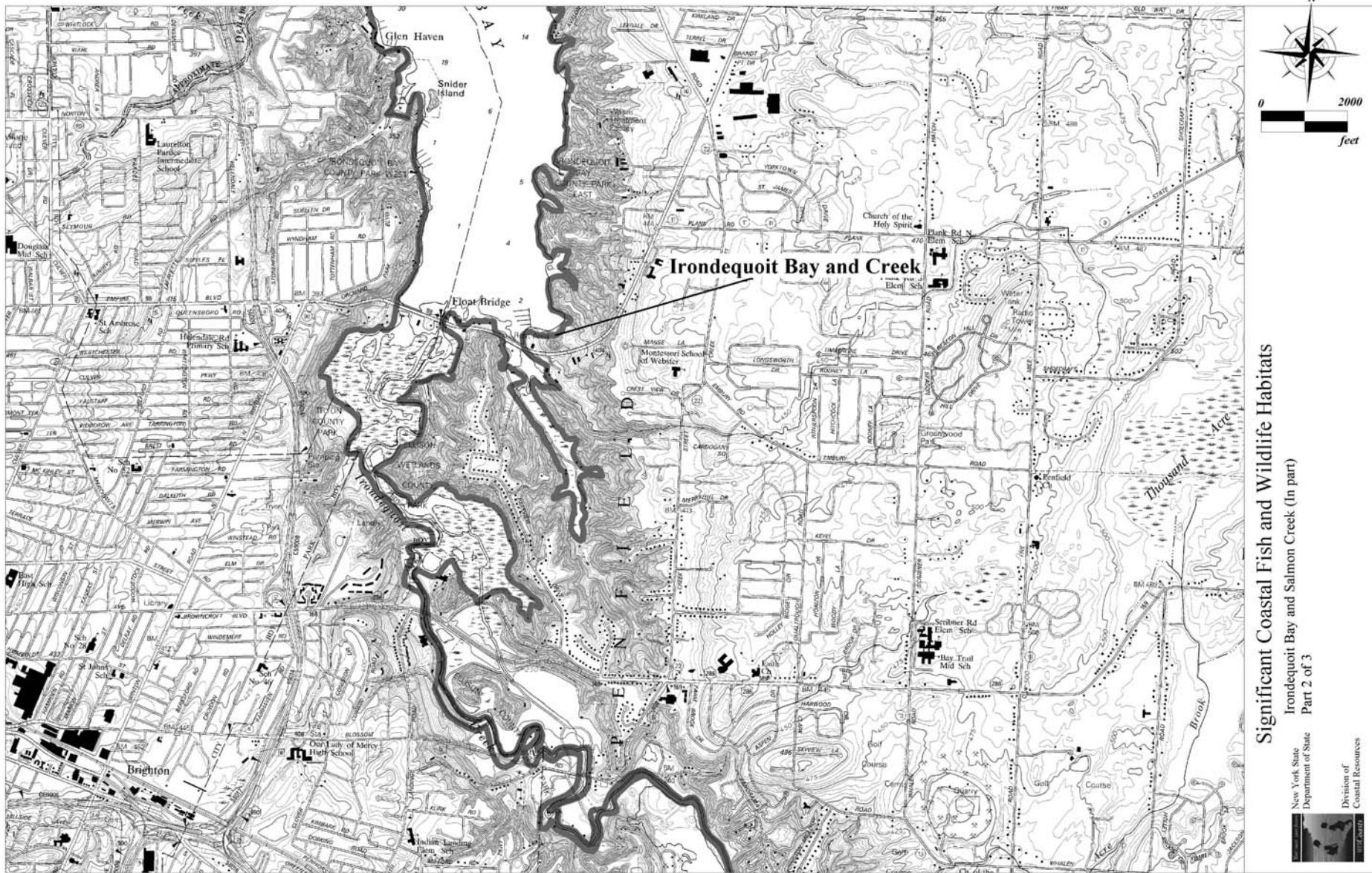
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Significant Coastal Fish and Wildlife Habitats
 Irondequoit Bay and Salmon Creek (in part)
 Part 1 of 3

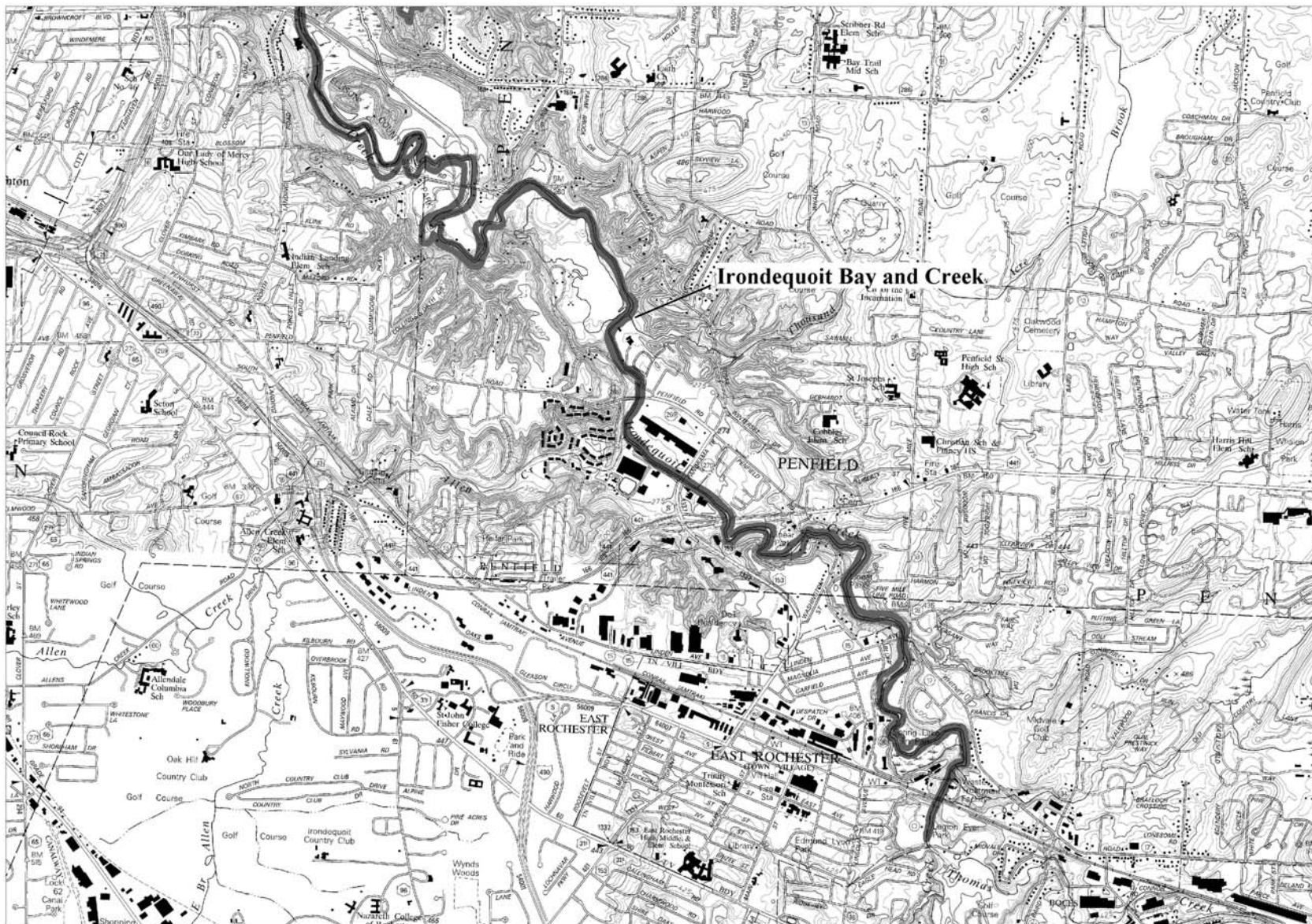
New York State
 Department of State
 Division of
 Coastal Resources



Significant Coastal Fish and Wildlife Habitats

Irondequoit Bay and Salmon Creek (In part)
Part 2 of 3

New York State
Department of State
Division of
Coastal Resources

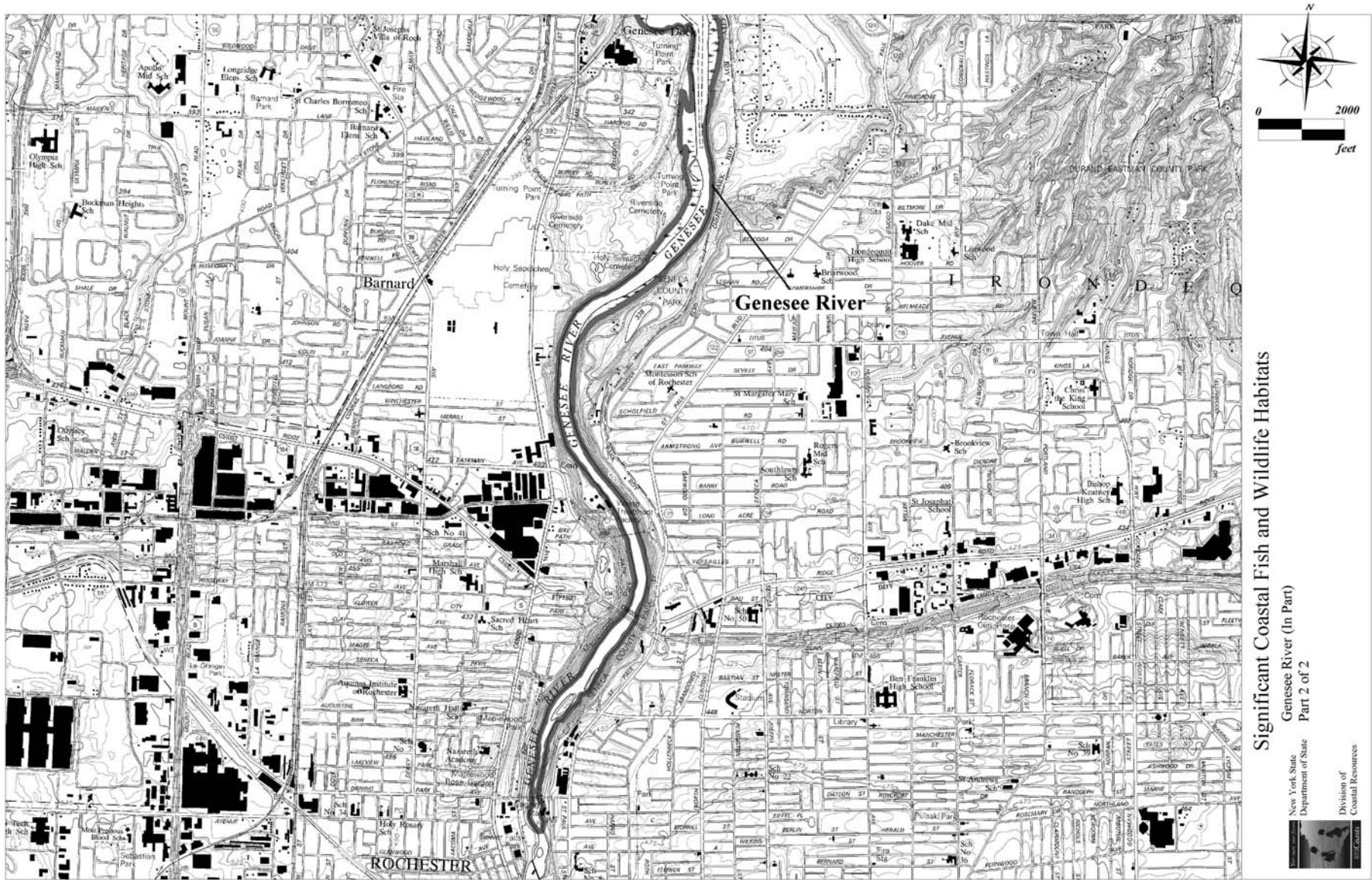


Significant Coastal Fish and Wildlife Habitats

Irondequoit Bay and Salmon Creek (In part)
Part 3 of 3

New York State
Department of State
Division of
Coastal Resources





Significant Coastal Fish and Wildlife Habitats

Genesee River (In Part)
Part 2 of 2

New York State
Department of State
Division of
Coastal Resources

Appendix B Supporting Local Legislation

**CITY OF ROCHESTER
LOCAL WATERFRONT REVITALIZATION PROGRAM**

Legislation Resulting from the Rochester LWRP

TABLE OF CONTENTS

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O-HTD - Overlay Harbor Town Design District	55
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Administrative Procedures for Runoff Control	85



**City of Rochester
City Clerks Office
Certified Ordinance**

Rochester, N.Y., _____

TO WHOM IT MAY CONCERN:

I hereby certify that the following is a true copy of an ordinance which was duly passed by the Council of the City of Rochester on September 11 19 90 and Approved (not disapproved, approved, re-passed after disapproval) by the Mayor of the City of Rochester, and was deemed duly adopted on September 13, 19 90 in accordance with the applicable provisions of law.

Ordinance No. 90-364

Amending Chapter 115 Of The Municipal Code, Zoning Ordinance, With Respect To Regulations For The R-H River-Harbor District

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 115-72 of the Municipal Code, R-H River-Harbor District, as amended, is hereby further amended to read in its entirety as follows:

Section 115-72. R-H River-Harbor District

- A. Purpose.** The R-H River Harbor District is intended to preserve and enhance the recreational character of the harbor area at the mouth of the Genesee River; improve the visual quality of the harbor environment; preserve, retain and promote public access, both physically and visually to the shoreline; and encourage tourism in the area. While the primary uses of the area are boating and fishing, complementary commercial uses which enhance the recreational character of the area and provide conveniences for water-related and shoreline recreational activities are permitted. The development of additional public and private facilities for fishing, boating, swimming, dining, picnicking, strolling and sightseeing is encouraged. Residential land use is permissible to help promote a diversity of land uses and a year round population which will reinforce the village character of the area. The review of development in this district is intended to promote the integration, intermingling and visual and physical proximity of a variety of activities.
- B. Permitted uses.**

- (1) **The following uses are permitted as of right in the R-H River Harbor District subject, in each case, to site plan approval in accordance with provisions of Section 115-30 of this chapter:**
 - (a) **Public boardwalks, paths and biking trails.**
 - (b) **Boating and fishing docks.**
 - (2) **The following uses are permitted as of right in the R-H River Harbor District if located one hundred twenty-five (125) feet or more from the edge of the Genesee River, subject in each case, however, to site plan approval in accordance with the provisions of Section 115-30 of this chapter:**
 - (a) **Restaurants and taverns**
 - (b) **Private clubs**
 - (c) **Public parking lots and garages**
 - (d) **The following retail shopping and consumer service establishments:**
 - [1] **Clothing sales**
 - [2] **Fish, seafood and specialty food stores**
 - [3] **Gift shops**
 - [4] **Bicycle sales and rental**
 - [5] **Sporting goods sales**
 - [6] **Fishing supply stores**
 - [7] **Boating and sailing equipment and supplies sales and rental**
 - (e) **Tourist information centers**
 - (f) **Museums**
 - (g) **Studios for artists and craftsmen**
 - (h) **Other establishments relating to and supporting harbor activities.**
- C. **Accessory uses and structures. Accessory uses and structures are permitted in the R-H River Harbor District subject to the provisions of Section 115-87 of this chapter.**

D. Temporary uses. Temporary uses are permitted in the R-H River Harbor District subject to the provisions of Section 115-89 of this chapter.

E. Special permit uses

(1) In addition to uses specified in subsection 115-29E(1), the following uses and structures may be permitted in the R-H River Harbor District subject to the issuance of a special permit, as provided in Section 115-29 of this chapter:

- (a) Any use permitted in Subsection B(2) above when located within one hundred twenty-five (125) feet of the edge of the Genesee River.**
- (b) Any structure or building over fifteen (15) feet in height.**
- (c) Private and commercial recreation and amusement facilities, subject to the additional standards set forth in subsection 115-54G(2)(a) and (b) of this chapter.**
- (d) Dwellings, subject to all the provisions and regulations applicable in the R-3 District.**
- (e) Fuel sale**
- (f) Hotels and motels**
- (g) Marinas**
- (h) Boat launches**
- (i) Coast Guard Stations**
- (j) Water passenger transportation terminals**
- (k) Boating and sailing instruction schools**
- (l) Boat, yacht, canoe, and kayak sales, repair and storage**
- (m) Sales and repair of boat trailers**
- (n) Boat rental and charter facilities**

(2) Standards. In addition to standards specified in subsection 115-29E(2) and (3) of this chapter, the following additional standards shall be met:

- (a) The proposed building, structure or use will not unnecessarily interfere with the passage of boats nor unnecessarily obstruct public access to riverside parcels.**

- (b) **The proposed design and arrangement of the building, structure or use will provide for pedestrian access to riverside parcels and public views of the river to the maximum extent possible.**
- (c) **The proposed building, structure or use is subject to the parking and loading requirements as set forth in Section 115-90 of this chapter except that the Planning Commission may, in approving the special permit for any use listed in subsection E(1) of this section waive or modify the standards of 115-90 when it finds that such action is warranted by reason of unique physical conditions or by the nature and location of the particular building, structure, or use proposed.**

F. Prohibited uses.

- (1) **All manufacturing uses except for carnivals and circuses as temporary uses.**
- (2) **Warehousing and distribution centers.**
- (3) **Commercial cargo and shipping terminals.**
- (4) **Railroad storage and freight yards.**
- (5) **Adult bookstores, adult entertainment centers and adult film centers.**
- (6) **Auto repair, rental, sales and storage.**
- (7) **Drive-in establishments.**

G. Bulk, space and yard requirements.

- (1) **The maximum height of structures in the R-H River Harbor District shall be 15 feet unless a Special Permit is issued as provided for in subsection 115-72E(1)(b).**
- (2) **There shall be no yard requirements in the R-H River Harbor District except for Residential uses as set forth in Section 115-50 of this chapter.**

H. Parking and loading requirements. Off-street parking and loading requirements applicable in the R-H River Harbor District are set forth in Section 115-90 of this chapter.

I. Signs. Sign regulations applicable in the R-H River Harbor District are set forth in Section 115-88 of this chapter.

J. Use limitations.

- (1) No specialized retail shopping and consumer service establishment use permitted in subsection 115-72B(2) shall occupy a floor area greater than two thousand five hundred (2,500) square feet to conduct its operations and to store its wares, products, inventory and materials.
- (2) No open-air outdoor storage of construction materials shall be permitted. Refuse and trash may be stored outdoors at all times only if placed in closed containers located in an area screened from view at all points on any public or private property or street when viewed from ground level.

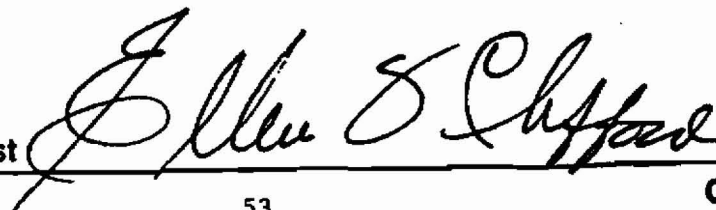
Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Curran, Councilmembers Childress Brown, Giess, King, Mains, Muldoon, Norwood, Padilla, Stevenson - 9.

Nays - None - 0.

Attest



City Clerk



**City of Rochester
City Clerks Office
Certified Ordinance**

Rochester, N.Y., _____

TO WHOM IT MAY CONCERN:

I hereby certify that the following is a true copy of an ordinance which was duly passed by the Council of the City of Rochester on September 11 19 90 and Approved by the Mayor of the City of Rochester, and was deemed duly adopted on September 13, 19 90 in accordance with the applicable provisions of law.

Ordinance No. 90-365

Amending Chapter 115 Of The Municipal Code, Zoning Ordinance, With Respect To The Creation Of An O-HTD Overlay Harbor Town Design District

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 115 of the Municipal Code, Zoning Ordinance, as amended, is hereby further amended by adding thereto the following new Section 115-85.2:

Section 115-85.2. - O-HTD Overlay Harbor Town Design District.

A. Purpose.

(1) General Purpose.

The Overlay Harbor Town Design (O-HTD) District is intended through the review and regulation of design characteristics, to promote and facilitate:

- a. a unique village neighborhood theme, character or atmosphere along the Lake Avenue corridor north of the Lake Ontario State Parkway, and along Stutson Street and Latta Road, from Lake Avenue to River Street; and,**
- b. a unique maritime theme, character or atmosphere along River Street north of Petten Street, and on both sides of the Genesee River; and,**
- c. the protection of significant natural, topographic and physical features.**

The thematic concepts, design regulations, and procedures contained in this section are based on, and are in conformance with, the land use policies and recommendations of the City of Rochester's Local Waterfront Revitalization Program (LWRP).

(2) **Thematic Concepts.**

a. **Village Neighborhood Character.**

The village neighborhood theme, character or atmosphere shall be realized through design elements, amenities or treatments that recreate, enhance or reinforce the village-like character that existed within the boundaries of the overlay district during the latter part of the nineteenth century and early part of the twentieth century. This village-like atmosphere was characterized by:

- [1] small-scale residences, shops and buildings along Lake Avenue that relate directly to the street;
- [2] recreational development along the lakeshore and riverfront that provides water-dependent or water-enhanced recreational opportunities;
- [3] a diversity of land uses in the area that provide local services and that encourage and thrive on recreational development as well as on lively street activity;
- [4] ease of pedestrian movement throughout the area and the deemphasis of the automobile as a means to experience the area;
- [5] signage which relates to pedestrians;
- [6] open space and landscaped areas throughout the area that provide gathering places and physical breaks from development;
- [7] overall design continuity that creates a sense of boundaries to the village, resulting in a unique enclave within the larger community.

b. **Maritime Character.**

The maritime or waterfront theme, character or atmosphere shall be realized through design elements, amenities or treatments that recreate, enhance or reinforce the water-oriented land uses, activities and ambience that existed within certain areas of the overlay district during the latter part of the nineteenth century and early part of the twentieth century. This maritime ambience was characterized by:

-
- [1] boating activity and marina operations, docks, wharves, piers and similar uses, the Genesee Lighthouse, and their associated land use and design amenities;
 - [2] small-scale residences, shops and buildings in the area which relate directly to the water or to those streets which provide access to the water;
 - [3] a diversity of land uses in the area which provide local services and which encourage and thrive on a mix of water-oriented activity as well as on lively street activity;
 - [4] ease of visual and physical access to the waterfront throughout the area;
 - [5] ease of pedestrian movement throughout the area and the deemphasis of the automobile as a means to experience the area;
 - [6] signage which related to pedestrians.

(3) **Specific Goals**

The purpose of the Overlay Harbor Town Design (O-HTD) District established in this section includes the following specific goals:

- (a) To encourage and promote outstanding design and craftsmanship, sensitive use of design and landscape features and amenities, and appropriate use of building materials, detailing and textures;
- (b) To encourage and promote a sense of design continuity that appropriately relates the historic past of the district to on-going revitalization and redevelopment efforts, and that appropriately relates proposed development to existing designs, structures and land uses;
- (c) To create a unique identity for and sense of neighborhood place along the Lake Avenue, Stutson Street and Latta Road corridors, and along River Street adjacent to the waterfront, that relates to the history of the area, and reinforces the relationship to the river and lake, as well as the water-oriented recreational uses located in the district;
- (d) To reestablish or reinforce the visual and physical relationships between the district and the lakeshore, riverfront and adjacent harbor areas;

- (e) To retain and enhance significant views and vistas within the district, as well as the unique aesthetic or visual qualities of the area;
- (f) to encourage and promote direct visual and physical access to and from the river, lake and shore;
- (g) To utilize and enhance significant existing buildings and structures;
- (h) To restore, complement or enhance existing historic structures;
- (i) To encourage and promote lively and vibrant street activity which relates to and reinforces land uses within the district;
- (j) To encourage and promote pedestrian movement, access and circulation throughout the district;
- (k) To utilize a flexible design review process that recognizes the variety of existing land uses, activities and design treatments within the district, and provides appropriate direction and guidance for property rehabilitation or new development through the use of the Overlay Harbor Town Design District Guidelines;
- (l) To require the issuance of a Certificate of Design Compliance by the Director of Zoning for certain types of redevelopment or new construction within the district, based on the purpose, goals, and guidelines stated or referenced herein.

B. Overlay District.

The O-HTD District shall not be independently mapped upon the District Zoning Map, but shall be mapped, pursuant to the procedures for amending the District Zoning Map established by Section 115-26 of this chapter, only in conjunction with an underlying Zoning District. When so mapped, the O-HTD District shall provide regulations in regard to design of development and redevelopment additional to those applicable in the underlying districts; provided, however, that any lot may continue to be used in accordance with the regulations applicable in the underlying district in the same manner as though the O-HTD District did not exist except as hereinafter restricted.

C. Permitted Uses.

Uses as permitted in the underlying district.

D. Accessory Uses and Structures.

Accessory uses and structures are permitted in the OHTD District, subject to the provisions of Section 115-87 of this chapter.

E. Special Permit Uses.

Special permit uses as specified in subsection 115-29E(1) of this chapter and as specified in the underlying district.

F. Bulk Space and Yard Requirements.

Bulk, space and yard requirements shall be as specified in the underlying district.

G. Parking and Loading Requirements.

Off-street parking and loading requirements applicable in the O-HTD District are set forth in Section 115-90 of this chapter.

H. Signs.

Sign regulations applicable in the OHTD District are set forth in Section 115-88 of this chapter.

I. Use Limitations.

Use limitations shall be as specified in the underlying district.

J. Design Review.

The mechanism used to accomplish design review within the district shall be the Certificate of Design Compliance. Such certificate shall be required and utilized pursuant to the provisions and standards set forth in Section 115-24.1 of this chapter. In reviewing and deciding upon applications for Certificates of Design Compliance, the Director of Zoning shall be guided by the Overlay Harbor Town Design District Guidelines as referenced in this section.

K. Design Guidelines.

The Director of Zoning shall establish Overlay Harbor Town Design District Guidelines to provide direction and guidance in the review of applications for Certificates of Design Compliance. These guidelines shall be in keeping with the purpose and goals for the O-HTD District as established herein.

Section 2. Section 115-88 of the Municipal Code, relating to signs, as amended, is hereby further amended by adding thereto the following new subsection Z:

Z. Signs in the O-HTD Overlay Harbor Town Design District shall be subject to the regulations of the underlying district with the following exceptions:

- (1) Advertising signs shall not be permitted in the O-HTD Overlay Harbor Town Design District.
- (2) Pole signs shall not be permitted in the O-HTD Overlay Harbor Town District.
- (3) Signs attached to buildings extending above the roof peak shall not be permitted in the O-HTD Overlay Harbor Town District.
- (4) A Certificate of Design Compliance shall be required for all signs in the O-HTD Overlay Harbor Town Design District pursuant to subsections 115-85.2D and E of this chapter.

Section 3. Section 115-96 of the Municipal Code, relating to non-conformities, as amended, is hereby further amended by amending subsection F(3)(f)[1] to read in its entirety as follows:

- [1] Any non conforming sign not terminated pursuant to any other provision of this chapter except for:
 - [a] Advertising signs in C-2, C-3, C-4 and M-1 and M-2 Districts, unless such districts are within an established Preservation District or the Overlay Harbor Town Design District;
 - [b] Pole signs and signs attached to buildings extending above the roof peak located within the Overlay Harbor Town Design District and legally existing on the effective date of the ordinance establishing the O-HTD District.

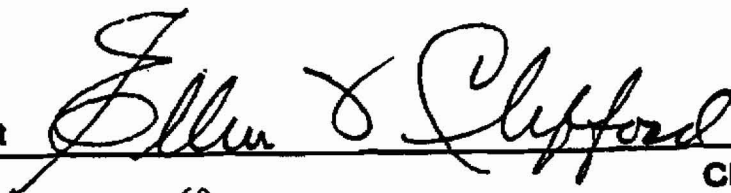
Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Curran, Councilmembers Childress Brown, Giess, King, Mains, Muldoon, Norwood, Padilla, Stevenson - 9.

Nays - None - 0.

Attest



City Clerk



**City of Rochester
City Clerks Office
Certified Ordinance**

Rochester, N.Y., _____

TO WHOM IT MAY CONCERN:

I hereby certify that the following is a true copy of an ordinance which was duly passed by the Council of the City of Rochester on September 11 19 90 and Approved by the Mayor of the City of Rochester, and was deemed duly adopted on September 13, 19 90 in accordance with the applicable provisions of law. (not disapproved, approved, re-passed after disapproval)

Ordinance No. 90-366

Amending Chapter 115 Of The Municipal Code, Zoning Ordinance, And Chapter 48, Environmental Review To Require A Certificate Of Design Compliance In Overlay Design Districts

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. There is hereby added to the Municipal Code the following new Section 115-24.1 to read in its entirety as follows:

Section 115-24.1 Certificate of Design Compliance.

A. Authority.

The Director of Zoning shall, subject to the procedures, standards and limitations hereinafter set forth, review and approve, approve with conditions, or deny applications for Certificates of Design Compliance.

B. Purpose.

The Certificate of Design Compliance process recognizes that some designs even though generally suitable for location in a design district, are, because of their character, building materials, details, textures or other features of probable impact, capable of adversely affecting the goals for which a design district is established unless careful consideration has been given to critical design elements. The Certificate of Design Compliance provides a vehicle for review of the developer's attention to such design elements. It is intended that the Certificate of Design Compliance shall be utilized only in conjunction with an Overlay Design District.

C. Certificate of Design Compliance required.

A Certificate of Design Compliance shall be required only in Overlay Design Districts, as established in this chapter, for the following activities:

- (1) Construction of new buildings or structures;**
- (2) Exterior alterations to buildings, including alterations to signs, which are substantially visible from public open space, Lake Ontario, the Genesee River or any public right-of-way;**
- (3) Exterior alterations to existing buildings and structures on any lot which abuts the Genesee River;**
- (4) Alterations to structures that change structure volume;**
- (5) Alterations to buildings which change the shape or height of a roof line;**
- (6) Development or redevelopment of a parking lot;**
- (7) Exterior alterations to existing buildings and structures on any lot which is immediately adjacent to any landmark or landmark site;**
- (8) Exterior work involved in repairing fire damage when such damage exceeds fifty percent (50%) of the replacement cost new of the unit damaged; however, a Certificate of Design Compliance shall be required when such damage is less than fifty percent (50%) of the replacement cost new and the replacement is not in kind.**
- (9) Street and other improvements in the public right-of-way.**

D. Procedure.

- (1) Application. Applications for certificates of design compliance shall be submitted to the Director of Zoning. A nonrefundable fee, as established from time to time by the City Council to help defray administrative costs, shall accompany each application. Applications shall be submitted in two (2) duplicate copies and shall be in such form and contain such information and documentation as shall be prescribed from time to time by the Director of Zoning, but shall in all instances contain at least the following information or documentation unless any such information or document is expressly waived by the Director of Zoning as not relevant or necessary to determine that all provisions of this chapter have been met in a particular case:**

- (a) The applicant's name, address and interest in the subject property.
- (b) The owner's name and address, if different than the applicant, and the owner's signed consent to the filing of this application.
- (c) The name, residence and the nature and extent of the interest, as defined by Section 809 of the General Municipal Law of New York, of any state officer or any officer or employee of the City of Rochester or the County of Monroe in the owner-applicant or the subject property if known to the applicant.
- (d) The address or location of the subject property.
- (e) The present use and zoning classification of the subject property.
- (f) The proposed use or uses of the subject property and a description of the construction, reconstruction, remodeling, alteration or moving requiring the issuance of a certificate of design compliance.
- (g) The certificate of a registered architect or licensed professional engineer, or of an owner-designer, that the proposed construction, reconstruction, remodeling, alteration or moving complies with all the provisions of this chapter.
- (h) If site plan approval is not required in conjunction with the application for a certificate of design compliance, a site plan drawn to scale of not less than fifty (50) feet to the inch, on one (1) or more sheets, illustrating the proposed construction, reconstruction, remodeling, alteration or moving and including the following:
 - [1] Property boundary lines and dimensions of the property and any significant topographic or physical features of the property.
 - [2] The location, size, use and arrangement, including height in stories and feet; where relevant, floor area ratio, total floor area and coverage; and number and size of dwelling units, by number of bedrooms, of proposed buildings and existing buildings.
 - [3] Minimum yard dimensions and, where relevant, relation of yard dimensions to the height of any building or structure.

- [4] Location, dimensions, number and slope and gradient of all driveways, entrances, curb cuts, parking stalls, loading spaces and access aisles; total lot coverage of all parking, loading, driveway and aisle areas; and, where more than ten (10) parking and loading spaces are required, location of area for snow storage or indication of alternative disposal method.
 - [5] Location, size, arrangement and sketch showing content and layout of all outdoor signs.
 - [6] Location and height of fences or screen plantings, and the type or kind of building materials or plantings to be used for fencing or screening.
 - [7] Location, designation and total area of all usable open space.
 - [8] Any information necessary to determine that conditions imposed by any special approval granted pursuant to this chapter have been complied with.
- (i) Scaled floor plans.
 - (j) Scaled elevations.
 - (k) Such other and further information and documentation as the Director of Zoning may deem necessary or appropriate to a full and proper consideration and disposition of the particular application. The Director may waive any of the application submission requirements of this subsection if in his or her opinion such full and proper consideration and disposition can be rendered without such information.

2. Action on the application.

(a) Action by Director.

- [1] Within twenty-one (21) days following receipt by the Director of a completed application, or such longer time as may be agreed to by the applicant, the Director shall cause such application and the attached plans to be reviewed for compliance with this section and shall inform the applicant whether the application has been granted, granted with conditions or denied. The failure of the Director to act within said twenty-one (21) days, or such longer time as may be agreed to by the applicant, shall be deemed to be a denial

- [2] In any case where an application is granted, the Director of Zoning shall issue a Certificate of Design Compliance which shall state on its face, in bold type that:

"THIS CERTIFICATE DOES NOT SIGNIFY BUILDING CODE REVIEW OR APPROVAL NOR SUBDIVISION REVIEW OR APPROVAL NOR REVIEW OR APPROVAL OF ANY OTHER CITY CODE AND IS NOT AUTHORIZATION TO UNDERTAKE ANY WORK WITHOUT SUCH REVIEW AND APPROVAL WHERE THE SAME IS REQUIRED. SEE CHAPTERS 39 AND 128 OF THE ROCHESTER MUNICIPAL CODE FOR DETAILS.

"BEFORE ANY STRUCTURE TO WHICH THIS CERTIFICATE IS APPLICABLE MAY BE OCCUPIED OR USED FOR ANY PURPOSE, A CERTIFICATE OF OCCUPANCY MUST BE OBTAINED. SEE SECTION 115-25 OF CHAPTER 115 and CHAPTER 39 OF THE ROCHESTER MUNICIPAL CODE FOR DETAILS."

- [3] In any case where an application is denied, the Director of Zoning shall state the specific reasons and shall cite the specific provisions of this chapter upon which such denial is based.
- [4] Disposition of copies: the Director of Zoning shall stamp each copy of the application and plans to reflect the action taken and shall return one (1) copy of each to the applicant and shall retain one (1) copy of each in City records for such period as he or she may deem necessary or as may be required by law.

(b) **Action by Preservation Board.**

If the Director shall decline to approve the application, or approve it subject to modification which is not acceptable to the applicant, or if any person is aggrieved by the action of the Director, such action shall not be deemed final administrative action or an action or failure to act pursuant to Section 115-33 of this chapter, but shall only be authorization for the applicant or the person aggrieved to refer the application to the Preservation Board for review and decision. Such referral shall be made by filing a written request with the Director within thirty (30) days of the action, specifying the grounds therefor. The Director shall promptly refer such request to the Preservation Board which shall review and act upon the application within twenty-one (21) days of receipt in the same manner and subject to the same standards and limitations as those made applicable to the Director by Subsection 5(a) above. The decision of the Preservation Board shall be final.

E. Standards for denial of a Certificate of Design Compliance.

Applications for Certificates of Design Compliance shall not be disapproved pursuant to this section except on the basis that the proposal is not in keeping with the purpose, goals and objectives of a particular design district as set forth in this chapter. Such denial shall be based on specific written findings directed to one (1) or more of the following standards:

- (1) The application is incomplete in specified particulars or contains or reveals violations of this chapter or other applicable regulations which the applicant has, after written request, failed or refused to supply or correct;**
- (2) The design unnecessarily, and in specified particulars, destroys, damages, detrimentally modifies or interferes with the enjoyment of significant natural, topographic or physical features of the site or the significant design features of the existing buildings and structures on the site;**
- (3) The design unnecessarily, and in specified particulars, obstructs views of or from significant structures or natural features;**
- (4) The design unnecessarily, and in specified particulars, is lacking amenity in relation to, or is incompatible with nearby structures of significance on or off the property;**
- (5) The roof pitch, fenestration, scale, massing, form, size, texture, color and materials employed by the design are, unnecessarily and in specified particulars, lacking in amenity in relation to or incompatible with nearby structures of significance on or off the property;**
- (6) The site design features are deficient in terms of the creation and preservation of open space; the retention of trees and shrubs to the extent possible; pedestrian access, automobile access and parking;**
- (7) The design of commercial building facades and appurtenances fails to form cohesive walls of enclosure along a street to ensure visual compatibility with the buildings, public ways and places to which such elements are visually related;**
- (8) Exterior building appurtenances, such as porches and decks, are lacking in visual compatibility with the buildings to which they are attached or other buildings in the area or with the character encouraged in the design district in so far as materials, texture, colors and design.**

F. Effect of Issuance of Certificate of Design Compliance.

The issuance of a Certificate of Design Compliance shall not authorize the establishment or extension of any use nor the development, construction, relocation, alteration or moving of any building or structure and shall not abrogate the requirements for any additional permits and approvals which may be required by the codes and ordinances of the city, including but not limited to a building permit, a certificate or occupancy and subdivision approval.

G. Limitation on Certificates.

A Certificate of Design Compliance shall become null and void six (6) months after the date on which it was issued unless within such period, a permit is issued, where necessary, and construction, reconstruction, remodeling, alteration or moving of a structure is commenced.

Section 2. Section 115-17 of the Municipal Code, Preservation Board, as amended is hereby further amended by amending subsection K thereof by renumbering subsections K(7) and (8) as subsections K(8) and (9), and by inserting therein the following new subsection K(7):

- (7) Subject to the provisions of subsection 115-24.1D2(b) of this chapter, to hear and decide on applications for Certificates of Design Compliance.

Section 3. Section 115-18 of the Municipal Code, relating to the Director of Zoning, as amended, is hereby further amended by amending subsection A thereof by renumbering subsections A(9) through (17) as subsections A(10) through (18) respectively, and by inserting therein the following new subsection A(9):

- (9) Certificate of Design Compliance. Subject to the procedures, standards and limitations set forth in Section 115-24.1 of this chapter, the Director shall review or cause to be reviewed, applications for Certificates of Design Compliance and shall approve, approve with conditions, or deny such applications.

Section 4. Section 48-5 of the Municipal Code, relating to Type II actions, as amended, is hereby further amended by adding thereto the following new subsection B(22):

- (22) The granting of Certificates of Design Compliance.

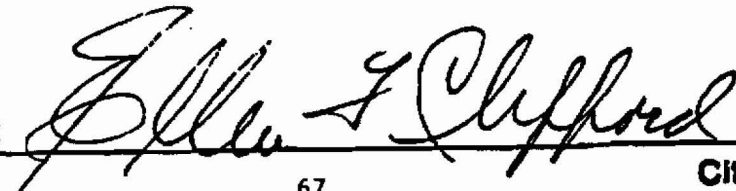
Section 5. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Curran, Councilmembers Childress Brown, Giess, King, Mains, Muldoon, Norwood, Padilla, Stevenson - 9.

Nays - None - 0.

Attest



City Clerk

DESIGN GUIDELINES
HARBOR TOWN DESIGN DISTRICT (O-HTD)

The Harbor Town Design District has been designated in order to create a unique village neighborhood atmosphere in the Lake Avenue corridor north of the Lake Ontario State Parkway and along Stutson Street and Latta Road; a unique maritime atmosphere along River Street north of Petten Street on both sides of the Genesee River and to protect significant physical, historic, topographic and natural features in the area. These basic guidelines for development in the area are intended for use in connection with the sections of the Zoning Ordinance which deal with the Harbor Town Design District (O-HTD).

I. ARCHITECTURAL DEVELOPMENT:

Architectural developments should be guided by an intent to protect the existing character in these neighborhoods through the appropriate use of scale, color, materials, and detailing for buildings facing the street corridors. Architectural developments should be harmonious with subarea development themes, goals, and objectives, so as to further create and reinforce an overall identity for the development area.

The commercial buildings are the areas of greatest concern for facade renovation. Strategies for restoration include the removal of materials which obscure the architectural integrity of building facades, the repair or replacement of deteriorated design details, and the addition of new architectural details in appropriate materials, as necessary, for the adaptation of older buildings to contemporary uses.

A. Building Setbacks:

New construction should complement existing conditions. In both residential and commercial areas the predominant existing setbacks on built up streets should be maintained. In commercial areas, new infill and additions to existing buildings should parallel the street, reinforce the street edge at corner lots and provide continuity along the street corridor.

B. Fenestration:

The proportion of window and door openings to total exterior facade is crucial to the perception of bulk and scale for individual buildings. The River Harbor district can utilize the sizing and placement of facade openings as a unifying treatment for the street wall. Development and redevelopment in the area should be guided toward a cohesive image.

The relationship of window and doorway openings to exterior walls in historic buildings should be preserved or restored wherever necessary. Where new windows or doorways are introduced, they should respect the existing facade pattern.

Openings on street-facing walls should not be greater than 50%, nor less than 30% of the total area of the facade. Glass curtain walls or spandrel glass are inappropriate, as are blank walls without windows.

Display windows are appropriate on the first story in commercial buildings, but only two-way glass should be used in windows. Mirrored or tinted glass generally is unacceptable.

Window openings for exterior walls, other than the street facade, should not be greater than 30% of the total area of the wall nor less than 15% of the wall area.

C. Color and Materials:

The predominant building material for commercial structures in the area is brick in yellow or brown tones. Historically, wood siding has been used on both commercial and residential buildings. New buildings should take their "spirit" from historic buildings, so that they are compatible with the color and materials used in nearby significant buildings.

The use of imitation stone, grooved plywood, galvanized steel, sheet aluminum, sheet plastic, and vinyl siding materials on commercial buildings is strongly discouraged. Acceptable materials include wood, brick, stone or cast iron. Detailing and trim elements, including doors, should conform to these standards.

Accent colors applied to wood trim, brick, or metal detailing are acceptable. Fluorescent colors are not appropriate and, in general, not in keeping with purposes for which the district was established. Original cast stone, stone or concrete trim should not be painted.

D. Restoration:

All restorations should follow the latest revision of the Secretary of the Interior's Standards for Rehabilitation and Guidelines for rehabilitating historic buildings.

Original facade openings should be retained or restored to original condition. Ground level windows and entrances should be given priority. Appropriate measures include the removal of unacceptable materials, uncovering transom windows, restoration of doorways, down-scaling signage, and replacement of lost or damaged details. The addition of new elements, such as lighting, awnings, ornament, hardware or signage is permitted where such additions do not detract from the historic character of the building.

E. Scale and Bulk:

Maximum building heights are delineated in the Zoning Ordinance; however, in the areas closest to the river or in other areas, where views to and from the river are possible, buildings of a height which obstructs these views are unacceptable. Views of historic or architecturally significant structures should also be carefully considered.

Existing rooflines range from complex gabled and domered residential rooflines to steeply sloped church roofs, to flat roofs with orthogonal rooflines. Due to the variety of roof forms in the area, specific development proposals will be reviewed on a case-by-case basis.

II. SITE DEVELOPMENT

Site developments should ensure the proper functioning of circulation systems, the safety of visitors, and a unified and consistent image for streetscape elements. Edge definitions for pedestrian, planting and parking zones should be clarified to enhance the overall pedestrian experience.

A. Private Planting:

A privately-owned and maintained planting zone may exist between the property line and the building, depending on the building setback. In residential areas, the setback may be planted with any types of flowering plants, trees, shrubs, ground covers or lawn. Grass lawn is preferable in residential areas. Where setback of commercial buildings from the public right-of-way is permitted or required, this area should be developed in a manner compatible with the public sidewalk and planting area along the frontage. Flowers, trees and shrubs are permitted. Trees should meet planting requirements for public plantings, including tree grates. Planter boxes and pots are acceptable in these private planting areas.

B. Parking Lots and Areas:

While efforts have been made to encourage pedestrian traffic in the development area, it is intended that it become a destination for many visitors. Therefore, adequate plans for parking lots and areas must be considered.

1. Access and Circulation Elements:

Access to off-street parking by way of secondary streets is encouraged. For off-street lots with direct access to Lake Avenue, definition of one exit and one entrance is encouraged. Interior landscaping with both shrubs and canopy trees is encouraged and should be considered. The plantings should meet all of the requirements for public plantings. Aisles and planting strips should be defined with curbing. Pedestrian walkways should be clearly defined and conflicts between pedestrian and vehicular traffic should be minimized.

2. Screening:

All off-street surface parking adjacent to the street must be screened from the view of pedestrians. Screen walls 3 to 4 ft. in height are encouraged. Such walls should be set back 5 ft. with the area between the wall and sidewalk planted with trees and other landscape elements. Tree plantings should conform to the standards for public plantings. The tree planting area may be covered in hard paving with tree grates or planted with trees, shrubs and ground covers. Evergreen vines are allowable for screen walls.

III. SIGNAGE

Because of the strong impact of signage on the streetscape, protection must be afforded from inappropriate signage. Signs should harmonize with the building they serve and promote the use they serve imaginatively and effectively. While not dominating the surrounding visual environment, signs should be of a scale in keeping with the use and building they serve and the immediate neighborhood, as well.

A. Sign Materials:

1. Appropriate sign materials include brass, cast iron, steel and carved and painted wood. Other materials will be reviewed on a case-by-case basis.
2. In general interior lit and plastic signs are considered incompatible with the goals and purposes for which the district was established.
3. Neon signs on the interior of windows are acceptable; if permanent, they are treated as wall signs in Section 115-88 of the Zoning Ordinance.
4. The sign support structure should be durable but should be designed and colored to reduce its dominance or obtrusiveness.

B. Relationship To The Building:

1. Signs should be integrated closely with the architectural features of the building. The form, design materials, texture and color of the sign should maintain or complement the style, design and form of the building.
2. Signs and their support structures should not cover up or damage decorative features of the facade such as leaded glass transoms, cast iron or wooden pilasters, etc.
3. Where several businesses are located in/on one property, the signs should be coordinated, complement or balance one another and not compete with each other.

C. Relationship To The Area:

1. Size of the signs should be in keeping with the scale of nearby structures as well as the building they serve.
2. Existing or planned landscaping, on the site and nearby should be considered in locating the sign.
3. Visual clutter in signage should be avoided by refraining from the use of large signs, random placement of signs and excessive numbers of signs.
4. Signage should relate to pedestrian and low level vehicular traffic.

IV. STREET CORRIDOR

Street corridors should be developed to assist in reinforcing the overall character of the area by defining the relationship of buildings to public spaces and circulation systems. The street corridor developments should promote continuous street wall development where appropriate, protect street corridors from encroachment by buildings, and provide for on-street parking and service requirements. The standards presented in this category deal with the corridors bounded by lot lines on each side of the street.

A. Parking:

On-street parking should be metered parallel parking, except in residential areas, where demand does not require metering. Parallel parking with a narrowed planting zone can be considered for high demand areas.

B. Landscaping:

For the area streets, a planting zone should be established for street trees measuring a minimum of 3 feet from the face of the curb in areas with on-street parking and 10 feet from the curb in areas without on-street parking. The purpose of the planting zone is the separation of pedestrian and vehicular corridors. The planting zone should be grass in residential areas and "hard scape" paving in commercial areas. The width of the planting strip should be variable to accommodate the needs of parking conditions, i.e., the planting zone may narrow for parallel parking, but should conform to the minimum width.

In conjunction with shoreline redevelopment on the east side of River Street, a planting zone should be established in areas south of the Statson Street Bridge where the shore zone is too narrow to allow for front end parking. This planting zone should be hardscape paving, with tree grates provided as specified below.

All planting zones should include trees unless otherwise specified. Street trees shall be chosen from species with the following characteristics:

- Hardiness (plant zone 3)
- Tolerance to street conditions, including salt
- A maximum mature height of 40 to 60 feet
- A low maintenance schedule
- An open, airy growth habit that affords light shade in summer
- Seasonal interest

B. Landscaping:

Trees that drop substances harmful to the finish of parked automobiles should be avoided. Other undesirable characteristics for street trees include multi-stemmed or suckering trees, species with a low or compact habit of growth, those which produce an abundance of fleshy fruits, and species prone to disease or insect predation.

Examples of suitable choices include:

- Oaks (Red or White)
- Honeylocust
- Littleleaf Linden
- London Plane Tree

Poor choices are exemplified by:

- Norway Maple
- Pin Oak
- Conifers
- Crabapple

At the time of planting, young trees should be 3-1/2" caliper, with the lower side of the crown a minimum of 6' above grade to avoid hazards to pedestrians. Trees should be placed every 30 feet in the planting strip.

In commercial areas where the planting strip is hard pavement, trees should be provided with grates. Trees requiring grates are planted with the top of the root ball 5" below the pavement surface to allow for grate installation.

All new trees should be staked and guy-wired for a period of one year after planting.

C. Paving:

All sidewalk paving should be concrete scored in 6 foot squares, with tree pits at 30' on center. The use of asphalt sidewalks is unacceptable. Concrete walks should be dominant where driveways cross pedestrian paths.

Scoring or imprinting concrete, in coordination with subarea themes, is allowable. Specific emblems or insignia symbolizing the unique character of a subarea may be developed to enhance visitors' awareness of local history.

A concrete sidewalk should be established approximately 5 feet from the River Street Right-of-Way on the west side of the street. The planting zone should be 8 feet wide from the edge of the sidewalk to the street curb. A new concrete retaining wall should be installed from the Stutson Street Bridge abutment north about 280 feet to accommodate the grade change along River Street. A new sidewalk 6 feet wide should be constructed along the west side of the retaining wall from the bridge abutment to the lower level of River Street. The street corridor widths for improvements to this section of River Street are summarized below:

West Sidewalk		6'
Planting Zone		8'
Curbing	.5'	
Parallel Parking		8'
Travel Lane		10'
Curbing	.5'	
East Sidewalk		6'
Retaining Wall		2'

Where pedestrian corridors cross streets, curbs should be zeroed out and the crosswalk should be highlighted to increase pedestrian safety. A 10 foot brick strip should be provided on each side of the crosswalk. Curbing material set flush to the street should form the joint between asphalt paving and the brick strips. Crosswalks should correspond directly to the 6 foot sidewalk pavement widths, with brick strips corresponding to planting zone widths. On River Street, cobblestones are recommended in place of the brick.

C. Lighting and Furniture:

Consistent with the turn of the century time theme, antique style posts and lantern lighting should replace cobra lights on Lake Avenue, Stutson Street, Latta Road, and all minor cross streets in the redevelopment area. The materials for lighting fixtures should be cast iron or aluminum, such as those manufactured by Antique Street Lamps, Inc. or an equivalent quality.

The total height of post and luminaire should not exceed 15 feet. Finished colors for lightposts should be black or dark olive.

At the waterfront, and along River Street, the lighting should be pole lighting with an industrial character, such as the railroad fixture manufactured by Sternberg.

Street furnishings should be expressive of the turn-of-the-century time theme. Street furnishings include trash receptacles, drinking fountains, benches, bollards, and tree grates. These items should be located in planting zones such that pedestrian corridors remain unobstructed. Street furnishings must be compatible in design, color, and materials with light fixtures.

Benches should be of an historic style and could incorporate custom lettering or a logo for River Harbor or the design district. They should be provided at bus stops and as necessary at locations where pedestrians congregate. Trash receptacles should be placed near each bench.

Bollards should be used at all pedestrian crossings. A bollard and chain barrier should be placed between pedestrian accessways and the Consolidated Rail tracks on River Street, where the sidewalks parallel the railroad. Pipe railings should be installed with concrete retaining walls on River Street between Latta Road and Stutson Street, and at the Lighthouse Park. Similar pipe railings should be incorporated into the design specifications for a concrete bulwark along the west shore of the Genesee River. Bollards, chains, and pipe railings should be painted black.



**City of Rochester
City Clerks Office
Certified Ordinance**

Rochester, N.Y., _____

TO WHOM IT MAY CONCERN:

I hereby certify that the following is a true copy of an ordinance which was duly passed by the Council of the City of Rochester on September 11 19 90 and Approved (not disapproved, approved, re-passed after disapproval) by the Mayor of the City of Rochester, and was deemed duly adopted on September 13, 19 90 in accordance with the applicable provisions of law. **Ordinance No. 90-370**

**Amending The Municipal Code By Adding
A New Chapter Relating To Waterfront
Consistency Review, as amended**

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Municipal Code is hereby amended by adding a new Chapter 112 - Waterfront Consistency Review, which shall read in its entirety as follows:

CHAPTER 112

WATERFRONT CONSISTENCY REVIEW ORDINANCE

Section 112-1. Purpose.

The purpose of this chapter is to protect the public health, safety and general welfare in the City of Rochester, by providing a framework for governmental agencies to review actions proposed within the boundaries of the city's Local Waterfront Revitalization Program (LWRP). This framework will allow agencies to consider the policies and purposes contained in the city's LWRP when reviewing applications for actions or when directly approving, undertaking or funding agency actions located in the waterfront area. The framework will also ensure that such actions are consistent, to the maximum extent practicable, with said policies and purposes.

It is the intention of the City of Rochester that the preservation, enhancement and utilization of the natural and man-made resources of the city's unique coastal areas take place in a coordinated and comprehensive manner, in order to ensure a proper balance between natural resource protection and the need to accommodate population growth and economic development. Accordingly, this ordinance is

intended to achieve such a balance, by permitting the beneficial use of coastal resources while preventing: loss of living estuarine resources and wildlife; diminution of open space areas or public access to the waterfront; erosion of shoreline; impairment of scenic beauty; losses due to flooding, erosion and sedimentation; or permanent adverse changes to ecological systems.

Section 112-2. Authority.

This ordinance is enacted under the authority of Section 20 of the General City Law and the Waterfront Revitalization and Coastal Resources Act of the State of New York (Article 42 of the Executive Law).

Section 112-3. Definitions.

When used in this Chapter, the following terms shall have the meanings ascribed to them:

ACTION - shall have the same meaning as in Section 48-3 of the Municipal Code Environmental Review, but shall be limited to those activities that constitute an unlisted or Type I action, as defined in Section 48-3.

AGENCY - any governmental agency, including but not limited to the City Council, departments, offices, commissions, boards, agencies, officers or other bodies of the City of Rochester.

COASTAL AREA - the New York State coastal waters and adjacent shorelands as defined in Article 42 of the Executive Law. The specific boundaries of the city's Coastal Area are shown on the Coastal Area Map on file in the office of the New York State Secretary of State and as delineated in the City of Rochester's Local Waterfront Revitalization Program (TASK I).

COASTAL ASSESSMENT FORM (CAF) - the form, contained in Appendix A, which shall be used by an agency to assist it in determining the consistency of an action with the city's LWRP.

CONSISTENT TO THE MAXIMUM EXTENT PRACTICABLE - that an action will not substantially hinder the achievement of any of the LWRP policy standards or conditions and, whenever practicable, will advance one or more of them.

DIRECT ACTIONS - an action planned and proposed for implementation by an agency itself, such as, but not limited to a capital project, or rule making, procedure making or policy making decisions or determinations.

LOCAL WATERFRONT AREA (LWA) - that portion of the New York State Coastal Area within the City of Rochester as delineated in the city's LWRP (TASK I).

LOCAL WATERFRONT REVITALIZATION PROGRAM (LWRP) - the Local Waterfront Revitalization Program of the City of Rochester, as approved by the New York State Secretary of State, pursuant to the Waterfront Revitalization and Coastal Resources Act (Executive Law, Article 42), a copy of which is on file in the Office of the Clerk of the City of Rochester.

Section 112-4. Review of Actions.

- A. Whenever a proposed action is located in the LWA, an agency shall, prior to approving, funding or undertaking the action, make a determination that it is consistent, to the maximum extent practicable, with the applicable LWRP policy standards and conditions set forth in Section 112-5 herein.**
- B. Whenever an agency receives an application for approval or funding of an action or as early as possible in the agency's undertaking of a direct action to be located in the LWA, the applicant, or in the case of a direct action, the agency, shall prepare a Coastal Assessment Form (CAF) to assist with the consistency review.**
- C. Prior to making its determination, the agency shall solicit and consider the recommendation of the Commissioner of the City of Rochester Department of Community Development or his/her designee, regarding the consistency of the proposed action, by referring a copy of the completed CAF to the Commissioner within ten (10) days of its submission to or completion by the agency.**
- D. After referral from an agency, the Commissioner shall consider whether the proposed action is consistent, to the maximum extent practicable, with the LWRP policy standards and conditions set forth in Section 112-5 herein. The Commissioner may require the applicant to submit all completed applications, EAF's and any other information or documentation deemed to be necessary in order to make the consistency determination.**
- E. The Commissioner shall render his/her written recommendation to the agency within ten (10) working days following the submission by the applicant of the required information, unless extended by mutual agreement of the Commissioner and the applicant, or in the case of a direct action, the agency. The recommendation shall indicate whether, in the opinion of the Commissioner, the proposed action is consistent, to the maximum extent practicable, or inconsistent with one or more of the applicable LWRP policy standards or conditions. The recommendation shall state the manner and extent to which any inconsistency affects the LWRP policy standards and conditions.**

The Commissioner shall, along with his/her consistency determination, make any suggestions to the agency concerning modification of the proposed action in order to make it consistent, to the maximum extent practicable, with LWRP policy standards and conditions, or to greater advance them.

In the event that the Commissioner's recommendation is not forthcoming within the specified time, the application shall be deemed to have received a recommendation that it is consistent to the maximum extent practicable.

- F. The agency shall make the determination of consistency based on the CAF, the recommendation of the Commissioner and such other information as is deemed to be necessary in its determination. The agency shall issue its determination within seven (7) days of receipt of the Commissioner's recommendation.
- G. Actions to be undertaken within the LWA shall be evaluated for consistency in accordance with the following LWRP policy standards and conditions, which are derived from and further explained and described in TASK III of the City of Rochester's LWRP. The LWRP is on file in the City Clerk's office and is available for inspection during normal business hours. Agencies which undertake direct actions shall also consult with TASK IV: USES AND PROJECTS of the LWRP in making their consistency determination. The action shall be consistent with the policy to:
- (1) Revitalize and redevelop deteriorating or underutilized institutional, commercial, recreational and residential areas and uses (POLICY 1, 1A, 1B, 1C, 1D, 1E, 1F, 1G);
 - (2) Encourage the development of water-dependent uses near coastal waters (POLICY 2, 2A);
 - (3) Ensure that development occurs where adequate public infrastructure is available to reduce health and pollution hazards (POLICY 5, 5A, 5B, 5C);
 - (4) Streamline development permit procedures (POLICY 6);
 - (5) Protect significant and locally important fish and wildlife habitats from human disruption and chemical contamination (POLICIES 7, 7A, 7B, 7C and 8);
 - (6) Maintain and expand commercial fishing facilities to promote commercial and recreational fishing opportunities (POLICY 9, 9A, 9B);
 - (7) Minimize flooding and erosion hazards through nonstructural means, carefully-selected, long-term structural measures and appropriate siting of structures (POLICIES 11, 11A, 11B, 12, 12A, 13, 13A, 14, 15 and 17, 17A);

- (8) Safeguard economic, social and environmental interests in the coastal area when major actions are undertaken (POLICY 18);
- (9) Maintain and improve public access to the shoreline and to water-related recreational facilities while protecting the environment (POLICIES 19, 19A, 19B, 19C, 19D, 20, 20A, 20B, 20C, 20D, 20E);
- (10) Encourage and facilitate water-dependent and water-enhanced recreational resources and facilities near coastal waters (POLICY 21, 21A, 21B, 21C);
- (11) Encourage the development of water-related recreational resources and facilities, as multiple-uses, in appropriate locations within the shorezone (POLICY 22, 22A, 22B);
- (12) Protect and restore historic and archeological resources (POLICY 23, 23A, 23B, 23C);
- (13) Protect and upgrade scenic resources (POLICY 25, 25A, 25B, 25C);
- (14) Protect surface and groundwaters from direct and indirect discharge of pollutants and from overuse (POLICIES 30, 31, 32, 33, 34, 36, 37 and 38);
- (15) Perform dredging and dredge spoil disposal in a manner Protective of natural resources (POLICY 35);
- (16) Handle and dispose of hazardous wastes and effluents in a manner which will not not adversely affect the environment nor expand existing landfills (POLICY 39); and,
- (17) Protect tidal and freshwater wetlands (POLICY 44).

H. If the agency determines that the action would cause a substantial hindrance to the achievement of the LWRP policy standards and conditions, such action shall not be undertaken unless the agency determines with respect to the proposed action that:

- (1) No reasonable alternatives exist which would permit the action to be undertaken in a manner which would not substantially hinder the achievement of such LWRP Policy standards and conditions, or which would not hinder the overall implementation of the LWRP;

- (2) The proposed action and any required mitigation measures would be undertaken in a manner which would minimize all adverse effects on natural and man-made resources within the LWRP, and would minimize the extent to which the implementation of LWRP policy standards and conditions are hindered; and,
- (3) The action will result in a significant and overriding city, regional or state-wide public benefit.

Such a finding by the agency shall constitute a determination that the action is consistent to the maximum extent practicable.

- I. Each agency shall maintain a file for each action which was the subject of a consistency determination, including any recommendations received from the Commissioner. Such files shall be made available for public inspection upon request.

Section 112-6. Coordinated Review Required.

The agency and the Commissioner of Community Development or designee shall coordinate the consistency determination process required by this chapter with the environmental review process required by Chapter 48 of the Municipal Code.

Section 112-7. Severability.

The provisions of this ordinance are severable. If any provision is found invalid, such finding shall not affect the validity of any Part or provision hereof other than the provision so found to be invalid.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Curran, Councilmembers Childress Brown, Giess, King, Mains, Muldoon, Norwood, Padilla, Stevenson - 9.

Nays - None - 0.

Underlined material added.

Attest



City Clerk

APPENDIX A

COASTAL ASSESSMENT FORM

A. INSTRUCTIONS (Please print or type all answers)

1. Applicants, or in the case of direct actions (city, town, village) agencies, shall complete this CAF for proposed actions which are subject to the consistency review law. This assessment is intended to supplement other information used by a (city, town, village) agency in making a determination of consistency.

2. Before answering the questions in Section C, the preparer of this form should review the policies and explanations of policy contained in the Local Waterfront Revitalization Program (LWRP), a copy of which is on file in the (city, town, village) clerk's office. A proposed action should be evaluated as to its significant beneficial and adverse effects upon the coastal area.

3. If any question in Section C on this form is answered "yes", then the proposed action may affect the achievement of the LWRP policy standards and conditions contained in the consistency review law. Thus, the action should be analyzed in more detail and, if necessary, modified prior to making a determination that it is consistent to the maximum extent practicable with the LWRP policy standards and conditions. If an action cannot be certified as consistent with the LWRP policy standards and conditions, it shall not be undertaken.

B. DESCRIPTION OF SITE AND PROPOSED ACTION

1. Type of (city, town, village) agency action (check appropriate responses):

- (a) Directly undertaken (e.g. capital construction, planning activity, agency regulation, land transaction) _____
- (b) Financial assistance (e.g. grant, loan, subsidy) _____
- (c) Permit, approval, license, certification _____
- (d) Agency undertaking action: _____

2. Describe nature and extent of action: _____

3. Location of action

Street or Site Description

4. Size of site _____

5. Present land use _____

6. Present zoning classification _____

7. Describe any unique or unusual land forms on the project site (i.e. bluffs, dunes, swales, ground depressions, other geological formations): _____

8. Percentage of site which contains slopes of 15% or greater: _____

9. Streams, lakes, ponds or wetlands existing within or contiguous to the project area:

- (1) Name _____
- (2) Size (in acres) _____

10. If an application for the proposed action has been filed with the (city, town, village) agency, the following information shall be provided:

- (a) Name of applicant: _____
- (b) Mailing address: _____
- (c) Telephone number: Area Code () _____
- (d) Application number, if any: _____

11. Will the action be directly undertaken, require funding, or approval by a state or federal agency?

Yes ___ No ___ If yes, which state or federal agency? _____

C. COASTAL ASSESSMENT (Check either "Yes" or "No" for each of the following questions)

1. Will the proposed action be located in, or contiguous to, or have a potentially adverse effect upon any of the resource areas identified on the coastal area maps: YES NO

(a) Significant fish or wildlife habitats? _____

(b) Scenic resources of local or statewide significance? _____

(c) Important agricultural lands? _____

(d) Natural protective features in an erosion hazard area? _____

If the answer to any question above is yes, please explain in Section D any measures which will be undertaken to mitigate any adverse effects.

2. Will the proposed action have a significant effect upon: YES NO

(a) Commercial or recreational use of fish and wildlife resources? _____

(b) Scenic quality of the coastal environment? _____

(c) Development of future, or existing water dependent uses? _____

(d) Operation of the State's major ports? _____

(e) Land or water uses within a small harbor area? _____

(f) Stability of the shoreline? _____

(g) Surface or groundwater quality? _____

(h) Existing or potential public recreation opportunities? _____

(i) Structures, sites or districts of historic, archeological or cultural significance to the (city, town, village), State or nation? _____

3. Will the proposed action involve or result in any of the following: YES NO

(a) Physical alteration of land along the shoreline, land under water or coastal waters? _____

(b) Physical alteration of two (2) acres or more of land located elsewhere in the coastal area? _____

(c) Expansion of existing public services or infrastructure in undeveloped or low density areas of the coastal area? _____

(d) Energy facility not subject to Article VII or VIII of the Public Service Law? _____

(e) Mining, excavation, filling or dredging in coastal waters? _____

(f) Reduction of existing or potential public access to or along the shore? _____

(g) Sale or change in use of publicly-owned lands located on the shoreline or under water? _____

(h) Development within a designated flood or erosion hazard area? _____

(i) Development on a beach, dune, barrier island or other natural feature that provides protection against flooding or erosion? _____

(j) Construction or reconstruction of erosion protective structures? _____

(k) Diminished surface or groundwater quality? _____

(l) Removal of ground cover from the site? _____

4. Project YES NO

(a) If project is to be located adjacent to shore:

(1) Will water-related recreation be provided? _____

(2) Will public access to the foreshore be provided? _____

(3) Does the project require a waterfront site? _____

(4) Will it supplement a recreational or maritime use? _____

(5) Do essential public services and facilities presently exist at or near the site? _____

(6) Is it located in a flood prone area? _____

(7) Is it located in an area of high erosion? _____

- | | <u>YES</u> | <u>NO</u> |
|--|------------|-----------|
| (b) If the project site is publicly owned: | | |
| (1) Will the project protect, maintain and/or increase the level and types of public access to water-related recreation resources and facilities?..... | ___ | ___ |
| (2) If located in the foreshore, will access to those and adjacent lands be provided?..... | ___ | ___ |
| (3) Will it involve the siting and construction of major energy facilities?..... | ___ | ___ |
| (4) Will it involve the discharge of effluents from major steam electric generating and industrial facilities into coastal facilities?..... | ___ | ___ |
| (c) Is the project site presently used by the community neighborhood as an open space or recreation area?..... | ___ | ___ |
| (d) Does the present site offer or include scenic views or vistas known to be important to the community?..... | ___ | ___ |
| (e) Is the project site presently used for commercial fishing or fish processing?..... | ___ | ___ |
| (f) Will the surface area of any waterways or wetland areas be increased or decreased by the proposal?..... | ___ | ___ |
| (g) Does any mature forest (over 100 years old) or other locally important vegetation exist on this site which will be removed by the project?..... | ___ | ___ |
| (h) Will the project involve any waste discharges into coastal waters?..... | ___ | ___ |
| (i) Does the project involve surface or subsurface liquid waste disposal?..... | ___ | ___ |
| (j) Does the project involve transport, storage, treatment or disposal of solid waste or hazardous materials?..... | ___ | ___ |
| (k) Does the project involve shipment or storage of petroleum products?..... | ___ | ___ |
| (l) Does the project involve discharge of toxics, hazardous substances or other pollutants into coastal waters?..... | ___ | ___ |
| (m) Does the project involve or change existing ice management practices?..... | ___ | ___ |
| (n) Will the project affect any area designated as a tidal or freshwater wetland?..... | ___ | ___ |
| (o) Will the project alter drainage flow patterns or surface water runoff on or from the site?..... | ___ | ___ |
| (p) Will best management practices be utilized to control storm water runoff into coastal waters?..... | ___ | ___ |
| (q) Will the project utilize or affect the quality or quantity of sole source or surface water supplies?..... | ___ | ___ |
| (r) Will the project cause emissions which exceed federal or state air quality standards or generate significant amounts of nitrates or sulfates?..... | ___ | ___ |

D. REMARKS OR ADDITIONAL INFORMATION. (Add any additional sheets necessary to complete this form.)

If assistance or further information is needed to complete this form, please contact (city, town, village) clerk at _____.

Preparer's Name: _____ Telephone Number: (____) _____

Title: _____ Agency: _____ Date: _____



**City of Rochester
City Clerks Office
Certified Ordinance**

Rochester, N.Y., _____

TO WHOM IT MAY CONCERN:

I hereby certify that the following is a true copy of an ordinance which was duly passed by the Council of the City of Rochester on September 11, 19 90 and Approved by the Mayor of the City of Rochester, and was deemed duly adopted on September 13, 1990 in accordance with the applicable provisions of law.

(not disapproved, approved, re-passed after disapproval)

Ordinance No. 90-371

Amending Chapter 48 Of The Municipal Code, Environmental Review, With Respect To the Local Waterfront Revitalization Program And Waterfront Consistency Review

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 48-7 of the Municipal Code, Environmental Review process, as amended, is hereby further amended by amending subsection A(1) thereof to read in its entirety as follows:

- (1) Determine whether the action is subject to this chapter, and whether it is located within the boundaries of the City of Rochester's Local Waterfront Revitalization Program (LWRP) area (see TASK I of the LWRP). If the action is an exempt, an excluded or a Type II action, the agency shall have no further responsibility under this chapter or Chapter 112, Waterfront Consistency Review Ordinance, except recordkeeping responsibilities. If the action is an unlisted or a Type I action, the requirements of this chapter shall apply. If such an unlisted or Type I action is located within the boundaries of the City's LWRP, the consistency review procedures and requirements of Chapter 112 shall also apply and be coordinated with the environmental review required by this chapter.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Curran, Councilmembers Childress Brown, Giess, King, Mains, Muldoon, Norwood, Padilla, Stevenson - 9.

Nays - None - 0.

Attest

Ellen J. Clifford



**City of Rochester
City Clerks Office
Certified Ordinance**

Rochester, N.Y., _____

TO WHOM IT MAY CONCERN:

I hereby certify that the following is a true copy of an ordinance which was duly passed by the Council of the City of Rochester on September 11, 19 91 and Approved (not disapproved, approved, re-passed after disapproval) by the Mayor of the City of Rochester, and was deemed duly adopted on September 13, 1991 in accordance with the applicable provisions of law.

Ordinance No. 91-416

Amending Chapter 39 Of The Municipal Code, Building Code, With Respect To Site Preparation, as amended

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Article IV of Chapter 39 of the Municipal Code, Building Code, relating to Conflicts and severability and containing Section 39-401 and 39-402, is hereby renumbered as Article V, with Section 39-401 and 39-402 renumbered as 39-501 and 39-502, respectively, and there is hereby added to Chapter 39 of the Municipal Code the following new Article IV:

ARTICLE IV

Section 39-400. Purpose.

It is the purpose of these regulations to protect health, safety, and welfare in the City of Rochester by regulating site preparation activities, including filling, grading, and stripping, so as to prevent nuisances from being created, including erosion, sedimentation or drainage.

Section 39-401. Title.

These regulations shall be known and may be cited as the "Regulations for the Issuance of Site Preparation Permits in the City of Rochester".

Section 39-402. Jurisdiction.

All site preparation, and associated activities requiring a Site Preparation Permit, shall be in conformance with the provisions set forth herein.

Section 39-403. Authority.

The Director of the Bureau of Buildings shall serve as the agent of the Commissioner for the purpose of administering these regulations.

Section 39-404. Definitions.

As used in this Article, in addition to the terms defined in Section 39-201, the following terms shall have the meanings indicated:

CERTIFICATE OF SUBSTANTIAL COMPLIANCE - A signed statement by the Commissioner that specific construction has been inspected and found to comply with all grading plans and specifications.

CITY ENGINEER - The City Engineer of the City or an authorized representative.

DIRECTOR - The Director of the Bureau of Buildings of the City or an authorized representative.

DRAINAGE - The gravitational movement of water or other liquids by surface runoff or subsurface flow.

EROSION - The process by which the ground surface is worn away by action of wind, water, gravity, or a combination thereof.

EXCAVATION OR CUT - Any act by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced, or relocated, and also included shall be the conditions resulting therefrom.

FILLING - Any activity which deposits natural or artificial material so as to modify the surface or subsurface conditions of land, lakes, ponds or watercourses.

GRADING - Any stripping, excavating, filling, stockpiling, or any combination thereof, and also included shall be the land in its excavated or filled condition.

MULCHING - The application of a layer of plant residues or other material for the purpose of effectively controlling erosion.

PERMANENT SOIL EROSION CONTROL MEASURE - Those control measures which are installed or constructed to control soil erosion and which are maintained after completion of the project.

RATIONAL METHOD - A method of estimating the runoff in a drainage basin at a specific point and time by means of the rational runoff formula.

SEDIMENT - Solid material, both mineral and organic, that is in suspension, is being transported, has been deposited, or has been removed from its site of origin by erosion.

SITE PREPARATION - Site preparation shall include, but is not limited to: filling, stripping of vegetation, grading, altering existing topography for any purposes whatsoever.

SOIL - All unconsolidated mineral or nonliving organic material of whatever origin which overlies bedrock.

STRIPPING - Any activity which removes or significantly disturbs the vegetative surface cover including clearing and grubbing operations.

TEMPORARY SOIL EROSION CONTROL MEASURES - Interim control measures which are installed or constructed for the control of soil erosion until permanent soil erosion control is effected.

TOPSOIL - The natural surface layer of soil, usually darker than subsurface layers, to a depth of at least six (6) inches within an undisturbed area of soils.

WATERCOURSE - Any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drainage way, gully, ravine, or wash in which water flows in a definite direction or course, either continuously or intermittently, and which has a definite channel, bed, and banks, and any area adjacent thereto subject to inundation by reason of overflow, flood, or storm water.

WETLANDS - Areas of aquatic or semi-aquatic vegetation, or any areas which have been mapped as such by the New York State Department of Environmental Conservation under the New York State Freshwater Wetlands Act or the United States Department of the Interior, Fish and Wildlife Service for the National Wetlands Inventory.

Section 39-405. Permit Requirement.

A. None of the following activities shall be commenced until a permit has been issued pursuant to the provisions of these regulations or a building permit or site plan approval including site preparation activities has been granted:

- (1) Site preparation within wetlands;
- (2) Site preparation on slopes which exceed one and one half (1-1/2) feet of vertical rise for each ten (10) feet of horizontal distance, as determined by a topographical survey;
- (3) Site preparation within the floodplain of any watercourse;

- (4) Excavation which affects more than fifty (50) cubic yards of material within any parcel or any contiguous area;
- (5) Stripping which affects more than ten thousand (10,000) square feet of ground surface within any parcel or any contiguous area;
- (6) Grading which affects more than ten thousand (10,000) square feet of ground surface within any parcel or any contiguous area; or
- (7) Filling which exceeds a total of fifty (50) cubic yards of material within any parcel or contiguous area.

Section 39-406. Permit Application, Review, Issuance and Compliance Procedures.

- A. Prior to the commencement of any work requiring a permit under Section 39-405, six (6) copies of a permit application shall be filed with the Commissioner, and the application shall have been approved and a permit issued pursuant to the provisions of these regulations.
- B. At the time of filing an application for a site preparation permit, a fee of seven hundred fifty dollars (\$750.00) shall be made payable to the City Treasurer.
- C. The Director shall have the authority to recommend to the Commissioner that a permit application be approved or denied. The Director shall also have the authority to recommend the approval of a permit subject to conditions.
- D. Copies of the permit application shall be submitted to the City Engineer, who shall submit recommendations on the application to the Director within fifteen (15) business days of the date of filing. Failure by the City Engineer to comment within the fifteen (15) business day review period shall not restrict the Director from carrying out his or her responsibilities related thereto.
- E. The Director shall make a recommendation to grant or deny all permits within sixty (60) days after the date of filing of a complete application, unless the applicant and the Director consent to a time extension.
- F. [Prior to making a recommendation to grant a permit, the Director shall:
 - (1) Seek the concurrence of the Director of Zoning;

- (2) Seek the concurrence of the Director of Planning;
- (3) Seek the concurrence of the Director of Development Services;
- (4) Seek the concurrence of the City Engineer;
- (5) Seek the concurrence of the Director of Neighborhood Development; and
- (6) Seek the concurrence of the Rochester Pure Waters District if said District has jurisdiction.

G.] The Director shall recommend a reasonable time limit for the termination of the permit and may recommend any conditions which are deemed necessary to assure compliance with the provisions of these regulations. In no event shall the overall total time schedule for completion of the project exceed twelve (12) months.

[H]G. The Director shall cause inspections to be performed as required to assure compliance with the terms and conditions of the approved permits, and to submit written notification to the Commissioner of any violations of these terms or provisions.

[I]H. If at any time during the effective period of a permit, the terms of the permit are violated, the Commissioner may revoke the permit, in accordance with the procedures set forth in subsection 39-210H of the City Code.

Section 39-407. Permit Application Materials.

- A. The application for a permit regulated by these procedures shall be made to the Director, as agent for the Commissioner, in such form as the Commissioner and Director shall prescribe.
- B. The application shall be made by the owner or by an authorized agent including, but not limited to, an architect, engineer, occupant of the property, or contractor employed in connection with the proposed work.
- C. The application shall contain:
 - (1) A site plan prepared by a civil engineer, landscape architect, or land surveyor licensed and registered to practice in the State of New York. The site plan shall be prepared at a scale no smaller than one (1) inch to twenty (20) feet (1"-20') and shall indicate: existing and proposed contours at horizontal intervals not to

exceed ten (10) feet; the locations of all buildings and natural features including, but not limited to streams, water bodies and wetlands, structures or appurtenances; and the locations and descriptions of any utilities, easements and rights-of-way.

- (2) The site plan shall indicate all areas of vegetation, including areas of grass, brush, tree clusters and wood areas, caliper size of mature trees, and shall also indicate the areas where topsoil is removed and stockpiled and where topsoil is ultimately placed.
- (3) A description of the material used in filling operations, the total volume of material proposed to be deposited on site, and a listing of the points of origin of the proposed fill material which include:
 - (a) Name, address, and telephone numbers of the owner of the source material;
 - (b) Street address, town, village, city, county and tax account number of location of point of origin for source material; and
 - (c) A notarized affidavit signed by the owner of the source material which states that the material has been tested and found free of any hazardous waste and complies with the requirements set forth in subsection 39-408A(7). A copy of the test results, performed by an authorized testing agency, shall be included as part of the affidavit.
- (4) Proposed contours which shall be shown at a maximum interval of two (2) feet.
- (5) A time schedule which indicates:
 - (a) The anticipated commencement and completion dates; and
 - (b) The anticipated duration (in days) of the exposure of all major areas of site preparation before the installation of erosion and sediment control measures.
- (6) A performance bond or letter of credit in increments of ten thousand dollars (\$10,000.) for each five thousand (5,000) cubic yards or fractions of thereof, of material scheduled for placement on site. The bond shall not be released until it has been determined by the Director that the work has been completed in conformance with these regulations.

Section 39-408. Standards for Application Approval.

- A. In granting a permit under these regulations, the standards and considerations taken into account shall include, but are not limited, to the following:**
- (1) Excavation, filling, grading, and stripping shall be permitted to be undertaken only in such locations and in such manner as to minimize the potential for erosion and sedimentation and the threat to the health, safety, and welfare of neighboring property owners and the general public.**
 - (2) Site preparation and construction shall be fitted to the vegetation, topography, and other natural features of the site and shall preserve as many of these features as feasible.**
 - (3) The control of erosion and sedimentation, including dust control, shall be a continuous process undertaken as necessary prior to, during, and after site preparation and construction.**
 - (4) Mulching or temporary vegetation suitable to the site shall be used where necessary to protect areas exposed by site preparation, and permanent vegetation which is well adapted to the site shall be installed as soon as practical.**
 - (5) Where slopes are to be revegetated in areas exposed by site preparation, the slopes shall not be of such steepness that vegetation cannot be readily established or that problems of erosion or sedimentation may result.**
 - (6) Site preparation and construction shall not adversely affect the free flow of water or bring about flood conditions by encroaching on, blocking, or restricting watercourses, or drainage patterns.**
 - (7) All fill materials shall be of a composition suitable for the ultimate use of the fill, free of hazardous materials, contaminants, rubbish, organic or frozen material. It shall be free of any materials which may corrode, collapse, dissolve or cause voids, or present the potential for causing voids. Structural steel, steel reinforcing, conduit, piping or similar materials are not permitted to comprise the fill material. Demolition or construction debris of any type is prohibited.**

- (8) Fill material shall be compacted sufficiently to prevent problems of erosion, and, [w]Where the material is to support structures or roadways, it shall be compacted to within ninety-five percent (95%) of modified Proctor density with proper moisture control. Compaction tests shall be submitted to the Commissioner by an independent soils testing laboratory which verify the compaction results.
- (9) All topsoil which is excavated from a site shall be stockpiled and used for the restoration of the site, and such stockpiles, where necessary, shall be seeded or otherwise treated to minimize the effects of erosion. All fill shall be covered to a minimum depth of thirty (30) inches with clean earth free of boulders or rocks exceeding twelve (12) inches in diameter, and shall also be covered with topsoil to a minimum depth of six (6) inches. The final proposed grade elevations shall be taken from the finished top soil elevation.
- (10) Prior to, during, and after site preparation, an integrated drainage system shall be provided which at all times minimizes erosion, sedimentation, hazards of slope instability, and adverse effects on neighboring property owners.
- (11) The natural drainage system shall generally be preserved in preference to modifications of this system excepting where such modifications are necessary to reduce levels of erosion and sediment and adverse effects on neighboring property owners.
- (12) All drainage systems shall be designed to adequately handle estimated flows both within the site and from the entire upstream drainage basin, with the flow estimations to be calculated utilizing the Rational Method for a specified storm event.
- (13) Sufficient grades and drainage facilities shall be provided to prevent the ponding of water.
- (14) Drainage systems, plantings, and other erosion or sediment control devices shall be maintained as frequently as necessary to provide adequate protection against erosion and sediment and to insure that the free flow of water is not obstructed by the accumulation of silt, debris, or other material or by structural damage, so as to avoid the creation of flood conditions.

(15) Cuts and fills shall not endanger adjoining property, nor divert water onto the property of others.

(16) In the event that the removal of any trees, shrubs, vegetation and/or other organic material is necessary to conduct operations covered by this permit, all such material shall be removed off-site to an approved location prior to the commencement of fill or grading activities.

Section 39-409. Denial of Permit.

A. Site Preparation Permits shall not be issued where:

- (1) A nuisance will be established as defined by Section 59-23 of the Municipal Code;
- (2) The proposed work would cause hazards to the public safety, comfort, health, repose or welfare;
- (3) The work as proposed by the applicant will damage any public or private property or interfere with any existing drainage course in such a manner as to cause damage to any adjacent property or result in the depositing of debris or sediment on any public way or into any waterway or create an unreasonable hazard to persons or property;
- (4) The land area for which grading is proposed is subject to geological hazard to the extent that no reasonable amount of corrective work can eliminate or sufficiently reduce settlement, erosion, slope instability, or any other such hazard to persons or property; or
- (5) The land areas for which the grading is proposed may lie within the flood plain of any stream or watercourse unless a hydrologic report, prepared by a professional engineer, is submitted to certify that the proposed grading will have, in his opinion, no detrimental influence on the public welfare or upon the total development of the watershed.

Section 39-410. Responsibility of Owner.

A. During grading and filling operations the owner shall be responsible for:

- (1) The prevention of damage to any public utilities or services within the limits of grading and along any routes of travel of the equipment that are not part of the public right-of-way;

- (2) The prevention of damage to adjacent property. No person shall grade on land so close to the property line as to endanger any adjoining public street, sidewalk, alley, or any public or private property without supporting and protecting such property from settling, cracking, or other damage which might result;
- (3) Carrying out the proposed work in accordance with the approved plans and in compliance with all the requirements of the permit and Chapter 39; and
- (4) The prompt removal of all soil, miscellaneous debris, or other materials applied, dumped, or otherwise deposited on public streets, highways, sidewalks, or other public thoroughfares during transit to and from the construction site, where such spillage constitutes a public nuisance or hazard.

Section 39-411. Minimum Design Standards for Erosion and Sediment Control.

All grading plans and specifications including extensions or previously approved plans shall include provisions for erosion and sediment control in accordance with, but not limited to, accepted engineering standards and the guidelines as outlined in the document entitled, Guidelines for Erosion and Sediment Control in Urban Areas of New York State available from the Monroe County Soil and Water Conservation District.

Section 39-412. Inspection.

The requirements of these regulations shall be enforced by the Director. The Director shall cause the work to be inspected to assure compliance with the requirements of these regulations.

Section 39-413. Project Closeout.

A. A Certificate of Substantial Compliance shall be issued by the Director when all of the following have been submitted to the Director or verified as specified elsewhere in these regulations, including:

- (1) Written verification from a New York State licensed professional land surveyor, civil engineer, or landscape architect that the final grading and contours conform with the requirements of the approved site plan;
- (2) Required tests verifying soil compaction have been prepared by an independent soils testing lab and copies of the results have been submitted; and

- (3) Submission of the results of core samples taken from the site, which verifies that the material deposited on site complies with subsection 39-408A(7). Core sampling shall be performed by an approved independent testing laboratory and shall be taken at intervals not to exceed one (1) sample for each five thousand (5,000) square feet of site area affected by any filling, grading or stripping operation covered by these regulations. The exact locations of the samples shall be determined by the Director.

Section 39-413. Applicability of Article II.

Except where specific provisions relating to site preparation are established in this Article, the Administrative Regulations of Article II of this chapter shall apply to site preparation and permits, performance of work and enforcement.

Section 2. Section 39-211 of the Municipal Code, Stop-Work orders, as amended, is hereby further amended by adding the words "or performed under any permit" after the words "Whenever the Commissioner has reasonable grounds to believe that work on any building or structure" where they appear at the beginning of the first sentence of said section.

Section 3. Section 59-43 of the Municipal Code, Dumping, as amended, is hereby further amended by deleting the words "Chief of Police" in each place where they appear therein, and by inserting in their place the words "Director of Buildings".

Section 4. This ordinance shall take effect two weeks after the date of its adoption.

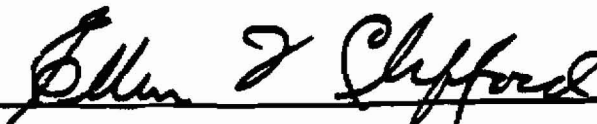
Bracketed material deleted; underlined material added.

Passed by the following vote:

Ayes - President Curran, Councilmembers Childress Brown, Giess, King, Mainz, Muldoon, Norwood, Stevenson - 8.

Nays - None - 0.

Attest



Appendix C New York State Department Of State Coastal Management Program - Guidelines for Notification and Review of State Agency Actions Where Local Waterfront Revitalization Programs are in Effect

I. Purposes of Guidelines

- A. The Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Article 42 of the Executive Law) and the Department of State's regulations (19 NYCRR Part 600) require certain state agency actions identified by the Secretary of State to be consistent to the maximum extent practicable with the policies and purposes of approved Local Waterfront Revitalization Programs (LWRPs). These guidelines are intended to assist state agencies in meeting that statutory consistency obligation.
- B. The Act also requires that state agencies provide timely notice to the situs local government whenever an identified action will occur within an area covered by an approved LWRP. These guidelines describe a process for complying with this notification requirement. They also provide procedures to assist local governments in carrying out their review responsibilities in a timely manner.
- C. The Secretary of State is required by the Act to confer with state agencies and local governments when notified by a local government that a proposed state agency action may conflict with the policies and purposes of its approved LWRP. These guidelines establish a procedure for resolving such conflicts.

II. Definitions

- A. Action means:
 - 1. A "Type 1" or "Unlisted" action as defined by the State Environmental Quality Review Act (SEQRA);
 - 2. Occurring within the boundaries of an approved LWRP; and
 - 3. Being taken pursuant to a state agency program or activity which has been identified by the Secretary of State as likely to affect the policies and purposes of the LWRP.
- B. Consistent to the maximum extent practicable means that an action will not substantially hinder the achievement of any of the policies and purposes of an approved LWRP and, whenever practicable, will advance one or more of such policies. If an action

will substantially hinder any of the policies or purposes of an approved LWRP, then the action must be one:

1. For which no reasonable alternatives exist that would avoid or overcome any substantial hindrance;
 2. That will minimize all adverse effects on the policies or purposes of the LWRP to the maximum extent practicable; and
 3. That will result in an overriding regional or statewide public benefit.
- C. Local Waterfront Revitalization Program or LWRP means a program prepared and adopted by a local government and approved by the Secretary of State pursuant to Executive Law, Article 42; which program contains policies on the management of land, water and man-made resources, proposed land uses and specific projects that are essential to program implementation.

III. Notification Procedure

- A. When a state agency is considering an action as described in II above, the state agency shall notify the affected local government.
- B. Notification of a proposed action by a state agency:
 1. Shall fully describe the nature and location of the action;
 2. Shall be accomplished by use of either the State Clearinghouse, other existing state agency notification procedures, or through an alternative procedure agreed upon by the state agency and local government;
 3. Should be provided to the local official identified in the LWRP of the situs local government as early in the planning stages of the action as possible, but in any event at least 30 days prior to the agency's decision on the action. (The timely filing of a copy of a completed Coastal Assessment Form with the local LWRP official should be considered adequate notification of a proposed action.)
- C. If the proposed action will require the preparation of a draft environmental impact statement, the filing of this draft document with the chief executive officer can serve as the state agency's notification to the situs local government.

IV. Local Government Review Procedure

- A. Upon receipt of notification from a state agency, the situs local government will be responsible for evaluating a proposed action against the policies and purposes of its approved LWRP. Upon request of the local official identified in the LWRP, the state agency should promptly provide the situs local government with whatever additional information is available which will assist the situs local government to evaluate the proposed action.

- B. If the situs local government cannot identify any conflicts between the proposed action and the applicable policies and purposes of its approved LWRP, it should inform the state agency in writing of its finding. Upon receipt of the local government's finding, the state agency may proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600.
- C. If the situs local government does not notify the state agency in writing of its finding within the established review period, the state agency may then presume that the proposed action does not conflict with the policies and purposes of the municipality's approved LWRP.
- D. If the situs local government notifies the state agency in writing that the proposed action does conflict with the policies and/or purposes of its approved LWRP, the state agency shall not proceed with its consideration of, or decision on, the proposed action as long as the Resolution of Conflicts procedure established in V below shall apply. The local government shall forward a copy of the identified conflicts to the Secretary of State at the time when the state agency is notified. In notifying the state agency, the local government shall identify the specific policies and purposes of the LWRP with which the proposed action conflicts.

V. Resolution of Conflicts

- A. The following procedure applies whenever a local government has notified the Secretary of State and state agency that a proposed action conflicts with the policies and purposes of its approved LWRP:
 - 1. Upon receipt of notification from a local government that a proposed action conflicts with its approved LWRP, the state agency should contact the local LWRP official to discuss the content of the identified conflicts and the means for resolving them. A meeting of state agency and local government representatives may be necessary to discuss and resolve the identified conflicts. This discussion should take place within 30 days of the receipt of a conflict notification from the local government.
 - 2. If the discussion between the situs local government and the state agency results in the resolution of the identified conflicts, then, within seven days of the discussion, the situs local government shall notify the state agency in writing, with a copy forwarded to the Secretary of State, that all of the identified conflicts have been resolved. The state agency can then proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600.
 - 3. If the consultation between the situs local government and the state agency does not lead to the resolution of the identified conflicts, either party may request, in writing, the assistance of the Secretary of State to resolve any or all of the identified conflicts. This request must be received by the Secretary within

15 days following the discussion between the situs local government and the state agency. The party requesting the assistance of the Secretary of State shall forward a copy of their request to the other party.

4. Within 30 days following the receipt of a request for assistance, the Secretary or a Department of State official or employee designated by the Secretary, will discuss the identified conflicts and circumstances preventing their resolution with appropriate representatives from the state agency and situs local government.
5. If agreement among all parties cannot be reached during this discussion, the Secretary shall, within 15 days, notify both parties of his/her findings and recommendations~
6. The state agency shall not proceed with its consideration of, or decision on, the proposed action as long as the foregoing Resolution of Conflicts procedures shall apply.

PROCEDURAL GUIDELINES FOR COORDINATING NYS DEPARTMENT OF STATE (DOS) & LWRP CONSISTENCY REVIEW OF FEDERAL AGENCY ACTIONS

Direct Actions

1. After acknowledging the receipt of a consistency determination and supporting documentation from a federal agency, DOS will forward copies of the determination and other descriptive information on the proposed direct action to the program coordinator (of an approved LWRP) and other interested parties.
2. This notification will indicate the date by which all comments and recommendations must be submitted to DOS and will identify the Department's principal reviewer for the proposed action.
3. The review period will be about twenty-five (25) days. If comments and recommendations are not received by the date indicated in the notification, DOS will presume that the municipality has "no opinion" on the consistency of the proposed direct federal agency action with local coastal policies.
4. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the municipality, DOS will contact the municipality to discuss any differences of opinion or questions prior to agreeing or disagreeing with the federal agency's consistency determination on the proposed direct action.

5. A copy of DOS' "agreement" or "disagreement" letter to the federal agency will be forwarded to the local program coordinator.

Permit and License Actions

1. DOS will acknowledge the receipt of an applicant's consistency certification and application materials. At that time, DOS will forward a copy of the submitted documentation to the program coordinator than will identify the Department's principal reviewer for the proposed action.
2. Within thirty (30) days of receiving such information, the program coordinator will contact the principal reviewer for DOS to discuss: (a) the need to request additional information for review purposes; and (b) any possible problems pertaining to the consistency of a proposed action with local coastal policies.
3. When DOS and the program coordinator agree that additional information is necessary, DOS will request the applicant to provide the information. A copy of this information will be provided to the program coordinator upon receipt.
4. Within thirty (30) days of receiving the requested additional information or discussing possible problems of a proposed action with the principal reviewer for DOS, whichever is later, the program coordinator will notify DOS of the reasons why a proposed action may be inconsistent or consistent with local coastal policies.
5. After the notification, the program coordinator will submit the municipality's written comments and recommendations on a proposed permit action to DOS before or at the conclusion of the official public comment period. If such comments and recommendations are not forwarded to DOS by the end of the public comment period, DOS will presume that the municipality has "no opinion" on the consistency of the proposed action with local coastal policies.
6. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the municipality on a proposed permit action, DOS will contact the program coordinator to discuss any differences of opinion prior to issuing a letter of "concurrence" or "objection" letter to the applicant.
7. A copy of DOS' "concurrence" or "objective" letter to the applicant will be forwarded to the program coordinator.

Financial Assistance Actions

1. Upon receiving notification of a proposed federal financial assistance action, DOS will request information on the action from the applicant for consistency review purposes. As appropriate, DOS will also request the applicant to provide a copy of the application documentation to the program coordinator. A copy of this letter will be forwarded to the coordinator and will serve as notification that the proposed action may be subject to review.

2. DOS will acknowledge the receipt of the requested information and provide a copy of this acknowledgement to the program coordinator. DOS may, at this time, request the applicant to submit additional information for review purposes.
3. The review period will conclude thirty (30) days after the date on DOS' letter of acknowledgement or the receipt of requested additional information, whichever is later. The review period may be extended for major financial assistance actions.
4. The program coordinator must submit the municipality's comments and recommendations on the proposed action to DOS within twenty days (or other time agreed to by DOS and the program coordinator) from the start of the review period. If comments and recommendations are not received within this period, DOS will presume that the municipality has "no opinion" on the consistency of the proposed financial assistance action with local coastal policies.
5. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the municipality, DOS will contact the program coordinator to discuss any differences of opinion or questions prior to notifying the applicant of DOS' consistency decision.
6. A copy of DOS' consistency decision letter to the applicant will be forwarded to the program coordinator.