

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.