

SECTION III

LOCAL POLICIES
AND
APPLICABLE STATE POLICIES

SECTION III: LOCAL POLICIES AND APPLICABLE STATE POLICIES

DEVELOPMENT POLICIES

- POLICY 1 RESTORE, REVITALIZE, AND REDEVELOP DETERIORATED AND UNDER-UTILIZED WATERFRONT AREAS FOR COMMERCIAL, INDUSTRIAL, CULTURAL, RECREATIONAL AND OTHER COMPATIBLE USES.
- POLICY 1A DEVELOP THE FORMER IRONDEQUOIT NORTHEAST TREATMENT PLANT AND THE ADJOINING PRIVATELY-OWNED NINE ACRE PARCEL FOR MIXED WATERFRONT USE AND/OR EXPANSION OF EXISTING RECREATIONAL USE.
- POLICY 1B DEVELOP THE LAKESHORE AREA BETWEEN ST. PAUL BLVD. AND LAKE ONTARIO FOR MULTI-FAMILY, RESIDENTIAL DEVELOPMENT.
- POLICY 1C REDEVELOP THE NORTHEAST SEA BREEZE AREA BOUNDED BY LAKE ONTARIO, IRONDEQUOIT BAY, CULVER ROAD AND DURAND BLVD. FOR A WATER ORIENTED MIXED USE CENTER.
- POLICY 1D (i) PRESERVE THE LANDFILL SITE OFF NEWPORT ROAD FOR OPEN SPACE AND (ii) TO CHANNEL RESIDENTIAL DEVELOPMENT AWAY FROM THE BAY FRONTAGE AND STEEP SLOPES.
- POLICY 1E DEVELOP THE STATE TUNNEL PROPERTY AT THE JUNCTION OF ROUTES 590 AND 104 FOR MIXED USE DEVELOPMENT WHICH COULD INCLUDE LIGHT, INDUSTRIAL, OFFICE, HOTEL AND MODERATE DENSITY RESIDENTIAL COMPONENTS.
- POLICY 1F DEVELOP THE GLEN HAVEN SITE ON SOUTH BAY VIEW ROAD FOR LOW DENSITY RESIDENTIAL USE AND PROMOTE PUBLIC PARKLAND AND MIXED WATER-DEPENDENT USES FOR THE SO-CALLED " ISAAC PROPERTY" RECENTLY ACQUIRED BY THE STATE OF NEW YORK.
- POLICY 1G DEVELOP VACANT LAND ALONG EMPIRE BLVD. FOR WATERFRONT MIXED USES TO INCLUDE MARINAS, WATER-ORIENTED COMMERCIAL, AND LOW DENSITY RESIDENTIAL USES.
- POLICY 1H FURTHER INDUSTRIAL USE OF THE WATERFRONT AREAS AND EXISTING USES THAT ARE INCONSISTENT WITH DEVELOPMENT GOALS WITHIN THE WATERFRONT AREA WILL BE DISCOURAGED.

EXPLANATION OF POLICY

- POLICY 1A Intened to integrate new development with an existing marina to create a special maritime recreational- commercial-residential development.
- POLICY 1B Existing development in this lakeshore area contains a mix of vacant parcels, substandard housing and neighborhood commercial uses. The area provides the only appropriate location within the Summerville/White City subarea because of its proximity to existing condominiums and with a market potential for moderate density housing.

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

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

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

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

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

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

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

1. Permitted principal uses are considered to be:

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

2. Proposed uses and development actions will serve the Town's intent to provide expanded waterfront opportunities to its own residents, as well as visitors to its community, and within specifically identified sites, will be geared toward strengthening the community's economic base.
3. All projects shall to the maximum extent possible incorporate design elements which provide for additional access to the waterways, either on a pedestrian, boating or visual scale.
4. Priority shall be given to uses which are dependent on a location adjacent to the water in the Waterfront Development District.
5. The action should enhance existing and anticipated uses.
6. The action should serve as a catalyst to private investment in the Waterfront Development District.
7. The action should improve the deteriorated condition of the site and, at a minimum, must not cause further deterioration.
8. The action must lead to development which is compatible with the character of the area, with consideration given to scale, architectural style, density, and intensity of use.
9. The action should have the potential to improve the existing economic base of the community, and, at a minimum, must not jeopardize this base.
10. The action should improve adjacent and upland views of the water, and at a minimum, must not affect those views in an insensitive manner.
11. The action should improve the potential for multiple uses of the sites for specific guidelines and review procedures.

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

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

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

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

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

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

EXPLANATION OF POLICY:

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

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

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

1. Uses which depend on the utilization of resources found in coastal waters (for example: fishing, mining of sand and gravel, mariculture activities);
2. Recreational activities which depend on access to coastal waters (for example: swimming, fishing, boating, wildlife viewing);
3. Uses involved in the sea/land transfer of goods (for example: docks, loading area, pipelines, short-term storage facilities);
4. Structures needed for navigational purposes (for example: locks, dams, lighthouses);
5. Flood and erosion protection structures (for example: breakwaters, bulkheads);
6. Facilities needed to store and service boats and ships (for example: marinas, boat repair, boat construction yards);

7. Uses that rely heavily on the waterborne transportation of raw materials or products which are difficult to transport on land, thereby making it critical that a site near to shipping facilities can be obtained (for example: cement plants, quarries);
8. Scientific/educational activities which, by their nature, require access to coastal waters;
9. Support facilities which are necessary for the successful functioning of permitted water-dependent uses (for example: parking lots, snack bars, first aid stations, short-term storage facilities).

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

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

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

1. Competition for space: Competition for space or the potential for it, should be indicated before any given site is promoted for water-dependent uses. The intent is to match water-dependent uses with suitable locations and thereby reduce any conflicts between competing uses that may arise. Not just any site suitable of development should be chosen as a water-dependent use area. The choice of a site should be made with some meaningful impact on the real estate market anticipated. The anticipated impact could either be one of increased protection to existing water dependent activities or else the encouragement of water-dependent development.
2. In-place facilities and services: Most water-dependent uses, if they are to function effectively, will require basic public facilities and services. In selecting appropriate areas for water-dependent uses, consideration should be given to the following factors:
 - a. The availability of public sewers, public water lines and adequate power supply;
 - b. Access to public transportation, if a high number of person trips are to be generated.

3. Access to navigational channels: If recreational boating is planned, consideration should be given to setting aside a site, within a sheltered harbor, from which access to adequately sized navigation channels would be assured.
4. Compatibility with adjacent uses and the protection of other coastal resources: Water-dependent uses should be located so that they enhance, or at least do not detract from, the surrounding community. Consideration should also be given to such factors as the protection of nearby residential areas from odors, noise and traffic. Affirmative approaches should also be employed so that water-dependent uses and adjacent uses can serve to complement one another. Water-dependent uses must also be sited so as to avoid adverse impacts on the significant coastal resources.
5. Preference for Waterfront Development Districts: The promotion of water-dependent uses should serve to foster development as a result of capital programming, permit expediting, and other State and local actions that will be used to promote these sites.
6. Providing for expansion: A primary objective of the policy is to create a process by which water-dependent uses can be accommodated well into the future. State and federal agencies should, therefore, give consideration to long-term space needs and, where practical, accommodate future demand by identifying more land than is needed in the near future.

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

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

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

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

EXPLANATION OF POLICY

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

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

1. Maritime development should occur within the economic opportunity areas sited in Section I of this LWRP. Although the Town does not serve as a harbor, there are opportunities for small marinas and attendant uses within the sites identified.
2. Any development action must be designed to protect significant waterfront views and vistas and other environmental features such as steep slopes and shoreline.
3. The proposed action must be in harmony with existing development in terms of the area's scale, intensity of use, and architectural style.

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

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

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

EXPLANATION OF POLICY

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

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

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

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

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

2. Future development shall be specifically encouraged in the specific areas identified for potential development on the proposed land use map.
3. Examine proposed development in areas not serviced by sanitary sewer systems (sections of the Irondequoit Bay, Sandbar, and Empire Blvd.) and encourage connections to public sewer systems if such extension can be accommodated in a cost-effective manner.
4. No development action shall take place at any location where accessway, planned or in place, are inadequate to accommodate peak traffic generated by the action.
5. Streets and highways serving the proposed site can safely accommodate peak traffic generated by the proposed development.
6. Stormwater runoff from the proposed site can be accommodated by on site and/or off site facilities.
7. The water needs (consumptive and firefighting) of the proposed development can be met by the existing water supply system.

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

EXPLANATION OF POLICY

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

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

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

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

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

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

EXPLANATION OF POLICY

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

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

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

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

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

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

- a) are essential to the survival of a large portion of a particular fish or wildlife population (e.g., feeding grounds, nursery areas);
- b) support populations of rare and endangered species;
- c) are found at a very low frequency within a coastal region;
- d) support fish and wildlife populations having significant commercial and/or recreational value; and,
- e) would be difficult or impossible to replace.

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

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

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

- * draining wetlands, ponds;
- * filling wetlands, shallow areas of streams, lakes, bays, estuaries;
- * grading land;
- * clear cutting;

- * dredging or excavation;
- * dredge spoil disposal;
- * physical alteration of shore areas through channelization or construction of shore structure; and,
- * introduction, storage or disposal of pollutants such as chemical, petrochemical, solid wastes, nuclear wastes, toxic material, pesticides, sewage effluent, urban and rural runoff, leachate of hazardous and toxic substances stored in landfills.

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

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

EXPLANATION OF POLICY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sanitary Code, Public Health Law (Article 3)

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

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

EXPLANATION OF POLICY

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

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

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

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

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

1. Consideration should be made by Federal and State agencies as to whether an action will impede existing or future utilization of the State's recreational fish and wildlife resources.
2. Efforts to increase access to recreational fish and wildlife resource should not lead to overutilization of that resource or cause impairment of the habitat. Sometimes, such impairment can be more subtle than actual physical damage to the habitat. For example, increased human presence can deter animals from using the habitat area.
3. The impacts of increasing access to recreational fish and wildlife resources should be determined on a case-by-case basis, consulting the significant habitat narrative (see Policy 7) and/or conferring with a trained fish and wildlife biologies.
4. Any public or private sector initiatives to supplement existing stocks (e.g., stocking a stream with fish reared in a hatchery) or develop new resources (e.g., creating private fee-hunting or fee-fishing facilities) must be done in accord with existing State law.

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

FLOODING AND EROSION HAZARDS POLICIES

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

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

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

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

EXPLANATION OF POLICY

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

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

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

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

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

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

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

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

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

EXPLANATION OF POLICY

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

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

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

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

- a. Guidelines

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

- (2) Clean sand or gravel of a compatible type and size is the only material which may be deposited within nearshore areas.
2. Beach Areas: The zone of unconsolidated material that extends landward from the mean low water line to a place where there is a marked change in a material or physiographic form, or to the line of premanent vegetation, or to the waterward toe of a dune, whichever is most waterward.
 - a. Guidelines
 - (1) Excavation or mining which diminishes the erosion protection afforded by beaches is prohibited.
 - (2) Clean sand or gravel of a compatible type and size is the only material which may be deposited within beach areas.
3. Steep Slopes: Steep slopes include all areas along Irondequoit Bay within a fifteen percent (15%) slope or greater including transitional zones at the top of slopes containing soils with moderate to severe limitations for development and recreational use and natural protective features as defined in NYCPR Part 505 regulations, Coastal Erosion Hazard Area Act.
 - a. Guidelines
 - (1) The construction of new buildings or structures, or additions to or modifications of existing buildings or structures, within area exceeding fifteen (15) percent slope are prohibited and allowed only upon issuance of an EPOD permit by the Planning Board.
 - (2) The following activities are allowed in accordance to predetermined standards and criteria:
 - (a) Clearing of or construction of a land area.
 - (b) Construction or placement of any sewage disposal system, including individual disposal systems.

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

EXPLANATION OF POLICY

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

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

1. Long-term maintenance programs presented to erosion protection structures should include specifications for normal maintenance of degradable materials and the periodic replacement of removable materials.
2. All material used in such structures must be durable and capable of withstanding inundation, wave impacts, weathering, ice damage, and other effects of storm condition.
3. The construction, modification, or restoration of erosion protection structures shall not have adverse effects on natural protective features and natural resources such as significant fish and wildlife habitats.

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

EXPLANATION OF POLICY

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

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

1. The construction, modification, or restoration of erosion protection structures must not cause any measurable increase in the erosion at the development site or other locations.
2. Activities should result in the minimal disturbance of vegetation and regeneration of appropriate vegetation to prevent increased erosion problems.
3. Any grading, excavating, or other soil disturbance conducted on a steep slope must not direct surface water runoff over the receding edge during construction.

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

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

EXPLANATION OF POLICY

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

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

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

EXPLANATION OF POLICY

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

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

- * The importance of the development or services provided to the community:
- * The danger which a proposed activity may present to both life and property:
- * The availability of alternative locations, not subject to flooding or erosion damage, for a given use; and

- * The necessity of a waterfront location for new development.

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

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

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

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

See Policies 11, 12 and 33.

EXPLANATION OF POLICY

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

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

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

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

Within identified Coastal Erosion Hazard Areas:

1. Use of minimum setbacks as provided for in Policy 12.
2. Strengthening of coastal landforms by such means as:

- a. Planting appropriate vegetation on dunes and bluffs:
- b. Reshaping bluffs to achieve an appropriate angle for repose so as to reduce the potential for slumping and to permit the planting of stabilizing vegetation; and,
- c. Installing drainage systems on bluffs to reduce runoff and internal seepage of waters which erode or weaken the landforms.

Within identified Flood Hazard Areas:

1. Avoidance of risk or damage from flooding by the siting of buildings outside the hazard area.
2. Flood-proofing of buildings or their elevation above the base flood level.

GENERAL POLICY

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

EXPLANATION OF POLICY

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

PUBLIC ACCESS POLICIES

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

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

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

EXPLANATION OF POLICY

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

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

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

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

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

- a. Access - the ability and right of the public to reach and use public coastal lands and waters.
- b. Public water related recreational resources or facilities - proposed boat launch and fishing piers at Sea Breeze.
- c. Public lands or facilities - lands or facilities held by State or local government in fee simple or less-than-fee simple ownership and to which the public has access or could have access, including underwater lands and the foreshore.

- d. A reduction in the existing level of public access - includes, but is not limited to, the following:
 - (1) The number of parking spaces at a public water-related recreation resource or facility is significantly reduced.
 - (2) The service level of public transportation to a public water-related recreation resource or facility is significantly reduced during peak season use and such reduction cannot be reasonably justified in terms of meeting system-wide objectives.
 - (3) Pedestrian access is diminished or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities.
 - (4) There are substantial increases in the following: already existing special fares (not including regular fares in any instance) of public transportation to a public water related recreation resource or facility, except where the public body having jurisdiction over such fares determines that such substantial fare increase are necessary; and/or admission fees to such a resource or facility, and an analysis showing that such increases will significantly reduce usage by individuals or families and incomes below the State government established poverty level.
 - e. An elimination of the possibility of increasing public access in the future includes, but is not limited to the following:
 - (1) Construction of public facilities which physically prevent the provision, except at great expense, of convenient public access to public water related recreation resources and facilities.
 - (2) Sale, lease, or other transfer of public lands that could provide public access to a public water related recreation resource or facility.
 - (3) Construction of private facilities which physically prevent the provision of convenient public access to public water-related recreation resources or facilities from public lands and facilities.
2. Any proposed project to increase public access to public water-related recreation resources and facilities shall be analyzed according to the following factors:
- a. The level of access to be provided should be in accord with estimated public use. If not, the proposed level of access to be provided shall be deemed inconsistent with the policy.
 - b. The level of access to be provided shall not cause a degree of use which would exceed the physical capability of the resource or

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

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

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

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

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

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

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

See Policy 19.

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

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

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

- a. (See definitions under first policy of "access," and "public lands or facilities".)
- b. A reduction in the existing level of public access - includes, but is not limited to, the following:

- (1) Pedestrian access is diminished or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities.
 - (2) Pedestrian access is diminished or blocked completely by public or private development.
 - c. An elimination of the possibility of increasing public access in the future - includes, but is not limited to, the following:
 - (1) Construction of public facilities which physically present the provision, except at great expense, of convenient public access to public water-related recreation resources and facilities.
 - (2) Sale, lease, or other conveyance of public lands that could provide public access to public coastal lands and/or waters.
 - (3) Construction of private facilities which physically prevent the provision of convenient public access to public coastal lands and/or waters from public lands and facilities.
2. The existing level of public access within public coastal lands or waters shall not be reduced or eliminated.
 - a. A reduction in the existing level of public access - includes, but is not limited to, the following:
 - (1) Access is reduced or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities.
 - (2) Access is reduced or blocked completely by any public developments.
3. Public access from the nearest public roadway to the shoreline and along the coast shall be provided by new land use or development, except where (a) it is inconsistent with public safety, military security, or the protection of identified fragile coastal resources; (b) adequate access exists within one-half mile; or (c) agriculture would be adversely affected. Such access shall not be required to be open to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.
4. The State will not undertake or fund any project which increases access to a water-related resource or facility that is not open to all members of the public.
5. In their plans and programs for increasing public access, State agencies shall give priority in the following order to projects located: within the boundaries of the Federal-Aid Metropolitan Urban Area and served by public transportation; within the boundaries of the

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

6. Proposals for increased public access to coastal lands and waters shall be analyzed according to the following factors:
 - a. The level of access to be provided should be in accord with estimated public use. If not, the proposed level of access to be provided shall be deemed inconsistent with the policy.
 - b. The level of access to be provided shall not cause a degree of use which would exceed the physical capability of the resource coastal lands. If this were determined to be the case, the proposed level of access to be provided shall be deemed inconsistent with the policy.

RECREATION POLICIES

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

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

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

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

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

EXPLANATION OF POLICY

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

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

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

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

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

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

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

EXPLANATION OF POLICY

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

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

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

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

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

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

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

HISTORIC AND SCENIC QUALITY POLICIES

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

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

EXPLANATION OF POLICY

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

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

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

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

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

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

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

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

- * EMPIRE BLVD. ON THE SOUTH END OF THE BAY;
- * THE SANDBAR AND BAY OPENING ON THE NORTH END OF THE BAY;

EXPLANATION OF POLICY

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

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

1. siting and imposition of height limitations on structures to maintain the scenic quality of the shoreline and to retain views to and from the shore;
2. clustering or orienting structures to retain views, and save open space;

3. removing deteriorated structures from the coastal landscape;
4. maintaining and adding vegetation to provide interest, encourage the presence of wildlife, blend into the site, maintain views and disguise unattractive elements;
5. using appropriate materials, in addition to vegetation, to screen unattractive elements;
6. using appropriate scales, forms and materials to ensure that buildings and other structures are compatible with and add interest to the landscape, and,
7. restricting signage.

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

AGRICULTURAL LANDS POLICY

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

ENERGY AND ICE MANAGEMENT POLICIES

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

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

EXPLANATION OF POLICY

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

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

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

WATER AND AIR RESOURCES POLICIES

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

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

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

EXPLANATION OF POLICY

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

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

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

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

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

EXPLANATION OF POLICY

The water quality classification for Irondequoit Bay should be maintained.

3. removing deteriorated structures from the coastal landscape;
4. maintaining and adding vegetation to provide interest, encourage the presence of wildlife, blend into the site, maintain views and disguise unattractive elements;
5. using appropriate materials, in addition to vegetation, to screen unattractive elements;
6. using appropriate scales, forms and materials to ensure that buildings and other structures are compatible with and add interest to the landscape, and,
7. restricting signage.

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

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EXPLANATION OF POLICY

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

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

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

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

EXPLANATION OF POLICY

The water quality classification for Irondequoit Bay should be maintained.

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

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

See Policy 30.

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

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

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

EXPLANATION OF POLICY

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

- * decreases in phosphorus in the Bay water can be predicted with reductions in stormwater phosphorus entering the Bay.
- * the largest amounts of runoff phosphorus per unit of land area are from urban areas of the Basin.
- * a combination of control measures to reduce runoff water quality problems in the Bay resulting from stormwater runoff are needed, including: use of the wetlands immediately upstream of the Bay as a natural "treatment" area; instream impoundments; improved erosion/runoff control regulation; use of additional wetlands throughout the watershed for natural treatment; and revision of current County, State, and municipal administrative arrangements to implement proposed control measures.

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

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

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

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

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

EXPLANATION OF POLICY

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

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

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

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

EXPLANATION OF POLICY

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

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

EXPLANATION OF POLICY

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

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

EXPLANATION OF POLICY

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

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

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

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

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

EXPLANATION OF POLICY

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

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

EXPLANATION OF POLICY

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

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

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

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

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

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

EXPLANATION OF POLICY

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

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

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

EXPLANATION OF POLICY:

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

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

NOT APPLICABLE

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

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

EXPLANATION OF POLICY

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

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

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

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

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

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

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

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

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