

SECTION V

TECHNIQUES FOR IMPLEMENTING THE PROGRAM

TECHNIQUES FOR LOCAL IMPLEMENTATION OF THE PROGRAM

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

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

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

There is also included separate descriptions relating to:

- * Methodology for meeting the legal requirements for local consistency;
- * Management structure and administrative procedures required to implement the Plan at the local level; and
- * Local financial resources for project implementation.

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

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

PART A

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

POLICY (1) and its Subpolicies:

(A) EXISTING LEGISLATION THAT IMPLEMENTS THESE POLICIES:

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

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

(B) ADDITIONAL LEGISLATION THAT IMPLEMENTS THESE POLICIES:

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

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

These permit review criteria include, among others:

- * Adequacy of site access and the traffic generating characteristics of the proposed use;
- * Adequacy of site utility service;
- * Relationship of the proposed use to existing natural features:
- * Adequacy of site fire protection service;
- * Relationship of the proposed use to bay water depth;
- * Relationship of the proposed use to the existing land-use and zoning pattern in the area; and
- * Relationship of the proposed use to specified site design considerations.

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

- * Subdivisions
- * Multi-family (High Rise Residential Development)
- * Restaurants; other commercial uses
- * Yacht Clubs, Marinas
- * Amusement Parks
- * Hotels, Motels, Boatels
- * Combination of permitted uses

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

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

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

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

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

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

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

These regulations require:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

POLICIES (2) and its Subpolicies:

(A) EXISTING LEGISLATION THAT IMPLEMENTS THESE POLICIES:

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

(B) ADDITIONAL LEGISLATION THAT IMPLEMENTS THESE POLICIES:

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

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

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

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

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

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

- * Adequacy of site access and the traffic generating characteristics of the proposed use;
- * Adequacy of site utility service;
- * Relationship of the proposed use to existing natural features;
- * Adequacy of site fire protection service;
- * Relationship of the proposed use to bay water depth;
- * Relationship of the proposed use to the existing land-use/zoning pattern in the area;
and
- * Relationship of the proposed use to specified site design considerations in the site plan review process.

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

- (*) Joint City and Town development of a park, including acquisition of land, within the Stutson Street/Thomas Avenue economic opportunity site that will increase public access to the Genesee River and will include water-oriented uses.
- (*) Utilization of Town-owned land, through sale or lease, within the Municipal Sewage Treatment Plant Site to accommodate a joint public/private venture which would integrate new development with an existing marina on the Genesee River to create a unique maritime complex.
- (*) Construction of a State-operated marina/harbor-of-refuge/boat launch on a 20-acre site at Sea Breeze near the Bay outlet to the Lake. A breakwall will be constructed on the western side of the channel and a jetty to the east will be built to accommodate fishing access. Comfort stations and parking areas will also be constructed.
- (*) Sale or lease of the 7-acre Town-owned municipal sewage treatment plant site in Sea Breeze in order to accommodate a major mixed-use waterfront center.
- (*) Public acquisition of some, if not all, of the residences located on the lakefront between the terminus of Culver Road and the Bay

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

- (* Development by the Town and County of the former Hojack line into a pedestrian walkway and bikepath.
- (* Realignment of the northern terminus of the Sea Breeze Expressway. This public infrastructure improvement would provide for a dramatic change in the image of the Sea Breeze waterfront area by providing an improved physical setting for existing businesses and encouraging new development.
- (* Expend \$1.75 million on Culver Road pavement and intersection improvements.
- (* Expend Town CDBG funds on a commercial revitalization program for commercial properties located along Culver Road.
- (* Convert a Town landfill site to a passive recreational facility.
- (* Upgrade Bay Park West by Monroe County to include new access from the Expressway, construction of fishing piers, boat launch, marina, picnic areas and additional parking facilities. Acquire and demolish old residences and other structures currently in a state of disrepair within the Park.
- (* Create a new sewer district in cooperation with the Town of Penfield, along Empire Boulevard.
- (* Initiate a Town code enforcement program for areas along Empire Boulevard to prevent illegal dumping, and construction or expansion of prohibited land uses.

POLICY (3):

NOT APPLICABLE.

POLICY (4) and its Subpolicies:

(A) EXISTING LEGISLATION THAT IMPLEMENTS THESE POLICIES:

Existing Town ordinances and legislation were not adequate to implement these LWRP policies and sub-policies. The commercial waterfront district in the Town Zoning Ordinance did not encourage, to the degree necessary, the development and enhancement of traditional uses and activities within the shorezone which would provide a strong economic base and a unique maritime identity within the LWRP boundary. In addition, the district had not been adequately utilized by the Town to promote the development of recreational facilities for boating and fishing activities in appropriate areas in the shorezone.

(B) PROPOSED LEGISLATION THAT IMPLEMENTS THESE POLICIES:

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

The new Waterfront Development District will permit a variety of appropriate water and/or recreation-oriented uses for specific areas along the shorelines of Lake Ontario and Irondequoit Bay. The District will permit the development, in appropriate areas, of such facilities as yacht clubs, marinas, marina-related retail sales, amusement parks, public parks, playgrounds and beaches within the LWRP boundary. The regulations in this new district include references to the permit review criteria to be used in reviewing certain proposed developments, as well as additional site design standards and site environmental factors used in reviewing all proposed development plans in the district. The permit review criteria and site design considerations ensure the protection of unique/important scenic vistas and environmental features and will ensure that proposed development is constructed in harmony with existing development in terms of scale, intensity of use, architectural style, etc.

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

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

- (3) Adopt a new Open Space District to be included in the TOWN ZONING ORDINANCE.

The new Open Space District will be based on recommendations contained in the Town of Irondequoit Draft Master Plan now under review. The District will include all recreational sites and areas owned by the Town, County or State. The District is designed to further protect and preserve these areas and to allow for possible future expansion and/or development.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

POLICY (5) and its Subpolicies:

(A) EXISTING LEGISLATION THAT IMPLEMENTS THESE POLICIES:

Chapter 31 of the Town Municipal Code (Subdivision Regulations) and Chapter 46 of the Town Municipal Code (Sanitary Sewers) are adequate to implement Policy (5). These chapters require the use of public sewer systems for new development in the Town when such sewers are available, and also outline engineering requirements for sewers and septic tanks constructed to service new development. Existing Town ordinances and legislation were not adequate to implement LWRP Policies (5A) and (5B).

(B) ADDITIONAL LEGISLATION THAT IMPLEMENTS THESE POLICIES:

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

The new Waterfront Development District includes references to permit review criteria used to ensure that public services and facilities essential to new development in a particular area within the LWRP boundary (including such things as site access and site utility service) are adequate before such development is permitted.

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

The new Town Planning Board Section contains detailed site plan review procedures for all development proposals within the LWRP. The section contains the permit review criteria that is utilized to ensure that new development is adequately serviced by utilities and public roads.

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

None required or identified.

POLICY 6 and its Subpolicies:

(A) EXISTING LEGISLATION THAT IMPLEMENTS THESE POLICIES:

Existing Town ordinances and legislation were not adequate to implement these LWRP policies and subpolicies. Existing Town ordinances and legislation were not written in sufficient detail, nor did they exist in such a way to expedite the permit review process for new development proposed within the LWRP boundary. Permit review requirements and development criteria for activities proposed within Town wetland and floodplain areas, as well as procedures for the environmental review of proposed projects were contained outside of the Town Zoning Ordinance and not specifically coordinated with potential site plan review procedures. In

addition, there were few specific references in existing Town ordinances and legislation to State and/or federal review procedures, and to the coordination of those procedures with the local review process.

(B) ADDITIONAL LEGISLATION THAT IMPLEMENTS THESE POLICIES:

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

The new Town Planning Board Section contains detailed site plan review procedures for all development proposals within the LWRP area. The Section outlines a step-by-step process that is utilized to review all development applications and to grant or deny development permits. Mandated State and/or federal reviews of proposed projects are incorporated into the local review process through the procedures of this section.

(2) Replace CHAPTER 32 (FLOOD DAMAGE PROTECTION) and CHAPTER 38 (WETLANDS) of the TOWN MUNICIPAL CODE with new Environmental Protection Overlay Districts within CHAPTER 130 (TOWN ZONING ORDINANCE).

The new Environmental Protection Overlay Districts includes a uniform permit application and review procedure for development activities proposed within designated floodplain, wetland, steep slope, watercourse, woodlot, fish/wildlife habitat and aesthetic/cultural resource areas. This detailed application and review procedure is contained within the Town Zoning Ordinance and includes requirements for data submission by the applicant, Town review for this information, a public hearing process and the review of requests for permits. This process is coordinated with the appropriate State and/or federal reviews of development permit applications.

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

None required or identified.

POLICY (7) and its Subpolicies:

(A) EXISTING LEGISLATION THAT IMPLEMENTS THESE POLICIES:

Existing Town ordinances and legislation were not adequate to implement these LWRP policies and subpolicies. The existing Town Wetlands Ordinance (Chapter 38) was not written in sufficient detail to adequately identify and protect wetland areas within the Town's LWRP boundary, particularly along the shoreline of Irondequoit Bay. In addition, the review procedures contained in Chapter 38 were not sufficiently coordinated with other Town and/or State review activities. Other significant fish and wildlife habitats within the Town's LWRP boundary were not identified in

existing Town legislation and regulations for their protection and enhancement have not been provided.

(B) ADDITIONAL LEGISLATION THAT IMPLEMENTS THESE POLICIES:

- (1) Establish a new Environmental Protection Overlay District within CHAPTER 130 (TOWN ZONING ORDINANCE) for all woodlot areas contained within the LWRP.

The new Environmental Protection Overlay District includes specific regulations and review procedures for development proposed within designated woodlot areas. Development activities are limited and subject to a permit procedure. By preserving woodlot areas within the LWRP boundary, important wildlife habitat areas will also be preserved and protected.

- (2) Replace SECTION 130.72 of the TOWN ZONING ORDINANCE with a new Town Planning Board Section.
The new Town Planning Board Section contains the permit review criteria that is utilized to approve or deny development proposals for certain uses. These criteria include the consideration of potential impacts of the proposed development on significant fish and wildlife habitats identified within the LWRP boundary. Projects that do not attempt to mitigate these impacts are not granted development permits.
- (3) Revise Chapter 37 (ENVIRONMENTAL QUALITY REVIEW) of the TOWN MUNICIPAL CODE to specifically include development activities within designated fish and wildlife habitats as potential Type I actions that may require the preparation of an environmental impact statement.

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

None required or identified.

POLICY (8):

(A) EXISTING LEGISLATION THAT IMPLEMENTS THIS POLICY:

Existing local and State legislation is adequate. Existing Town ordinances or legislation that implement this LWRP Policy include Chapter 130 of the Town Municipal Code and Chapter 46 of the Town Municipal Code. Chapter 130 (Town Zoning Ordinance) Section 130.63 prohibits dumping of waste, refuse or any other substance within the Town without a permit. Chapter 46 (Sanitary sewers) Section 46.21 prohibits unsanitary disposal of wastes while Section 46.22 prohibits discharge of untreated sewage. Chapter 174 of the Town Municipal Code (Waterways) prohibits dumping of any waste, refuse, garbage, or similar substances into the streams, tributaries or waterways within the jurisdiction of the Town. In addition, the

Town of Irondequoit recognizes those State laws listed under Policy 8 in Section III as implementation measures for this Policy.

(B) ADDITIONAL LEGISLATION THAT IMPLEMENTS THIS POLICY:

None required or identified.

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

None required or identified.

POLICY (9) and its Subpolicies:

(A) EXISTING LEGISLATION THAT IMPLEMENTS THESE POLICIES:

Existing Town ordinances and legislation were not adequate to implement these LWRP policies and subpolicies. Use of the existing commercial waterfront district contained within the Town's Zoning Ordinance did not provide for sufficiently increased access to fish and wildlife resources, as well as to active and passive recreational areas, in light of the opening of Irondequoit Bay to Lake Ontario.

(B) ADDITIONAL LEGISLATION THAT IMPLEMENTS THESE POLICIES:

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

The new Waterfront Development District permits a variety of appropriate water and/or recreation-oriented uses for specific areas along the shorelines of Lake Ontario and Irondequoit Bay. These uses include yacht clubs, marinas, parks, beaches and associated facilities that will permit increased access to Irondequoit Bay and Lake Ontario fish and wildlife resources. In addition, this new district will require that adequate access is provided to the shorezone, where practical and feasible within these new developments, and that adequate vehicular access can be provided to the site.

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

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

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

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

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

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

POLICY (10):

NOT APPLICABLE.

POLICY (11) and its Subpolicies:

(A) EXISTING LEGISLATION THAT IMPLEMENTS THESE POLICIES:

Existing Town ordinances and legislation were not adequate to implement these LWRP policies and subpolicies. The existing Town Flood Damage Protection Ordinance (Chapter 32) was not written in sufficient detail to adequately identify and protect floodplain areas within the Town's LWRP boundary. In addition, the review procedures contained in Chapter 32 were not sufficiently coordinated with other Town and/or federal review activities.

(B) ADDITIONAL LEGISLATION THAT IMPLEMENTS THESE POLICIES:

(1) Replace CHAPTER 32 (FLOOD DAMAGE PROTECTION) of the TOWN MUNICIPAL CODE with a new Environmental Protection Overlay District with CHAPTER 130 (TOWN ZONING ORDINANCE).

The new Environmental Protection Overlay District include specific regulations and review procedures for development proposed within designated 100-year floodplain areas. Development activities will be severely limited and will conform to the requirements of the National Flood Insurance Program. Enlargement or re-use of pre-existing, non-conforming uses within this district will also be prohibited.

(2) Establish new Environmental Protection Overlay Districts within CHAPTER 130 (TOWN ZONING ORDINANCE) for all steep slope areas and coastal erosion hazard areas contained within the LWRP.

The new Environmental Protection Overlay Districts includes specific regulations and review procedures for development

proposed within designated steep slope areas, as well as designated Coastal Erosion Hazard Areas. Development activities will be severely limited in these areas. Developers will be required to ensure the stability of slopes and soils during and after construction activities. Steep slopes will include all areas with a vertical slope of 15 percent or greater, as well as a transition or buffer zone.

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

None required or identified.

POLICY (12) and its Subpolicies:

(A) EXISTING LEGISLATION THAT IMPLEMENTS THESE POLICIES:

Existing Town ordinances and legislation were not adequate to implement these LWRP policies and subpolicies. Requirements for the preservation of natural flood protection features such as beaches, dunes, barrier islands and bluffs, were not included in existing Town ordinances or legislation. The existing Chapter 36 (Excavations) of the Town Municipal Code contained inadequate provisions to protect steep slope areas and to control erosion and sedimentation problems within the shorezone. (Incidental excavations of up to 500 cubic yards of material are permitted without a permit.)

(B) ADDITIONAL LEGISLATION THAT IMPLEMENTS THESE POLICIES:

(1) Replace CHAPTER 32 (FLOOD DAMAGE PROTECTION of the TOWN MUNICIPAL CODE with a new Environmental Protection Overlay District within CHAPTER 130 (TOWN ZONING ORDINANCE), and insert a new Environmental Overlay District to protect Coastal Erosion Hazard Areas, to be submitted as part of the Town's LWRP.

The new Environmental Protection Overlay District includes specific regulations and review procedures for development proposed within designated 100-year floodplain areas. Development activities will be severely limited and will conform to the requirements of the National Flood Insurance Program. These districts will also include provisions for the preservation of natural flood protection features such as beaches, dunes, barrier islands and bluffs. For instance, primary sand dunes will be protected from all encroachments that could impair their natural protective capacities.

(2) Establish a new Environmental Protection Overlay District within CHAPTER 130 (TOWN ZONING ORDINANCE) for all steep slope areas contained within the LWRP.

The new Environmental Protection Overlay District includes specific regulations and review procedures for development

proposed within designated steep slope areas. Development activities will be severely limited in these areas. Developers will be required to ensure the stability of slopes and soils during and after construction activities. Steep slopes will include all areas with a vertical slope of 15 percent or greater, as well as a transition or buffer zone. Development activities will include clearing of vegetation, discharge of stormwater, filling cutting, grading and excavating.

(3) Establish a new Environmental Protection Overlay District within CHAPTER 130 (TOWN ZONING ORDINANCE) for all watercourse and beach areas contained within the LWRP.

The new Environmental Protection Overlay District includes specific regulations and review procedures for development proposed within designated watercourse and beach areas within the LWRP boundary.

(4) Establish a new Drainage, Erosion and Sedimentation Control Ordinance within the TOWN MUNICIPAL CODE.

The new Drainage, Erosion and Sedimentation Control Ordinance includes uniform erosion, sedimentation and stormwater runoff control standards that will be applied to all development activities within the LWRP boundary. These measures will further ensure the stability of steep slope areas.

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

None required or identified.

POLICY (13):

(A) EXISTING LEGISLATION THE IMPLEMENTS THIS POLICY:

Existing Town ordinances and legislation were not adequate to implement these LWRP policies and subpolicies. Requirements for the construction or reconstruction of erosion protection structures were not included in existing Town ordinances or legislation. General requirements for the protection of steep slope areas were also not included in existing Town ordinances or legislation. The existing Chapter 36 (Excavations) of the Town Municipal Code contains inadequate provisions to protect steep slope areas and to control erosion and sedimentation problems within the shorezone.

(B) ADDITIONAL LEGISLATION THAT IMPLEMENTS THIS POLICY:

(1) Establish a new Drainage, Erosion and Sedimentation Control Ordinance within the TOWN MUNICIPAL CODE.

The new Drainage, Erosion and Sedimentation Control Ordinance includes uniform erosion, sedimentation and stormwater runoff control standards that will be applied to all development activities within the LWRP boundary. These measures will further ensure the stability of steep slope areas.

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

None required or identified.

POLICY (14):

(A) EXISTING LEGISLATION THAT IMPLEMENTS THIS POLICY:

Existing Town ordinances and legislation were not adequate to implement this LWRP policy. Requirements for the construction or reconstruction of erosion protection structures were not included in existing Town ordinances or legislation. General requirements for the protection of steep slope areas also were not included in existing Town ordinances or legislation. The existing Chapter 36 (Excavations) of the Town Municipal Code contains inadequate provisions to protect steep slope areas and to control erosion and sedimentation problems within the shorezone.

(B) ADDITIONAL LEGISLATION THAT IMPLEMENTS THIS POLICY:

(1) Establish a new Environmental Protection Overlay District within CHAPTER 130 (TOWN ZONING ORDINANCE) for all steep slope areas contained within the LWRP.

The new Environmental Protection Overlay District includes specific regulations and review procedures for development proposed within designated steep slope areas, as well as designated Coastal Erosion Hazard Areas. Development activities will be severely limited in these areas. Developers will be required to ensure the stability of slopes and soils during and after construction activities. Steep slopes will include all areas with a vertical slope of 15%, or greater as well as a transition or buffer zone. Development activities will include clearing of vegetation, discharge of stormwater, filling, cutting, grading and excavating.

(2) Establish a new Drainage, Erosion and Sedimentation Control Ordinance within the TOWN MUNICIPAL CODE.

The new Drainage, Erosion and Sedimentation Control Ordinance includes uniform erosion, sedimentation and stormwater runoff control standards that will be applied to all development activities within the LWRP boundary. These measures will further ensure the stability of steep slope areas. A series of

best management practices (BMP's) will be included in the Ordinance to ensure that potential negative impacts of development activities on Bay and Lake water quality through non-point discharge are minimized during and after project construction.

(3) Establish a new Environmental Protection Overlay District within Chapter 130 (Town Zoning Ordinance) for all Coastal Erosion Hazard Areas contained within the LWRP.

The new Environmental Protection Overlay District includes provisions for the long-term maintenance of erosion protection structures within the LWRP boundary.

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

None required or identified.

POLICY (15):

(A) EXISTING LEGISLATION THAT IMPLEMENTS THIS POLICY:

Existing State regulations are adequate to implement this LWRP policy. The New York State Department of Environmental Conservation regulates dredging activities in shoreline and wetland areas. These regulations are comprehensive in a nature and address actions according to their potential to interfere with the natural coastal processes which supply beach materials, as well as their potential for increasing soil erosion and sedimentation.

(B) ADDITIONAL LEGISLATION THAT IMPLEMENTS THIS POLICY:

None required or identified.

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

None required or identified.

POLICY (16):

(A) EXISTING LEGISLATION THAT IMPLEMENTS THIS POLICY:

There were no existing Town ordinances or legislation that implement this LWRP policy.

(B) ADDITIONAL LEGISLATION THAT IMPLEMENTS THIS POLICY:

(1) The Town Board of the Town of Irondequoit adopted an Official Policy Statement regarding the use of public funds to construct

erosion protection structures for existing or new development within the LWRP boundary. This policy statement recognized the need for public investment in erosion protection in order to sustain existing development and to encourage new development within the shorezone. The policy statement also recognizes, however, the need for a careful analysis of the long-term costs and benefits of using public funds to construct such erosion protection structures.

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

None required or identified.

POLICY (17) and its Subpolicies:

(A) EXISTING LEGISLATION THAT IMPLEMENTS THESE POLICIES:

Existing Town ordinances and legislation were not adequate to implement these LWRP policies and subpolicies. Requirements for the construction or reconstruction of erosion protection structures, either structural or non-structural, were not included in existing Town ordinances or legislation. General requirements for the protection of steep slope areas were also not included in existing Town ordinances or legislation. The existing Chapter 36 (Excavations) of the Town Municipal Code contains inadequate provisions to protect steep slope areas and to control erosion and sedimentation problems within the shorezone. The existing Town Flood Damage Protection Ordinance (Chapter 32) is not written in sufficient detail to adequately identify and protect floodplain areas within the Town's LWRP boundary.

(B) ADDITIONAL LEGISLATION THAT IMPLEMENTS THESE POLICIES:

(1) Replace CHAPTER 32 (FLOOD DAMAGE PROTECTION) of the TOWN MUNICIPAL CODE with a new Environmental Protection Overlay District within CHAPTER 130 (TOWN ZONING ORDINANCE).

The new Environmental Protection Overlay District includes specific regulations and review procedures for development proposed within designated 100-year floodplain areas. Development activities will be severely limited and will conform to the requirements of the National Flood Insurance Program. Any buildings that receive a permit and are constructed within the 100-year floodplain will be required to be floodproofed or to be constructed above the base flood level.

(2) Establish a new Environmental Protection Overlay District within CHAPTER 130 (TOWN ZONING ORDINANCE) for all steep slope areas contained within the LWRP area.

The new Environmental Protection Overlay District includes specific regulations and review procedures for development proposed within designated steep slope areas. Development activities will be severely limited in these areas. Developers will be required to ensure the stability of slopes and soils during and after construction activities. Development activities will include clearing of vegetation, discharge of stormwater, filling, cutting, grading and excavating. Buildings will be required to be setback from steep slope areas and non-structural management measures will be promoted to prevent damage to natural resources and property.

(3) Establish a new Drainage, Erosion and Sedimentation Control Ordinance within the TOWN MUNICIPAL CODE.

The new Drainage, Erosion and Sedimentation Control includes uniform erosion sedimentation and stormwater runoff control standards that will be applied to all development activities within the LWRP boundary. These measures will further ensure the stability of steep slope areas. The new ordinance also promotes the use of non-structural management measures to control site erosion, drainage and stormwater runoff.

(4) Establish a new Environmental Protection Overlay District within Chapter 130 (Town Zoning Ordinance) for all Coastal Erosion Hazard Areas contained within the LWRP.

The new Environmental Protection Overlay District includes provisions for the long-term maintenance of erosion protection structures within the LWRP boundary.

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

None required or identified.

POLICY (18):

(A) EXISTING LEGISLATION THAT IMPLEMENTS THIS POLICY:

Existing Town ordinances and legislation that implement this LWRP policy have not been identified.

(B) ADDITIONAL LEGISLATION THAT IMPLEMENTS THIS POLICY:

None required or identified.

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

None required or identified.

POLICY (19) and its Subpolicies:

(A) EXISTING LEGISLATION THAT IMPLEMENTS THESE POLICIES:

There are no specific Town ordinances or legislation that implement these LWRP policies and sub-policies. Regulations that provide for public access to the shorezone or outline design criteria for such access are not included in existing development review procedures. In addition, existing site plan review procedures do not specifically take into account the adequacy of proposed public access to the site.

(B) ADDITIONAL LEGISLATION THAT IMPLEMENTS THESE POLICIES:

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

The new Town Planning Board Section contains site plan review procedures for all development proposals within the LWRP area. Criteria are established within these procedures (site design considerations and permit review criteria) that can be used to provide for increased public access to the bayshore as a part of the development approval process.

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

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

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

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

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

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

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

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

POLICY (20):

(A) EXISTING LEGISLATION THAT IMPLEMENTS THIS POLICY:

There were no specific Town ordinances or legislation that implemented this LWRP policy. Regulations that provide for public access to the shorezone or outline design criteria for such access were not included in existing development review procedures. In addition, existing site plan review procedures did not specifically take into account the adequacy of proposed public access to the site.

(B) ADDITIONAL LEGISLATION THAT IMPLEMENTS THIS POLICY:

(1) The Town Board of the Town of Irondequoit adopted an Official Policy Statement regarding the provision of public access to the publicly-owned foreshore, and to lands immediately adjacent to the foreshore. This policy statement recognizes the various State-endorsed methods of providing public access within the LWRP and outlines the requirements for, and regulations concerning the provision of such access.

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

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

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

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

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

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

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

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

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

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

POLICY (21):

(A) EXISTING LEGISLATION THAT IMPLEMENTS THIS POLICY:

Existing Town ordinances and legislation were not adequate to implement this LWRP policy. The Commercial Waterfront District contained within the Town's Zoning Ordinance did not permit an acceptable range of waterfront and/or recreation-oriented uses, nor did it adequately regulate permitted uses in terms of potential environmental impacts. The District permitted some uses which were unacceptable in or inappropriate for waterfront areas.

(B) ADDITIONAL LEGISLATION THAT IMPLEMENTS THIS POLICY:

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

The new Waterfront Development District permits a variety of appropriate water and/or recreation-oriented uses for specific areas along the shorelines of Lake Ontario and Irondequoit Bay. The regulations in this new district include references to the permit review criteria to be used in reviewing certain proposed developments, as well as additional site design standards and site environmental factors to be used in reviewing all proposed development plans in the District.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

POLICY (22) and its Subpolicies:

(A) EXISTING LEGISLATION THAT IMPLEMENTS THESE POLICIES:

Existing Town ordinances and legislation were not adequate to implement these LWRP policies. The Commercial Waterfront District contained within the Town's Zoning Ordinance did not permit an acceptable range of waterfront and/or recreation-oriented uses, nor did it adequately regulate permitted uses in terms of potential environmental impacts. The District permitted some uses which were unacceptable in or inappropriate for waterfront areas. There were no specific requirements within the Town's Zoning Ordinance to provide for and/or maintain water-related recreation facilities as a part of the review and approval site development plans. In addition, there were no specific requirements within the Town's Zoning Ordinance to provide and/or maintain such waterfront features as boat moorings and docks, recreation easements, waterfront walks and bikeways.

(B) ADDITIONAL LEGISLATION THAT IMPLEMENTS THIS POLICIES:

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

The new Waterfront Development District permits a variety of appropriate water and/or recreation-oriented uses for specific areas along the shorelines of Lake Ontario and Irondequoit Bay. The regulations in this new district will include references to the permit review criteria to be used in reviewing certain proposed developments, as well as additional site design standards and site environmental factors to be used in reviewing all proposed development plans in the District. This district will also permit water-related recreational facilities when such uses are compatible with reasonably anticipated demand and can be appropriately accommodated on the proposed site.

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

The new Town Planning Board Section contains detailed site plan review procedures for all development proposals within the LWRP area, contains the permit review criteria that will be utilized to approve or deny development proposals for certain uses, and contains references to additional site design standards and site environmental factors that must be reviewed for all proposed waterfront development within the LWRP boundary. The permit review criteria will be utilized to determine how the proposed development relates to the shorezone in general, how the proposed development relates to the architectural and aesthetic aspects of the area, and the relationship of the proposed use to several site design considerations. The site design considerations contained in this new section will outline criteria for the development of such facilities as boat moorings and docks, waterfront walks, bikeways, etc.

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

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

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

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

fishing access. Comfort stations and parking areas will also be constructed.

(* Sale or lease of the 4.7 acre Town-owned abandoned sewage treatment plant site in Sea Breeze in order to accommodate a mixed-use waterfront center. (This site has recently been sold to the Seabreeze Coaster Corp. for expansion of its' adjacent amusement center)

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

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

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

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

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

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

POLICY (23):

(A) EXISTING LEGISLATION THAT IMPLEMENTS THIS POLICY:

Existing Town ordinances and legislation were not adequate to implement this LWRP Policy. The existing Town site plan review procedures did not require the identification and/or protection of historical buildings, or structures, or significant archeological or cultural areas within proposed development sites.

(B) ADDITIONAL LEGISLATION THAT IMPLEMENTS THIS POLICY:

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

The new Town Planning Board Section contains detailed site plan review procedures for all development proposals within the LWRP and contains the permit review criteria that is utilized to approve or deny development proposals for certain uses. These criteria require the identification of any significant historic structures or archeological or cultural areas within the site. The criteria will also be utilized to determine whether or not the proposed development impacts any of those buildings or areas. If the proposed project does impact one of the structures or areas identified, then mitigation measures to protect that area or structure must be taken or else the permit will be denied.

(2) Revise CHAPTER 37 (ENVIRONMENTAL QUALITY REVIEW) of the TOWN MUNICIPAL CODE to specifically include as potential Type I actions those development activities within historic, archeological or cultural areas identified as significant and/or important within the LWRP boundary. These activities may then require the preparation of an environmental impact statement as part of the overall Town review process. These changes will be submitted as a part of the Town's LWRP.

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

Not required or identified.

(24) POLICY (24):

NOT APPLICABLE.

POLICY (25):

(A) EXISTING LEGISLATION THAT IMPLEMENTS THIS POLICY:

(1) Section 281 (cluster development) (1f) Existing Town ordinances and legislation were not adequate to implement this LWRP Policy. The existing Town site plan review procedures did not require the identification and/or protection within proposed development sites, of natural and man-made resources which contribute to the overall scenic quality of the shorezone area.

(B) ADDITIONAL LEGISLATION THAT IMPLEMENTS THIS POLICY:

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

This section contains detailed site plan review procedures for all development proposals with the LWRP and contains the permit review criteria that will be utilized to approve or deny development proposals for certain uses. These criteria will require the

identification of any significant scenic views and vistas within or near the site. The criteria will also be utilized to determine whether or not the proposed development impacts these scenic views or vistas. If the proposed project does not impact these areas, then mitigation measures to protect those areas must be taken or else the permit will be denied. In addition, site design considerations contained in this new section will outline recommended building heights, provisions for landscaping, vegetation and screening that complement the aesthetic quality of the shorezone.

Section 281 of New York State Town Law permits Town Planning Boards to modify dimensional/setback/lot coverage requirements of a town zoning ordinance for certain types of development, in order to preserve and protect sensitive environmental areas and to "cluster" development away from these areas. The proposed legislation will allow the Town of Irondequoit Planning Board to utilize these procedures so that open space areas and significant scenic views and vistas will be protected from development pressures within the LWRP boundary.

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

None required or identified.

POLICY (26):

NOT APPLICABLE.

POLICY (27):

NOT APPLICABLE.

POLICY (28):

NOT APPLICABLE.

POLICY (29):

NOT APPLICABLE.

POLICY (30) and its Subpolicies:

(A) EXISTING LEGISLATION THAT IMPLEMENTS THESE POLICIES:

Existing Town ordinances or legislation that implement these LWRP policies include Chapter 130 of the Town Municipal Code and Chapter 46 of the Town Municipal Code. Chapter 130 (Town Zoning Ordinance) Section 130.63 prohibits dumping of waste, refuse or any other substance within the Town without a permit. Chapter 46 (Sanitary Sewers) Section 46.21 prohibits unsanitary disposal of wastes while

Section 46.22 prohibits discharge of untreated sewage. Chapter 174 of the Town Municipal Code (Waterways) prohibits dumping of waste, refuse, garbage or similar materials into the streams, tributaries or waterways under the jurisdiction of the Town. In addition, the Town of Irondequoit recognizes those State laws listed under Policy 8 in Section III as implementation measures for these policies. The Monroe County Health Department monitors discharge of effluent from sewage disposal systems of less than 1,000 gallons per day to ensure compliance with State and Federal water quality standards. The New York State Department of Environmental Conservation monitors discharge of effluent from sewage disposal systems of greater than 1,000 gallons per day to ensure compliance with State and Federal water quality standards.

(B) ADDITIONAL LEGISLATION THAT IMPLEMENTS THESE POLICIES:

(1) Establish a new Drainage, Erosion and Sedimentation Control Ordinance with the TOWN MUNICIPAL CODE.

The new Drainage, Erosion and Sedimentation Control Ordinance includes uniform erosion, sedimentation and stormwater runoff control standards that will be applied to all development activities within the LWRP boundary. These measures will ensure that surface and ground water runoff will be controlled as much as possible, and that water quality impacts of such runoff will be reduced as much as possible.

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

(1) Recommend the implementation of a two-phased strategy led by Monroe County to achieve the goal of improving the water quality of Irondequoit Bay and its tributary streams. The proposed Water Quality Management Plan for the Irondequoit Basin contains a two-phased strategy for improving the Basin's water quality that consists of water quality improvement techniques, an administrative leader and staff, financing methods, and intergovernmental cooperation components.

POLICY (31) and its Subpolicies:

(A) EXISTING LEGISLATION THAT IMPLEMENTS THESE POLICIES:

Existing Town ordinances and legislation were not adequate to implement these LWRP policies and subpolicies. There were no provisions within Town ordinances or legislation to consider the impact of proposed development activities on Irondequoit Bay and Lake Ontario water quality.

(B) ADDITIONAL LEGISLATION THAT IMPLEMENTS THESE POLICIES:

(1) Establish a new Drainage, Erosion and Sedimentation Control

Ordinance with the TOWN MUNICIPAL CODE.

The new Drainage, Erosion and Sedimentation Control Ordinance includes uniform erosion, sedimentation and stormwater runoff control standards that will be applied to all development activities within the LWRP boundary. These measures will ensure that surface and ground water runoff will be controlled as much as possible, and that water quality impacts of such runoff will be reduced as much as possible.

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

The new Town Planning Board Section contains detailed site plan review procedures for all development proposals within the LWRP area, contains the permit review criteria that is utilized to approve or deny development proposals for certain uses. These criteria will require that the potential impacts of a proposed development on Lake Ontario and/or Irondequoit Bay water quality be considered and weighed against the feasibility of providing any mitigation measures to control such impacts. Permits will be denied for those development projects which significantly impact Bay and/or Lake water quality and that cannot or do not provide appropriate mitigation measures.

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

None required or identified.

POLICY (32):

NOT APPLICABLE.

POLICY (33) and its Subpolicies:

(A) EXISTING LEGISLATION THAT IMPLEMENTS THESE POLICIES:

Existing Town ordinances and legislation were not adequate to implement these LWRP policies and subpolicies. There were no existing Town ordinances or legislation that adequately controlled stormwater runoff or reduced erosion and sedimentation during and after project construction, with the possible exception of the Town's Subdivision and Public Works Regulations (Chapter 31) contained in the Town Municipal Code. However, these requirements only apply to residential subdivision developments. The existing Excavations Ordinance (Chapter 36) contained within the Town Municipal Code did not address these issues in a comprehensive fashion.

(B) ADDITIONAL LEGISLATION THAT IMPLEMENTS THESE POLICIES:

(1) Establish a new Drainage, Erosion and Sedimentation Control Ordinance with the TOWN MUNICIPAL CODE.

The new Drainage, Erosion and Sedimentation Control Ordinance includes uniform erosion, sedimentation and stormwater runoff control standards that will be applied to all development activities within the LWRP boundary. These measures will ensure that surface and ground water runoff will be controlled as much as possible and that water quality impacts of such runoff will be reduced as much as possible. In addition, this new ordinance contains water quality performance standards designed to reduce potential negative impacts of development activities on Bay and Lake water quality.

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

None required or identified.

POLICY (34) and its Subpolicies:

(A) EXISTING LEGISLATION THAT IMPLEMENTS THESE POLICIES:

Chapter 174 of the Town Municipal Code (Waterways) prohibits dumping of waste, refuse, garbage or similar materials into the streams, tributaries or waterways under the jurisdiction of the Town.

(B) ADDITIONAL LEGISLATION THAT IMPLEMENTS THESE POLICIES:

(1) Adoption of new Water Surface Use Regulations.

The new Water Surface Use Regulations have been developed by the Irondequoit Bay Coordinating Committee. Its work addresses such issues as the speed and operation of vessels within 300 feet of the shoreline and within 500 feet of any marinas or boat mooring areas; the reduction of the anticipated conflicts between recreational uses in the near shore area the reduction of wake effects on private property and environmentally-sensitive areas; the prohibition of the release of waste, garbage or hazardous materials from boats operating on Irondequoit Bay and/or Lake Ontario in order to generally protect the public health, safety and welfare and to preserve the natural beauty and water quality of the Bay and Lake areas.

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

None required or identified.

POLICY (35):

(A) EXISTING LEGISLATION THAT IMPLEMENTS THIS POLICY:

Existing State legislation is adequate. The New York State Department of Environmental Conservation will issue dredging permits only when it has been determined that the anticipated adverse impacts of such activities have been reduced to acceptable levels which satisfy state dredging permit standards as set forth in regulations developed pursuant to the State Environmental Conservation Law.

(B) ADDITIONAL LEGISLATION THAT IMPLEMENTS THIS POLICY:

None required or identified.

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

None required or identified.

POLICY (36):

(A) EXISTING LEGISLATION THAT IMPLEMENTS THIS POLICY:

Existing State and Federal regulations are adequate. There is currently no storage, treatment and/or disposal of hazardous wastes within the Town's LWRP boundary. No activity will occur within the coastal zone which will produce such hazardous wastes, as defined by Article 27.

(B) ADDITIONAL LEGISLATION THAT IMPLEMENTS THIS POLICY:

None required or identified.

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

None required or identified.

POLICY (37):

(A) EXISTING LEGISLATION THAT IMPLEMENTS THIS POLICY:

Existing Town ordinances and legislation were not adequate to implement this LWRP policy. Adequate erosion and sedimentation control measures and best management practices (BMP's) to minimize non-point discharge of nutrients, organics and/or eroded soils are not included in any existing Town legislation.

(B) ADDITIONAL LEGISLATION THAT IMPLEMENTS THIS POLICY:

(1) Establish a new Drainage, Erosion and Sedimentation Control Ordinance with the TOWN MUNICIPAL CODE.

The new Drainage, Erosion and Sedimentation Control Ordinance includes uniform erosion, sedimentation and stormwater runoff control standards that will be applied to all development activities within the LWRP boundary. These measures will ensure that surface and ground water runoff will be controlled as much as possible and that water quality impacts of such runoff will be reduced as much as possible. In addition, this new ordinance will contain water quality performance standards designed to reduce potential negative impacts of development activities on Bay and Lake water quality. A series of best management practices (BMP's) will be referenced in the ordinance to ensure that potential negative impacts of development activities on Bay and Lake water quality through non-point discharge are minimized during and after project construction.

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

None required or identified.

POLICY (38):

(A) EXISTING LEGISLATION THAT IMPLEMENTS THESE POLICY:

Chapter 174 of the Town Municipal Code (Waterways) prohibits dumping of waste, refuse, garbage or similar materials into the streams, tributaries or waterways under the jurisdiction of the Town. However, adequate erosion and sedimentation control measures and best management practices (BMP's) that will minimize point and non-point discharge of nutrients, organics and/or eroded soils and that will help maintain the quantity and quality of surface water and groundwater supplies in the Town were not included in any Town legislation.

(B) ADDITIONAL LEGISLATION THAT IMPLEMENTS THIS POLICY:

(1) Establish a new Drainage, Erosion and Sedimentation Control Ordinance within the TOWN MUNICIPAL CODE.

The new Drainage, Erosion and Sedimentation Control Ordinance includes uniform erosion, sedimentation and stormwater runoff control standards that will be applied to all development activities within the LWRP boundary. These measures will ensure that surface and ground water runoff will be controlled as much as possible and that water quality impacts of such runoff will be reduced as much as possible. In addition, this new ordinance will contain water quality performance standards designed to reduce

potential negative impacts of development activities on bay and lake water quality. A series of best management practices (BMP's) will be referenced in the ordinance to ensure that potential negative impacts of development activities on Bay and Lake water quality through non-point discharge are minimized during and after project construction.

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

None required or identified.

POLICY 39:

(A) EXISTING LEGISLATION THAT IMPLEMENTS THIS POLICY:

Existing local and State legislation is adequate. There is currently no storage, treatment and/or disposal of hazardous wastes within the Town's LWRP boundary. No activity will occur within the coastal zone which will produce such hazardous wastes, as defined in Article 27 of the New York State Environmental Conservation Law. Transport of solid waste material from the Frank E. VanLare Sewage Treatment Plant located in Durand-Eastman Park will be conducted in accordance with established procedures that will protect groundwater and surface water supplies, significant fish and wildlife habitats and recreation areas.

(B) ADDITIONAL LEGISLATION THAT IMPLEMENTS THIS POLICY:

None required or identified.

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

None required or identified.

POLICY (40):

NOT APPLICABLE.

POLICY (41):

(A) EXISTING LEGISLATION THAT IMPLEMENTS THIS POLICY:

Existing local and State legislation is adequate. Chapter 59 of the Town Municipal Code (Air Pollution Control) prohibits particulate matter from becoming airborne and restricts emissions of visible air contaminants within the Town. In addition, land uses which will be permitted within the Town's LWRP boundary will be restricted to residential, recreational and marina-related commercial development. All of these land uses are unlikely to

significantly impact air quality within the LWRP or the Town. The Monroe County Health Department currently monitors air quality on a periodic basis to ensure that provisions of the Federal Clean Air Act are met within the County.

(B) ADDITIONAL LEGISLATION THAT IMPLEMENTS THIS POLICY:

None required or identified.

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

None required or identified.

POLICY (42):

(A) EXISTING LEGISLATION THAT IMPLEMENTS THIS POLICY

Existing State legislation is adequate through the Air Pollution Control Act, Environmental Conservation Law (Article 19) and the Waterfront Revitalization and Coastal Resources Act. (Executive Law, Article 42).

(B) ADDITIONAL LEGISLATION THAT IMPLEMENT THESE POLICIES

None required or identified.

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

None required or identified.

POLICY (43):

(A) EXISTING LEGISLATION THAT IMPLEMENTS THIS POLICY

Existing local and state legislation is adequate. The Town's Local Waterfront Revitalization Program incorporates The State's policies on acid rain and will assist the State's efforts to control acid rain.

(B) ADDITIONAL LEGISLATION THAT IMPLEMENTS THIS POLICY

None required or identified.

(C) ADDITIONAL PUBLIC AND/OR PUBLIC ACTIONS THAT IMPLEMENT THIS POLICY

None required or identified.

POLICY (44):

(A) EXISTING LEGISLATION THAT IMPLEMENTS THESE POLICIES:

Existing Town ordinances and legislation that implement this policy have not been considered.

(B) ADDITIONAL LEGISLATION THAT IMPLEMENTS THESE POLICIES:

None required or identified.

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

None required or identified.

PART B: ADDITIONAL LEGISLATION ADOPTED TO IMPLEMENT THE LWRP

SECTION 130.42: WATERFRONT DISTRICT (WD)

SECTION 130.200: ENVIRONMENTAL PROTECTION OVERLAY DISTRICTS
(EPOD'S)

SECTION 130.72: TOWN PLANNING BOARD

CHAPTER 39: DRAINAGE, EROSION AND SEDIMENTATION CONTROL ORDINANCE

ARTICLE X SECTION 130.101: OPEN SPACE DISTRICT (OS)

SECTION 130.70: MISCELLANEOUS PROVISIONS
APPLICABLE TO ALL WATERFRONT PROPERTY

ARTICLE VII SECTION 130.77: POWERS AND DUTIES OF
THE BOARD OF APPEALS

DEFINITIONS

WATER QUALITY BEST MANAGEMENT PRACTICES MATRIX

SECTION 130.42 WATERFRONT DEVELOPMENT DISTRICT

Replace existing Section 130.42, CW BUSINESS DISTRICT
(Commercial Waterfront) of Town of Irondequoit Zoning Ordinance
with new Section 130.42, Waterfront Development (WD) District.

SECTION 130.42 WATERFRONT DEVELOPMENT (WD) DISTRICT

A. STATEMENT OF PURPOSE OF WATERFRONT DEVELOPMENT (WD) DISTRICT

The WATERFRONT DEVELOPMENT (WD) DISTRICT is designed to provide a suitable character and stable environment for the establishment and maintenance of water-dependent and/or water-enhanced uses and activities along the shorelines of Lake Ontario and Irondequoit Bay. The District is also designed to protect the unique and sensitive environmental features that exist along the Lake and Bay shorelines, and to promote the public health, safety and general welfare. The District is also designed to promote and encourage public access to the shorezone, appropriate water-oriented recreational uses within the shorezone, and other appropriate water-oriented development within the shorezone.

The WATERFRONT DEVELOPMENT (WD) DISTRICT permits low to moderate density residential development, as well as certain commercial, recreational and open space uses that serve the residents of and visitors to, this district, as well as of the Town, and that generally benefit from and enhance the unique aesthetic and environmental qualities of the Town's waterfront areas. The purpose of this district includes the following specific goals:

- (1) To ensure that development and land-use activity along the shorelines of Lake Ontario and Irondequoit Bay is consistent with the policies and objectives of the Town of Irondequoit's Local Waterfront Revitalization Program (LWRP).
- (2) To provide sufficient space in appropriate waterfront locations for residential development, recreational activities, certain commercial activities and other water-dependent and/or water-enhanced uses, in order to meet the various housing and recreational needs of the Town of Irondequoit's present and future populations.
- (3) To recognize the sensitivity of waterfront areas as unique environmental and recreational resources and to protect these areas from environmentally destructive uses and activities.
- (4) To provide for a desirable mix of water-oriented commercial uses and active and passive recreational opportunities that take advantage of the unique locations and characteristics of the Town's waterfront areas.
- (5) To encourage development that is appropriately designed and in harmony with its environment and that does not conflict with the preservation of the natural beauty of the Town's waterfront areas.
- (6) To promote the most desirable and appropriate use of land and direction of building development based upon land and soil types and other natural features, environmental constraints, neighborhood characteristics and overall community needs; to protect the character of the district and its peculiar suitability for

particular uses; to conserve the value of land and buildings and to protect the Town's tax revenue base.

- (7) To permit development in areas which, by virtue of their location, topography, accessibility, relationship to surrounding land uses, zoning patterns and natural features, and availability of public services and utilities, are best suited for a particular purpose; and, to preserve areas that are naturally unsuited for development or that have unique historical, aesthetic or environmental significance.
- (8) To encourage a flexibility of design, preservation of unique environmental features, and maintenance of the aesthetic quality of waterfront areas by permitting the Town Planning Board to establish minimum dimensional requirements for permitted principal uses, and to review other pertinent design aspects of such proposed projects.
- (9) To preserve, wherever feasible, the existing vegetation and natural features of waterfront areas, and to prevent, as much as possible, significant problems of erosion, sedimentation and drainage both during and after construction.
- (10) To encourage and facilitate water-dependent and water-enhanced recreational development within the shorezone, as permitted principal uses or as accessory uses where compatible with the primary purpose of the proposed development.
- (11) To protect waterfront areas as much as possible against excessive volumes of vehicular traffic flow, and safety problems related to such vehicular traffic flow.
- (12) To protect waterfront areas against congestion as much as possible, by regulating the density of population and intensity of land use, and by requiring the provision of open areas for rest and recreation wherever practicable.
- (13) To promote the maintenance and/or extension of public access to the shorezone where practical and feasible, where such access relates to and is compatible with the primary purpose of the proposed development or activity.
- (14) RESERVED.
- (15) RESERVED.
- (16) RESERVED.
- (17) RESERVED.

B. PERMITTED USES:

No structure shall be erected, structurally altered, reconstructed or moved, and no structure, land or premises shall be used in any district designated on the official zoning map of the Town of Irondequoit as a

Waterfront Development (WD) District except for the following principal and "customarily incidental" accessory uses:

(1) Principal Uses:

- (a) Single-family-detached dwelling as defined in Section 130.40 of this ordinance.
- (b) Public parks, playgrounds or similar public recreational use authorized or operated by a public agency and not operated for gain, subject to site plan review and approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance.
- (c) Buildings or structures erected or used in connection with but not directly associated with a governmental function, agency or activity, and not operated for gain, including but not limited to such things as a community bandstand, town volunteer fire department and recreational facilities, historic sites, etc., subject to site plan review and approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance.
- (d) Multi-family dwellings, apartment buildings, or other similar uses, subject to special-use-permit approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance.
- (e) Townhouses, single-family-attached dwellings, row houses and other similar uses, subject to special-use-permit approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance.
- (f) Commercial parks, playgrounds or beaches, amusement parks, golf courses, tennis/racquetball clubs or other similar uses operated for gain, subject to special-use-permit approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance.
- (g) Private club or camp, private membership clubs, lodges or fraternal organizations, neighborhood or community centers, YMCA or YWCA or other similar use, subject to special-use-permit approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance.
- (h) Sit-down restaurants as defined in Section 130.40 of this ordinance, subject to special-use-permit approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance.
- (i) Motels, hotels or boatels subject to special-use-permit approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance.

- (j) Yacht clubs or other similar use subject to special-use-permit approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance.
- (k) Marinas, boat docks, docking basins, boat launching ramps, including related retail sales of pleasure boats, marine and fishing supplies, and other similar uses, subject to special-use-permit approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance.
- (l) Boat building and boat construction facilities, boat service, repair, rental and storage facilities or other similar uses, subject to special-use-permit approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance.
- (m) Stores, shops and boutiques designated for festive retail uses and activities as defined in Section 130.40 of this ordinance, subject to special-use-permit approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance.
- (n) Public utility building or structures, including but not limited to electrical substations, subject to special-use-permit approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance.
- (o) Combinations of permitted principal uses, based on a determination by the Town Planning Board that such combinations are appropriate for the proposed waterfront area and are compatible with the purpose and intent of this district, as well as the goals and policies of the Local Waterfront Revitalization Program (LWRP), subject to special-use-permit approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance.
- (p) RESERVED.
- (q) RESERVED.

(2) Principal Use Restrictions and/or Additional Requirements:

All principal uses permitted within a Waterfront Development (WD) District shall be subject to the following restrictions and/or additional requirements:

- (a) Any of the uses permitted in this section that require the use of an area other than within an enclosed building, may be conducted in whole or in part outside of such building or absent such building, subject to special-use-permit approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance.
- (b) Floating piers or piers on pilings shall be used to provide access to boats, rather than dredging, whenever possible.

- (c) Where a barrier wall is required in connection with a marina or boat basin, it shall be carried deep enough below the bottom of the Bay or Lake to prevent movement of back-fill materials into the water.
- (3) Accessory Uses (located on the same lot with a permitted principal use):
- (a) Home occupations subject to the applicable provisions of Section 130.31 of this ordinance.
 - (b) Private garages and carports subject to the applicable provisions of Section 130.31 of this ordinance.
 - (c) Swimming pools subject to the provisions of Section 130.65 of this ordinance.
 - (d) Fencing subject to the provisions of Section 130.62 of this ordinance.
 - (e) Sheds, cabanas or similar accessory structures subject to those dimensional and setback requirements applicable to private garages and carports as noted above.
 - (f) Radio, TV or CB antennas subject to the provisions of Section 130.66 of this ordinance. Those structures that require a permit from the Town Zoning Board of Appeals shall also be subject to special-use-permit approval issued by the Town Planning Board in accordance with provisions of Section 130.72 of this ordinance.
 - (g) Signage subject to the following restrictions:
 - (1) All signage, with the exception of real estate signs, temporary political signs and accessory traffic signs, shall be subject to special-use-permit approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance. Real estate signs shall be subject to the applicable provisions of Section 130.34 of this ordinance.
 - (2) Signs may be illuminated with a constant source, but flashing, neon, revolving, animated or similar type signs are prohibited.
 - (3) Signs oriented towards the water shall be permitted for identification purposes only, shall be building-mounted, and shall not exceed twenty-five (25) square feet.
 - (4) Dimensional and setback requirements for signs oriented towards streets or highways shall be determined based on the information found in TABLE 1 at the end of this section.
 - (h) Parking of trucks, vans and other similar vehicles subject to the applicable provisions of Section 130.31 of this ordinance.
 - (i) Storage of mobile homes, motor homes, house trailers, campers, camping trailers, truck campers, utility campers, boats and boat

trailers subject to the applicable provisions of Section 130.31 of this ordinance.

- (j) Keeping of animals and poultry subject to the provisions of Section 130.64 of this ordinance.
- (k) Tennis courts and other similar outdoor recreational facilities as determined by the Town Building Inspector, provided that such uses are clearly incidental to the primary residential or principal use on the property, and provided that such uses are located at least four (4) feet from any lot line.
- (l) Dumpsters and other similar outdoor refuse containers or enclosures, provided that such uses are located at least four (4) feet from any lot-line and subject to site plan review and approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance.
- (m) Outdoor storage of boats subject to special-use-permit approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance.
- (n) Fishing piers, docks, wharves, boat launching ramps and similar waterfront structures and facilities, when such uses are clearly accessory or incidental to the primary, principal use on the property, subject to all applicable State regulations and approvals, and subject to special-use-permit approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance. Similar waterfront structures and facilities shall include:

Facilities for the pumping out of marine holding tanks;

Facilities for waste oil collection;

Facilities for the sale and dispensing of fuel and lubricants for boats and boatyard equipment;

Facilities for the storage of fuel; and

Facilities for the sale of food and beverages for off-premises consumption and the sale of fishing and boating supplies.

Such facilities and structures shall be limited to the Waterfront Development District and shall be prohibited within any residential district. Such facilities and structures shall also be clearly incidental to the primary or principal use on the property.

The following additional requirements shall apply to all such structures and facilities:

- (1) The construction of such structures and facilities shall be undertaken in such a way so as not to impair water quality, cause harm to fish spawning grounds, destroy the natural beauty

of the shoreline, reduce the stability of steep slope areas, cause erosion or sedimentation problems along the shoreline, create hazards for navigation, interfere with the public use and enjoyment of the water surface or shoreline, or otherwise threaten the public health and safety.

- (2) Design standards for piers, docks and wharves shall be determined based on the information contained in TABLE 2 at the end of this section.
- (3) Such structures and facilities shall only be constructed of materials which are stable, chemically inert and insoluble and which will have no adverse effects on water quality. Such materials shall also be Coast Guard approved.
- (4) The amount of grading, dredging, earth moving and disturbance of land above and below water during the construction of such structures and facilities shall be minimized as much as possible and shall be consistent with the permit requirements of the New York State Department of Environmental Conservation.
- (5) To permit the free circulation of water, reduce the effects of fluctuating water levels, and prevent adverse modifications of the shoreline, piers, docks, and wharves shall be of floating construction wherever feasible and shall not be of rockfilled cribbing, sheet piling, closely spaced piling, or such other construction which would significantly impair water circulation.
- (6) There shall be no superstructure permitted above the decks of piers, docks or wharves except those structures that are accessory to marinas.
- (7) No pier, dock or wharf shall be constructed in a configuration other than straight, T, L, U or F shaped.
- (8) No pier, dock or wharf shall be constructed so as to extend offshore for more than fifty (50) feet from the mean low water line unless it can be clearly demonstrated that additional length is necessary in order to reach adequate water depths for proposed boat dockings.
- (9) The width of any pier, dock or wharf shall not exceed eight (8) feet.
- (10) The maximum surface area of any pier, dock or wharf shall not exceed seven hundred (700) square feet.
- (11) The number of private piers, docks or wharves permitted per each waterfront lot used for single-family residential purposes shall not exceed the following:

100 feet or less of water frontage: A total of one (1) such structure.

101-250 feet of water frontage: A total of two (2) such structures.

251-500 feet of water frontage: A total of three (3) such structures.

One (1) additional structure allowed for each 150 feet of water frontage in excess of 500 feet.

- (12) The number of piers, docks or wharves permitted per each waterfront lot used for multi-family, townhouse or condominium purposes shall not exceed one (1) such structure per residential unit built.
 - (13) The number of piers, docks or wharves permitted per each waterfront lot used for commercial purposes shall not exceed three (3) such structures per lot. The construction of more than three (3) such structures per commercially-used lot shall be subject to a determination by the Town Planning Board that such additional structures are needed to accommodate anticipated boat traffic and can be developed on the site without adversely affecting existing environmental conditions or natural features.
 - (14) Every pier, dock or wharf that is constructed shall have a minimum clearance or setback of ten (10) feet from adjacent property lines, as extended at ninety degree angle from the shoreline, to allow adequate vessel access to neighboring waterfront parcels.
 - (15) Piers, docks or wharves that are one hundred (100) feet or longer shall, during the hours of darkness, be required to be lighted in such a manner so as to not constitute a hazard to navigation.
 - (16) Lighting of the surface of any pier, dock or wharf shall be provided in such a manner so as not to produce any offensive glare when viewed from the water or the land. The use of lowmast lighting fixtures and deflector shields to direct the light downward shall be required to reduce or eliminate glare.
- (o) Mooring buoys or facilities subject to the following restrictions:
- (1) Mooring buoys shall only be placed in connection with littoral parcels. Such buoys shall be placed only within an area parallel to and twenty (20) feet inward of the parcel lines extended bayward at right angles from the shoreline, and to a depth necessary for the safe mooring of a boat, not to exceed one hundred (100) feet from the shoreline.
 - (2) Moorings shall be placed so that objects moored to them, at full swing of their mooring or anchor line, will be no closer

than ten (10) feet to the projection of the adjacent property lines from the shoreline, and no more than one hundred (100) feet from the shoreline itself.

- (3) The number of private moorings permitted per each waterfront lot used for single-family residential purposes shall not exceed the following:

100 feet or less of water frontage: A total of one (1) such mooring.

101-250 feet of water frontage: A total of two (2) such moorings.

251-500 feet of water frontage: A total of three (3) such moorings.

One (1) additional mooring allowed for each 150 feet of water frontage in excess of 500 feet.

- (4) A maximum of four (4) moorings shall be permitted per commercially-used lot provided such lot has less than five hundred (500) feet of shoreline frontage. A maximum of one (1) mooring per one hundred (100) feet of shoreline frontage shall be permitted per commercially-used lot if such lot has more than five hundred (500) feet of shoreline frontage.

- (p) Accessory dredging and filling as defined in Section 130.40 of this ordinance, when clearly incidental to the principal use permitted on the parcel, subject to all applicable State regulations and approvals, and subject to special-use-permit approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance.

(q) RESERVED.

(r) RESERVED.

(s) RESERVED.

C. DIMENSIONAL REQUIREMENTS:

- (1) Required minimum lot size:

- (a) No new principal building or structure to be used as a single-family-detached dwelling shall hereafter be erected on any lot in any WATERFRONT DEVELOPMENT (WD) DISTRICT unless such lot shall have a minimum area of twenty thousand (20,000) square feet.
- (b) No new principal building or structure to be used as a multi-family dwelling, apartment building, or other similar use shall hereafter be erected on any lot in any WATERFRONT

DEVELOPMENT (WD) DISTRICT unless such lot shall have a minimum area of four thousand (4,000) square feet per dwelling unit.

- (c) No new principal building or structure to be used as a townhouse, single-family-attached dwelling, row house or other similar use shall hereafter be erected on any lot in any WATERFRONT DEVELOPMENT (WD) DISTRICT unless such lot shall have a minimum area of six thousand (6,000) square feet per dwelling unit.
 - (d) The required minimum lot sizes for all other principal uses permitted in the WATERFRONT DEVELOPMENT (WD) DISTRICT shall be established by the Town Planning Board during the site plan review and approval process or the special-use-permit approval process. The required minimum lot size shall be based on the amount of land area necessary to adequately accommodate the proposed principal use, as well as all parking, loading, landscaping, open space, setback and access areas and fire lanes for such use. The required minimum lot size shall also be based on the relative intensity of the proposed land use and the need to protect or buffer the use from sensitive environmental areas, significant historic or archeological areas, or scenic views or vistas.
- (2) Required minimum building setbacks (required front, side and rear yards):
- (a) In order to establish suitable front, side and rear yards, principal buildings and accessory structures for single-family-detached dwellings hereafter erected, structurally altered, reconstructed or moved in any WATERFRONT DEVELOPMENT (WD) DISTRICT shall be subject to the applicable setback provisions of Section 130.31 of this ordinance.

Notwithstanding the above requirement, the Town Planning Board, in accordance with the provisions of Section 281 of New York State Town Law, shall be empowered to modify the setback requirements and other applicable provisions of this zoning ordinance with respect to the approval of a plat or plats. The purpose of this authorization is to enable and encourage a flexibility of design and development of land in such a manner so as to promote the most appropriate use of land, to facilitate the adequate and economical provisions of streets and utilities, to encourage and maintain adequate public access to the shoreline, and to preserve and protect the natural and scenic qualities of the Town's open lands and shorezone.

- (b) Setbacks of buildings and structures from all other buildings and structures on the lot and from property lines, for all other permitted principal and accessory uses and not already identified in this section, shall be determined by the Town Planning Board during the site plan review and approval process or the special-use-permit process and shall be based on the following guidelines:

- (1) Principal buildings, parking areas and accessory structures excluding such facilities as docks, piers, wharves and boat ramps, should be set back a minimum of twenty-five (25) feet inland from the high water's edge, in order to maintain adequate access to the shorezone.
- (2) Principal buildings, parking areas, and accessory structures should be set back a minimum of twenty-five (25) feet from any road right-of-way and a minimum of fifteen (15) feet from any property line.
- (3) Principal building and accessory structure setbacks should be established with due consideration to provisions for fire protection services and adequate access for fire and emergency equipment within and around the site.
- (4) Principal building and accessory structure setbacks should be established with due consideration to the protection and preservation of unique and sensitive environmental features, maintenance of the generally wooded character of the shorezone area, scenic views and vistas, the specific goals established for this district and the use of clustering as a site design technique.

(3) Maximum building heights:

- (a) Maximum building heights for single-family-detached dwellings shall not exceed twenty-five (25) feet as measured from ground level to the ceiling of the second floor.
- (b) Maximum building heights for multi-family dwellings, apartment buildings or other similar uses shall be determined by the Town Planning Board during the special-use-permit review and approval process and shall be based on a visual analysis of the site prepared and submitted by the applicant as a part of that review. The Town Planning Board shall be empowered to establish maximum principal building heights and locations in order to preserve the aesthetic integrity of waterfront areas and protect any scenic views or vistas identified in the visual analysis.
- (c) Maximum building heights for townhouses, single-family-attached dwellings, row houses or other similar uses shall not exceed thirty-five (35) feet.
- (d) Maximum building heights for all other permitted principal uses specified in this section shall not exceed forty-five (45) feet, except where it has been determined by the Town Planning Board during the special-use-permit review and approval process, that based on a visual analysis of the site prepared and submitted by the applicant and reviewed by the board, such building heights would interfere with identified scenic views or vistas or destroy the aesthetic integrity of the waterfront area. In such cases, the Town Planning Board shall be empowered to establish maximum principal building heights in order to protect the scenic views and vistas and the aesthetic character of waterfront areas in general.

(e) Accessory structures shall not exceed a maximum height of fifteen (15) feet unless otherwise specified or regulated in this ordinance.

(4) Maximum density/Maximum percentage of lot occupancy:

(a) The total overall ground coverage of all principal and accessory buildings, parking areas and other impervious surfaces on any lot in any WATERFRONT DEVELOPMENT (WD) DISTRICT shall not exceed seventy-five percent (75%) of the total lot area. The remainder of the lot shall be for open space and/or landscaped areas.

(b) Ground coverage for principal buildings for garden-type apartments as defined in Section 130.40 of this ordinance shall not exceed twenty-five percent (25%) of any site.

(c) Ground coverage for impervious surfaces for single-family-detached homes shall not exceed thirty-three percent (33%).

D. ADDITIONAL REQUIREMENTS:

(1) Off-street parking and loading requirements:

(a) Off-street parking spaces and loading facilities must be provided for all uses specified in this section, in accordance with the provisions of Section 130.61 of this ordinance and the following additional requirements:

(1) All parking spaces shall be set back a minimum of fifteen (15) feet from any street line or property line to provide for proper landscaping and buffering.

(2) Parking for shorezone uses shall be provided according to the following minimum standards:

Marinas/boat launching ramps

0.6 space per boat slip

30 car-trailer spaces per boat ramp

10 single-spaces per ramp

5.5 spaces for 1,000 square feet of gross retail floor area

Two spaces per boat slip that includes charter fishing

Dimensions for single space = 9' x 20'

Dimensions for double space = 9' x 40' or 45'

All parking spaces should be located within 600 feet of berths or ramps

Recommended parking alignment = 45 degree angle parking with drive-thru capabilities and one-way traffic flow

Aisle width = 25'

Access lanes = standard width

Overflow parking should be placed at the ends of the parking areas in any unusually shaped parcels.

Residential Uses

Single Family = two spaces per dwelling unit

Apartments, Condominiums, Multi-family, High-rise Residential = 1.5 spaces per dwelling unit

Hotels, Motels, Boatels

One space per room or suite; plus one space per three employees on maximum shift, plus one space per three persons to maximum capacity of public meeting rooms, plus 50% of the spaces otherwise required for restaurants, accessory uses, etc.

Yacht Club

One space per three persons to maximum capacity of meeting rooms, plus 1.56 spaces per boat berth.

Restaurants

Sit-down: One space per three patron seats or one space per 100 square feet or floor area, whichever is greater, plus one space per employee on maximum shift.

Fast-food/Take-out: One space per 50 square feet of floor area plus one per employee on maximum shift.

Boat Rentals

1.0 spaces per boat under 16' and 1.5 spaces per boat over 16'.

Amusement Parks

One space per four patrons to the maximum capacity of the facility, plus one space per two employees on largest work shift.

Minimum parking stall size = 9' x 18' exclusive of aisle width.

(b) A reasonable reduction in the size and number of parking spaces required for a given project may be permitted by the Town Planning Board during the site plan review process, where it can be demonstrated that such a reduction will not create overflow parking problems or traffic congestion, and that the additional space will be used for landscaping or open space within the site. Such a reduction shall be permitted by the Town Planning Board on a case-by-case basis.

(2) Landscaping and buffering requirements:

(a) When a use is the first to develop on two adjacent vacant parcels, this first use shall be required to meet minimum setbacks but shall not be required to provide a bufferyard. The second use to develop, shall, at the time it is constructed, provide all additional plant material and/or land necessary to provide the total bufferyard required between the two uses as outlined in Table 3 at the end of this section. Existing plant materials and/or land located on the preexisting (first developed) land use which meets the requirements of this section may be counted as contributing to the total bufferyard required between it and the second (adjacent) land use to develop.

(b) Parking areas shall be landscaped and buffered as much as possible. A reasonable reduction in the size and number of parking spaces required for a project shall be permitted by the Town Planning Board where it can be demonstrated by the applicant that such a reduction will not create overflow parking problems and that the additional space will be used for landscaping or open space within the site.

(c) Outdoor storage of boats, equipment, etc. shall be buffered using trees, berms, etc.

(d) Where practical, trees with a diameter or caliper of three (3) inches or greater shall be retained on the site.

(3) The Town of Irondequoit Planning Board, as part of the site plan and/or special-permit review and approval process, may require public access in the form of walkways, pedestrian trails or paths, or bikeways to the shoreline, for those development projects or proposed uses adjacent to the shoreline where such access is appropriate and desirable and does not conflict with existing natural features or the public health, safety or general welfare. In requiring such public access, the Planning Board shall consider the nature of the access to and from surrounding properties and uses, as well as the relationship of the access and proposed use to the water.

SIGN DIMENSIONS*

No. of Lanes	Speed	Letter Height	Commercial Industrial	Total Area of Sign (Sq. Feet) Institutional, Residential, Rural
Two	15	4	8	6
	30	7	25	18
	45	10	50	36
	60	14	100	70
Four	15	4	8	6
	30	9	40	28
	45	13	90	64
	60	17	150	106
Six	15	5	13	10
	30	9	40	28
	45	14	100	70
	60	19	190	134
X-Way	60	21	230	162

Formula for Determining Required Sign Sizes:

$$\frac{(w + 6) s + D}{100} = \text{Capital Letter Height in Inches}$$

w = number of words of sign

s = vehicle speed/mph

D = sign set back in feet

Maximum line width = 26 letters (four words)

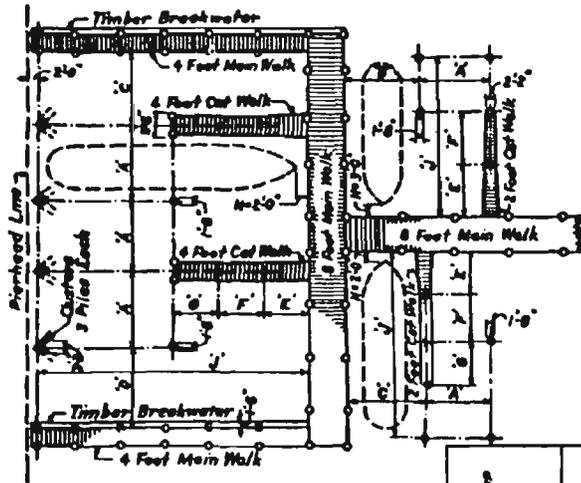
Maximum number of lines = 4

Area of message should not exceed 50% of the total sign area.

*Information summarized from "Street Graphics," published by American Society of Landscape Architects Foundation, 1974.

TABLE 1

DOCK, SLIP AND BOAT BASIN STANDARDS



TYPICAL PLEASURE BOAT BASIN
DIMENSION DIAGRAM
FOR
SLIPS AND CAT WALKS
PLATE NO. 2

NOTE: Use this diagram in conjunction with Table I to determine widths of slips, lengths of cat walks and locations for stern anchor piles. Fixed dimensions shown are considered as sufficient for construction purposes.

TABLE
DIMENSIONS FOR SLIPS AND CATWALKS

NOTE: Use this tabulation in conjunction with Plate No. 2 to obtain widths of slips, lengths of Catwalks and locations of stern anchor piles. This Tabulation is based upon the use of Traveler Irons.

LENGTH GROUP FOR YACHTS	BEAM TO BE PROVIDED FOR	WALK CLEARANCE FOR BEAM	WALK CLEAR WIDTH OF SLIP	ALLOWANCE FOR HALF ANCHOR PILE	ALLOWANCE FOR HALF OF CATWALK	GRASS SLIP WIDTH TYPE "X"	GRASS SLIP WIDTH TYPE "Y"	GRASS SLIP WIDTH TYPE "Z"	GRASS SLIP WIDTH TYPE "A"	USABLE WIDTH OF CATWALK	1" CATWALK SHIP LENGTH "Z"	2" CATWALK SHIP LENGTH "Y"	3" CATWALK SHIP LENGTH "X"	TOTAL LENGTH OF CATWALK	DISTANCE 5" TO ANCHOR PILE
20' to 25'	7'-6" 8'-0"	5'-0" 5'-0"	10'-0" 11'-0"	10" 10"	7'-4" 7'-4"	12'-8" 12'-8"	18'-8" 18'-8"	11'-8" 12'-8"	11'-8" 12'-8"	2'-0" 2'-0"	19'-0" 19'-0"	8'-0" 8'-0"	11'-0" 11'-0"	18'-0" 18'-0"	24'-0" 24'-0"
25' to 30'	7'-6" 8'-0"	5'-0" 5'-0"	10'-0" 11'-0"	10" 10"	7'-4" 7'-4"	12'-8" 12'-8"	18'-8" 18'-8"	11'-8" 12'-8"	11'-8" 12'-8"	2'-0" 2'-0"	19'-0" 19'-0"	8'-0" 8'-0"	11'-0" 11'-0"	18'-0" 18'-0"	24'-0" 24'-0"
30' to 35'	8'-0" 8'-0"	5'-0" 5'-0"	11'-0" 11'-0"	10" 10"	7'-4" 7'-4"	12'-8" 12'-8"	18'-8" 18'-8"	11'-8" 12'-8"	11'-8" 12'-8"	2'-0" 2'-0"	19'-0" 19'-0"	8'-0" 8'-0"	11'-0" 11'-0"	18'-0" 18'-0"	24'-0" 24'-0"
35' to 40'	8'-0" 8'-0"	5'-0" 5'-0"	11'-0" 11'-0"	10" 10"	7'-4" 7'-4"	12'-8" 12'-8"	18'-8" 18'-8"	11'-8" 12'-8"	11'-8" 12'-8"	2'-0" 2'-0"	19'-0" 19'-0"	8'-0" 8'-0"	11'-0" 11'-0"	18'-0" 18'-0"	24'-0" 24'-0"
40' to 45'	8'-0" 8'-0"	5'-0" 5'-0"	11'-0" 11'-0"	10" 10"	7'-4" 7'-4"	12'-8" 12'-8"	18'-8" 18'-8"	11'-8" 12'-8"	11'-8" 12'-8"	2'-0" 2'-0"	19'-0" 19'-0"	8'-0" 8'-0"	11'-0" 11'-0"	18'-0" 18'-0"	24'-0" 24'-0"
45' to 50'	8'-0" 8'-0"	5'-0" 5'-0"	11'-0" 11'-0"	10" 10"	7'-4" 7'-4"	12'-8" 12'-8"	18'-8" 18'-8"	11'-8" 12'-8"	11'-8" 12'-8"	2'-0" 2'-0"	19'-0" 19'-0"	8'-0" 8'-0"	11'-0" 11'-0"	18'-0" 18'-0"	24'-0" 24'-0"
50' to 60'	11'-6" 11'-6"	5'-0" 5'-0"	18'-0" 18'-0"	1'-0" 1'-0"	7'-4" 7'-4"	12'-8" 12'-8"	18'-8" 18'-8"	11'-8" 12'-8"	11'-8" 12'-8"	2'-0" 2'-0"	19'-0" 19'-0"	8'-0" 8'-0"	11'-0" 11'-0"	18'-0" 18'-0"	24'-0" 24'-0"
60' to 70'	11'-6" 11'-6"	5'-0" 5'-0"	18'-0" 18'-0"	1'-0" 1'-0"	7'-4" 7'-4"	12'-8" 12'-8"	18'-8" 18'-8"	11'-8" 12'-8"	11'-8" 12'-8"	2'-0" 2'-0"	19'-0" 19'-0"	8'-0" 8'-0"	11'-0" 11'-0"	18'-0" 18'-0"	24'-0" 24'-0"
70' to 80'	11'-6" 11'-6"	5'-0" 5'-0"	18'-0" 18'-0"	1'-0" 1'-0"	7'-4" 7'-4"	12'-8" 12'-8"	18'-8" 18'-8"	11'-8" 12'-8"	11'-8" 12'-8"	2'-0" 2'-0"	19'-0" 19'-0"	8'-0" 8'-0"	11'-0" 11'-0"	18'-0" 18'-0"	24'-0" 24'-0"

SOURCE: Marine, The National Association of Engine and Boat Manufacturers, Inc., New York, NY - 1947

LANDSCAPING AND BUFFERING STANDARDS

The following table identifies the bufferyard required between two adjacent parcels or land uses within the Bay shorezone, based on the landscaping specifications illustrated below.

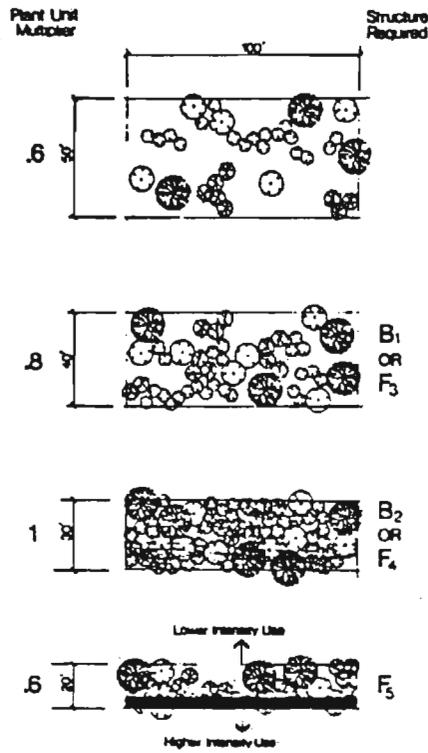
TABLE	BUFFERYARD REQUIREMENTS
Land Use Classification	Bufferyard Required
(1) Single-family-residential next to Commercial	A
(2) Single-family-residential next to Commercial-Recreation	A
(3) Multi-family-residential next to Commercial	B
(4) Multi-family-residential next to Commercial-Recreation	B
(5) Single-family-residential next to Multi-family-residential	C
(6) Commercial next to Commercial-Recreation	D

(Note: Commercial-Recreation uses involve such things as parks, playgrounds, amusement centers, etc. operated for profit.)

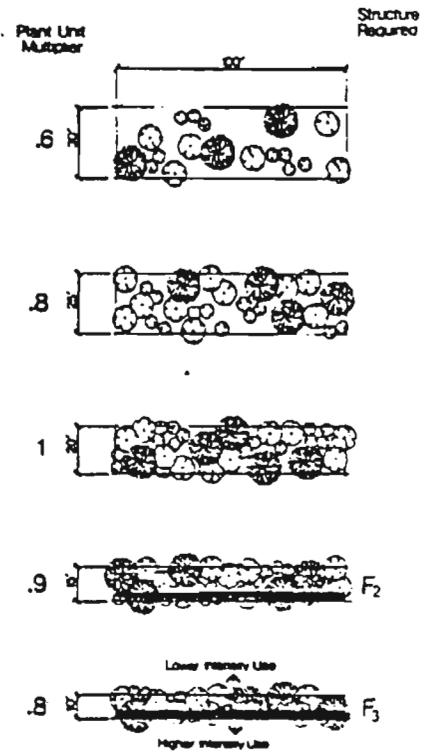
The following illustrations detail the bufferyard specifications required above. Any of the options listed for required bufferyards shall satisfy the requirement for landscaping and buffering between adjacent uses.

TABLE 3

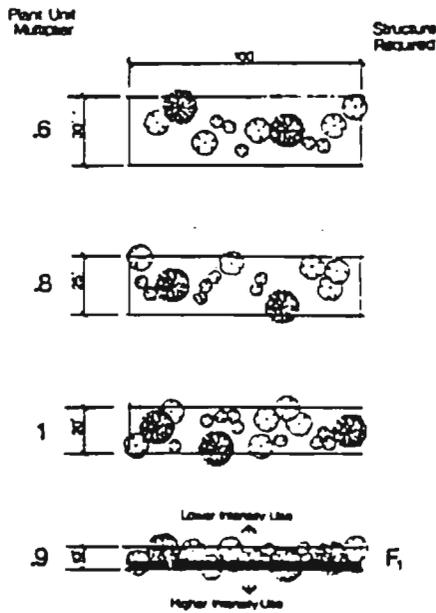
LANDSCAPING AND BUFFERING STANDARDS



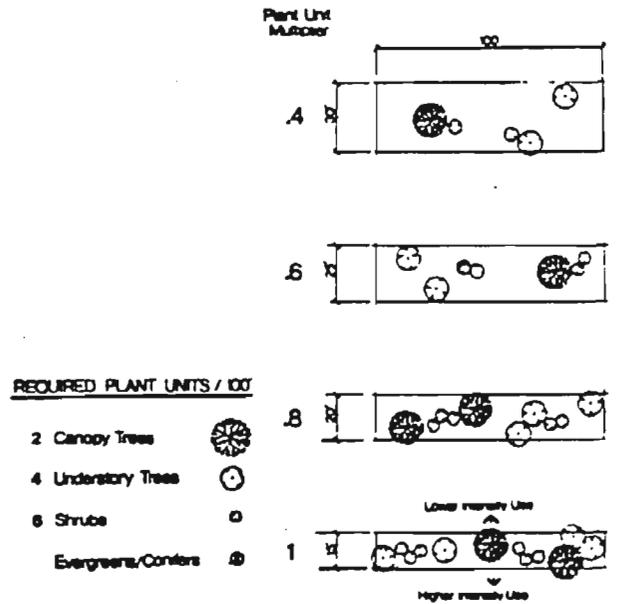
BUFFERYARD A



BUFFERYARD B



BUFFERYARD C



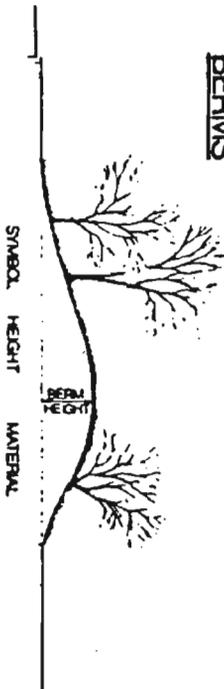
BUFFERYARD D

FENCES

SYMBOL	HEIGHT	MATERIAL
F ₁	44"	Wood Picket
F ₂	48"	Wood Rail
F ₃	6'	Wood Slat
F ₄	8'	Wood Slat
F ₅	6'	Masonry Wall (Round Concrete, Cement Block, Brick, etc.)
F ₆	8'	Masonry Wall (Round Concrete, Cement Block, Brick, etc.)

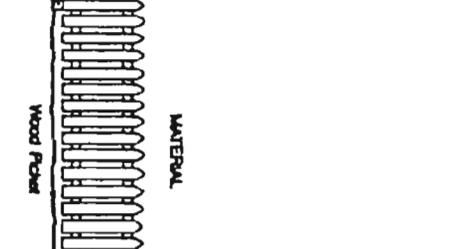
BERMS

SYMBOL	HEIGHT	MATERIAL
B ₁	4'	EARTH
B ₂	5'	"
B ₃	6'	"



BERM WALLS

SYMBOL	HEIGHT
BW ₁	4' BERM w/ 6' MASONRY WALL
BW ₂	5' BERM w/ 7' MASONRY WALL
BW ₃	6' BERM w/ 8' MASONRY WALL



ARTICLE IX

SECTION 130.200 ENVIRONMENTAL PROTECTION OVERLAY DISTRICTS

Establish new Article IX, Section 130.200,
Environmental Protection Overlay Districts (EPOD)
within the Town of Irondequoit Zoning Ordinance.

ARTICLE IX ENVIRONMENTAL PROTECTION OVERLAY DISTRICTS

Section 130.22 STATEMENT OF PURPOSE

A. PURPOSE

The purpose of the Environmental Protection Overlay Districts established in this Article is to provide special controls over land development located in sensitive environmental areas within the Town of Irondequoit. These districts and the regulations associated within them are designed to preserve and protect unique environmental features within the Town as much as possible, including but not limited to steep slopes, floodplains and woodlots.

The regulations contained in each Environmental Protection Overlay District (EPOD) are not intended to be substituted for other general zoning district provisions, but can be superimposed over such district provisions, and should be considered as additional requirements to be met by the applicant or developer, prior to project approval. The purpose of the overlay districts is to provide the Town with an additional level of review and regulation that controls how land development permitted by the Town's primary zoning districts should occur in sensitive or unique environmental areas.

Section 130.210 GENERAL REGULATIONS

A. ESTABLISHMENT OF DISTRICT

In order to address the specific goals listed in Section 130.200(A) of this ordinance, the Town of Irondequoit is hereby divided into the following Environmental Protection Overlay Districts:

- EPOD1 - Steep Slopes Protection District
- EPOD2 - Woodlot Protection District
- EPOD3 - Floodplain Protection District
- EPOD4 - Watercourse Protection District

B. OFFICIAL MAPS

The locations and boundaries of all Environmental Protection Overlay Districts shall be delineated on an official set of maps on file in the Town Clerk's Office and Town Building Department. These maps shall be known and may be cited as the "Official Town of Irondequoit EPOD maps" and shall include the environmental atlas maps for the Town, (prepared by the Monroe County Environmental Management Council - MCEMC), the official wetland maps for the Town, (prepared by the New York State Department of Environmental Conservation - NYSDEC), and the official Flood Insurance Rate Maps (FIRM) for the Town, prepared by the Federal Emergency Management Agency (FEMA). The official Town of Irondequoit EPOD Maps shall be used for reference purposes only and shall not be used to delineate specific or exact boundaries of the various overlay districts. Field investigations and/or other environmental analyses may be required in order to determine whether or not a particular piece of property is included within one or more of the overlay districts.

C. INTERPRETATION OF DISTRICT BOUNDARIES

The Town Planning Department shall be responsible for interpreting Environmental Protection Overlay District boundaries based on an interpretation of the "Official Town of Irondequoit EPOD Maps" as well as the use of various criteria set forth in this Article for determining such district boundaries. The Town Planning Department may request the assistance of the Town Engineer or other appropriate department or agency in making such a determination. Appeals from a determination of the Town Planning Department regarding boundaries of overlay districts shall be made to the Town Planning Board in accordance with the public hearing procedures of Section 130.72 of this Ordinance.

Where environmental protection districts overlay any primary zoning district delineated on the Official Zoning Map of the Town of Irondequoit, the requirements of the overlay district shall be met in addition to any requirements specified for development in the respective primary zoning district.

D. PERMIT APPLICATION PROCEDURES

(1) EPOD Development Permit:

An EPOD development permit shall be required subject to the provisions of this Article and prior to the commencement of any regulated activity or the issuance of any building permit for regulated development in a designated Environmental Protection Overlay District within the Town of Irondequoit.

The following activities are exempt from the permit procedures of this Article, subject to a determination by the Town Building Inspector that such activities involve necessary normal maintenance and upkeep of property, and/or are clearly incidental to the primary use on the property, and/or involve public health, safety or emergency situations:

- (a) Lawn care and maintenance
- (b) Gardening activities
- (c) Tree and shrub care and maintenance
- (d) Removal of dead or deteriorating vegetation
- (e) Removal of structures
- (f) Repair and maintenance of structures
- (g) Repair and maintenance of faulty or deteriorating sewage facilities or utility lines
- (h) Reconstruction of structures damaged by a natural disaster

- (i) Agricultural activities, except structural activities
- (j) Public health activities, orders and regulations of the New York State Department of Health, Monroe County Department of Health, or other agency, undertakes in compliance with Section 24-0701(S) of the New York State Environmental Conservation Law.
- (k) Activities subject to the review jurisdiction of the New York State Public Service Commission or the New York State Board on Electric Generation Siting and the Environment, under the provisions of Article 7 or Article 8 of the New York State Public Service Law, respectively.
- (l) Any actual or ongoing emergency activity which is immediately necessary for the protection and preservation of life, property or natural resource values.

(2) Application for Permit:

Applications for EPOD development permits shall be made in writing to the Town Planning Board on forms available in the Town Planning Department. Such an application shall be made by the property owner of his/her agent and shall be accompanied by any materials or information deemed appropriate by the Town Planning Department or Town Engineer, including but not limited to a scaled site plan prepared and certified by a licensed engineer or land surveyor, that contains the following minimum information:

- (a) A location plan and boundary line survey of the property.
- (b) The location of all Environmental Protection Overlay District boundaries, designated Town open space, Town, County or State parkland or other similar areas, within and/or adjacent to the property, as defined by this Article.
- (c) The location of all existing and proposed buildings, structures, utility lines, sewers, water and storm drains on the property or within two hundred (200) feet of the proposed work site.
- (d) The location of all existing and proposed impervious surfaces such as driveways, sidewalks, etc., on the property or within two hundred (200) feet of the proposed work site.
- (e) Existing and proposed contour levels at five (5) foot intervals for the property, unless such property is located within a steep slope protection district whereby contour levels shall be required at two (2) foot intervals.
- (f) The location and types of all existing and proposed vegetation and shrub masses, as well as all trees with a diameter of four (4) inches or more within and /or adjacent to the property.

- (g) The location of all existing and proposed drainage patterns, drainageways, swales, etc. within and/or adjacent to the property.

Each application for an EPOD development permit shall be accompanied by an application fee of fifty dollars (\$50.00). This fee shall be in addition to any other fees required for the development under the Town Zoning Ordinance and/or Municipal Code.

(3) Permit Review Board:

The Town Planning Department shall refer a completed permit application to the Town Planning Board for a public hearing in accordance with the provisions of Section 130.72 of this Ordinance. The Town Planning Department shall also refer a completed permit application to the Town Conservation Board for its review and recommendation. The Town Conservation Board shall have thirty (30) days from the date of its receipt of a completed application in which to review such application and report its recommendations to the Town Planning Board. Should the Town Conservation Board fail to report or make a recommendation to the Town Planning Board regarding the application within the thirty (30) day time period, the Town Planning Board may take action on the permit application without such report.

Following the required public hearing, the Town Planning Board shall have the authority to grant or deny an EPOD development permit, subject to the standards, criteria and other regulations contained in this Article. The Town Planning Board shall consider the comments and recommendations of the Town Conservation Board and may also request a report from the Town Engineer or other appropriate department or agency in acting on such permit applications.

In addition, the Town Planning Board, when deemed necessary by a majority vote of the Board, may refer any completed application for an EPOD development permit to the Town Board for their review, comments and recommendations. When such a referral is made, then the Town Planning Board may not take action on such an application until it has received the report of the Town Board concerning the development permit request.

Any development permit issued by the Town Planning Board in accordance with the provisions of this Article may be issued with conditions. Such conditions may be attached as are deemed necessary by the Board to ensure the preservation and protection of environmentally sensitive areas and to ensure compliance with the policies and provisions of this Article. Every permit issued pursuant to this Article shall contain the following conditions:

- (1) The Town Building Inspector, Town Engineer and/or other appropriate Town official shall have the right to inspect the project from time to time.

- (2) The permit shall expire on a particular date, unless extended by the Planning Board upon good cause shown.
- (3) The permit holder shall notify the Town Building Inspector or other appropriate Town official of the date on which project construction is to begin, at least five (5) days in advance of such date.
- (4) The EPOD development permit shall be prominently displayed at the project site during the undertaking of the activities authorized by the permit.

E. REQUIREMENT FOR LETTER OF CREDIT:

Following approval of an application for an EPOD development permit, and prior to the issuance of any building or other Town permit, the applicant shall furnish the Town Commissioner of Public Works, with an Irrevocable Letter of Credit or Performance Bond in an amount to be reviewed by the Town Engineer, and sufficient to cover the costs of compliance with the various specifications and conditions of the development permit. The purpose of the Letter of Credit shall be to ensure that all items, activities or structures specified in the plans approved by the Town Planning Board are constructed or carried out in accordance with such plans and specifications and other appropriate requirements of the Town of Irondequoit. The Irrevocable Letter of Credit or Performance Bond shall continue in full force and effect until such time as the Building Inspector has certified in writing to the Town Planning Board that based on a site inspection, all specifications, requirements and permit conditions have been completed and/or complied with, whereupon the Letter of Credit shall be released to the applicant. The Town Building Inspector upon recommendation of the Town Engineer, Town Planning Board, or other appropriate department or official, may deduct or withhold an amount from the Letter of Credit sufficient to cover the cost of non-compliance with any requirements, specification or permit condition and/or release the Town from any liability resulting from such non-compliance.

F. SUSPENSION OR REVOCATION OR PERMITS

The Town Building Inspector or Commissioner of Public Works may suspend a permit (temporarily) until such time as the Planning Board reviews the suspension. The Town Planning Board, upon recommendation of the Town Building Inspector or other appropriate Town Official and subject to a majority vote of the Board, may suspend or revoke a development permit issued in accordance with the provisions of this Article where it has found evidence that the applicant has not complied with any or all terms or conditions of such permit, has exceeded the authority granted in the permit, or has failed to undertake the project in the manner set forth in the application. The Town Planning Board shall set forth in writing its findings and reasons for revoking or suspending a permit issued pursuant to this Article and shall forward a copy of said findings to the applicant.

Section 130.230 EPOD (1) - STEEP SLOPES PROTECTION DISTRICT

A. PURPOSE

The purpose of the Steep Slope Protection District is to minimize the impacts of development activities on steep slopes in the Town of Irondequoit by regulating activities in these areas and by requiring review and permit approval prior to project commencement. The developmental impacts include soil erosion and sedimentation, destruction of vegetation, increased run-off rates and slope failure. The regulations contained in this district are designed to minimize the disturbance or removal of existing vegetation, prevent increased erosion and runoff, maintain established drainage systems, locate development where it is less likely to cause future slope failures and to retain as much as possible, the natural character of these areas.

B. DELINEATION OF DISTRICT BOUNDARIES

The boundaries of the Steep Slope Protection District shall be delineated on the "Official Town of Irondequoit EPOD Maps" and shall include all areas in the Town of Irondequoit with a fifteen percent (15%) slope or greater. The Town Planning Department and Town Engineer may consult other information including, but not limited to, soil survey reports prepared by the Soil Conservation Service, topographic maps produced by the United States Geological Survey, field surveys and other appropriate sources in order to more accurately locate and delineate Steep Slope Protection District boundaries within the Town.

The following additional areas shall also be considered within the steep slope definition:

1. A transition zone at the top of the slope, defined as that area containing soil classes (as defined in the Monroe County Soil Survey) with moderate to severe limitations for development and recreational use as determined in a site-specific high-intensity soil survey.
2. Natural protective features (beaches, bluffs and nearshore areas) around Irondequoit Bay, as defined in the NYCRR Part 505 regulations implementing the Coastal Erosion Hazards Area Act.

C. REGULATED ACTIVITIES

No person shall conduct any of the following regulated activities within any Steep Slope Protection District in the Town of Irondequoit, unless such person has first applied for and obtained an EPOD development permit pursuant to the requirements of this Article:

- (1) Clearing of, or constructing on, any land area within the District, including construction on clearing activities related to providing equipment access on the site, except for those activities exempted from the permit requirements of this Article as indicated in Section 130.210(D)(1) of this Ordinance.

- (2) The construction or placement of any sewage disposal system, including individual sewage disposal systems, septic tanks, septic drainage or leach fields.
- (3) Filling, cutting, or excavating operations, as defined in Section 130.40 of this Ordinance.
- (4) Discharge of stormwater and/or construction and placement of stormwater runoff systems.
- (5) Construction of new buildings or structures or additions and modifications to existing buildings and structures in areas of slopes exceeding fifteen percent (15%).

D. DEVELOPMENT STANDARDS/PERMIT CONDITIONS

In granting, denying or conditioning any application for an EPOD development permit, the Town Planning Board shall consider the effect that the proposed regulated activity will have on the public health, safety and welfare and the protection or enhancement of the fragile and environmentally sensitive steep slope areas within the Town.

No permit to undertake a regulated activity within a Steep Slope Protection District in the Town of Irondequoit shall be issued by the Town Planning Board unless the applicant can adequately demonstrate to the Board that:

- (1) The stable angle of repose of the soil classes found on the site has been used to determine the proper placement of structures and other development related facilities within the plateau area. Site-specific calculations of the stable angle of repose for the site were determined by a professional soil scientist or engineer using the soil classes and nomenclature contained in the Monroe County soil surveys and obtained for the site by borings, as well as high intensity soil survey data provided by the applicant.
- (2) The stability of soils will be maintained or increased to adequately support any construction thereon, or to support any landscaping, agricultural, or similar activities. This shall be documented by soil bearing data provided by a qualified testing laboratory or engineer and paid for by the developer.
- (3) No proposed activity will cause uncontrolled erosion or slipping of soil, or cause sediment to be discharged into Irondequoit Bay, Lake Ontario, the Genesee River, their wetlands or tributaries.
- (4) Plant life located on the slopes outside of the minimum area that need be disturbed for carrying on approved activities shall not be destroyed. Plants or other acceptable ground cover shall be reestablished in disturbed areas immediately upon completion of development activity so as to prevent any of the harmful effects set forth above to maintain the natural scenic characteristics of the Irondequoit Bay or other scenic areas.

- (5) Access down steep slopes shall be provided with ramp slopes no greater than 1:6 and side slopes no greater than 1:3 if not terraced or otherwise structurally stabilized. Disturbed non-roadway areas shall be stabilized with vegetation or other approved physical means. Completed roadways shall be stabilized and adequately drained.
- (6) Construction of erosion protection structures, particularly along the water side of eroding bluffs, shall be permitted to provide protection of bluff features according to the following standards:
 - a. All erosion protection structures shall be designed and constructed according to generally accepted engineering principles, which have demonstrated success or a likelihood of success in controlling long-term erosion. Such engineering principles can be found in publications of the U.S. Soil Conservation Service. The protective measure must have a reasonable probability of controlling erosion on the immediate site for at least 30 years.
 - b. A long-term maintenance program shall be included in any application for construction, modification, or restoration of an erosion protection structure. Such programs shall include specifications for normal maintenance of degradable materials and the periodic replacement of removable materials.
 - c. All material used in such structures shall be durable and capable of withstanding inundation, wave impacts, weathering, and other effects of storm conditions. Individual component materials may have a working life of less than 30 years only when a maintenance program ensures that they will be regularly maintained and replaced as necessary to attain the required 30 years of erosion protection.
 - d. The construction, modification or restoration of erosion protection structures shall not be likely to cause any measurable increase in erosion at the development site or other locations and prevent adverse effects to natural protective features, existing erosion protection structures, and natural resources such as significant fish and wildlife habitats.
- (7) Drainage of stormwater shall not cause erosion or siltation, contribute to slope failures, pollute groundwater, or cause damage to, or flooding of property. Drainage systems shall be designed and located to insure slope stability.
- (8) Any grading, excavating or other soil disturbance conducted on a steep slope shall not direct surface water runoff over the receding edge during construction.
- (9) There is no reasonable alternative for the proposed regulated activity on that portion of the site containing steep slopes.
- (10) All applications for EPOD development permit shall be prepared and reviewed using the following guidelines:

1. All Structural foundations shall be placed on virgin, undisturbed soil. (The site plan shall have a note to this effect and depict a section through the proposed structure indicating areas of slopes greater than fifteen percent and areas of fill).
2. The finished grade for all cut or fill slopes shall not exceed 3 on 1 (re: 3 horizontal to 1 vertical). The use of retaining structures may be required to eliminate slopes greater than 3 on 1. All such retaining walls must be approved by the Town Engineer. The site plan shall show proposed contours and indicate all proposed slopes greater than 3 on 1.
3. Surface runoff/or down sprout water will not be allowed to discharge on slopes greater than fifteen percent (15%). Said waters shall be discharged from a closed drainage system to the toe-of-slope dedicated storm water system. (Storm drainage methods shall be shown and noted on the site plan).
4. All disturbed steep slope areas shall be regraded and stabilized as soon as practicable, but in less than thirty days.
5. Disturbance of steep slope areas shall be the minimum required to allow for the completion of the subject construction. (Such areas shall be clearly marked & noted on the site plan).
6. Temporary erosion control (re: straw bales, siltation fences, hydro feeding, mulching etc.), shall be provided for all disturbed areas, shall be installed before work starts, and shall be maintained until restoration is complete. (The site plan shall show location & method of erosion/siltation control.)
7. The selection of vegetation shall be appropriate for subject application and the plant list and ground cover vegetation shall be shown on the site plan.
8. Steep slope areas which will not support vegetation (re: beneath deck in full shade), shall receive an appropriate soil cover (re: stone, pavers etc). (The limit & type of non-vegetative cover shall be shown on the site-plan).
9. Removal of existing mature trees from steep slope areas will only be permitted where absolutely necessary to allow the subject construction. (All trees larger than three inches shall be shown on the site plan. Trees to be removed shall also be indicated on the site plan).
10. Deck support systems on steep slopes shall be designed by a licensed professional engineer. (Details for deck supports on steep slopes shall be shown on the site plan).

11. All steep slope EPOD permit plans shall bear the original seal and signature of a licensed professional engineer.

The applicant for a permit shall have the burden of demonstrating that the proposed regulated activity will be conducted in accordance with the standards and requirements set forth above.

Section 130.240 EPOD (2) - WOODLOT PROTECTION DISTRICT

A. PURPOSE

The purpose of the Woodlot Protection District is to preserve and protect woodlots located within the Town of Irondequoit by regulating or controlling development in those areas and by requiring review and permit approval prior to project commencement.

B. DELINEATION OF DISTRICT BOUNDARIES

The boundaries of the Woodlot Protection District shall be delineated on the "Official Town of Irondequoit EPOD Maps" and shall include all areas in the Town of Irondequoit of five (5) or more contiguous areas of woodlands. Areas that involve active orchards shall not be included in the Woodlot Protection District.

C. REGULATED ACTIVITIES

No person shall conduct any of the following regulated activities within any Woodlot Protection District in the Town of Irondequoit unless such person has first applied for and obtained an EPOD development permit pursuant to the requirements of this Article:

- (1) Clearing of or constructing on any land area within the District except for those activities exempted from the permit requirements of this Article as indicated in Section 130.210 (D) (1) of this Ordinance, as well as any watercourse maintenance activities.

D. DEVELOPMENT STANDARDS/PERMIT CONDITIONS

In granting, denying or conditioning any application for an EPOD development permit, the Town Planning Board shall consider the effect that the proposed regulated activity will have on the public health, safety and welfare and the protection and enhancement of the woodland areas within the Town.

Any applicant for a permit to undertake a regulated activity within a Woodlot Protection District in the Town of Irondequoit shall be required to adequately demonstrate to the Town Planning Board that the proposed activity will in no way at present or at any time in the future adversely affect the following:

- (1) Soil stability.
- (2) Velocity of surface water runoff.

(3) Existing drainage systems.

(4) Natural characteristics of a watercourse.

The applicant for a permit shall have the burden of demonstrating that the proposed regulated activity will be conducted in accordance with the standards and requirements listed above.

E. OTHER STANDARDS/CONDITIONS

Any activity within a woodlot area involving the cutting of trees with the intent to manage the woodlot or harvest timber for commercial use shall be subject to an EPOD (2) development permit. Applications for woodlot management shall be submitted by the applicant to the New York State Department of Environmental Conservation for a review and advisory opinion. Applicants for such activity must submit a management plan prepared by a qualified consulting forester or a forest management recommendation prepared by a NYSDEC forester, which includes the following information:

- (1) A site plan with maps, tables and text showing boundaries and size of the woodlot;
- (2) the kinds and sizes of trees present and the basal area (density of trees calculated per acre by trunk size) of the site before and after the proposed management activity;
- (3) the actions proposed to produce and harvest the forest crop;
- (4) the schedule for a commercial harvest;
- (5) any non-commercial thinning of the woodlot;
- (6) proposed road construction; and,
- (7) proposed erosion and sedimentation control measures, including revegetation and timing, designed in accordance with "Woodlands of the Northeast, Erosion and Sediment Control Guidelines," prepared by the U.S. Department of Agriculture, 1977.

Timber sale contracts shall be required and shall conform with the following:

- (1) The posting of a bond to pay for completion of remedial measures upon failure of the applicant to meet the specification of the plan, in an amount necessary to complete the anticipated work.
- (2) The recording of timber sale contracts with the municipal clerk of the municipality in which the work will be occurring.

The following specific practices shall be used to minimize soil erosion and sedimentation during woodlot management activities:

- (1) No skidding shall take place during wet months.

- (2) Stream crossings shall be kept to a minimum.
- (3) Stream banks shall be protected by controlling skidding and felling close to the stream.
- (4) Slopes exceeding 15 percent shall require additional protection measures.
- (5) All roads and skid trails shall be reviewed for appropriate location, design and construction.
- (6) Landing locations that avoid erosion problems shall be selected.
- (7) Applications for woodlot management shall comply with all applicable New York State and local fire laws.
- (8) When woodlot management techniques are employed along major travel corridors or the bay shoreline in locations that aren't screened by a hill, high bank or other topography, the applicant shall establish a buffer strip along the roadside or bayshore in which a basal area of 60 square feet of stems six inches diameter at breast height and larger is maintained.
- (9) Whenever possible, landings shall be kept out of sight. Landings and access roads shall be restored after use.
- (10) In planning development sites, applicants shall preserve as much mature vegetation as possible. Use of clustering of buildings to avoid mature wooded areas shall be encouraged wherever practical, as well as the planting of replacement vegetation to mitigate the unavoidable uses of woodlots.

Section 130.250 EPOD (3) - FLOODPLAIN PROTECTION DISTRICT

A. PURPOSE

Certain areas of the Town of Irondequoit are subject to periodic flooding which can result in loss of life, property damage, health and safety hazards, disruption of commercial and governmental services, extraordinary public expenditure for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare of the residents of this Town. These flood losses are caused by the cumulative effect of obstructions in the floodplains causing increases in flood heights and velocities and by the occupancy in flood hazard areas by uses which are inadequately elevated, floodproofed, or otherwise protected from flood damage. It is the purpose of the Floodplain Protection District to prevent public and private losses due to flood conditions in certain areas by provisions designed to:

1. Protect the health and welfare of the residents of this Town;
2. Minimize public expenditure for flood control projects;

3. Minimize the need for relief and rescue efforts;
4. Minimize business interruptions;
5. Minimize damage to public facilities and utilities;
6. Help maintain a stable tax base by minimizing flood damage to private and commercial property;
7. Identify those structures and properties which are located in Areas of Special Flood Hazard and maintain such information for public inspection.

B. DELINEATION OF DISTRICT BOUNDARIES

The boundaries of the Floodplain Protection District shall be delineated on the "Official Town of Irondequoit EPOD Maps" and shall include all Areas of Special Flood Hazard as defined in Section 130.40 of this Ordinance and as identified by the Federal Insurance Administration through a report entitled "The Flood Insurance Study for the Town of Irondequoit, New York" dated December, 1977, with accompanying Flood Insurance Rate Map and Flood Hazard Boundary Map. These maps and any revision thereto are hereby adopted by references and declared to be a part of this Article.

Where base flood elevation data has not been provided in the Flood Insurance Study for areas in the Town of Irondequoit as required above, the Town Planning Board, Town Planning Department or Town Engineer shall obtain, review and reasonably utilize any base flood elevation data available from a Federal, State, Town or other source, in order to administer the standards and requirements of this Section.

For the purposes of this section, there are hereby established within the Town of Irondequoit, floodplain protection districts to be known as Floodplain Overlay District I, Floodplain Overlay District II, and Floodplain Overlay District III. The boundaries of the Flood Plain overlay zone shall include all areas within the flood plains as delineated in the Flood Insurance Study for the Town of Irondequoit and shown on the National Flood Insurance Rate map (FIRM) of the Town.

C. REGULATED ACTIVITIES

(1) Floodplain Overlay District I (FPO-I):

(a) Prohibited Activities:

The following activities are not permitted in an FPO-I zone:

- (1) The temporary or permanent placement of a mobile home or similar structure.
- (2) The construction or operation of an on-site sewage disposal system.

- (3) Any other activity which, as demonstrated through a technical evaluation will result in any increase in flood level during the occurrence of the base flood discharge.

(2) Floodplain Overlay District II (FPO-II):

(a) Prohibited Activities:

The following activities are not permitted in an FPO-II zone.

- (1) New structures (temporary or permanent); filling of land; excavation; deposits, obstructions or outside storage of materials or equipment.
- (2) The temporary or permanent placement of a mobile home or similar structure.
- (3) The construction or operation of an on-site sewage disposal system.
- (4) Any activity which is not in compliance with the standards and requirements set forth in other sections of this ordinance.

(b) Regulated Activities:

No person shall conduct any of the following regulated activities within an FPO-II zone unless such person has first applied for and obtained an EPOD development permit pursuant to the requirements of this Article.

- (1) Additions or substantial improvements to structures.
- (2) New structures (temporary or permanent)
- (3) Subdivision of land.
- (4) Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

(3) Floodplain Overlay District III - (FPO-III):

(a) Prohibited Activities:

The following activities are not permitted in an FPO-III zone:

- (1) The temporary or permanent placement of mobile home or similar structure.
- (2) The construction or operation of any on-site sewage disposal system.

- (3) Any activity which is not in compliance with the standards and requirements set forth in other sections of this ordinance.

(b) Regulated Activities:

No person shall conduct any of the following regulated activities within an FPO-III zone unless such person has first applied for and obtained an EPOD development permit pursuant to the requirements of this Article:

- (1) Additional or substantial improvements to structures.
- (2) New structures.
- (3) Outside storage of materials and equipment.
- (4) Subdivision of land.
- (5) Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, excavation or drilling operations.

D. DEVELOPMENT STANDARDS/PERMIT CONDITIONS

- (1) No EPOD development permit shall be issued by the Town Planning Board for any regulated activity within any Floodplain Overlay District unless the applicant for such a permit has submitted a plan that is certified by a registered professional engineer and shows evidence of the following:
 - (a) That the structure will be constructed with its lowest floor, including basement, elevated to at least one (1) foot above the base flood level.
 - (b) That the structure will not affect the efficiency or the capacity of the floodway, or increase flood heights.
 - (c) That the structure will not cause increased velocities or obstruct or otherwise catch or collect debris which will obstruct flow under flood conditions.
 - (d) That the structure shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of waters.
 - (e) That the structure shall be firmly anchored to prevent flotation, collapse or lateral movement which may result in damage to other structures, restrictions of bridge openings and other narrowings of the watercourse.
 - (f) That all new and replacement water supply and sanitary sewer systems shall be designed to minimize or eliminate infiltration

of flood waters into the systems and discharge from the systems into flood waters.

- (g) That service facilities, such as electrical and heating equipment shall be constructed at or above the base flood level for the particular area, or shall be floodproofed.
 - (h) That new construction and substantial improvements shall be constructed using materials, methods and practices that minimize flood damages.
 - (i) That base flood elevation data is provided for all subdivision proposals.
 - (j) Such other data or evidence as may be requested by the Town Planning Board, Conservation Board or Town Planning Department pertaining to flooding and site plan information.
 - (k) Information and/or a description regarding the extent to which any watercourse will be altered or relocated as a result of any proposed development.
 - (l) Plans indicating any walls to be used to enclose space located below the base flood level.
 - (m) There is no reasonable alternative for the proposed regulated activity on a site which is not in a flood hazard area.
- (2) When taking action on an application for an EPOD development permit for a regulated action in any Floodplain Overlay District, the Town Planning Board shall consider all technical information available, all relevant factors and standards specified in this Section, as well as the following:
- (a) The danger that materials may be swept onto other lands to the detriment of others;
 - (b) The danger to life and property due to flooding or erosion damage;
 - (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of its contents to flood damage and the effect of such damage on the individual owner;
 - (d) The importance of the services provided by the proposed facility to the community;
 - (e) The necessity to the facility of a waterfront location;
 - (f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - (g) The compatibility of the proposed use with existing and anticipated development;

- (h) The relationship of the proposed use to the Town comprehensive plan and floodplain management program for that area.
 - (i) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (j) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
 - (k) The costs of providing governmental services during and after flood condition, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems and streets and bridges.
- (3) The Town Planning Board may also require the applicant for an EPOD development permit in any Floodplain Overlay District to adequately demonstrate that one (1) or more of the following conditions have been met before a permit is granted for any regulated activity:
- (a) Anchorage to resist flotation and lateral movement.
 - (b) Reinforcement of walls to resist water pressure.
 - (c) Installation of watertight doors, bulkheads and shutters.
 - (d) Use of paints, membranes or mortars to reduce seepage of water through walls.
 - (e) Addition of mass or weight to resist flotation.
 - (f) Installation of pumps to lower water levels in structures.
 - (g) Pumping facilities to relieve hydrostatic water pressure on external walls and basement floors.
 - (h) Elimination of gravity flow drains.
 - (i) Construction to resist rupture or collapse caused by water pressure or floating debris.
 - (j) Compliance with other applicable environmental regulations contained in the municipal code of the Town of Irondequoit.

E. ADDITIONAL REQUIREMENTS/INFORMATION

- (1) In addition to the other duties and responsibilities specified in this Section, the Town Planning Department is authorized to administer the following provisions of this ordinance.
 - (a) Secure from the applicant all information necessary for a complete review of the proposed development by the appropriate Boards and officials. The information necessary for submission

- shall be the same as required for site plan approval as specified in Section 130.72 of the Ordinance, plus any additional information that may be required by the Town Planning Board to adequately review a request for a permit.
- (b) Review all applications to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
 - (c) Obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
 - (d) For all new or substantially improved floodproofed structures:
 - (1) Verify and record the actual elevation (in relation to mean sea level).
 - (2) Maintain the floodproofing certifications required in this Section.
 - (e) Maintain for public inspection all records pertaining to the provision of this ordinance.
 - (f) Notify adjacent communities and the New York State Department of Environmental Conservation prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency. Require that maintenance is provided within the altered or relocation portion of said watercourse so that the flood carrying capacity is not diminished.
- (2) Where this section imposes greater restrictions that are imposed by the provision of any law, ordinance, regulation or private agreement, this section shall control. Where there are restrictions by law, ordinance, regulation or private agreement, greater than those imposed by this section, such greater restrictions shall control. All uses presently permitted in the zoning districts within the Town of Irondequoit which also fall within the FPO Zones shall continue to be permitted uses for these districts, except where otherwise restricted by this section.
- (3) Appeals for variances to the requirements of this Section shall be based upon Section 60.6 (formerly 1910.6) of the National Flood Insurance Program Regulations. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

- (4) No Board of official of the Town of Irondequoit shall approve any construction or other activity within the Town not in compliance with the standards of Public Law 93-234, 93rd Congress, H.R. 8449, December 31, 1973, better known as the "Flood Disaster Protection Act of 1973," and the Floodplain Management Requirements of Section 60.3 (d) formerly 1910.3 (d) and any amendments thereto.
- (5) The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Town of Irondequoit, any officer or employee thereof or the Federal Emergency Management Agency, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

SECTION 130.260 EPOD (4) - WATERCOURSE PROTECTION DISTRICT

A. PURPOSE

The purpose of the Watercourse Protection District is to preserve and protect watercourses located within the Town of Irondequoit by regulating or controlling development in those areas and by requiring review and permit approval prior to commencement of any activity.

B. DELINEATION OF DISTRICT BOUNDARIES

The boundaries of the Watercourse Protection District shall be delineated on the "Official Town of Irondequoit EPOD Maps" and shall include all areas in the Town of Irondequoit as follows:

- (1) All those areas within two hundred feet (200') of the centerline of a natural or man-made watercourse with an Approximate Channel Top Width which is one hundred feet (100') or greater. (Refer to diagram found at end of this Section for explanation of "Approximate Channel Top Width.")
- (2) All those areas within one hundred feet (100') of the centerline of a natural or man-made watercourse with an Approximate Channel Top Width which is fifty feet (50') or greater, but less than one hundred feet (100').

C. REGULATED ACTIVITIES

No persons shall conduct any of the following regulated activities within any Watercourse Protection District in the Town of Irondequoit unless such person has first applied for and obtained an EPOD development permit pursuant to the requirements of this Article:

(1) Clearing of, or constructing on, any land area which lies within the Watercourse District boundaries, except that the following activities shall be exempted from the clearing regulations of this part:

(a) Customary agricultural operations.

(b) Watercourse maintenance activities.

(2) The construction or placement of any septic tank or septic drainage field.

(3) Any activity which would alter the natural flow pattern of the watercourse.

D. DEVELOPMENT STANDARDS/PERMIT CONDITIONS

In granting, denying or conditioning any application for an EPOD development permit, the Town Planning Board shall consider the effect that the proposed regulated activity will have on the public health, safety and welfare and the protection and enhancement of watercourses within the Town.

Any applicant for a permit to undertake a regulated activity within a Watercourse Protection District in the Town of Irondequoit shall be required to adequately demonstrate to the Town Planning Board that the proposed activity will in no way at present or at any time in the future, adversely affect the following:

(1) Water quality.

(2) Watercourse flood carrying capacities.

(3) Rate of sedimentation.

(4) Velocity of groundwater runoff.

(5) Natural characteristics of the watercourse.

When altering the natural flow pattern of a natural or man-made watercourse, the applicant shall prove that the alteration:

(1) is necessary; and,

(2) will not impair the natural functions of the watercourse.

The applicant for a permit shall have the burden of demonstrating that the proposed regulated activity will be conducted in accordance with the standards and requirements listed above.

617.20

ATTACHMENT A

Visual EAF Addendum

This form is to be used in conjunction with the SEQR Full EAF. Once the potential visual impacts have been identified by the following questions, proceed to Question 11 of the Full EAF.

(To be completed by Lead Agency)

VISIBILITY

Check Distance as Appropriate
In Miles Project Is From Each Resource

1. Is the project potentially visible from:

	0—1/4	1/4—1/2	1/2—3	3—5	5+
• A parcel of land which is dedicated to and available to the public for the use, enjoyment and appreciation of natural or man-made scenic qualities.	<input type="checkbox"/>				
• An overlook or parcel of land dedicated to public observation, enjoyment and appreciation of natural or man-made scenic qualities.	<input type="checkbox"/>				
• A site or structure on or eligible for inclusion in the National or State Register of Historic Places.	<input type="checkbox"/>				
• State Parks.	<input type="checkbox"/>				
• The State Forest Preserve	<input type="checkbox"/>				
• National Wildlife Refuges and state game refuges.	<input type="checkbox"/>				
• National Natural Landmarks and other outstanding natural features.	<input type="checkbox"/>				
• National Park System	<input type="checkbox"/>				
• Rivers designated as National or State Wild, Scenic or Recreational.	<input type="checkbox"/>				
• Any transportation corridor of high exposure, such as part of the Interstate System, or Amtrak.	<input type="checkbox"/>				
• A governmentally established or designated interstate or inter county foot trail, or one proposed for establishment or designation.	<input type="checkbox"/>				
• A site, area, lake, reservoir or highway designated or eligible for designation as scenic.	<input type="checkbox"/>				
• Municipal park, or open space.	<input type="checkbox"/>				
• County road.	<input type="checkbox"/>				
• Local road.	<input type="checkbox"/>				

2. Is the visibility of the project seasonal? (i.e., screened by summer foliage, but visible during other seasons)

Yes No

3. Are any of the resources checked in question 1 used by the public during the time of year during which the project will be visible?

Yes No

DESCRIPTION OF EXISTING VISUAL ENVIRONMENT

4. From each item checked in question 1, check those which most generally describe the surrounding environment.

	Within	
	• ½ mile	• 1 mile
Essentially undeveloped	<input type="checkbox"/>	<input type="checkbox"/>
Forested	<input type="checkbox"/>	<input type="checkbox"/>
Agricultural	<input type="checkbox"/>	<input type="checkbox"/>
Suburban residential	<input type="checkbox"/>	<input type="checkbox"/>
Industrial	<input type="checkbox"/>	<input type="checkbox"/>
Commercial	<input type="checkbox"/>	<input type="checkbox"/>
Urban	<input type="checkbox"/>	<input type="checkbox"/>
River, Lake,	<input type="checkbox"/>	<input type="checkbox"/>
Cliffs, overlooks	<input type="checkbox"/>	<input type="checkbox"/>
Designated asthetic resource	<input type="checkbox"/>	<input type="checkbox"/>
Flat	<input type="checkbox"/>	<input type="checkbox"/>
Hilly	<input type="checkbox"/>	<input type="checkbox"/>
Mountainous	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>

NOTE: add attachments as needed

5. Are there visually similar projects within:

- ½ mile Yes No
- 1 miles Yes No
- 2 miles Yes No
- 3 miles Yes No

• Distance from project site are provided for assistance. Substitute other distances as appropriate.

EXPOSURE

6. The annual number of viewers likely to observe the proposed project is _____.

NOTE: When user data is unavailable or unknown, use best estimate.

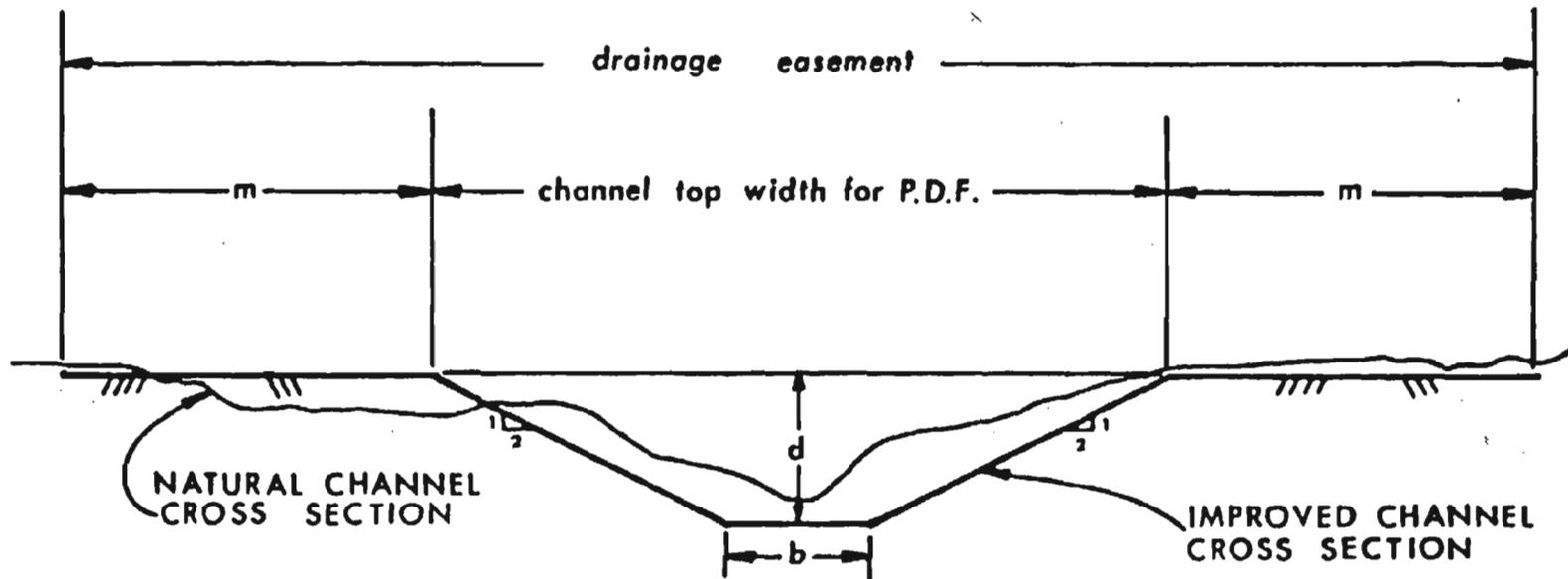
CONTEXT

7. The situation or activity in which the viewers are engaged while viewing the proposed action is

Activity	Frequency			
	Daily	Weekly	Holidays/ Weekends	Seasonally
Travel to and from work	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Involved in recreational activities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Routine travel by residents	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
At a residence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
At worksite	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

TYPICAL CHANNEL CROSS SECTION DRAINAGE AREA 0-10 SQ. MI.

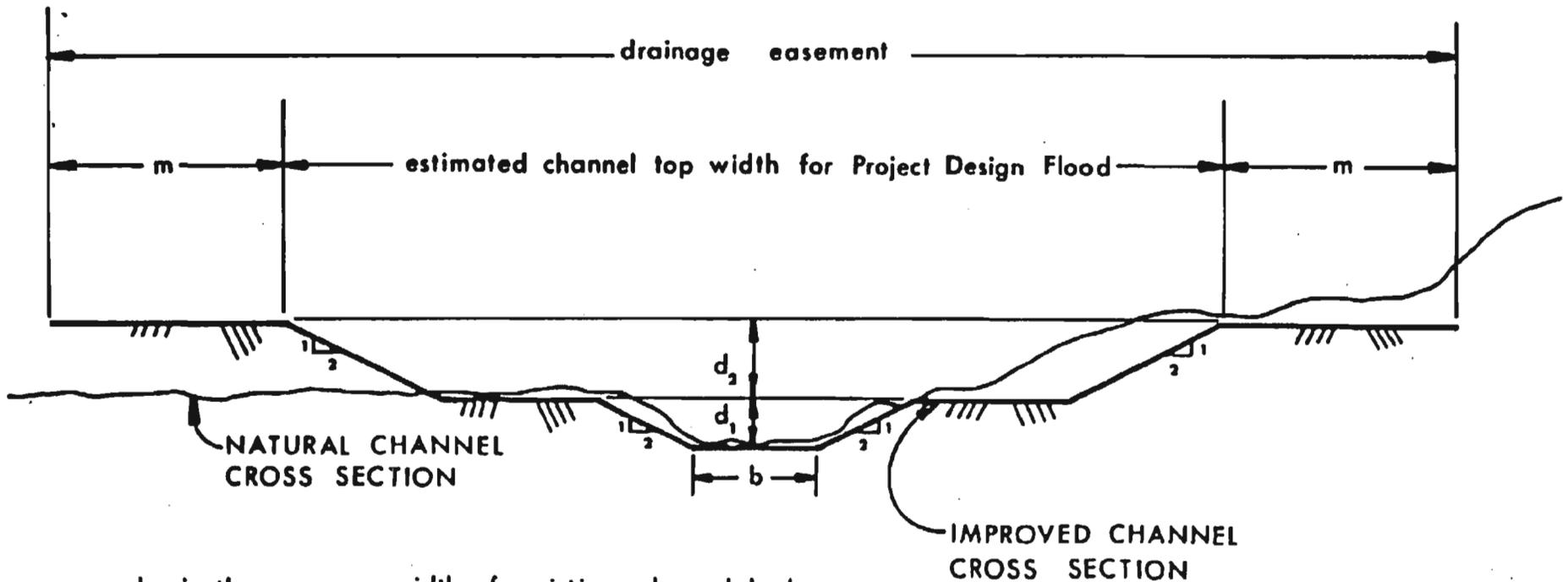
MONROE COUNTY PLANNING COUNCIL



- b is the average width of improved channel bed
- d is the average allowable depth of improved channel
- m is the continuous maintenance way width

FIGURE 2

TYPICAL CHANNEL CROSS SECTION
DRAINAGE AREA ABOVE 10 SQ. MI.
 MONROE COUNTY PLANNING COUNCIL



b is the average width of existing channel bed
 d_1 is the average depth of existing channel
 d_2 is the average allowable flood plain depth
 m is the continuous maintenance way width

FIGURE 3

SECTION 130.72 TOWN PLANNING BOARD

Replace existing Section 130.72, Site Development Plan Approval
of Town of Irondequoit Zoning Ordinance
with new Section 130.72, Town Planning Board.

SECTION 130.72 Town Planning Board

A. APPOINTMENT OF THE TOWN PLANNING BOARD

- (1) RESERVED.
- (2) RESERVED.
- (3) RESERVED.

B. TOWN PLANNING BOARD SITE PLAN REVIEW AUTHORITY

(1) The Town of Irondequoit considers the comprehensive review of site development plans for major principal land uses prior to the issuance of building permits to be an essential element of local land use control. The site plan review and approval process outlined in this section is designed to ensure that proposed development projects are constructed based on accepted engineering, architectural and site design standards and principals. Site plan review allows developers and Town representatives to discuss and agree on the most appropriate methods of land development based on a variety of considerations and criteria. The site plan review process ensures that development proposals are analyzed for their impacts on local growth, public facilities and infrastructure, as well as surrounding land uses and natural features. The site plan review process also ensures that potential adverse impacts of development are minimized.

(2) The Town of Irondequoit Planning Board, in accordance with the provisions of Section 274-A of New York State Town Law, shall have the authority to review and approve site development plans for the following uses prior to the issuance of any building permits:

(a) Principal Uses:

- (1) All principal uses permitted in the Town of Irondequoit Zoning Ordinance with the exception of single-family-detached dwelling units as defined in Section 130.40 of this ordinance.
- (2) A change of use in any pre-existing structure involving any permitted principal use, provided the change in use is not to a single-family-detached dwelling as defined in Section 130.40 of this ordinance.
- (3) Additions or structural alterations to any of the permitted principal uses, with the exception of single-family-detached dwelling units as defined in Section 130.40 of this ordinance, provided that such additions or alterations will affect overall parking requirements on the site, or have otherwise been determined, by the Town Planning and Zoning Department, to require site plan review and approval from the Town Planning Board.

(b) Accessory Uses:

- (1) Garages, carports or parking structures for multi-family dwellings, apartment buildings, townhouses, condominiums, or single-family-attached dwellings that exceed the dimensional requirements of Section 130.31, Part (7) of this ordinance.
- (2) Outdoor, in-ground community swimming pools for multi-family dwellings, apartment buildings, townhouses, condominiums, or single-family-attached dwellings.

C. REQUEST FOR PREAPPLICATION SKETCH PLAN CONFERENCE

- (1) At the time of application for preliminary site plan approval, the applicant shall indicate whether or not an optional sketch plan conference with the Town Planning Board is desired. The Planning Board itself may also choose to require such a conference with the applicant, depending on the nature and complexities of the proposed project. The sketch plan conference shall be conducted at a regularly scheduled meeting of the Town Planning Board, but shall not be a public hearing. The purpose of the sketch plan conference shall be to present to the Town Planning Board, for initial review, discussion and comment, a "design concept or plan" for the development of a parcel or parcels of land within the Town. During the conference, the applicant and the Planning Board shall review and discuss the basic site design concept and generally determine the information to be required and provided on the preliminary site plan. No formal action shall be taken on the plan or the application at the time of the sketch plan conference. At such a conference, the applicant should provide a written statement outlining the proposed project, along with a conceptual design sketch and the following additional information:
 - (a) General location of the site with respect to existing and proposed streets and rights-of-way, buildings and other facilities, and natural features.
 - (b) Specific identification of all properties, subdivisions, streets and easements within two hundred (200) feet of the parcel.
 - (c) General identification of all existing utilities in the area.
 - (d) Identification of internal streets or traffic circulation patterns, if any, of the proposed development.
 - (e) Location of all existing and proposed structures on the site and designated uses for each.
 - (f) Identification of existing zoning classification(s) of the property and all adjacent properties, and any restrictions on land use of the site.
 - (g) Identification of existing natural features on the site.

- (h) A map of site topography at no more than five (5) feet contour intervals. If general site grades exceed five percent (5%) or portions of the site have susceptibility to erosion, flooding or ponding, a soils overlay and a topographic map showing contour intervals of not more than two (2) feet of elevation shall be provided.
 - (i) A completed Environmental Assessment Form (EAF) for those projects designated as Type I or Unlisted Actions as designated by the Town Board, under the Town of Irondequoit Environmental Quality Review Ordinance.
- (2) Following the sketch plan conference, the Town Planning Board may suggest to the applicant changes in the preapplication sketch involving street layouts, traffic patterns, access building sizes, shapes and/or locations, landscaping techniques, preservation of natural features, or other matters which, in the opinion of the Board, would improve the site design concept.

D. APPLICATION FOR PRELIMINARY SITE PLAN APPROVAL

- (1) All preliminary applications for site plan approval shall be made in writing on the appropriate forms and shall include (as required by the Town Planning Board and/or Town Planning and Zoning Department) drawings, maps or other relevant data containing any or all of the following information (maps and drawings submitted as a part of preliminary site plan approval applications shall be prepared by a licensed engineer, architect, landscape architect or surveyor and certified by the sea land signature of such engineer, architect or surveyor):
- (a) A drawing title block, indicating the name and address of the applicant and person responsible for preparation of such drawing.
 - (b) North arrow, scale, original date and last revision date for all maps.
 - (c) An area or location map showing that portion of the applicant's property under consideration, the applicant's entire adjacent holdings and all properties, subdivisions, streets and easements within two hundred (200) feet of the applicant's property.
 - (d) Identification of the boundaries of the property plotted to scale; dimensions of the site and total acreage.
 - (e) Current zoning of the property and any proposed zoning changes.
 - (f) Location of existing watercourses.
 - (g) A grading and drainage plan showing existing and proposed contours and methods of on-site drainage and/or water retention in accordance with Chapter 52 of the Town Municipal Code.

- (h) The location, setbacks, heights and proposed use for all buildings and structures.
- (i) Typical floor plans and elevations for all buildings.
- (j) The location of any docks, piers, moorings or similar accessory structures.
- (k) The location, design and traffic circulation patterns for all parking areas and truck delivery areas, showing all ingress and egress points, driveways, drive aisles, etc.
- (l) The location and size of all curb cuts.
- (m) Description of provisions for pedestrian access and circulation, including sidewalks, handicapped parking areas and ramps, crosswalks, pavement markings, including any easements for public access along shoreline areas.
- (n) The size, nature and location of any outdoor storage area; the location of any outdoor fencing, including size, height and type of construction.
- (o) The location, design and construction materials of all existing or proposed site improvements such as drains, culverts, retaining walls, outdoor storage tanks, retention ponds, air conditioning units and waste disposal units, etc.
- (p) A description of the method of sewage and storm water disposal and location, design and construction materials of such facilities.
- (q) A description of the method of securing public water and the location, design and construction materials of such facilities.
- (r) The location of fire lanes and other emergency zones, including the location of all existing and proposed fire hydrants.
- (s) The location, size, design and construction material of all proposed signs.
- (t) The location, design and construction materials of all energy distribution facilities, including electrical, gas and solar energy; descriptions of provisions for solar-energy use, energy conservation, or other environmental-design techniques.
- (u) The location and proposed development of all buffer areas, including existing and proposed vegetative cover. The location of all existing stands of trees on the site.
- (v) The location and design of outdoor lighting facilities.

- (w) A designation of the amount of building area to be used for retail sales or similar commercial activity, if any; an estimate of the maximum number of employees to be on the site at any one time.
- (x) A general landscaping plan and planting schedule including location land types of trees and shrubbery to be planted.
- (y) An identification of all additional Town, Country, State and Federal permits, variances and/or other approvals that are necessary in order to complete the project as proposed; an identification of all Development permits required, if any, under the provisions of the zoning regulations of the Town Environmental Protection Overlay Districts.
- (z) Any other data, information, maps or drawings that are deemed necessary by the Town Planning Board and/or Town Planning and Zoning Department, in order to make a decision regarding the application for preliminary site plan approval.
- (aa) For site plan review applications for development proposed within five hundred (500) feet of Irondequoit Bay or Lake Ontario shoreline, a soil survey shall be required containing the following information.
 - 1. A two (2) foot contour map on a scale of 1 inch equals 200 feet or larger scale.
 - 2. One (1) soil boring 48 inches deep or deeper per 2 acres of development.
 - 3. One (1) deep hole pit 8 feet deep or deeper per 10 acres of development (at least 1 pit per development site).
 - 4. A map showing location of soil borings and deep hole pits.
 - 5. A map showing separation of intensive soil map units (soil map).
 - 6. Soil descriptions unless keyed to county soil survey descriptions.
 - 7. Log of soil borings and deep hole pits.
 - 8. Summary letter written and signed by professional soil scientist.
- (bb) A visual analysis of the proposed development site which identifies all significant scenic views and vistas, and a cultural resource analysis of the site which identifies all significant historic, architectural, archeological or other cultural buildings and structures.

- (2) A letter of intent, prepared by the applicant or his designated representative or agent, shall accompany the preliminary site plan application and shall include a statement outlining the proposed project, the owner of the property and any proposed building, the project builder or contractor (if known), a proposed construction schedule, the principals involved in the financing of the project, and any other information deemed necessary by the Town Planning and Zoning Department. Such additional information may include data on the nature and legal status of existing or proposed easements, a description of all deed restrictions or covenants applicable to the property, etc.
- (3) Appropriate fees to cover the costs of processing the application for preliminary site plan approval shall accompany the application and shall be paid to the Town Clerk upon filing with the Town Planning Board. Such fees shall be established by the Town Board by resolution, may from time to time be changed by the Board, and shall not be refundable.
- (4) The owner or operator of a proposed marina or harbor area may be required to submit information that estimates water quality, current patterns and intensities of boat activity, shoreline alterations, and any other conditions which may be altered by the construction of the marina or boat basin for a period of one year after completion of the facility.

E. PLANNING BOARD REVIEW OF PRELIMINARY SITE PLAN

- (1) The Town Planning Board's review of a preliminary site plan application shall include, but shall not be limited to, the following considerations:
 - (a) The adequacy and arrangement of pedestrian access and circulation into and through the site (including separation of pedestrian and vehicular traffic), location and design of walkway structures, control of intersections where vehicular and pedestrian traffic converge, and overall pedestrian convenience and safety in the site; the adequacy of facilities designed to assist handicapped persons using the facility.
 - (b) The adequacy and arrangement of vehicular access and circulation into and through the site (including separation of pedestrian and vehicular traffic), location and design of driveways, drive aisles and curb cuts.
 - (c) The adequacy, type and arrangement of trees, shrubs and other landscaping on the site for use as visual and/or noise deterring buffers between adjoining land uses, or as natural design elements to enhance the aesthetic aspects of the project.

- (d) In the case of an apartment building, townhouse, condominium or other form of multi-family dwelling, the adequacy of usable open space areas for playgrounds, and/or other recreational activities.
- (e) The adequacy, location, and design of parking facilities, loading and unloading areas and docking facilities.
- (f) The adequacy of stormwater and drainage facilities.
- (g) The location, arrangement, size and design of buildings, exterior lighting and signage.
- (h) The adequacy of water supply to the site and sewage and refuse disposal facilities.
- (i) The protection of solar access on adjacent or neighboring properties.
- (j) The protection of adjacent properties and the general public against noise, glare and unsightliness or other objectionable influences.
- (k) Adequacy of structures, roadways and landscaping in areas with moderate to high susceptibility to flooding and ponding and/or erosion.
- (l) Proposed grading of the site.
- (m) Adequacy of all temporary and permanent provisions to control erosion from the site, maintain existing vegetation and wildlife habitats within the site, deal with peculiar soil types on the site and other similar site environmental problems.
- (n) The adequacy, design and location of fire lanes, emergency access zones or other similar areas intended to provide ingress and egress for emergency vehicles; the adequacy and location of fire hydrants.
- (o) Provisions for snow storage and/or removal.
- (p) The proposed construction schedule or "phasing" of the project and its relationship to overall project design.
- (q) The requested or potential use of provisions of Section 281 of New York State Town Law to permit or require clustering of development away from sensitive environmental areas.
- (r) General project conformance with accepted planning, engineering and site design standards and criteria.

- (s) Adequacy, location and design of shoreline/erosion protection structures.
- (t) Adequacy, size location and design of boat docking facilities, fishing piers, slips, catwalks, boat launching ramps and other similar facilities.
- (u) Adequacy of provisions of pedestrian access to the shorezone for particular sites.
- (v) The aesthetic and architectural qualities of the proposed project, particularly building styles and construction materials used, as they relate to any unique characteristics of a particular site and the surrounding natural environment.
- (w) The nature and adequacy of protection of identified significant scenic views or vistas or significant cultural resources on the site.

F. PLANNING BOARD ACTION ON PRELIMINARY SITE PLAN

- (1) The Town Planning Board shall conduct a public hearing on the proposed preliminary site plan. Such a public hearing shall be conducted within forty-five (45) days of the date of receipt of the application for preliminary site plan approval, and shall be advertised in a newspaper of general circulation in the Town at least five (5) days prior to the public hearing. The Town Planning and Zoning Department shall be responsible for notifying by mail all property owners within two hundred (200) feet of the property involved in the preliminary application, of the time, date and place of said public hearing, at least five (5) days prior to such meeting.
- (2) Prior to the approval of any development application by the Town Planning Board, the Town Planning and Zoning Department shall review such application and make recommendations to the Board concerning the project. Such recommendations shall include an identification of any variances required for the project, and/or possible problems with the general site plan design, parking or buildings layouts, ingress or egress, building density or setbacks, pedestrian and vehicular circulation, and other land-use, site design, zoning or environmental problems or concerns. Such recommendations may also include possible alternative design solutions. The Town Planning and Zoning Department shall be responsible for coordinating all other Town permit procedures necessary for any given project or proposed development, including the Town environmental quality review process and the procedures for obtaining development permits within environmental protection overlay zoning districts.
- (3) The Town Planning and Zoning Department shall be responsible for referring, as necessary or required, any development project to the various departments or agencies, prior to any final action being taken by the Town Planning Board on the application. The Town

Planning Board shall be responsible for referring certain site development plans to the Monroe County Department of Planning for its review and report in accordance with the provisions of Section 239-M of the General Municipal Law, prior to any final action being taken on the application by the Board.

- (4) Within sixty (60) days of the receipt of an application for preliminary site plan approval, the Town Planning Board shall act on it. If no decision to deny such an application is made within said sixty (60) day period, and upon completion of all other requirements by the applicant, the preliminary site plan shall be considered approved. The sixty (60) day time limit action on the preliminary site plan may be extended by mutual consent or agreement of the Town Planning Board and the applicant. The Planning Board's action shall be in the form of a written statement to the applicant stating whether or not the preliminary is approved, disapproved or approved with conditions. The Planning Board may incorporate a statement of findings into the decision and must clearly state the reasons for the action being taken.
- (5) The Town Planning Board may approve an application for site plan review when, based on the information presented at the public hearing, it has determined that the project will adequately and appropriately address the considerations and criteria listed above. The Town Planning Board may place reasonable restrictions or stipulations on such applications in order to ensure that the project will adequately and appropriately address the considerations and criteria listed above.
- (6) The Planning Board's decision shall refer to a specific site plan drawing by date and number and may include recommendations of desirable modifications to be incorporated into the final site plan. Conformance with said modifications shall be considered a condition of project approval. If the preliminary site plan is disapproved, the Planning Board's decision shall clearly state the reasons for such denial. In such a case, the Planning Board may recommend further study of the site plan and resubmission to the Board after it has been revised or redesigned.

G. APPLICATION FOR FINAL SITE PLAN APPROVAL

- (1) After receiving preliminary approval, with or without modifications, from the Planning Board on a preliminary site plan, and approval for all necessary permits and curb cuts from State and County officials, the applicant may prepare a final detailed site plan and submit it to the Planning Board for approval. If more than six (6) months has elapsed since the time of the Planning Board's action on the preliminary site plan and if the Planning Board finds that conditions may have changed significantly in the interim, the Planning Board may require a resubmission of the preliminary site plan and an additional public hearing for further review and possible revision prior to accepting the proposed final site plan for review.

- (2) The final detailed site plan shall conform substantially to the preliminary site plan that has received preliminary site plan approval. It shall incorporate any revisions or other features that may have been recommended by the Planning Board at the preliminary review. In addition to that provided elsewhere in the ordinance, the Planning Board may require a letter of credit, bond or maintenance bond for any facility or improvement that is indicated as part of the plan, such as parking areas and buffer and screen devices. All such compliances shall be clearly indicated by the applicant on the appropriate submission.
- (3) In addition to final detailed site plans, the following additional information shall accompany an application for final site plan approval:
 - (a) A record of application for any approval status of all necessary permits from Town, County and State departments or agencies.
 - (b) An estimated project construction schedule.
 - (c) Submission of all proposed easements agreements.
 - (d) Submission of evidence of firm financial commitments for project construction and permanent financing for completion of the project.
 - (e) Any other information or data deemed necessary by the Town Planning Board and Zoning Department and/or Town Planning Board.
- (4) Review of such final site plan application shall take place at a regularly scheduled meeting of the Town Planning Board, but shall not require a public hearing.
- (5) If the final detailed site plan is substantially different from the approved preliminary plan, then the applicant shall present any modifications to the Planning Board as a preliminary site plan in accordance with the approval procedures found in this Section. The Planning Board shall then determine whether or not the modified plan is still in keeping with the intent of the resolution which approved the preliminary site plan. If a negative decision is reached, the site plan shall be considered as disapproved.

H. PLANNING BOARD ACTION ON FINAL SITE PLAN

- (1) Within sixty (60) days of receipt of the application for final site plan approval, the Planning Board shall render a decision to the Town Building Inspector. If no decision is made within the sixty (60) day period, and upon completion of requirements to be met, the final site plan shall be considered approved. However, the sixty

(60) day time period may be extended by mutual consent of the Town Planning Board and the applicant. The Planning Board's decision shall clearly refer to a specific site plan by drawing number and date.

- (2) Upon approval of the final site plan and payment by the applicant of all fees and reimbursable costs due to the Town, the Planning Board shall endorse its approval on a copy of the final site plan and shall forward such copy to the Town Building Inspector. Upon disapproval of a final site plan, the Planning Board shall so inform the Building Inspector and the Building Inspector shall deny a building permit to the applicant. The Planning Board shall also notify the applicant in writing of its decision and its reasons for disapproval or approval. Town Planning Board approval of a final site plan shall expire after one (1) year from the date of such decision unless a building permit has been taken out within such time period, for work indicated on the final site plan, and substantial site development and/or construction has begun. An application for preliminary or final site plan approval that has been denied by the Town Planning Board may not be resubmitted to the Board for a period of one (1) year from the date of such decision unless such plan has been changed or revised to reflect the concerns and recommendations of the Planning Board indicated in its notice of denial.
- (3) In taking action on applications for final site plan approval, the Town Planning Board shall ensure that, to the the maximum extent possible, the minimum requirement of the Town Zoning Law have been met or that appropriate variances have been granted by the Town Zoning Board of Appeals. The Town Planning Board may impose additional restrictions or conditions on applications for final site plan approval beyond the general requirements of the Town Zoning Law, but within the scope and authority of this Section, if it determines that such restrictions or conditions are necessary to ensure project conformance with generally accepted planning, engineering and design standards and criteria, to minimize the project's adverse impact on adjacent land uses and other physical and environmental features, or are directly related to the health, safety or general welfare of the community. Such additional restrictions or conditions shall be in the form of a resolution of approval to be signed by the applicant as a condition of final site plan approval. Final site plan approval cannot be granted for any project until all necessary variances from the Town Zoning Board of Appeals have been granted and/or all use-permits from the Town Board have been granted, and a review or referral have been received concerning the project from the Monroe County Planning Department in accordance with the provisions of Section 239 of the General Municipal Law.

I. PLANNING BOARD ACTION ON PRELIMINARY AND/OR FINAL SITE PLAN APPLICATIONS

- (1) The Town Planning Board may take any one of the following actions on an application for preliminary or final site plan review:
- (a) Preliminary approval: Application is given preliminary site plan approval as presented.
 - (b) Preliminary approval with modifications: Application is given preliminary site plan approval subject to certain modifications being made in the plan that will be shown on the final site plan.
 - (c) Disapproval: Application for site plan approval is denied based upon reasons stated in the decision.
 - (d) Disapproval without prejudice: Application for site plan approval is denied based upon reasons stated in the decision. However, the Planning Board may reconsider the application if substantial changes are made in the site plan design or overall project concept. A new application fee for the Planning Board is required and the additional public hearing is required if and when the new plans are submitted.
 - (e) Final approval: Application is given final site plan approval as presented.
 - (f) Final approval with modifications or conditions: Application is given final site plan approval subject to certain modifications or conditions contained in the decision or resolution of approval to be signed by the applicant.
 - (g) Reserved decision: Further action on an application for site plan approval is postponed pending receipt of additional information or data.
 - (h) Tabled: Preliminary site plan hearing is postponed pending receipt of additional information, appearance of applicant or a representative, etc.

J. REIMBURSABLE COSTS

Costs incurred by the Town Planning Board for consultation fees or other extraordinary expenses in connection with the review of a proposed site plan, that are over and above the basic application fee, shall be charged to the applicant at a rate as established by the Town Board.

K. INTEGRATION OF SITE PLAN REVIEW

Whenever the particular circumstances of a proposed development require compliance with either special-use permit procedures as found in this Zoning Ordinance, or requirements of the Town's land subdivision

regulations or local SEQR regulations, then the Town Planning Board and Town Planning and Zoning Department shall attempt to integrate, where possible, site plan review as required by this section with procedural and submission requirements for such other compliance.

L. PLANNING BOARD SPECIAL-USE-PERMIT AUTHORITY

- (1) The Town of Irondequoit considers the review and approval of special-use permits for major principal land uses prior to the issuance of building permits to be an essential element of local land use control. The special-use-permit review and approval process outlined in this section is designed to ensure that certain proposed development projects meet a pre-determined set of standards and criteria prior to approval, based on the nature of the land use involved and the characteristics of the site proposed for that land use. These standards and criteria are designed to ensure that development impacts of proposed projects are minimized, or eliminated altogether. The special-use-permit review and approval process ensures that development proposals are analyzed for their impacts on local growth, public facilities and infrastructure, as well as surrounding land uses and natural features. The process is also designed to ensure that land resources are utilized in the most appropriate and desirable manner.
- (2) The Town of Irondequoit Planning Board, in accordance with the provisions of Section 274-a of New York State Town Law, shall have the authority to issue special-use-permits for the following uses permitted within the WATERFRONT DEVELOPMENT (WD) DISTRICT only, prior to the issuance of any building permits:
 - (A) Principal Uses:
 - (1) Multi-family dwellings, apartment buildings, or other similar uses.
 - (2) Townhouses, single-family-attached dwellings, row houses and other similar uses.
 - (3) Commercial parks, playgrounds or beaches, amusement parks, golf courses, tennis/raquetball clubs or other similar uses operated for gain.
 - (4) Private club or camp, private membership clubs, lodges or fraternal organizations, neighborhood or community centers, YMCA or YWCA or other similar uses.
 - (5) Sit-down restaurants as defined in Section 130.40 of this ordinance.
 - (6) Motels, hotels, or boatels.

- (7) Yacht clubs or other similar use.
- (8) Marinas, boat docks, docking basins, boat launching ramps, including related retail sales of pleasure boats, marine and fishing supplies, and other similar uses.
- (9) Boat service, repair, rental and storage facilities or other similar use.
- (10) Stores, shops and boutiques designated for festive retail uses and activities as defined in Section 130.40 of this ordinance.
- (11) Public utility buildings or structures, including but not limited to electrical substations.
- (12) Combinations of permitted principal uses, based on a determination by the Town Planning Board that such combinations are appropriate for the proposed waterfront area and are compatible with the purpose and intent of this district, as well as the goals and policies of the Local Waterfront Revitalization Program (LWRP). Each such proposed use shall be subject to special-use-permit review and approval.
- (13) Other uses not specifically listed above but which, based on a determination by the Town Planning Board, are deemed appropriate for waterfront areas, are similar in nature to permitted principal uses and are compatible with the purpose and intent of this district as well as the goals and policies of the Local Waterfront Revitalization Program (LWRP).

(B) Accessory Uses:

- (1) Radio, TV or CB antennas that require a permit from the Town Zoning Board of Appeals.
- (2) All signage, with the exception of real estate signs, temporary political signs and accessory traffic signs.
- (3) Outdoor storage of boats.
- (4) Fishing piers, docks, wharves, boat launching ramps and similar waterfront structures and facilities.
- (5) Accessory dredging and filling as defined in Section 130.40 of this ordinance.

M. APPLICATION FOR SPECIAL-USE-PERMIT APPROVAL

- (1) An application for special-use-permit review and approval shall be made in writing on the appropriate forms and shall be filed with the Town Planning and Zoning Department. An application for special-use-permit review and approval shall require and be made in tandem with application for site plan review and approval for the

proposed project. These two applications shall be subject to the same information submission requirements and shall follow one review and approval process as outlined in this section. The application for special-use-permit review and approval shall be considered during the public hearing on the preliminary site plan. No additional fee shall be required of the applicant in order to process the special-use-permit application.

- (2) (a) A transportation impact analysis, to be prepared by the applicant, submitted with the application for special-use-permit approval and reviewed by the Town Planning Board, shall be required as a condition of special-use-permit application in the following cases:
 - (1) Any development which will have direct access to a collector or arterial road;
 - (2) Any residential development which proposed to have more than 25 dwelling units;
 - (3) Any use which will generate in excess of 100 trips per day (the cumulative transportation impacts of adjacent development on the existing road network shall also be considered when determining trip generation rates).
 - (4) Any development located on a street, road or highway that provides direct access to Irondequoit Bay or to Lake Ontario.
- (b) The transportation impact analysis shall include the following:
 - (1) A description of the proposed site and existing highway network within one mile of the site;
 - (2) A detailed description of road conditions and characteristics, including grade, pavement widths and surface conditions;
 - (3) The locations of intersections, traffic signals and public transportation facilities;
 - (4) A description of existing traffic conditions, including average daily traffic volume, design hour volume, and roadway and intersection service levels for each road or highway included in the project;
 - (5) A determination of the development's anticipated transportation impact, using standard trip generation rates, accepted traffic modeling methodologies that considers the effects on adjacent development and provisions for access controls.

- (6) A detailed description of the proposed local street system for the development site.
- (3) An application of special-use-permit review and approval for all principal uses permitted within the WATERFRONT DEVELOPMENT (WD) DISTRICT shall be accompanied by a natural resource inventory and visual analysis for the proposed development site that identifies all of the environmentally-sensitive or unique areas within the site, including but not limited to steep slopes, wetlands, woodlots, floodplains, scenic views and vistas, and wildlife habitats. The natural resource inventory shall also indicate how the proposed development will impact these areas and what mitigating measures will be taken to minimize and adverse impacts. The "Visual EAF Addendum", prepared by the New York State Department of Environmental Conservation, shall be used to supply information for the visual impact analysis required above.
- (4) An application for special-use-permit review and approval for all principal uses permitted within the WATERFRONT DEVELOPMENT (WD) DISTRICT shall be accompanied by an analysis of the proposed development site for significant historic or cultural resources. The criteria for evaluating significant historic or cultural sites shall be the quality of significance in American or local history, architecture, archeology, and culture that is present in districts, sites, buildings, structures and objects of State and local importance that possess integrity of locations, design setting, materials, workmanship, feeling and association, and:
- (a) That are associated with events that have made a significant contribution to the broad patterns of our history; or,
 - (b) That are associated with the lives of persons significant in our past; or,
 - (c) That employ distinctive characteristics of a type, period or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent significant and distinguishable entities whose components may lack individual distinction; or,
 - (d) That have yielded, or may be likely to yield, information important in prehistory or history.

A preliminary records check by the Rochester Museum and Science Center shall be prepared in the early stages of the project review and shall be submitted by the applicant with the initial project application to identify potentially historic areas.

Developers shall allow historical and archeological officials access to the project site during excavation operations.

The developer in cooperation with local officials and the Rochester Museum and Science Center staff, shall preserve architecturally

significant structures and make a photographic and statistical record of those that must be destroyed.

N. GRANTING OR DENIAL OF SPECIAL-USE-PERMIT

- (1) Approval by the Town Planning Board of any special-use-permit shall be contingent on a finding by the Board, based on the information submitted and testimony made at the public hearing, written project reviews by the appropriate agencies and a recommendation from the Monroe County Planning Department, that the proposed project or development will, as applicable:
 - (a) Provide adequate and safe site access;
 - (b) Provide adequate site utility service including water supply, sewage and refuse disposal;
 - (c) Be compatible with and enhance, to the extent possible, the existing natural features of the site and the surrounding area;
 - (d) Provide adequate year-round site fire protection services.
 - (e) Relate in an adequate and appropriate manner to the depth of Bay water adjacent to the site;
 - (f) Relate in an adequate and appropriate manner to, and in general be compatible with, the existing land-use and zoning pattern in the immediate area;
 - (g) Comply, to the greatest extent possible, with the applicable site design criteria and other zoning district requirements outlined in the Town Zoning Ordinance;
 - (h) Provide public access to the shorezone, to the extent possible and desirable given the nature of the site and proposed use.
- (2) Approval by the Town Planning Board of any special-use-permit shall be contingent on a finding by the Board, based on the information submitted and testimony made at the public hearing, written project review by the appropriate agencies and a recommendation from the Monroe County Planning Department, that the proposed project or development will not, as applicable:
 - (a) Adversely effect the orderly development and character of the surrounding neighborhood;
 - (b) Cause an inappropriate or undesirable number of similar uses to be concentrated in the immediate area;
 - (c) Be a nuisance to neighboring land uses in terms of the production of obnoxious or objectionable noise, dust, glare, odor, refuse, fumes, vibrations, unsightliness, contamination, or other similar conditions;

- (d) Create hazards or dangers to the general public or to persons in the vicinity of the project from fire, explosions, electricity, radiation, crowds, traffic congestion, parking of automobiles or other similar conditions.
 - (e) Cause undue harm to or destroy existing sensitive natural features on the site or in the surrounding area, or cause adverse environmental impacts, such as severe erosion and/or sedimentation, slope destruction, flooding or ponding of water, or degradation of water quality;
 - (f) Be incompatible with the type, extent and direction of building development for the site and surrounding area, as proposed in the Town of Irondequoit Master Plan, or portion thereof, and as adopted by the Town Planning Board;
 - (g) Be incompatible with any of the official policies of the Town of Irondequoit Local Waterfront Revitalization Program (LWRP);
 - (h) Destroy or adversely impact significant historic and/or cultural resource sites;
 - (i) Require an unnecessary or destructive amount of dredging filling or other disturbance of the waters of Irondequoit Bay or Lake Ontario.
- (4) The Town Planning Board shall review the application for special-use-permit approval based on the criteria and considerations listed above. Should the applicant, based on the findings of the Board, fail to meet any one of the criteria or requirements listed above, either because of the basic nature and design of the project or the lack of appropriate mitigating measures, the request for approval of the special-use-permit shall be denied. Should the applicant, based on the findings of the Board, meet all of the criteria or requirements listed above, either because of the basic nature and design of the project or the inclusion of appropriate mitigating measures, then the request for approval of a special-use-permit shall be granted. The applicant shall then require approval of the project's preliminary site plan from the Town Planning Board. Procedures for the further review of the site plan application shall follow those particular requirements as outlined in this section. The Town Planning Board may approve an application for a special-use-permit subject to appropriate conditions and/or the inclusion of mitigating measures that will ensure compliance with the criteria and requirements listed above. In such a case, no further review or action on the special-use-permit application shall be required. However, failure to comply with the conditions of the special-use-permit shall be considered a violation of this zoning ordinance and shall result in the application of the appropriate penalties and/or fines as outlined in Article VIII of this ordinance and the possible revocation of other permits.

- (5) As a part of the special-use-permit review and approval process, the Town Planning Board shall be empowered, in accordance with the provisions of Section 281 of New York Town Law, in conjunction with application of such other provisions of Town Law as concern subdivision control, to establish, change and/or modify lot size, building setback, building height and other dimensional requirements for specific principal and/or accessory uses as listed in the WATERFRONT DEVELOPMENT (WD) DISTRICT. In making such determinations, the Town Planning Board shall be guided by the appropriate requirements and considerations listed above for review of the special-use-permit application, as well as the policies of the Town of Irondequoit Local Waterfront Revitalization Program (LWRP). Dimensional requirements for these uses, as reviewed and approved by the Town Planning Board, shall be incorporated into the site plan design through the preliminary site plan review process.

O. SUBDIVISION AND RESUBDIVISION REVIEW AUTHORITY

- (1) RESERVED.
- (2) RESERVED.
- (3) RESERVED.
- (4) RESERVED.
- (5) The Town Planning Board, in accordance with the provisions of Section 281 of New York State Town Law, is empowered, simultaneously with the approval of a plat or plats pursuant to Chapter 31 of the Town Municipal Code, to modify applicable dimensional provisions of the Town Zoning Ordinance. The Town Planning Board shall make such modifications, based on a finding that such modifications will enable and encourage a flexibility of design and development of land in such a manner so as to promote the most desirable and appropriate use of land, will facilitate the adequate and economical provision of streets and utilities, and/or will preserve and protect the natural and scenic qualities of open land, as well as the unique and sensitive environmental areas within the Town.

P. MISCELLANEOUS POWERS AND AUTHORITIES OF THE TOWN PLANNING BOARD

- (1) RESERVED.
- (2) RESERVED.
- (3) RESERVED.
- (4) RESERVED.
- (5) RESERVED.
- (6) RESERVED.

Q. APPEALS FROM DECISIONS OF THE TOWN PLANNING BOARD

Any person aggrieved by any decision of the Town Planning Board may apply to the New York State Supreme Court for review by a proceeding under the provisions of Article Seventy-eight of the Civil Practice Law and Rules. Such proceedings must be instituted within thirty (30) days after the filing of a decision of the Board in the Office of the Irondequoit Town Clerk.

CHAPTER 39: DRAINAGE, EROSION AND SEDIMENTATION CONTROL ORDINANCE

Replace existing Chapter 36, Excavations
Insert new town ordinance into TITLE III of
TOWN OF IRONDEQUOIT MUNICIPAL CODE.

CHAPTER 39

DRAINAGE, EROSION AND SEDIMENTATION CONTROL ORDINANCE

ARTICLE I

GENERAL PROVISIONS

SECTION 39.10 PURPOSE OF ORDINANCE

The purpose of this ordinance is to protect the public health, safety and general welfare within the Town of Irondequoit by regulating site preparation, land development and construction activities that include excavations, filling, grading and stripping, in order to prevent erosion, sedimentation and/or drainage problems. Specifically, this ordinance is intended to:

- (1) Preserve the quality of the natural environment from adverse impacts of site preparation and construction. These impacts include pollution of Lake Ontario and Irondequoit Bay, Densmore Creek, ponds and other bodies of water from silt or other materials, unnecessary destruction of trees and other vegetation, excessive exposure of soil to erosion, unnecessary modification of natural topography or unique geologic features, and the failure to restore construction sites to an attractive and stable natural condition.
- (2) Protect people and properties from adverse impacts of site preparation and construction. These impacts include increased runoff, erosion of soil, deposition of sediment, increased threat to life and property from flooding or uncontrolled storm waters, increased slope instability and hazards from land slides and slumping, and modifications to the ground water supply system that could adversely affect wells and surface water levels.
- (3) Protect the Town of Irondequoit and other municipal agencies from having to undertake, at public expense, programs of repairing roads and other public facilities, of providing flood protection and erosion control facilities, and of compensating private property owners for the destruction of properties arising from the adverse impacts of site preparation and construction.
- (4) Ensure that site preparation and construction activities within the Town of Irondequoit are undertaken in a manner consistent with the goals and policies of the Town of Irondequoit Local Waterfront Revitalization Program (LWRP), as well as the Town of Irondequoit Master Plan.

SECTION 39.20 AUTHORITY

This ordinance is adopted in accordance with the provisions of Article 9 of the New York State Town Law, which gives the Town Board of the Town of Irondequoit the authority to enact ordinances for the purpose

of promoting the health, safety and/or general welfare of the residents of the Town, including the protection and preservation of the property of those residents.

SECTION 39.30 ENACTMENT AND TITLE

In order that site preparation and construction activities within the Town of Irondequoit may be in conformance with the provisions and regulations of this ordinance, this ordinance is hereby adopted and shall be known and may be cited as the Drainage, Erosion and Sediment Control Ordinance of the Town of Irondequoit.

SECTION 39.40 JURISDICTION AND EFFECTIVE DATE

- (A) Upon the approval of this ordinance by the Town Board of the Town of Irondequoit, all site preparation and construction activities undertaken within the Town that require a permit under this ordinance shall be in conformance with the provisions set forth herein.
- (B) This ordinance shall take effect and be in force immediately after its passage, publication of notice of adoption, and posting as required by law.

SECTION 39.50 CONFLICT WITH EXISTING REGULATIONS

Where this ordinance imposes greater restrictions than are imposed by the provisions of any other law, ordinance, regulation or private agreement, this ordinance shall control. Where greater restrictions are imposed by any other law, ordinance, regulation or private agreement than are imposed by this ordinance, such greater restrictions shall control.

SECTION 39.60 SEPARABILITY

If any section, subsection, paragraph, sentence, clause or other part of this ordinance is for any reason found to be invalid, the validity of the remaining portion of this ordinance shall not be affected.

SECTION 39.70 DEFINITIONS

The following definitions shall apply, where applicable in this chapter, unless otherwise stated or required:

- (1) **AGRICULTURAL OPERATIONS:** All activities directly related to the growing or raising of crops or livestock for the sale of agricultural produce, including horticultural and fruit operations.
- (2) **AUTHORIZED OFFICIAL:** The person designated by the Town Board of the Town of Irondequoit to administer and enforce the provisions of this ordinance.
- (3) **DRAINAGE:** The gravitational movement of water or other liquids by surface runoff or subsurface flow.

- (4) EROSION: The wearing away of the land surface by action of wind, water, gravity or other natural forces.
- (5) EXCAVATION: Any activity which removes or significantly disturbs rock, gravel, sand, soil or other natural deposits.
- (6) FILLING: Any activity which deposits natural or artificial material so as to modify the surface or subsurface conditions of land, lakes, ponds or watercourses.
- (7) GRADING: The alteration of the surface or subsurface conditions of land, lakes, ponds or watercourses by excavation or filling.
- (8) MULCHING: The application of a layer of plant residue or other material for the purpose of effectively controlling erosion.
- (9) SEDIMENT: Solid material, both mineral and organic, that is in suspension, is being transported, has been deposited or has been removed from its site of origin by erosion.
- (10) SITE PREPARATION: The activities of stripping, excavation, filling and grading, no matter what the purpose of these activities.
- (11) SOIL: All unconsolidated mineral or nonliving organic material of whatever origin which overlies bedrock.
- (12) STRIPPING: Any activity which removes or significantly disturbs trees, brush, grass or any other kind of vegetation.
- (13) TOPSOIL: The natural surface layer of soil, usually darker than subsurface layers, to a depth of at least six (6) inches within an undisturbed area of soils.
- (14) WATERCOURSE: Any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drainageway, gully, ravine or wash in which water flows in a definite direction or course, either continuously or intermittently, and which has a definite channel, bed and banks, and any area adjacent thereto subject to inundation by reason of overflow, flood or storm water; or, any areas which have been mapped as such on the "Official Town of Irondequoit EPOD Maps."
- (15) WETLANDS: Areas of aquatic or semi-aquatic vegetation, or any areas which have been mapped as such on the "Official Town of Irondequoit EPOD Maps" or have been designated as Type I, Type II, Type III or Type IV wetlands by the New York State Department of Environmental Conservation.

ARTICLE II

PERMIT REGULATIONS AND PROCEDURES

SECTION 39.80 ACTIVITIES REQUIRING A PERMIT

- (A) None of the following activities shall be undertaken within the Town of Irondequoit until a permit has been issued under the provisions of this ordinance:
- (1) Site preparation in the subdivision of land into two or more parcels.
 - (2) Site preparation within wetlands.
 - (3) Site preparation on slopes which exceed one and one-half (1-1/2) feet of vertical rise to ten (10) feet of horizontal distance, or in those areas designated as steep slope protection districts on the "Official Town of Irondequoit EPOD Maps."
 - (4) Site preparation within the hundred year flood plain of any watercourse.
 - (5) Excavation which affects more than five hundred (500) cubic yards of material, or will exceed four (4) feet in vertical depth at its deepest point as measured from the natural ground surface, within any parcel or any contiguous area.
 - (6) Stripping which affects more than twenty thousand (20,000) square feet of ground surface within any parcel or any contiguous area.
 - (7) Filling which exceeds a total of five hundred (500) cubic yards of material, or will exceed three (3) feet in vertical depth at its deepest point as measured from the natural ground surface, within any parcel or any contiguous area.
 - (8) Storage of more than five hundred (500) cubic yards of topsoil or other fill material within any parcel or any contiguous area.
 - (9) Site preparation activities within fish and wildlife habitat areas designated on the Local Waterfront Revitalization Program map.
 - (10) Construction of, or substantial modifications to, erosion protection structures.
 - (11) Disposal of dredge spoils.

- (B) The following activities are exempted from the permit requirements of this ordinance.
- (1) Activities not meeting the criteria specified in Section 39.80(A).
 - (2) Agricultural operations.
 - (3) Excavations for the basements and footings of single-family-homes and for septic tank systems, wells and swimming pools accessory to single-family-homes, except those excavations required to obtain permit under Section 39.80 (A) (1) through (4).
 - (4) Household gardening and activities related to the maintenance of landscape features on existing developed lots, except those activities required to obtain permits under Section 39.80 (A) (5) through (9).
 - (5) Governmental activities, but only to the extent that such activities are exempted from the provisions of this ordinance by law.
- (C) The following excavation, filling, grading or stripping activities are prohibited within the Town of Irondequoit:
- (1) Commercial mining of any kind.
 - (2) On-site processing of excavation materials.

SECTION 39.90 PERMIT APPLICATION, REVIEW, ISSUANCE AND COMPLIANCE PROCEDURES

- (A) Application: Before any site preparation, land development or construction activities that require a permit under Section 39.80 (A) of this ordinance are undertaken within the Town of Irondequoit, an application for such permit shall be made by the property owner or his authorized agent, and shall be made to the Town Planning Board. The permit application and all application materials shall be filed with the Town Planning and Zoning Department. Copies of the permit application shall be submitted to the Town Engineer, the Town Conservation Board and the Monroe County Soil Conservation District, which shall all submit recommendations on the application to the Town Planning Board within thirty (30) days of the date of filing of such application.
- (B) Fee: Upon the filing of an application for a permit, the applicant shall pay to the Town a fee of fifty dollars (\$50). The fee shall be deemed a reasonable sum to cover the costs of the administration of this ordinance and shall in no part be returnable to the applicant.

- (C) Permit Review: The Town Planning Board shall have the authority to grant or deny all permits pursuant to this ordinance. The Town Planning Board shall conduct a public hearing on the permit application in accordance with the provisions of Section 130.72 (F) (1) of the Town of Irondequoit Zoning Ordinance. When the application for a permit made under the provisions of this ordinance is accompanied by an application for site plan approval and/or EPOD development permit approval, there shall be one (1) public hearing with the Town Planning Board to review and act on all such applications. The Town Planning Board shall grant or deny an application for a permit required by this ordinance within sixty (60) days of the date of filing of the application thereof, unless the applicant(s) and the Town Planning Board consent to a time extension.
- (D) Permit Issuance and Compliance: The Town Planning Board shall not approve a permit application unless it has found that the proposed site preparation, land development or construction activities adequately meet the standards and criteria set forth in this ordinance, and are in compliance with the goals and policies of the Town of Irondequoit's Local Waterfront Revitalization Program. In granting a permit, the Town Planning Board shall fix a reasonable time limit for the termination of the permit and may attach any reasonable conditions to such permit which it deems necessary to assure compliance with the provisions of this ordinance. Major modifications of the terms of the approved permit shall follow the same application, review and approval procedure as those set forth in this section for the original permit. It shall be the responsibility of the Authorized Official to inspect sites as frequently as necessary to assure compliance with the terms of approved permits and the provisions of this ordinance, and to submit written notification of any violations of these terms or provisions to the Chairpersons of the Town Planning Board. If, at any time during the effective period of a permit or upon its expiration, the terms of the permit are violated, the Town Planning Board, upon notification of such violation by the Authorized Official, may revoke the permit and may require that the performance guarantee be forfeited to the Town. If the applicant is unable to complete the project or any phase thereof within the specified time period of the permit, the applicant shall, at least thirty (30) days prior to the specified date of completion, present in writing to the Town Planning Board, a request for an extension of time, setting forth therein the reasons for such request. The Town Planning Board shall consider such request at the next regularly scheduled Board meeting. If, in the discretion of the Town Planning Board, such an extension is deemed acceptable and warranted, the Board may grant a reasonable extension of time in order for the applicant to complete the work.

SECTION 39.100 PERMIT APPLICATION MATERIALS

- (A) A property owner or his agent shall initiate a request for a permit or the modification of a permit to undertake site preparation, land development or construction activities within the Town of

Irondequoit by filing an application with the Town Planning and Zoning Department. All maps and plans that accompany said application shall be prepared by and bear the seal of a licensed engineer, architect or landscape architect. The Town Planning and Zoning Department shall specify the number of copies of the application and any accompanying maps or plans that must be filed, and may modify the requirements concerning any materials to accompany the application by waiving or adding such requirements as deemed appropriate based on the nature, purpose and scope of the proposed activities.

- (B) Except for the modifications authorized or required by the Town Planning and Zoning Department, each application for a permit required by this ordinance shall contain the following material:
- (1) An existing feature map(s), at a scale no smaller than one inch equals two hundred feet (1" = 200'), indicating the following:
 - (a) The boundaries of all parcels on which site preparation activities are proposed to be undertaken.
 - (b) All structures and roads within a distance of five hundred (500) feet of the parcel on which site preparation activities are proposed to be undertaken, the structures identified by their uses and the roads identified by their surface material and width of surface.
 - (c) All watercourses within a distance of five hundred (500) feet of the parcels on which site preparation activities are proposed to be undertaken.
 - (d) Existing topography at contour intervals of no greater than five (5) feet within a distance of five hundred (500) feet of the parcels on which site preparation activities are proposed to be undertaken.
 - (e) All sewer, water, gas and electric lines and all other utilities within the parcels on which site preparation activities are proposed to be undertaken.
 - (f) Major wooded areas and tree clusters within a distance of five hundred (500) feet of the parcels on which site preparation activities are proposed to be undertaken.
 - (g) All vegetation areas on the site proposed for site preparation activities, including areas of grass, areas of brush and wooded areas and tree clusters.
 - (h) The depth to bedrock on the site proposed for site preparation activities, if determined during site evaluation.
 - (i) The depth to permanent ground water aquifers on the site proposed for site preparation activities, if such depth is determined during site evaluation.

- (j) The location and present status of any previously undertaken and/or permitted excavation, grading or filling activities on the site.
- (2) An operations map(s), at a scale no smaller than one inch equals two hundred feet (1" = 200'), which present a complete draining, erosion and sediment control plan and which indicate:
- (a) All excavation, filling and grading proposed to be undertaken, identified as to the depth, volume and nature of the materials involved.
 - (b) All stripping, identified as to the nature of vegetation affected.
 - (c) All areas where topsoil is removed and stockpiled and where topsoil is ultimately placed, identified as to the depth of topsoil in each such area.
 - (d) All temporary and permanent vegetation to be placed on the site, identified as to planting type, size and extent.
 - (e) All temporary and permanent drainage, erosion and sediment control facilities, including but not limited to such facilities as ponds, sediment basins, drains, culverts, berms, walls and dams, identified as to the type of facility, the materials from which it is constructed, its dimensions and its capacity in gallons.
 - (f) The anticipated pattern of surface drainage during periods of peak runoff, during and after completion of site preparation and construction activities, identified as to rate and direction of flow at all major points within the drainage system.
 - (g) The location of all roads, driveways, sidewalks, structures, utilities and other improvements.
 - (h) The final contours of the site in intervals no greater than two (2) feet.
 - (i) Proposed truck and equipment access ways within and to the work site.
- (3) A time schedule which is keyed to the operation maps(s), that indicates:
- (a) When major phases of the proposed project are to be initiated and completed.
 - (b) When major site preparation activities are to be initiated and completed.

- (c) When the installation of temporary and permanent vegetation and drainage, erosion and sediment control facilities is to be completed.
 - (d) The anticipated duration, in days, of exposure of all major areas of site preparation before the installation of erosion and sediment control measures.
- (4) An estimate of the costs of providing temporary and permanent vegetation and drainage, erosion and sediment control facilities.
- (5) A statement or letter of intent from the applicant or his authorized agent, outlining the proposed project and assuming full responsibility for the performance of the operation as stated in the application and presented on the appropriate maps or plans.

SECTION 39.200 STANDARDS AND CRITERIA

In granting a permit under this ordinance, the standards and criteria that shall be utilized shall include, but not be limited to, the following:

- (1) Drainage, erosion and sediment control measures and facilities shall be designed and constructed in accordance with accepted engineering standards and guidelines as outlined in the document Guidelines for Erosion and Sediment Control in Urban Areas of New York State available from the Monroe County Soil Conservation District, and the document Best Management Practices for Stormwater Runoff Management prepared by the Irondequoit Bay Coordinating Committee.
- (2) The acceptable range of option that can be utilized by a developer to control drainage, erosion and sedimentation on the work site both during and after project construction shall be those outlined and labeled as Best Management Practices for Stormwater Runoff Management prepared by the Irondequoit Bay Coordinating Committee.
- (3) The developer shall ensure that the release rate and volume of stormwater runoff leaving a construction site will not exceed that which occurred from the area in its undeveloped state for intensities and durations of rainfall associated with storms having a twenty-five (25) year frequency.
- (4) Runoff with suspended soil solids shall be retained on-site for a sufficient length of time so as to ensure that such runoff is at least ninety percent (90%) free of settleable soil solids when it leaves the development site.
- (5) Excavation, grading, filling and stripping shall be permitted to be undertaken only in such locations and in such a manner as to minimize the potential of erosion and sedimentation and the threat to the health, safety and general welfare of neighboring property owners and the general public.

- (6) Site preparation and construction shall be fitted to the vegetation, topography and other natural features of the site and shall preserve as many of these features as feasible.
- (7) The control of erosion and sedimentation shall be a continuous process undertaken as necessary prior to, during and after site preparation and construction, to include any grading, clearing, filling, road construction, utility construction or building construction.
- (8) The smallest practical area of land shall be exposed by site preparation at any given time.
- (9) The exposure of areas by site preparation shall be kept to the shortest practical period of time prior to the construction of structures or improvements or the restoration of the exposed areas to an attractive natural condition.
- (10) Mulching or temporary vegetation suitable to the site shall be used where necessary to protect areas exposed by site preparation, and permanent vegetation which is well adapted to the site shall be installed as soon as practical.
- (11) Where slopes are to be revegetated in areas exposed by site preparation, the slopes shall not be of such steepness that vegetation cannot be readily established or that problems of erosion or sedimentation may result.
- (12) Site preparation and construction shall not adversely affect the free flow of water by encroaching on, blocking or restricting watercourses.
- (13) All fill material shall be of a composition suitable for the ultimate use of the fill, free of rubbish and carefully restricted in its content of brush, stumps, tree debris, rocks, frozen material and soft or easily compressible material.
- (14) Fill material shall be compacted sufficiently to prevent problems of erosion, and where the material is to support structures, it shall be compacted to a minimum of 90% of standard proctor with proper moisture control.
- (15) All topsoil which is excavated from a site shall be stockpiled and used for the restoration of the site, and such stockpiles, where necessary, shall be seeded or otherwise treated to minimize the effects of erosion.
- (16) Prior to, during and after site preparation and construction, an integrated drainage system shall be provided which at all times minimizes erosion, sediment, hazards of slope instability and adverse effects on neighboring property owners.
- (17) The natural drainage system shall generally be preserved in preference to modifications of this system excepting where such

modifications are necessary to reduce levels of erosion and sedimentation and adverse effects on neighboring property owners.

- (18) All drainage systems shall be designed to handle adequately anticipated flows both from within the site and from the entire upstream drainage basin.
- (19) Sufficient grades and drainage facilities shall be provided to prevent the ponding of water, unless such ponding is proposed within site plans, in which event there shall be sufficient water flow to maintain proposed water levels and avoid stagnation.
- (20) There shall be provided, wherever necessary to minimize erosion and sedimentation on the site, as well as downstream, within the drainage basin, such measures as benches, berms, terraces, diversions, swales, rip-rap, catch basins, slope drains, sediment filters and traps, and sediment, debris and retention basins.
- (21) Drainage systems, plantings and other erosion or sedimentation control devices shall be maintained as frequently as necessary to provide adequate protection against erosion and sediment and to ensure that the free flow of water is not obstructed by the accumulation of silt, debris or other material or by structural damage.
- (22) If temporary sediment basins are used, the detention storage shall be calculated on the basis of the twenty-five (25) year frequency rainfall for the affected area. If permanent sediment basins or storage facilities are used, the retention volume shall be able to handle the runoff of a one hundred (100) year rainfall for any and all durations from the proposed development site.
- (23) The developer shall be responsible for minimizing the tracking of mud onto existing roads. Roads shall be scraped and broomed clear of mud, if at all feasible, at the end of each working day as required. The Town of Irondequoit reserves the right to include in the Performance Guarantee, an allowance to cover the estimated costs of such dust and mud control activities.
- (24) The drainage system being developed within the proposed development site shall have the capacity to handle flows from upstream areas through the site based on the following guidelines:
 - (a) For those major watercourses with a tributary drainage area in excess of seven (7) square miles, the ultimate channel shall be designed for an average recurrence interval of one hundred (100) years.
 - (b) For those major watercourses with a tributary drainage area between seven (7) square miles and four (4) square miles, the final channel shall be designed for an average recurrence interval of fifty (50) years.

- (c) Secondary watercourses, defined as those with a tributary drainage area of between one (1) and four (4) square miles, shall have the final channel designed for an average recurrence interval of twenty-five (25) years.
 - (d) Minor watercourses, defined as those with a tributary drainage area of one (1) square mile or less, shall have the final channel designed for an average recurrence interval of ten (10) years.
- (25) Intermittent (runoff event) discharges from development sites to streams shall meet the following specific water quality standards:
- (a) Coliform: the event geometric mean of fecal coliforms should be less than 2,000/100 milliliters. No instantaneous measurement shall exceed 10,00/100 milliliters.
 - (b) Turbidity levels: Event mean of turbidity shall be less than 40 nephelometric turbidity units (NTU). No instantaneous measurement shall exceed 100 NTU.
 - (c) Suspended solids levels: The event mean of suspended solids (including suspended sediments) shall be less than 50 milligrams/liter. No instantaneous measurement shall exceed 100 milligrams/liter.
 - (d) Freon extractable material (oil and grease) levels: The event mean for freon extractable material shall be less than 5 milligrams/liter. No instantaneous measurement shall exceed 15 milligrams/liter.
 - (e) Runoff event chloride levels: The event mean chloride concentrations shall be less than 400 milligrams/liter. No instantaneous measurement shall exceed 1000 milligrams/liter.

SECTION 39.300 PERFORMANCE GUARANTEE

After the approval of the application and before the issuance of any permit, the applicant shall file with the Town Clerk an amount of the estimated cost of the project as submitted under Section 39.100 (B) (4) of this ordinance and verified by the Authorized Official, one of the following performance guarantees:

- (1) A certified check.
- (2) A performance bond which shall be satisfactory to the Town Board and the Town Attorney as to form, sufficiency, manner of execution, surety and period of execution.
- (3) A letter of credit from a bank approved by the Town Board and Town Attorney.

The Chairperson of the Town Planning Board may grant a waiver of such

guarantee if he/she deems the proposed activities to be of minor scope and to be consistent with the provisions of this ordinance.

The party or parties filing the performance guarantee shall provide that either upon termination of the permit or the operation, whichever may come first, the project shall be in conformity with both the approved specific requirements of the permit and the provisions of this ordinance. In the event of default of such and violation of any other applicable laws, such performance guarantee shall be forfeited to the Town. The Town shall return to the applicant any amount that is not needed to cover the costs of restoration, administration and any other expenses incurred by the Town as a result of the applicant's default. Such performance guarantee shall continue in full force and effect until a certificate of compliance shall have been issued by the Authorized Official after such consultation with any agencies or individuals as he deems necessary to ensure that all provisions of the Ordinance and of the permit have been met.

SECTION 39.400 VARIANCES

The Town Board may grant variances to, or modifications from, the requirements and provisions of this ordinance, where, following a public hearing, it has been determined that practical difficulties, unnecessary hardships or other results or conditions inconsistent with the general purpose of this ordinance, or certain provisions thereof, are encountered.

SECTION 39.500 VIOLATIONS

If there is any damage due to a violation of this ordinance or if any soil, liquid or other material is caused to be deposited upon or to roll, flow or wash upon any public property, private property or right-of-way in violation of this ordinance, the person, firm, partnership, corporation or other party responsible shall be notified and shall cause the same to be removed from such property or way within thirty-six (36) hours of notice. In the event of an immediate danger to the public health, safety or general welfare, notice shall be given by the most expeditious means and the violation shall be remedied immediately. In the event it is not so remedied, the Town shall cause such and the cost of such by the Town shall be paid to the Town by the party who failed to so remedy and shall be a debt owed to the Town.

A violation of this Chapter is hereby declared to be an offense, punishable by a fine not exceeding Two Hundred Fifty Dollars (\$250) or imprisonment for a person not to exceed six (6) months or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this Chapter shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

ARTICLE X SECTION 130.101 OPEN SPACE DISTRICT

Insert new Article X, Section 130.101, Open Space (OS) District
into the Town of Irondequoit Zoning Ordinance

Section 130.101 OPEN SPACE (OS) DISTRICT

A. STATEMENT OF PURPOSE FOR OPEN SPACE (OS) DISTRICT

The OPEN SPACE (OS) DISTRICT is designed to provide a suitable character and stable environment for the establishment and maintenance of recreational and open space uses and activities within the Town of Irondequoit. The District is designed to protect public-owned lands within the Town from development pressures and to preserve and enhance the unique and sensitive environmental features that exist in most open space areas within Irondequoit. The District is also designed to encourage land uses and development patterns that respect, and are consistent with, those unique and sensitive environmental features.

The OPEN SPACE (OS) DISTRICT permits recreational and open space uses that serve the residents and visitors to the Town and that generally preserve and enhance the unique aesthetic and environmental qualities of open space areas. The purpose of this district includes the following specific goals:

- (1) To ensure that development and land-use activity within open space areas along the shorelines of Lake Ontario and Irondequoit Bay is consistent with the policies and objectives of the Town of Irondequoit's Local Waterfront Revitalization Program (LWRP).
- (2) To provide sufficient space in appropriate locations for recreational activities, landscaped areas and buffers, wildlife habitats and other public uses, in order to meet the various recreational and "quality of life" needs of the Town of Irondequoit's present and future populations.
- (3) To recognize the sensitivity of open space areas as unique environmental and recreational resources and to protect these areas from environmentally destructive uses and activities.
- (4) To encourage land use and development activity that is in harmony with its environment and that does not conflict with the preservation of the natural beauty of the Town's open space areas.
- (5) To promote the most desirable and appropriate use of land and direction of building development based upon land and soil types and other natural features, environmental constraints, neighborhood characteristics and overall community needs; and, to protect the character of the District and its peculiar suitability for particular uses.
- (6) To preserve areas that are naturally unsuited for development or that have unique historical, aesthetic or environmental significance.
- (7) To protect and enhance existing park lands, playgrounds and other publicly-owned areas within the town; to provide areas for the development of public service facilities within the Town; and, to

establish a pattern of open space within the Town that contributes to the value and attractiveness of property, the maintenance of unique environmental areas and the general "quality of life" of the residents of Irondequoit.

B. PERMITTED USES

No structure shall be erected, structurally altered, reconstructed or moved, and no structure, land or premises shall be used in any district designated on the official zoning map of the Town of Irondequoit as an Open Space (OS) District except for the following principal and "customarily incidental" accessory uses:

(1) Principal Uses:

- (a) Public parks and playgrounds, public indoor and outdoor recreational facilities or similar public recreational use authorized or operated by a public agency and not operated for gain, subject to site plan review and approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance.
- (b) Municipally owned and/or operated buildings or structures and other strictly governmental uses and activities, including but not limited to schools, museums, water collection, storage and distribution systems, fire stations, public libraries, post offices, governmental offices, sewer lift stations, sewage treatment plants, etc., subject to site plan review and approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance.
- (c) Buildings or structures erected or used in connection with, but not directly associated with, a governmental function, agency or activity, and not operated for gain, including but not limited to such things as a community bandstand, Town volunteer fire department and recreational facilities, historic sites, etc., subject to site plan review and approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance.
- (d) Public or private botanical gardens, arboretums, conservatories and other similar uses, subject to site plan review and approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance.
- (e) Cemeteries, including associated facilities such as mausoleums, columbariums, crematories and chapels, provided that no such structure or facility constructed after the effective date of this ordinance shall be located within fifty (50) feet of any residential district boundary line, and subject to special-use-permit approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance.

- (f) Outdoor commercial recreational facilities limited to golf courses, swimming pools, skating rinks, archery ranges, playgrounds, athletic fields, or court games, operated for gain, subject to special-use-permit approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance.
 - (g) Private clubs or camps, private membership clubs, lodges or fraternal organizations, neighborhood or community centers, YMCA or YWCA or other similar use, subject to special-use-permit approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance.
 - (h) Zoos, subject to special-use-permit approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance.
 - (i) Plant nurseries, subject to special-use-permit approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance.
 - (j) Commercial facilities incidental to the operation of public recreational uses, including, but not limited to, such things as refreshment stands, small concessionaire shops dispensing sporting goods, miniature golf and similar amusement and recreational facilities, subject to special-use-permit approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance.
 - (k) Public utility buildings or structures, including, but not limited to, electrical substations, subject to special-use-permit approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance.
 - (l) Combinations of permitted principal uses, based on a determination by the Town Planning Board that such combinations are appropriate for the proposed open space area and are compatible with the purpose and intent of this district, subject to special-use-permit approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance.
 - (m) Other uses not specifically listed above but which, based on a determination by the Town Planning Board, are deemed appropriate for open space areas, are similar in nature to permitted principal uses and are compatible with the purpose and intent of this district, subject to special-use-permit approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance.
- (2) Accessory Uses (located on the same lot with a permitted principal use):

- (a) Fencing, subject to the provisions of Section 130.62 of this ordinance.
- (b) Sheds, cabanas or similar accessory structures, subject to those dimensional and setback requirements applicable to private garages and carports as noted in Section 130.31 of this ordinance.
- (c) Radio, TV or CB antennas, subject to the provisions of Section 130.66 of this ordinance. Those structures that require a permit from the Town Zoning Board of Appeals shall also be subject to special-use-permit approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance.
- (d) Signage subject to the following restrictions:
 - (1) All signage, with the exception of real estate signs, temporary political signs and accessory traffic signs, shall be subject to special-use-permit approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance. Real estate signs shall be subject to the applicable provisions of Section 130.34 of this ordinance.
 - (2) Signs may be illuminated with a constant source, but flashing, neon, revolving, animated or similar type signs are prohibited.
 - (3) Dimensional and setback requirements for all signs oriented towards streets or highways shall be determined based on the information contained in TABLE 1 of Section 130.42 of this ordinance.
- (e) Parking of trucks, vans and other similar vehicles, subject to the applicable provisions of Section 130.31 of this ordinance.
- (f) Dumpsters and other similar outdoor refuse containers or enclosures, provided that such uses are located at least four (4) feet from any lot line and subject to site plan review and approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance.
- (g) Outdoor storage of boats associated with public recreational facilities, subject to special-use-permit approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance.
- (h) Fishing piers, docks, wharves, boat launching ramps and similar waterfront structures and facilities associated with public recreational facilities, subject to all applicable State regulations and approvals, subject to the applicable provisions of Section 130.42 of this ordinance, and subject to special-use-permit approval issued by the Town Planning Board

in accordance with the provisions of Section 130.72 of this ordinance.

- (i) Mooring buoys or facilities associated with public recreational facilities, subject to the applicable provisions of Section 130.42 of this ordinance.
- (j) Accessory dredging and filling, as defined in Section 130.40 of this ordinance, associated with public recreational facilities, subject to all applicable State regulations and approvals, and subject to special-use-permit approval issued by the Town Planning Board in accordance with the provisions of Section 130.72 of this ordinance.

C. DIMENSIONAL REQUIREMENTS:

(1) Required minimum lot size:

- (a) The required minimum lot sizes for all principal uses permitted in the OPEN SPACE (OS) DISTRICT shall be established by the Town Planning Board during the site plan review and approval process or the special-use-permit approval process. The required minimum lot size shall be based on the amount of land area necessary to adequately accommodate the proposed principal use, as well as all parking, loading, landscaping, open space, setback and access areas and fire lanes for such use. The required minimum lot size shall also be based on the relative intensity of the proposed land use, the requirements regarding maximum percentage of lot occupancy contained in this section, the need to protect the proposed use from surrounding land use development patterns, and the need to protect sensitive environmental areas, significant historic or archeological areas, or scenic views or vistas.

(2) Required minimum building setbacks (required front, side and rear yards):

- (a) Setback of buildings and structures from all other buildings and structures on the lot and from property lines, for all other permitted principal and accessory uses identified in this section, shall be determined by the Town Planning Board during the site plan review and approval process or the special-use-permit process and shall be based on the following requirements and guidelines:
 - (1) Principal buildings, parking areas and accessory structures excluding such facilities as docks, piers, wharves and boat ramps, shall be set back a minimum of twenty-five (25) feet inland from the high water's edge, in order to maintain adequate access to the shorezone.
 - (2) Principal building, parking areas, and accessory structures shall be set back a minimum of twenty-five (25) feet from

any road right-of-way and a minimum of fifteen (15) feet from any property line.

- (3) Principal buildings, parking areas, accessory structures or areas of concentrated outdoor activity shall be set back a minimum of twenty-five (25) feet from any residential lot or district.
- (4) Principal building and accessory structure setbacks should be established with due consideration to provisions for fire protection services and adequate access for fire and emergency equipment within and around the site.
- (5) Principal building and accessory structure setbacks should be established with due consideration to the protection and preservation of unique and sensitive environmental features, the maintenance of wooded areas, wildlife habitats, scenic vistas, stream beds and slope areas, and the requirement to adequately buffer adjacent land uses from intense outdoor recreational activities.
- (6) Principal building and accessory structure setbacks should be established with due consideration to the use of clustering as an appropriate site design technique.

(3) Maximum building heights:

- (a) Maximum building heights for all permitted principal uses specified in this section shall not exceed thirty-five (35) feet, except where it has been determined by the Town Planning Board during the site plan or special-use-permit review and approval process, that based on a visual analysis of the site prepared and submitted by the applicant and reviewed by the Board, such building height would interfere with identified scenic views or vistas or destroy the aesthetic integrity of the waterfront area. In such cases, the Town Planning Board shall be empowered to establish maximum principal building heights in order to protect the scenic views and vistas and the aesthetic character of open space areas in general.
- (b) Accessory structures shall not exceed a maximum height of fifteen (15) feet unless otherwise specified or regulated in this ordinance.

(4) Maximum density/Maximum percentage of lot occupancy:

- (a) The total overall ground coverage of all principal and accessory buildings, parking areas and other impervious surfaces on any lot in any OPEN SPACE (O S) DISTRICT shall not exceed fifty percent (50%) of the total lot area. The remainder of the lot shall be for open space and/or landscaped areas.

D. ADDITIONAL REQUIREMENTS:

(1) Off-street parking and loading requirements:

(a) Off-street parking spaces and loading facilities must be provided for all uses specified in this section, in accordance with the provisions of Section 130.61 of this ordinance and the following additional requirements:

(1) All parking spaces shall be set back a minimum of fifteen (15) feet from any street line or property line to provide for proper landscaping and buffering.

(b) A reasonable reduction in the size and number of parking spaces required for a given project may be permitted by the Town Planning Board during the site plan or special-use-permit review and approval process, where it can be demonstrated that such a reduction will not create overflow parking problems or traffic congestion, and that the additional space will be used for landscaping or open space within the site. Such a reduction shall be permitted by the Town Planning Board on a case-by-case basis.

(2) Landscaping and buffering requirements:

(a) When a use is the first development of two adjacent vacant parcels, this first use shall be required to meet minimum setbacks, but shall not be required to provide a bufferyard. The second use to develop, shall, at the time it is constructed, provide all additional plant material and/or land necessary to provide the total bufferyard required between the two uses subject to the appropriate requirements as outlined in Table 4 contained in Section 130.42 of this ordinance. Existing plant materials and/or land located on the preexisting (first developed) land use which meets the requirements of this section may be counted as contributing to the total bufferyard required between it and the second (adjacent) land use to develop.

(b) Required setbacks for parking areas shall be landscaped and buffered as much as possible. A reasonable reduction in the size and number of parking spaces required for a project shall be permitted by the Town Planning Board where it can be demonstrated by the applicant that such a reduction will not create overflow parking problems and that the additional space will be used for landscaping or open space within the site.

(c) Outdoor storage of boats and equipment, outdoor dumpsters, sheds, etc. shall be adequately and properly buffered using trees, berms, etc.

(d) Where practical, trees with a diameter or caliper of three (3) inches or greater shall be retained on the site.

- (3) All lighting shall be located and shielded so as to prevent the direct glare of beams onto adjacent residential properties and streets.
- (4) All public address systems, loudspeakers or other similar sound-producing activities, shall be designed, located and operated so as to avoid any undue disturbance or any nuisance within the surrounding area.

SECTION 130.70: MISCELLANEOUS PROVISIONS APPLICABLE TO ALL
WATERFRONT PROPERTY

Insert new Section 130.70, Miscellaneous Provisions Applicable
To All Waterfront Property into existing Article VI Chapter 130,
Town Zoning Ordinance

SECTION 130.70: MISCELLANEOUS PROVISIONS APPLICABLE TO ALL
WATERFRONT PROPERTY

- A. All properties or parcels of land within the Town of Irondequoit that contain at least fifteen (15) feet of shoreline frontage on either Irondequoit Bay or Lake Ontario, shall be permitted those specific accessory structures listed in Section 130.42, Part (B) (3) (M) (N) (O) and (P), subject to the regulations and restrictions listed in those sections.
- B. Any development proposed within the boundaries of the Town of Irondequoit's Local Waterfront Revitalization Program shall be subject to the applicable landscaping and buffering requirements for the particular land use and circumstances as listed in Section 130.42, Part D, Item (2) of this ordinance.
- C. Maximum building heights for those uses that are permitted within the Waterfront Development District, but that are proposed in other zoning districts within the Town of Irondequoit's Local Waterfront Revitalization Program boundary, shall be subject to the applicable restrictions outlined in Section 130.42, Part C, Item (3) of this ordinance. Any development that is proposed on property located within any zoning district included in the Town of Irondequoit's Local Waterfront Revitalization Program boundary shall also be subject to the requirements for submission of a visual resource analysis as part of the site plan review process, and as described in Section 130.72, Part M, Item (3) of this ordinance.
- D. Principal or accessory buildings or structures proposed for any properties or parcels of land within the Town of Irondequoit that contain at least fifteen (15) feet of frontage on Lake Ontario or Irondequoit Bay shall be required to maintain a minimum setback from the water's edge of twenty-five (25) feet. In addition, maximum required setbacks of principal buildings and accessory structures on such properties shall be established by the Town of Irondequoit Planning Board during the site plan review process with due consideration to the protection and preservation of sensitive environmental features, and maintenance of the wooded character of the shorezone area, as well as scenic views and vistas.
- E. Signage proposed for any development located on property that contains at least fifteen (15) feet of frontage on Lake Ontario or Irondequoit Bay shall be required to meet the requirements and restrictions contained in Section 103.42, Part B, Item (3) (G) of this ordinance.

CHAPTER 33: IRONDEQUOIT MUNICIPAL CODE

Replace Section 33.2 Inspection and Report with new
Section 33.2 Jurisdiction and Inspection Authority

CHAPTER 33

IRONDEQUOIT MUNICIPAL CODE

SECTION 33.2 JURISDICTIONS AND INSPECTION AUTHORITY

The Town Building Inspector is hereby designated as the Enforcement Officer and Inspection Officer of this Chapter. When, in the opinion of the Building Inspector, any building or structure within the Town has fallen into a state of disrepair and has become dangerous and/or unsafe to its occupants or the general public, the Building Inspector shall be required to make a formal inspection of such building or structure, and shall submit a written report of his findings and recommendations concerning the building or structure's removal or repair, to the Town Board. For the purposes of this Chapter, the word "structure" shall include, but not be limited to piers, docks, wharves, boat launching ramps, pilings, navigational hazards or devices, or any similar structure which protrudes over the water's edge.

ARTICLE VII

SECTION 130.77: POWERS AND DUTIES OF THE BOARD OF APPEALS

Replace existing Section 130.77, Powers and Duties of the Planning Board of Town of Irondequoit Zoning Ordinance with new Section 130.77, Powers and Duties of the Board of Appeals

LOCAL LAWS

Section 130.77 Powers and Duties of the Board of Appeals

A. Review

The Board of Appeals shall hear and decide appeals and review any order, requirement, decision or determination made by the Building Inspector pursuant to this Chapter and in accordance with its rules of procedure.

B. Interpretation

Upon appeal from a decision, to decide questions involving the interpretation of this Chapter.

C. Special and Temporary use permits.

1. Except as provided in Section 130.77(L), wherever a special or temporary use permit is required under the provisions of this Chapter, the Board of Appeals, may upon determination that the purposes of this Chapter will be served and after due public notice and public hearing and subject to appropriate conditions and safeguards, grant a special or temporary use permit. The same procedure shall follow as provided by law in relation to an application for a variance.
2. Any special or temporary use permit granted under the provisions of this Subdivision shall become null and void unless exercised within one year from the date of issuance.

D. Variances

1. To grant variances in accordance with the provisions of Section 267 of the Town Law.
2. Any variance granted under the provisions of this Subdivision shall become null and void unless a building permit is obtained and exercised within one year from the date of the granting of the variance.

DEFINITIONS

(Add to Definitions Section 130.4)

"Marina" means any waterfront facility which provides accommodations or services for vessels by engaging in any of the following:

1. the sale of marine products or services;
2. the sale, lease, rental, or charter of vessels of any type; or
3. the sale, lease, rental, or any other provision of storage, wharf space or mooring for vessels not registered to the owner of said facility, a member of the owner's immediate family, or an overnight guest on said property.

WATER QUALITY BEST MANAGEMENT PRACTICES MATRIX

BMPs for STORMWATER MANAGEMENT

Development Management Measure (BMP title) - Description	Major Purpose/Related BMPs	Water Quality/Relative Effectiveness	Runoff Rate/Volume	Erosion & Sediment Control	Use Near Steep Slopes/Limitations	Staging/Regulation & Inspection
Runoff Controls (Structural)						
1.01 Porous Pavement - Use of porous asphaltic paving material and a high-void aggregate base that allows for rapid infiltration and temporary storage of rain falling on paved areas. - Concrete (& Plastic) Grid Pavers & Modular Pavement are also used in place of asphalt.	<ul style="list-style-type: none"> Reduces volume and peak rates of runoff. Used to control the part of the runoff associated with parking lots, driveways, etc. Runoff from other areas controlled with other BMPs. Where infiltration capacity is limited, subsurface drains are used to convey water to other BMPs such as 1.02 or 1.03. Applicable to most uses except highways, should not be subjected to frequent heavy loadings. 	<ul style="list-style-type: none"> Medium/controls amount of particulate pollutants and soluble pollutants reaching receiving waters. Filtration and bacterial action act to improve runoff water quality. Possible negative effects on groundwater, if used in areas with high groundwater table. 	<ul style="list-style-type: none"> Highly effective at controlling both rate and volume of runoff, under normal conditions. Effectiveness can be reduced by sediment clogging the pores. 	<ul style="list-style-type: none"> Reduction in rate and volume of runoff lessens threat of erosion and sedimentation in immediate vicinity and downstream areas. 	<ul style="list-style-type: none"> Not applicable to steep slope areas; fairly flat surface needed to promote infiltration. Underlying soil type critical, high clay content unacceptable since low permeability severely limits infiltration. Depth to groundwater table critical to performance. Possible contamination of groundwater and water supply wells. May raise local water table slightly, could cause soil slippage on steep slopes. 	<ul style="list-style-type: none"> Should be installed in last stages of development since on-site erosion/sedimentation can clog pores, drastically reducing performance. Use of porous pavements may not be permitted under current local regulations. Inspection and maintenance comparable to conventional pavement. Requires good "housekeeping" practices by residents and efficient street cleaning by towns.
1.02 Infiltration Trenches, Pits, & Basins - Excavated pits or trenches, backfilled with sand and/or graded aggregates, in which stormwater runoff is collected for temporary storage and infiltration. A "Dry Well" is a common type of infiltration pit. - Infiltration basins are natural or excavated open depressions of varying size in the ground surface for storage and infiltration of stormwater.	<ul style="list-style-type: none"> To reduce runoff volume and peak discharge rate as well as to filter contaminants out of runoff before it reaches receiving waters. Usually used in combination with BMPs like 1.01, 1.06 & 1.09 or as a series linked together. Applicable to most uses, except marginal applicability to high density development. Usually applied to runoff from roof drains, small parking lots, tennis courts, etc. 	<ul style="list-style-type: none"> Medium/controls the amount of particulate pollutants and soluble pollutants reaching the receiving waters. Effectiveness can be limited by the presence of grease, oil, floatable organic materials, and settleable solids which can take up storage capacity and reduce infiltration rates. Filter fabric is used to maximize effectiveness. 	<ul style="list-style-type: none"> Highly effective at controlling both rate and volume. 	<ul style="list-style-type: none"> Control of runoff near source lessens downstream erosion and sedimentation problems. 	<ul style="list-style-type: none"> Could be used near steep slopes if soil is sufficiently permeable to provide a reasonable rate of infiltration. Placement in highly erusive soils with low permeability could cause slope slippage. Not recommended where runoff water contains high concentrations of suspended materials unless a filtering mechanism is used. 	<ul style="list-style-type: none"> Permanent control mechanism, needs effective erosion and sediment control during construction phase to avoid clogging and need for replacement of filter material. Frequent inspections of filter fabric needed; replaced when clogged. Site inspections during and after construction; on a semi-annual basis and after major

BMPs for STORMWATER MANAGEMENT

Development Management Measure (BMP filter)	Major Purpose/ Related BMPs	Water Quality/Soil- Active Effectiveness	Runoff Rate/Volume	Erosion & Sediment Control	Use Near Steep Slopes/Infiltrations	Staging/Regulation & Inspection
1.03 Detention & Retention Basins	<ul style="list-style-type: none"> o Infiltration basins have a wide range of applications, including highway runoff, but require large areas of land generally. 	<ul style="list-style-type: none"> o Possible effects on groundwater need to be considered. o The larger the storage capacity, the greater the pollutant removal efficiency. 	<ul style="list-style-type: none"> o Highly effective at controlling rate of runoff. o Marginal reduction of runoff volume. o Dry Basins typically detain water for 1 to 2 hours. o Wet Basins always maintain a pool and detain runoff for at least 24 hours. 	<ul style="list-style-type: none"> o Controls downstream erosion. o Sedimentation can occur in basins with longer retention times. o Temporary sedimentation basins can be planned to serve as a permanent runoff detention basin. 	<ul style="list-style-type: none"> o Depth to groundwater table, bedrock critical. o Should completely drain within 5 days. o Locations of septic tank infiltration areas and wells, if any, must be determined. 	<ul style="list-style-type: none"> o Permanent runoff control measure. o Currently in wide usage in Monroe County. o Site inspections during construction; annual basin and after major storms in the post construction phase.
1.04 Detention & Retention Basins	<ul style="list-style-type: none"> - An open surface reservoir, which may or may not have a permanent pool of water below the retaining pool, sited to collect runoff from a drainage area of sufficient size to permit control of peak discharges to predevelopment levels for one or more design storm frequencies (generally, the 2-year, 10-year, and 100-year). 	<ul style="list-style-type: none"> o Low for Dry Basins/primarily a flood control measure. o High for Wet Basins/removal of particulates as well as reductions in soluble nutrients attributed to biological processes taking place in the permanent water pool. 	<ul style="list-style-type: none"> o Due to typical size of basin, can not be sited in steep slope areas, due to possible slope failures. o Far drainage areas greater than 640 acres, the design standards in NYSDEC "Guidelines for Design of Small Dam" are applicable. o Site must have sufficient open space at a proper elevation to provide gravity flow of stormwater and detention without backup flooding. 	<ul style="list-style-type: none"> o Used in combination with permanent erosion control facilities, as well as BMPs 1.01, 1.02, & 1.09. o Widely used; applicable to all types of development except individual small lot home construction. 		

BMPs for STORMWATER MANAGEMENT

Development Management Measure (BMP Title)	Major Purpose/ Related BMPs	Water Quality/Net- ative Effectiveness	Runoff Rate/Volume	Erosion & Sediment Control	Use Near Steep Slopes/Limitations	Staging/Regulation & Inspection
<p>1.04 Dual Purpose Basins</p> <p>- A hybrid design of conventional wet and dry basins (BMP 1.03). Dual Purpose Basins are normally dry, thereby retaining their full potential for flood control, but which have outlet designs that result in a slow release rate for detained storm flows. Detention time is extended considerably compared to dry basins using conventional outlet designs.</p>	<ul style="list-style-type: none"> o Detention of stormwater to control rate of flow to specific pre-development conditions. o Improve quality of stormwater runoff. o Used in combination with pollution controls, erosion and sediment BMPs 1.01, 1.02, & 1.09. o Like BMP 1.03, this has a wide range of application basins can be easily modified to improve quality of runoff water. 	<ul style="list-style-type: none"> o High level of effectiveness for removal of particulate pollutants, comparable to wet basins. o Low level of effectiveness for removal of soluble pollutants since a permanent pool in which biological reactions can take place does not exist; comparable to dry basins in this regard. 	<ul style="list-style-type: none"> o Highly effective at controlling the rate of runoff. o The average detention time is 8 to 24 hours. o Marginal reduction in runoff volume. 	<ul style="list-style-type: none"> o Downstream erosion and sedimentation is controlled. o Suspended solids settle out in basin. o Temporary sedimentation basin can be planned to serve as a permanent detention facility. 	<ul style="list-style-type: none"> o Due to typical size of basins, can not be sited in steep slope areas, due to possible slope failures. o Site must have sufficient open space at a proper elevation to provide gravity flow of runoff and detention without backup flooding of adjacent parking lots, buildings, etc. o For drainage areas greater than 640 acres, DDC small dam standards are applicable. 	<ul style="list-style-type: none"> o Permanent runoff control measures. o Existing dry basins can be easily modified. o Where existing ordinances require conventional detention basins (dry ponds), the only changes required would be an alternate outlet design specification. o Site inspections during construction on a semi-annual basis and after major storms in the post construction phase.
<p>1.05 Parking Lot Storage</p> <p>- Providing temporary surface storage and controlled release of stormwater runoff on paved (impervious) parking areas.</p>	<ul style="list-style-type: none"> o To reduce the adverse impact of impervious parking surfaces on receiving waters. o Can be used in conjunction with infiltration BMPs (1.01, 1.02), grassed waterways, filterstrips and escape areas (BMP 1.09), as well as storm sewers (1.10) and Detention Basins (1.03). o Applicable to new, high density commercial entry. 	<ul style="list-style-type: none"> o Medium level of effectiveness unless combined with other BMPs as listed at left. Some settling of particulate pollutants takes place. Reduces street flush or shock loading effect through filterstrips and escape areas. Can contribute to a reduction in the number and size of combined sewer overflows (where combined sewers exist). 	<ul style="list-style-type: none"> o Highly effective at controlling rate of runoff. o No effect on volume of runoff, unless used with other BMPs such as infiltration. 	<ul style="list-style-type: none"> o Reduction in peak runoff rates contribute to decreased stream channel erosion and subsequent sediment pollution downstream. 	<ul style="list-style-type: none"> o Not applicable to steep slope areas. o Limited to large parking lots where a portion of the available space can be committed to storage of runoff. o Punding areas are likely to be more prone to icing in cold weather. Additional ice removal measures may be required there. 	<ul style="list-style-type: none"> o High maintenance requirements; alternate charge control structures should be inspected at least semi-annually and following each storm. Debris should be removed. Sweeping and/or vacuuming of parking areas (BMP 2.01) should be done periodically.

BMPs for STORMWATER MANAGEMENT

Development Management Measure (BMP Title)	Major Purpose/ Related BMPs	Water Quality/Rat- ative Effectiveness	Runoff Red/Volune	Erosion & Sediment Control	Use Near Steep Slopes/Limitations	Staging/Regulation & Inspection
<p>1.06 Rooftop Detention</p> <p>- The temporary pooling and gradual controlled release of stormwater which falls directly onto flat roof surfaces.</p>	<ul style="list-style-type: none"> • To reduce the adverse impact of rooftop runoff on receiving waters, including downstrean flooding and stream channel degradation. • Must be used in conjunction with BMPs that can dispose of the runoff (1.07, 1.05, 1.07, 1.08, 1.09, 1.10). • Not widely used in the U.S. at this time. Most applicable to new structures with flat rooftops. 	<ul style="list-style-type: none"> • Low/has no effect on quality of runoff, except for the BMP which is used to handle the runoff after it is released from the roof drains. 	<ul style="list-style-type: none"> • High level of effectiveness for control of rate. • No effect on runoff volume by itself; related BMPs may reduce volume. 	<ul style="list-style-type: none"> • Reduction in rate of runoff contributes to stream channel erosion and sedimentation. 	<ul style="list-style-type: none"> • Not applicable to steep slope areas unless the flat topped building can be constructed in the steep slope conditions. • Limitations are primarily structural load requirements and water proofing. 	<ul style="list-style-type: none"> • Permanent runoff control measure. • Maintenance responsibility rests with property owner. Routine cleaning of drains and debris removal needed. • Inspection should be semi-annual or annual.
<p>1.07 Rooftop Runoff Disposal</p> <p>- The disposal of rooftop runoff by systems and techniques that avoid or replace direct connections of roof drainage systems to storm sewer systems. Three techniques are surface drainage, subsurface infiltration, runoff collection and storage.</p>	<ul style="list-style-type: none"> • To reduce the adverse impact of rooftop runoff on receiving waters. • Related to Rooftop Detention BMP (1.06), the infiltration BMP (1.07), and cistern storage (1.08). • Applicable to individual structures 	<ul style="list-style-type: none"> • Medium/when disposal is by infiltration or by surface drainage. • Controls soluble and particulate pollutants in runoff. Reduces volume of flow in sewers, lowering chances of overflow. 	<ul style="list-style-type: none"> • Reduces both rate and volume of runoff. 	<ul style="list-style-type: none"> • Downstream erosion and sedimentation are reduced. • Surface drainage may be inappropriate disposal method in areas with highly erodible soils. 	<ul style="list-style-type: none"> • Subsurface Infiltration, Surface Drainage not applicable to steep slopes or areas with low permeability soils. Collection and storage technique has application in steep slope 	<ul style="list-style-type: none"> • Permanent runoff control mechanism. • Maintenance is responsibility of property owner. Prevention of infiltration and

ANALYSIS OF SELECTED BEST MANAGEMENT PRACTICES TO
CONTROL STORMWATER RUNOFF TO IRONDEQUOIT RAY

BMPs for STORMWATER MANAGEMENT

Development Management Measure (BMP Title)	Major Purpose/ Related BMPs	Water Quality/Relative Effectiveness	Runoff Rate/Volume	Erosion & Sediment Control	Use Near Steep Slopes/Limitations	Staging/Regulation & Inspection
<p>1.08 Cistern Storage</p> <p>- Storage of stormwater runoff in a storage tank or chamber for reuse or for controlled release to a receiving stream or treatment facility.</p>	<ul style="list-style-type: none"> To reduce peak flows of stormwater runoff from a site. Related to Rooftop Detention & Disposal (1.06, 1.07) and parking lot storage (1.05). Very wide range of application; not dependent on physiographic conditions. 	<ul style="list-style-type: none"> Low/provides some control of particulate pollutants but little for soluble pollutants. 	<ul style="list-style-type: none"> Highly effective at controlling rate; volume is passed on to treatment facility or stream. 	<ul style="list-style-type: none"> Downstream erosion and sedimentation controlled. 	<ul style="list-style-type: none"> Applicable to steep slope areas since entire volume of runoff can be captured and diverted to a treatment facility or less sensitive area for infiltration or other BMP. 	<ul style="list-style-type: none"> Permanent runoff control measure. Maintenance is the responsibility of the property owner. Cistern pumps should be routinely maintained. Sediment and debris needs to be removed periodically. Inspection after major storms.
<p>1.09 Grassed Waterways, Filter Strips, and Seepage Areas</p> <p>- The use of grassed surfaces to manage urban stormwater runoff.</p>	<ul style="list-style-type: none"> Reduce runoff velocities, enhance infiltration and remove runoff contaminants. Related to Detention Basins (1.03, 1.04) and Rooftop Runoff Disposal (1.07). Most applicable to new low-to-moderate density development where the percentage of impervious cover is to be relatively small, and natural drainage systems can more nearly accommodate post-development runoff. 	<ul style="list-style-type: none"> Medium/controls both particulate and soluble pollutants. 	<ul style="list-style-type: none"> Controls both rate and volume to moderate extent. Major storms may overwhelm the infiltration capacity, resulting in more volume being passed on than for minor events. 	<ul style="list-style-type: none"> Effective control of erosion and sedimentation both on-site and downstream. 	<ul style="list-style-type: none"> The successful application of this practice is dependent upon anticipated runoff velocities, steepness of slopes, soil porosity and erodibility, water table depth, the type of grass selected for surface cover, and proper maintenance. 	<ul style="list-style-type: none"> Permanent runoff control measure. Maintenance is the responsibility of the property owner. Should be inspected frequently; after major storms.

ANALYSIS OF SELECTED BEST MANAGEMENT PRACTICES TO
CONTROL STORMWATER RUNOFF TO IROQUOISLAKE BAY

BMPs for STORMWATER MANAGEMENT

Development Management Measure (BMP Title)	Major Purpose/ Related BMPs	Water Quality/Rel- ative Effectiveness	Runoff Rate/Volume	Erosion & Sediment Control	Use Near Steep Slopes/Limitations	Staging/Regulation & Inspection
<p>1.10 Storm Sewers</p> <p>- An underground closed conduit system designed to expeditiously route and convey surface runoff from urban development areas to a safe outlet.</p>	<ul style="list-style-type: none"> To provide safe disposal of runoff from streets, parking lots, and other impervious areas and from pervious areas that will spill excess rainfall onto the area provided with storm sewer inlets. Related to Parking Lot Storage (1.05), Rooftop Detention (1.06), Cistern Storage (1.08), and Collection and Treatment BMPs (3.01-3.10). Wide usage for street and parking lot surfaces. 	<ul style="list-style-type: none"> No effect, by themselves; Improvement of quality is dependent on BMP which receives the runoff conveyed by the storm sewers. 	<ul style="list-style-type: none"> No effect on rate or volume; primarily a conveyance method. Runoff is diverted from site to a safe outlet for treatment and/or release. 	<ul style="list-style-type: none"> Controls runoff by diversion so on-site erosion is lessened. 	<ul style="list-style-type: none"> Can be applied to steep slope areas if soils and slope can support the placement of the conduits without erosion and slope slumpage. 	<ul style="list-style-type: none"> Permanent runoff control measure. Maintenance responsibility is usually assigned to the municipality. Regular annual inspections to insure structural integrity, remove debris.
<p>Pollution Source Controls (Non-Structural)</p> <p>2.01 Street Cleaning Practices</p> <p>- Urban street cleaning programs incorporating NPS pollutant control elements.</p>	<ul style="list-style-type: none"> To remove dry-weather accumulations of pollutants, especially fine particulate matter, before washoff can occur, thus reducing the impact on receiving waters. Related to Porous Pavement BMP (1.01) and Parking Lot Storage (1.05). Most applicable to paved streets having curbs and 	<ul style="list-style-type: none"> High for particulate pollutants; medium for soluble pollutants. Street cleaning practices that remove fine particles are most effective for nonpoint source pollution control. Vacuum sweepers more effective than mechanical sweepers for fine particle removal. 	<ul style="list-style-type: none"> No effect. 	<ul style="list-style-type: none"> No effect. 	<ul style="list-style-type: none"> Can be used on roads in steep slope areas; has no effect on slope stability. Cleaning operations should concentrate on cleaning curbs and gutter lines for maximum pollutant removal efficiency. 	<ul style="list-style-type: none"> Ongoing management practice. Maintenance is largely vehicle related. Usually a municipal operation except for privately owned parking lots, etc. Should be done on a regular basis (e.g., every 2 months).

BMPs for STORMWATER MANAGEMENT

Development Management Measure (BMP Title)	Major Purpose/Related BMPs	Water Quality/Relative Effectiveness	Runoff Rate/Volume	Erosion & Sediment Control	Use Near Steep Slopes/Limitations	Staging/Regulation & Inspection
2.02 Solid Waste Collection and Disposal - Elements of a municipally regulated program of refuse collection, litter control and leaf disposal.	<ul style="list-style-type: none"> To manage the handling of urban refuse, litter and fallen tree leaves routinely in ways that will prevent their becoming water pollutants. Applicable to residential, industrial, and commercial areas. 	<ul style="list-style-type: none"> Variable effectiveness depending on the nature of the refuse. Preventive method of control. 	<ul style="list-style-type: none"> No effect. 	<ul style="list-style-type: none"> No effect. 	<ul style="list-style-type: none"> No effect. 	<ul style="list-style-type: none"> Ongoing management practice. Joint responsibility of municipality and citizens.
2.03 Vegetative Control - The management of vegetation throughout urban areas, including both the protection and retention of existing vegetation and the establishment of new vegetation, to provide a natural reduction of nonpoint source pollution.	<ul style="list-style-type: none"> To utilize the natural capacity of plants to intercept and absorb airborne and runoff related pollutants and to reduce runoff volume, velocity and peak flow rate increases caused by urban development. Should always be used in conjunction with other BMPs as appropriate. Universal applicability. 	<ul style="list-style-type: none"> Medium for both particulate and soluble pollutants. Leaves provide a filtering action for airborne pollutants. Ground cover slows runoff velocities, allowing particulate matter to settle out of the runoff. 	<ul style="list-style-type: none"> Medium effectiveness on both rate and volume. Root systems maintain porosity and infiltration capacity. 	<ul style="list-style-type: none"> Stabilizes soil, reduces impact of rainfall, lessens risks of erosion and sedimentation. 	<ul style="list-style-type: none"> Stability of steep slopes is dependent on good vegetative control, at all times. 	<ul style="list-style-type: none"> Ongoing activity. Joint responsibility of municipality and property owner.
2.04 Fertilizer Application Control - Managing the use of fertilizer so as to keep it on the land.	<ul style="list-style-type: none"> To prevent fertilizer nutrients from reaching watercourses. Should be used in conjunction with other pollution source controls as part of a total program of management. Universal applicability. 	<ul style="list-style-type: none"> High for control of soluble pollutants. Low for control of particulate pollutants. Aimed at controlling the over-application of fertilizer containing Nitrogen and Phosphorous. 	<ul style="list-style-type: none"> No effect. 	<ul style="list-style-type: none"> Effective erosion control is needed to prevent fertilized, bare soils from being eroded and carried away in runoff. 	<ul style="list-style-type: none"> Can be applied to steep slope areas. 	<ul style="list-style-type: none"> Fertilizer application should be made when there is already adequate soil moisture and little likelihood of immediate heavy rain--then the lawn should be sprinkled so the fertilizer will be incorporated into the soil before the next rain can take it away.

ANALYSIS OF SELECTED BEST MANAGEMENT PRACTICES TO
CONTROL STORMWATER RUNOFF TO INCHPOND/UNIT 84Y

WIFE FOR STORMWATER MANAGEMENT

Development Management Measure (BMP Title)	Major Purpose/ Related BMP	Water Quality/Rel- ative Effectiveness	Runoff Rate/Volume	Erosion & Sediment Control	Use Near Steep Slopes/Limitations	Staging/Regulation & Inspection
<p>2.05 Pesticide Use Control</p> <p>- Eliminating excessive pesticide use by proper application procedures and/or the use of alternatives to chemical pest control.</p>	<ul style="list-style-type: none"> To reduce the pesticide load in stormwater runoff from urban areas. Part of a total program for Non Point Source pollution control. Universal applicability. 	<ul style="list-style-type: none"> High for soluble pollutant. Low for particulate control. 	<ul style="list-style-type: none"> No effect. 	<ul style="list-style-type: none"> No effect. 	<ul style="list-style-type: none"> Can be applied to steep slope areas. No effect on slope stability. 	<ul style="list-style-type: none"> Ongoing activity. Application is the responsibility of the property owner. Regulation/education is a municipal task.
<p>2.06 Reduction of Traffic-Generated Pollutants</p> <p>- Preventive measures to lower the amount of nonpoint source pollutants originating from motor vehicle traffic in urban areas.</p>	<ul style="list-style-type: none"> To institute maintenance procedures for individual cars and trucks that will reduce their potential for generating pollutants in traffic. To develop efficient urban transportation methods that will reduce the collective total of traffic-generated pollutants by reducing the volume of traffic. 	<ul style="list-style-type: none"> Medium for both particulate and soluble pollutants. 	<ul style="list-style-type: none"> No effect. 	<ul style="list-style-type: none"> No effect. 	<ul style="list-style-type: none"> No effect. 	<ul style="list-style-type: none"> Ongoing activity. Joint responsibility of municipality and vehicle owners.
<p>2.07 Highway Buffering Compound Control</p> <p>- Controlling the storage and application of roadway detritus (chemicals and abrasives) and promptly maintaining the equipment used to apply them.</p>	<ul style="list-style-type: none"> To reduce the amounts of detritus (chemicals and abrasives) entering urban runoff and thus reduce the amount of these pollutants reaching water-courses. Part of a total BMP pollutant control program. 	<ul style="list-style-type: none"> High for both soluble and particulate pollutants. Pollutants include sodium chloride, calcium chloride, sand, and fly ash. 	<ul style="list-style-type: none"> No effect. 	<ul style="list-style-type: none"> No effect. 	<ul style="list-style-type: none"> Can be applied to steep slope areas (highways located within these areas). 	<ul style="list-style-type: none"> Ongoing seasonal practices. Municipal responsibility except for privately owned parking lots, driveways, etc.

ANALYSIS OF SELECTED BEST MANAGEMENT PRACTICES TO CONTROL STORMWATER RUNOFF TO FROBDOUOIT BAY

MPs for STORMWATER MANAGEMENT

Development Management Measure (MP title)	Major Purpose/Related MPs	Water Quality/Relative Effectiveness	Runoff Rate/Volume	Erosion & Sediment Control	Use Near Steep Slopes/Limitations	Staging/Regulation & Inspection
3.01 Sewer System Control - Planning, design and management alternatives for the collection and transport of urban wastewater.	<ul style="list-style-type: none"> To maximize the efficiency of existing and newly planned sewer systems so as to increase waste treatment efficiency and thus reduce the amount of untreated urban wastewater reaching receiving waters. Part of a total NPS pollutant control program. Related to storm sewer BMP 1.10. Applicability is dependent upon specific local conditions. 	<ul style="list-style-type: none"> High for both soluble and particulate pollutants. 	<ul style="list-style-type: none"> Moderate control of runoff rate and volume. 	<ul style="list-style-type: none"> No effect. 	<ul style="list-style-type: none"> No effect. 	<ul style="list-style-type: none"> Municipal responsibility. Ongoing activity. Regular, routine program of maintenance required, such as catch basin and sewer cleaning.
3.02 Conveyance System Storage - Providing storage capability within stormwater conveyance systems for temporary detention and controlled release of urban stormwater during wet weather flows.	<ul style="list-style-type: none"> In combined sewers to reduce the frequency and magnitude of sewer overflows and to increase the quantity of stormwater receiving treatment before entering receiving waters. In separate conveyance systems to reduce the downstream flow peaks and to provide a small amount of particulate removal through detention. 	<ul style="list-style-type: none"> High for both soluble and particulate pollutants. 	<ul style="list-style-type: none"> Slightly effective at controlling both rate and volume of runoff. 	<ul style="list-style-type: none"> Threat of downstream erosion is lessened. 	<ul style="list-style-type: none"> No effect. 	<ul style="list-style-type: none"> Permanent control measures. High maintenance required; municipal responsibility.

ANALYSIS OF SELECTED BEST MANAGEMENT PRACTICES TO
CONTROL STORMWATER RUNOFF TO IRONDEQUOIT BAY

BMPs for STORMWATER MANAGEMENT

Development Management Measure (BMP Title)	Major Purpose/ Related BMPs	Water Quality/Rel- ative Effectiveness	Runoff Rate/Volume	Erosion & Sediment Control	Use Near Steep Slopes/Limitations	Staging/Regulation & Inspection
<p>3.03 Conventional Flow Regulators</p> <p>- Traditionally used mechanical devices which provide control of the volume, velocity, and/or directions of fluid flows.</p>	<ul style="list-style-type: none"> o To regulate flows in combined sewers, separate storm sewers, and stormwater storage facilities so that those facilities operate at maximum efficiency. o Applicable wherever control of volume, velocity, and/or directions of fluid flows is desirable. 	<ul style="list-style-type: none"> o Variable effectiveness for particulate and soluble pollutant removal, depending on the specific application. 	<ul style="list-style-type: none"> o Effective control of both rate and volume in terms of conveyance; no effect on origin of runoff. 	<ul style="list-style-type: none"> o No effect. 	<ul style="list-style-type: none"> o No effect. 	<ul style="list-style-type: none"> o Permanent control measure. o High maintenance requirements; clogging and debris common. o Municipal and/or property owners' responsibility.
<p>3.04 Fluidic Flow Regulators</p> <p>- Self-powered flow control devices operating according to a closed-loop signal system which is responsive to changes in water level and flow characteristics. Fluidic devices have no moving parts in their flow regulation mechanisms.</p>	<ul style="list-style-type: none"> o To selectively divert the most polluted portions of concentrated stormwater runoff into treatment facilities or holding areas, thus reducing the downstream impact of polluted runoff. o To proportion flow of runoff between receiving streams and retention/detention facilities. o To provide increased efficiency of storm and combined sewers during wet weather flows. 	<ul style="list-style-type: none"> o Can be used to maximize the efficiency of storm or combined sewers; maximizes efficiency of detention facilities; can be used to capture "First Flush" of pollutants. 	<ul style="list-style-type: none"> o Effective for control of both rate and volume. 	<ul style="list-style-type: none"> o No effect. 	<ul style="list-style-type: none"> o No effect. o Limited experience with this practice. Relatively new. 	<ul style="list-style-type: none"> o Permanent control measure. o Moderate maintenance requirements. o Municipal and/or property owners' responsibility.

ANALYSIS OF SELECTED BEST MANAGEMENT PRACTICES TO
CONTROL STORMWATER RUNOFF TO IRONDUNOIT BAY

NMPS for STORMWATER MANAGEMENT

Development Management Measure (NIP Title)	Major Purpose/ Related NMPS	Water Quality/Rel- ative Effectiveness	Runoff Rate/Volume	Erosion & Sediment Control	Use Near Steep Slopes/Limitations	Staging/Regulation & Inspection
<p>3.05 Treatment - Unit operations that provide treatment of urban stormwater but are less involved and costly than treatment plant technology and can be either used independently or interfaced with other best management practices.</p>	<ul style="list-style-type: none"> • To remove contaminants from collected stormwater. • Applicable where a level of contaminant removal greater than that achieved by other best management practices is desirable or necessary, but where treatment plant construction or use is not feasible. 	<ul style="list-style-type: none"> • Variable effectiveness depending on treatment techniques employed and pollutant content of the runoff. 	<ul style="list-style-type: none"> • Moderate control of both rate and volume. 	<ul style="list-style-type: none"> • No effect. 	<ul style="list-style-type: none"> • No direct effect on steep slopes. Runoff could be diverted from developments in the steep slope areas for treatment in less sensitive areas. 	<ul style="list-style-type: none"> • Permanent control measure. • High maintenance requirements. • Municipal and/or property owners' responsibility.

ANALYSIS OF SELECTED BEST MANAGEMENT PRACTICES TO
CONTROL STORMWATER RUNOFF TO IMMEDIATELY AAV

BMPs for ACTIVE CONSTRUCTION SITES

Development Management Measure (BMP Title)	Major Purpose/ Related BMP	Water Quality/Rel- ative Effectiveness	Runoff Rate/Volume	Erosion & Sediment Control	Use Near Steep Slopes/Gradations	Staging/Regulation & Inspection
4.01 Storm Runoff Control - Land shaping structural and vegetative measures in combination that will adequately control and limit storm runoff water leaving a development site during and after construction activities.	<ul style="list-style-type: none"> To provide for the planning and installation of storm runoff control measures that will include any increased storm runoff flows or increased sedimentation from construction or development sites to other premises. Related to all other BMPs. Apply to any and all construction sites where there will be increased impervious surfaces created, land shaping or land forming, or alteration of drainage patterns. 	<ul style="list-style-type: none"> High/calls for a combination of BMPs to control runoff rate, volume, and quality. 	<ul style="list-style-type: none"> Effective control of both rate and volume. 	<ul style="list-style-type: none"> Effective control of sedimentation. 	<ul style="list-style-type: none"> Can be applied to steep slope areas. 	<ul style="list-style-type: none"> Must be in place at the start of any construction activity. Inspection requirements depend on the particular BMPs that are chosen to handle the runoff.
4.02 Land Grading - Shaping the ground surface by grading to planned grades which are determined by topographic survey and layout.	<ul style="list-style-type: none"> Improves the suitability of sites for land development. Improves surface drainage, and controls erosion. Related to BMPs 4.01 and 4.19. Applicable where grading to planned elevations is needed. 	<ul style="list-style-type: none"> Controls erosion, thereby reducing the amount of suspended solids in runoff from the construction site. 	<ul style="list-style-type: none"> No effect on rate or volume. 	<ul style="list-style-type: none"> Primarily an erosion control measure needs effective vegetative cover (BMP 4.04-4.09). 	<ul style="list-style-type: none"> Not recommended in steep slope areas. The cut face of earth excavations and fills should be no steeper than the safe angle of repose for the materials encountered and flat enough for stabilization and maintenance. 	<ul style="list-style-type: none"> Takes place early in the site preparation stage. Permanently exposed faces of earth cuts and fills shall be vegetated or otherwise protected from erosion immediately upon completion of earth placement.

BMPs for ACTIVE CONSTRUCTION SITES

Development Management Measure (BMP Title)	Major Purpose/Related BMPs	Water Quality/Relative Effectiveness	Runoff Rate/Volume	Erosion & Sediment Control	Use Near Steep Slopes/Limitations	Siting/Regulation & Inspection
<p>4.03 Contoured Development - Placement of streets, utility lines, buildings, parking lots, and other major development appurtenances to conform with the contour of the land.</p>	<ul style="list-style-type: none"> o To eliminate or reduce steep grades for street construction and excavated utility lines where severe gully erosion can occur. o To reduce the necessity of large cut and fill operations. o Related to BMP 4.02. o Part of an overall plan to minimize runoff and erosion from the site. o Applies to all developments where the slope is greater than 10% and slope length exceeds 200 ft. 	<ul style="list-style-type: none"> o Preventive method of controlling amount of runoff and sediment content of runoff. 	<ul style="list-style-type: none"> o Increases the travel time and retards peak runoff flows. 	<ul style="list-style-type: none"> o Effective method for preventing erosion and sedimentation problems. 	<ul style="list-style-type: none"> o Applicable to 15% slope areas (greater than 10%). This BMP is aimed at minimizing the problems associated with steep slope areas, where the development is unavoidable. o Existing development may place limitations on the placement of new features. 	<ul style="list-style-type: none"> o An integral part of the site planning stage of the development.
<p>4.04 Seeding Permanent Vegetative Cover - The establishment of long term stands of perennial vegetation by seeding exposed soil.</p>	<ul style="list-style-type: none"> o Long-term soil stabilization and erosion control. o Related to Temporary Vegetation (BMP 4.03), as well as Land Grading (BMP 4.02) and Runoff Control (BMP 4.01). o Applicable to exposed soils of construction sites or cleared, regraded areas, where a long lived grass or grass-legume cover is required. 	<ul style="list-style-type: none"> o Controls runoff at the source, lessens sediment load in runoff and impact on receiving waters. 	<ul style="list-style-type: none"> o Slows the rate and reduces the volume of runoff. 	<ul style="list-style-type: none"> o Very effective means of erosion and sediment control. 	<ul style="list-style-type: none"> o Applicable to steep slope areas. 	<ul style="list-style-type: none"> o Should be applied as soon as possible. Temporary vegetation must be used during the active stage until the land is stabilized and permanent vegetation can be established.

BMPs for ACTIVE CONSTRUCTION SITES

Development Management Measure (BMP title)	Major Purpose/ Related BMPs	Water Quality/Soil- Active Effectiveness	Runoff Rate/Volume	Erosion & Sediment Control	Use Near Steep Slopes/Limitations	Staging/Regulation & Inspection
4.03 Temporary Vegetation - Planting short-term vegetation on exposed soil areas at construction sites.	<ul style="list-style-type: none"> To stabilize the soil reduce damage from sediment and runoff to downstream areas; protect wildlife habitat; reduce wind erosion. Related to Permanent Vegetative Cover (4.04), Land Grading (4.02), and Storm Runoff Control (4.01). Applies to graded or cleared areas which are subject to erosion for a year or less; where permanent structures are to be installed or extensive grading will be done prior to establishment of permanent vegetation. 	<ul style="list-style-type: none"> Controls runoff at the source, lessens the sediment load in runoff and impact on receiving waters. 	<ul style="list-style-type: none"> Slows the rate and reduces the volume of runoff. 	<ul style="list-style-type: none"> Very effective means of erosion and sediment control. 	<ul style="list-style-type: none"> Applicable to steep slope areas. 	<ul style="list-style-type: none"> Should be applied immediately to any exposed soil areas not directly involved in the construction activity. An inexpensive, effective means of providing protection. Will reduce the maintenance on structural BMPs if applied early in the project.
4.04 Topsoiling - Spreading a specified quality and quantity of topsoil materials on graded or constructed subsoil areas.	<ul style="list-style-type: none"> adequate plant cover growing condition to reduce future needs for nitrogenous fertilizer applications. Related to both the Temporary and Permanent Vegetation BMPs (4.04, 4.05), as well as Land Grading (4.02). 	<ul style="list-style-type: none"> Promotes establishment of vegetative cover, thereby indirectly contributing to a reduction in the sediment loads leaving the site and receiving waters. 	<ul style="list-style-type: none"> No effect. 	<ul style="list-style-type: none"> Enhances conditions for establishment of vegetative cover, thereby reducing erosion and sedimentation problems. 	<ul style="list-style-type: none"> Applicable to steep slope areas. Topsoil placed and graded on slopes steeper than 3% should be promptly fertilized, mulched, and stabilized by "tracking" with suitable equipment. 	<ul style="list-style-type: none"> Applied after final grading, where vegetation will be established. Existing topsoil should be preserved to the maximum extent possible.

ANALYSIS OF SELECTED BEST MANAGEMENT PRACTICES TO CONTROL STORMWATER RUNOFF TO IMPROVED UNIT BAY

BMPs for ACTIVE CONSTRUCTION SITES

Development Management Measure (BMP Title)	Major Purpose/Related BMPs	Water Quality/Soil-Use Effectiveness	Runoff Rate/Volume	Erosion & Sediment Control	Use Near Steep Slopes/Limitations	Staging/Regulation & Inspection
4.07 Stabilization with Mulch -Stabilizing exposed soils with plant residues or other materials.	<ul style="list-style-type: none"> To reduce runoff and erosion, control weeds, and reduce off site sediment damage. Related to BMPs 4.19, 4.20, 4.21, and 4.15 (control channels and sediment basins). Applic to graded or cleared areas which are subject to erosion for 6 months or less; where seedlings may not have a suitable growing season to produce an erosion retardant cover. 	<ul style="list-style-type: none"> Controls runoff at the source, lessens sediment load in runoff and reduces the impact on receiving waters. 	<ul style="list-style-type: none"> No direct effect. 	<ul style="list-style-type: none"> Very effective source control of erosion and sedimentation problems. 	<ul style="list-style-type: none"> Very applicable to steep slope areas, especially road cuts and other exposed areas prone to rapid erosion. 	<ul style="list-style-type: none"> Final grading is not required prior to mulching. Prior to mulching: install needed erosion control practices such as diversions, grade stabilization, berms, dikes, level spreaders, geosed waterways and well-bent basins.
4.08 Stabilization with Sod - Stabilizing eroding areas by establishing long-term stands of grass with sod.	<ul style="list-style-type: none"> To stabilize the soil and reduce damage from sediment to down-stream areas. Related to Temporary Vegetative Cover (4.05), Stabilization with Mulch (4.07), and any other erosion and runoff BMPs. Applies to exposed soils that have a potential for causing off-site damage where a quick vegetative cover is desired. 	<ul style="list-style-type: none"> Controls sediment load reaching receiving waters. 	<ul style="list-style-type: none"> Slows runoff rate and reduces volume of runoff. 	<ul style="list-style-type: none"> Very effective source control and sedimentation problems. 	<ul style="list-style-type: none"> Applicable to steep slope areas. Sod should be laid with the long edge parallel to the contour and with staggered joints. Secure the sod by tamping and pegging in place. Moisture, either applied or natural, is essential for successful application. 	<ul style="list-style-type: none"> Sod should be harvested, delivered, and installed within a period of 36 hours. The operations of laying, tamping and irrigating for any place of sod should be completed within 8 hours. Frequent watering needed during first week.

ANALYSIS OF SELECTED BEST MANAGEMENT PRACTICES TO CONTROL STORMWATER RUNOFF TO IRONDEQUOIT BAY

BMPs for ACTIVE CONSTRUCTION SITES

Development Management Measure (BMP Title)	Major Purpose/Related BMPs	Water Quality/Relative Effectiveness	Runoff Rate/Volume	Erosion & Sediment Control	Use Near Steep Slopes/Limitations	Staging/Regulation & Inspection
<p>4.09 Ground Cover, Vines, Shrubs, and Trees for Disturbed Area Stabilization - Planting vegetation such as trees, shrubs, vines, and ground cover on sediment and dust producing areas.</p>	<ul style="list-style-type: none"> o To stabilize the area; minimize sedimentation, and control blowing dust. o Related to BMPs 4.04-4.07. o Applicable to graded or cleared areas subject to erosion where a permanent, long-lived vegetative cover other than turf is desired. 	<ul style="list-style-type: none"> o Controls sediment load reaching the receiving waters. 	<ul style="list-style-type: none"> o Slows runoff rate and reduces volume of runoff. 	<ul style="list-style-type: none"> o Very effective source control of sedimentation problems. 	<ul style="list-style-type: none"> o Applicable to steep slope areas. 	<ul style="list-style-type: none"> o Area should be graded and smoothed and any runoff or erosion control BMPs should be installed prior to planting.
<p>4.10 Stabilization Matting for Channels and Steep Slopes - Installing jute or excelsior matting on a prepared seed or planting bed of a channel or steep slope to be stabilized with vegetation.</p>	<ul style="list-style-type: none"> o An aid to controlling erosion on critical sites during the establishment period of protective vegetation. o Related to BMPs for vegetation (4.04-.05). o Applies to channels where designed flow exceeds 2.5 feet per second; on steep, short slopes with a high erosion potential and vegetal growth is likely to be slow to become established. Applies to stream banks where moving water is likely to wash out new plantings. 	<ul style="list-style-type: none"> o Controls on-site erosion and the sediment load to receiving waters. 	<ul style="list-style-type: none"> o No direct effect on volume but does slow rate of runoff. 	<ul style="list-style-type: none"> o Very effective means of stopping erosion and downstream sedimentation problems. 	<ul style="list-style-type: none"> o Directly applicable to steep slope areas as well as stream channels. 	<ul style="list-style-type: none"> o Applied after the site has been shaped and graded

ANALYSIS OF SELECTED BEST MANAGEMENT PRACTICES TO
CONTROL STORMWATER RUNOFF TO IRONDEQUOIT BAY

BMPs for ACTIVE CONSTRUCTION SITES

Development Management Measure (BMP Title)	Major Purpose/ Related BMPs	Water Quality/Relative Effectiveness	Runoff Rate/Volume	Erosion & Sediment Control	Use Near Steep Slopes/Limitations	Staging/Regulation & Inspection
<p>4.11 Filter Strips</p> <p>- A strip of native or seeded grass vegetation, usually on the contour or adjacent to streams, ponds, lakes, bays, or drainage channels.</p>	<ul style="list-style-type: none"> To intercept and retard surface flows of sediment-bearing stormwater runoff. Related to BMPs like 4.16, 4.19, 4.22. Applies to sites with little or no shade over the filter strip and those having an adequate topsoil and freedom from traffic. 	<ul style="list-style-type: none"> Intercepts runoff and retains the sediment load on-site, thereby lowering load to streams and other receiving waters or areas like parking lots with porous pavement. 	<ul style="list-style-type: none"> Reduces both the rate and volume of runoff. 	<ul style="list-style-type: none"> Very effective for erosion and sediment control. 	<ul style="list-style-type: none"> Directly applicable to steep slope areas but will require the use of supplemental BMPs such as mulches, diversions, terraces, and sediment traps. 	<ul style="list-style-type: none"> Filter strips should be established before general site clearing. Can use existing cover as contour oriented strips within larger areas of earth disturbance.
<p>4.12 Preserving Existing Vegetation</p> <p>- Saving natural grass, shrubs, and trees of good quality in developments.</p>	<ul style="list-style-type: none"> To reduce the amount of exposed soil available to erosive forces. Related to BMPs 4.02, 4.03, 4.04-05, 4.11. Applies to all developments that have less desirable areas where plants can be retained and are needed to improve the environmental quality and where severe erosion can occur. 	<ul style="list-style-type: none"> A preventive means of controlling the erosion from sections of a building site. Reduces the sediment load to the receiving waters. 	<ul style="list-style-type: none"> Reduces both the rate and volume of runoff. 	<ul style="list-style-type: none"> Effective means of erosion control. As a general rule, as much of the existing vegetation as possible should be preserved. The minimum area of land should be disturbed for any particular site. 	<ul style="list-style-type: none"> Very applicable to steep slope areas. In the Irondequoit Bay area there are extensive wood lots, often coinciding with the steep slope areas. These areas in particular should be preserved. 	<ul style="list-style-type: none"> Part of the site planning process. Many potential problems can be prevented by adhering to the principles of conservation of natural vegetation and features.

ANALYSIS OF SELECTED BEST MANAGEMENT PRACTICES TO CONTROL STORMWATER RUNOFF TO ROUNDQUOIT BAY

BMPs for ACTIVE CONSTRUCTION SITES

Development Management Measure (BMP Title)	Major Purpose/Related BMPs	Water Quality/Rate Effectiveness	Runoff Rate/Volume	Erosion & Sediment Control	Use Near Steep Slopes/Plantations	Staging/Regulation & Inspection
<p>4.13 In-situ Scarification</p> <ul style="list-style-type: none"> - Scratching or scarifying a sloping, fine textured or loamy soil surface in nearly level contour patterns. 	<ul style="list-style-type: none"> o To increase infiltration and overland flow o To reduce runoff from sloping, unprotected soils to reduce the need for temporary cover to reduce wind erosion to capture snow, and to improve the bond between a soil surface and sod or topsoil installation. o Related to BMPs for Temporary Vegetation, Topsoiling, and Sod Stabilization. o Applies to gentle, short slopes having soils with less than 60% sand. 	<ul style="list-style-type: none"> o Provides pollutant removal through increased infiltration. 	<ul style="list-style-type: none"> o Increases the overland flow rate, thereby reducing the rate of runoff. Increased infiltration reduces the volume of the runoff. 	<ul style="list-style-type: none"> o An inexpensive, temporary erosion control measure. o Limited effectiveness on shallow or eroded hardpan soils. o Not useful on loose sand and exposed coarse sand subsoil. 	<ul style="list-style-type: none"> o Can be applied to steep slopes, but will not be sufficient without other diversions and other methods of controlling the runoff over the face of the slope. 	<ul style="list-style-type: none"> o Temporary BMP. Site should be graded as needed to permit the use of the scarifier. o Rain, wind, traffic and freezing weather may require the soil surface to be rescarified.
<p>4.14 Dust Control</p> <ul style="list-style-type: none"> - Reducing the amount of wind-blown soil from development sites and other disturbed soil areas to acceptable levels. 	<ul style="list-style-type: none"> o To control wind-blown soil pollution of air and water. o Related to BMPs for temporary and permanent vegetative cover, mulching, and topsoiling. o Applies to areas which are subject to wind erosion where off-site damage is likely. 	<ul style="list-style-type: none"> o Prevents the soil bloom from the construction sites from polluting nearby streams and waterbodies, as well as paved surfaces which will eventually be washed off by rainfall. 	<ul style="list-style-type: none"> o No effect on either rate or volume. 	<ul style="list-style-type: none"> o Controls wind-blown erosion problems. Airborne sedimentation is reduced. 	<ul style="list-style-type: none"> o Can be applied to steep slope areas. 	<ul style="list-style-type: none"> o An integral, ongoing part of any effective erosion control plan.

BMPs for ACTIVE CONSTRUCTION SITES

Development Management Measure (BMP Title)	Major Purpose/ Related BMPs	Water Quality/Relative Effectiveness	Runoff Rate/Volume	Erosion & Sediment Control	Use Near Steep Slopes/Limitations	Staging/Regulation & Inspection
<p>4.15 Sediment Basins</p> <p>- A basin formed by a barrier or dam constructed across a waterway or at other suitable locations to intercept and retain sediment and debris.</p>	<ul style="list-style-type: none"> To provide for desilting and the capture of sediment and debris from construction sites; to prevent silting of catch basins and other drains during the active phase of the development. Related to BMPs for temporary vegetation, mulching, and scarification. Applies where the physical conditions preclude the treatment of the sediment source by the installation of erosion control measures to keep soil in place. 	<ul style="list-style-type: none"> Removes particulate pollutants and debris from the runoff leaving a site. Little effect on phosphorous and other soluble pollutants. 	<ul style="list-style-type: none"> Reduces the rate of runoff but not the volume. 	<ul style="list-style-type: none"> Not a source control, treats the sedimentation problem once the erosion has taken place. Prevents off-site damage. 	<ul style="list-style-type: none"> Not recommended for steep slope areas usually due to the risks of basin and slope failure. Limited effectiveness where silty soils predominate. Most sediment basin designs are effective only in settling out particles larger than a #200 sieve. 	<ul style="list-style-type: none"> Can be either a temporary or permanent basin. Can be planned to work as a detention/retention basin after the active phase of construction. Basins should be fenced off to prevent accidents. Periodic cleanout of the structure is required.
<p>4.16 Sediment Traps</p> <p>- A small temporary basin formed by excavation and/or an embankment to intercept sediment-laden runoff and to trap and retain the sediment.</p>	<ul style="list-style-type: none"> To intercept sediment leaving a site with runoff and trap the sediment to protect drainage ways, properties, and rights-of-way downstream of the site. Related to Sediment Basins BMP (4.15) as well as vegetation BMPs. Applied to drainage way, at a storm drain inlet, or at other points of discharge from a disturbed area. 	<ul style="list-style-type: none"> Removes larger particles from the runoff. Little effect on phosphorous and other soluble pollutants. 	<ul style="list-style-type: none"> Reduces rate of runoff but not volume. 	<ul style="list-style-type: none"> As with Sediment Basins the source of sedimentation is not controlled but the off-site damage is minimized. 	<ul style="list-style-type: none"> Not recommended for steep slope areas due to risks of trap and slope failure. Limited to drainage areas of less than 5 acres. 	<ul style="list-style-type: none"> Temporary control measure. Sediment should be removed from the trap when an accumulation of 1/2 of the design depth of the trap has taken place. The trap should be inspected after each rain and repairs made as needed.

BMPs for ACTIVE CONSTRUCTION SITES

Development Management Measure (BMP Title)	Major Purpose/Related BMP	Water Quality/Relative Effectiveness	Runoff Rate/Volume	Erosion & Sediment Control	Use Near Steep Slopes/Limitations	Staging/Regulation & Inspection
4.11 Filter Inlets	<ul style="list-style-type: none"> A temporary device around or over a connected drainage inlet, usually made with porous materials such as sand and/or gravel, straw bales, cement blocks and gravel or perforated pipe. 	<ul style="list-style-type: none"> Remove coarse sediment from runoff. No effect on soluble pollutants. 	<ul style="list-style-type: none"> No effect on rate or volume. 	<ul style="list-style-type: none"> Control coarse sediments in runoff. Does not treat source of sediment. 	<ul style="list-style-type: none"> Not applicable to steep slope areas. Limited to drainage areas of less than 5 acres. 	<ul style="list-style-type: none"> Temporary control measure. Clogged filter material must be replaced. Accumulated sediment must be removed.
4.10 Straw Bale Sediment Barriers	<ul style="list-style-type: none"> A temporary barrier of lined straw or other bales with a life expectancy of 6 months or less. Installed across or at the bottom of a slope in development sites and disturbed soil areas. 	<ul style="list-style-type: none"> Remove large particles of sediment from runoff. No effect on soluble pollutants. 	<ul style="list-style-type: none"> Minimal effect on rate of runoff; no effect on volume. 	<ul style="list-style-type: none"> Effective control of off-site sedimentation, for limited sites. 	<ul style="list-style-type: none"> Not sufficient by itself to control erosion and sedimentation in steep slope areas. Straw bale barriers should be aligned on the contour of the slope. 	<ul style="list-style-type: none"> Temporary control measure. The installation should be inspected and repaired after each storm event. Six month life expectancy at must before replacement of bales.

ANALYSIS OF SELECTED BEST MANAGEMENT PRACTICES TO CONTROL STORMWATER RUNOFF TO FROWDEQUITT BAY

BMPs for ACTIVE CONSTRUCTION SITES

Development Management Measure (BMP Title)	Major Purpose/Related BMP	Water Quality/active Effectiveness	Runoff Rate/Volume	Erosion & Sediment Control	Use Near Steep Slopes/Restrictions	Storing/Regulation & Inspection
4.19 Diversions - A channel with a supporting ridge on the inner side constructed across the slope.	<ul style="list-style-type: none"> To divert water from areas where it is in excess to areas where it can be used or disposed of safely. Reduce slope lengths. Used in combination with vegetation BMPs, Straw Bale Barriers, and others. Applies to drainage areas of up to 100 acres. 	<ul style="list-style-type: none"> Little direct effect on runoff but is usually used to divert runoff to another BMP for treatment. 	<ul style="list-style-type: none"> Minimal effect on rate of runoff, no effect on volume. 	<ul style="list-style-type: none"> Reduce erosion from slopes by diverting runoff from face of slope. Protective active gullies or other erodible areas. 	<ul style="list-style-type: none"> Applies to steep slope areas; used to divert runoff and lessen the erosive effect of the runoff. 	<ul style="list-style-type: none"> Diversions can be permanent measures or temporary with a life expectancy of one year. Periodic inspections required; generally low maintenance and low risk of failure.
4.20 Grassed Waterways or Outlets - A natural or constructed waterway or outlet shaped or graded and established in suitable vegetation as needed for safe disposal of runoff.	<ul style="list-style-type: none"> To provide for the disposal of excess surface water from construction sites and urban areas without damage from erosion. Related to vegetation BMPs. Used in combination with other BMPs such as Grada to control structures and suburface drainage. Applies to the installation of grass-lined waterways with drainage areas up to about 200 acres. 	<ul style="list-style-type: none"> Allows for both filtering of runoff and infiltrating to take place. Removes both particulate and soluble pollutants. In areas with high water table or seepage problems, underdrains, stone centers or other suburface drainage methods are to be provided. 	<ul style="list-style-type: none"> Reduces both the rate and volume of runoff leaving the site. 	<ul style="list-style-type: none"> Effective control of erosion and sedimentation. Temporary cover of the vegetative lining is recommended to protect against erosion during periods when seedlings may fall. 	<ul style="list-style-type: none"> Can be used in steep slope areas. 	<ul style="list-style-type: none"> Can be either temporary or long term control measure. Trees, brush, stumps, etc. should be cleared and disposed of as not to interfere with construction or proper functioning of the waterway. Waterways should not be used for roadways. Requires annual fertilizer application; mowing at two times a year.

BMPs for ACTIVE CONSTRUCTION SITES

Development Management Measure (BMP Title)	Major Purpose/Related BMPs	Water Quality/Net-Alive Effectiveness	Runoff Rate/Volume	Erosion & Sediment Control	Use Near Steep Slopes/Installations	Staging/Regulation & Inspection
4.21 Storm Waterways or Outlets - A waterway or outlet having an erosion-resistant lining of concrete, stone, or other permanent material.	<ul style="list-style-type: none"> To provide for safe disposal of runoff from other conservation structures or from natural concentrations of flow without damage by erosion or flooding, where walled or grass lined waterways would be inadequate. Used in combination with vegetation BMPs where steep slopes, wetlands, prolonged base flow, seepage, or piping would cause erosion. 	<ul style="list-style-type: none"> Provides no direct treatment of runoff. Primarily a preventative measure for erosion and flood hazards. 	<ul style="list-style-type: none"> Does not reduce rate or volume of runoff. Provides safe conveyance of full volume, may increase rate in some cases. 	<ul style="list-style-type: none"> Prevents channel erosion in drainage ways. Used where soils are highly erosive or other soil conditions preclude using a vegetative lining. 	<ul style="list-style-type: none"> Can be applied to steep slope areas. Installation of reinforced concrete or mortared flagstone linings, should be made only on low shrink-swell soils that are well drained or where subgrade drainage facilities are installed. 	<ul style="list-style-type: none"> Usually a long term control measure. Requires routine inspecting; debris removal for flow maintenance.
4.22 Level Spreaders - A shallow channel constructed at zero percent grade across the slope from which concentrated runoff may be discharged at non-erosive velocities, in dispersed or spread flows, onto undisturbed areas stabilized by existing vegetation.	<ul style="list-style-type: none"> To convert a concentrated flow of sediment-free runoff into sheet flow, and to outlet it onto areas that are stabilized by existing vegetation without causing erosion. Used in combination with sediment basins & traps, filter inlets, diversions, grassed waterways and other BMPs. 	<ul style="list-style-type: none"> Directs runoff to vegetated areas at non-erosive spread so infiltration, filtering and biological uptake are allowed to occur. Runoff quality is thereby improved. 	<ul style="list-style-type: none"> Controls rate but not volume of runoff. Related BMPs such as grassed areas and retention of existing vegetation provide a reduction in volume through infiltration. 	<ul style="list-style-type: none"> Controls erosive flows of runoff to prevent erosion and sedimentation. Heavy sediment loads in runoff can reduce effectiveness of level spreaders. 	<ul style="list-style-type: none"> Can be used in steep slope areas, where stable vegetation exists. Level spreaders should not be used as the principal disposal method where peak flows will exceed 90 cubic feet per second. 	<ul style="list-style-type: none"> Periodic inspection and maintenance is needed. Regulated areas below spreaders shall not be used for any vehicular traffic, storage, stabling, clearing, access, or dumping during the period of spreader use.

BMPs for ACTIVE CONSTRUCTION SITES

Development Management Measure (BMP title)	Major Purpose/Related BMPs	Water Quality/Relative Effectiveness	Runoff Rate/Volume	Erosion & Sediment Control	Use Near Steep Slopes/Limitations	Staging/Regulation & Inspection
	<ul style="list-style-type: none"> below the level lip is stabilized by existing vegetation, where the contributing drainage area is stabilized by vegetation, and where the water will not be reconcentrated below the point of discharge causing erosion. 					
<p>4.23 Energy Dissipaters</p> <p>- A structure that reduces water velocities at the end of an artificial runoff water conveyance where it discharges into an earthen or natural watercourse.</p>	<ul style="list-style-type: none"> To control or eliminate channel scour and side slope sloughing immediately below an artificial runoff conveyance by reducing water velocity to non-erode. Relates to grade stabilization structures, conduits, and channels. Applies wherever high velocities of runoff create an erosion hazard. 	<ul style="list-style-type: none"> Controls sediment derived from channel erosion, thereby improving quality of runoff reaching receiving waters. 	<ul style="list-style-type: none"> Controls rate but not volume of runoff. 	<ul style="list-style-type: none"> Controls channel erosion due to high runoff velocities. Lessens downstream sedimentation problems. 	<ul style="list-style-type: none"> Can be applied to steep slope areas where runoff velocities tend to be high. 	<ul style="list-style-type: none"> Can be either a short or long term control measure. Routine, periodic inspection needed. Generally, low maintenance structures.
<p>4.24 Roof Cutters</p> <p>- A channel installed along the drip edge of a sloping roof to collect and dispose of rooftop runoff.</p>	<ul style="list-style-type: none"> To collect and safely dispose of rooftop runoff, to another BMP such as cisterns, infiltration pits, etc. Applies wherever roof runoff water causes soil erosion, or where required by local building codes. 	<ul style="list-style-type: none"> No direct effect on runoff quality. Conveys runoff to other BMPs that provide water quality improvements. 	<ul style="list-style-type: none"> No direct effect on volume, minimal reduction of rate of runoff. 	<ul style="list-style-type: none"> Reduces soil erosion by collecting and controlling runoff. 	<ul style="list-style-type: none"> Can be applied to steep slope areas. 	<ul style="list-style-type: none"> Routine, minimal maintenance needed, property owner's responsibility.

PART C

MEASURES FOR ENSURING LOCAL CONSISTENCY

One of the mandates of the Local Waterfront Revitalization Program requires that the Town establish procedures which will ensure that any action that the municipality may directly undertake, fund or approve within the boundaries of an approved LWRP is consistent with the policies and purposes of the LWRP. An action which is inconsistent may not be undertaken unless it meets all of the three following tests:

- * no reasonable alternatives exist which would permit the action to be taken in a manner which will not substantially hinder the achievement of the affected LWRP policy or purpose;
- * the action taken will minimize all adverse effects on the local policy to the maximum extent practicable; and
- * the action undertaken will result in an overriding local public benefit.

Should the finding be made that the action meets all three tests, such finding shall constitute a determination that the action is consistent to the maximum extent practicable with the approved LWRP.

The Town of Irondequoit has amended its Environmental Quality Review Law to provide for Town review of its actions for consistency with the LWRP, and to require these actions to be consistent with the LWRP. The standards for compliance are the same as those incorporated into State Law. The legislation, which follows, is the technique chosen by the Town to establish local consistency requirements.

CHAPTER 132: ENVIRONMENTAL QUALITY REVIEW ORDINANCE

Replace existing Chapter 37, Irondequoit
Environmental Quality Review Ordinance with
new Local Law Chapter 132, Environmental
QUALITY REVIEW.

CHAPTER 132

ENVIRONMENTAL QUALITY REVIEW

Local Law No. of the Year 1987

A local law to implement Environmental Quality and Consistency Review Regulations and Procedures.

Be it enacted by the Town Board of the Town of Irondequoit as follows:

GENERAL PROVISIONS

SECTION 132.1 TITLE

This local law will be known as the Town of Irondequoit Environmental Quality and Consistency Review Law.

SECTION 132.2 PURPOSE

The purpose of this law is to implement for the Town of Irondequoit the provisions of the State Environmental Quality Review Act and the Waterfront Revitalization and Coastal Resources Act, thereby incorporating environmental factors and consideration of coastal resources into existing planning and decision-making processes.

SECTION 132.3 AUTHORITY

This Chapter is adopted under authority of the Municipal Home Rule Law, the State Environmental Quality Review Act and Regulations, as amended, and Article 42 of the Executive Law.

SECTION 132.4 APPLICABILITY

All boards, departments, offices, other bodies or officers of the Town of Irondequoit must comply with the State Environmental Quality Review Act and Regulations, as amended, and this Chapter, to the extent applicable, prior to carrying out, approving and funding any action other than an Exempt or Excluded action as those terms are defined in Part 617 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (NYCRR) or a Type II action as that term is defined in this Chapter.

SECTION 132.5 DEFINITIONS

A. "Actions" mean

1. projects or physical activities, such as construction or other activities, which change the use or appearance of any natural resource or structure, which:

(a) are directly undertaken by an agency, or

- (b) involve funding by an agency, or
 - (c) require one or more permits or approvals from an agency or agencies;
2. planning activities of an agency that commit the agency to a course of future decisions;
 3. agency rule, regulations, procedure and policy making; and
 4. combinations of the above.
- B. "Agency" means any board, agency, department, office, other body or officer of the Town of Irondequoit.
 - C. "Coastal area" means the New York State coastal waters and adjacent shorelands as defined in Article 42 of the Executive Law. The specific boundaries of the Town's area are shown on the coastal area map on file in the Office of the Secretary of State and as delineated in the Town of Irondequoit Local Waterfront Revitalization Program.
 - D. "Coastal Assessment Form (CAF)" means the form used by an agency to assist in it determining the consistency of an action with the LWRP.
 - E. "Consistent to the maximum extent practicable" means that the action will not substantially hinder the achievement of any of the policies and purposes of the approved Local Waterfront Revitalization Program for the Town of Irondequoit (LWRP) and, whenever practicable, will advance one or more of such policies.
 - F. "Environmental Assessment Form (EAF)" means the long form appearing at 6 N.Y.C.R.R. Section 617.21 Appendix A (or 6NYCRR Part 617) used by an agency to assist it in determining the environmental significance or nonsignificance of actions. A properly completed EAF shall contain enough information to describe the proposed action, its location, its purpose and its potential impacts on the environment.
 - G. "Environmental Impact Statement (EIS)" means a written document prepared in accordance with 6 N.Y.C.R.R. Sections 617.8 and 617.4. An EIS either may be in "draft" or "final" form. A "generic" EIS may also be prepared in accordance with 6 N.Y.C.R.R. Section 617.15.
 - H. "Lead Agency" means the agency principally responsible for carrying out, funding, or approving an action and therefore responsible for determining whether an EIS is required in connection with the action and for causing the preparation and filing of the EIS if one is required. The lead agency shall determine whether a proposed action is consistent to the maximum extent practicable with LWRP

policy. standards and conditions. An agency proposing to take an action which does not involve any other agency shall be the lead agency.

- I. "Local Waterfront Area (LWA)" means that portion of the N.Y.S. Coastal Area within the Town of Irondequoit delineated in the Town of Irondequoit Local Waterfront Revitalization Program.
- J. "Local Waterfront Revitalization Program (LWRP)" means the local program as approved by the Secretary of State pursuant to the Waterfront Revitalization and Coastal Resources Act (Executive Law, Article 42).
- K. "Planning Division" means the Planning Division of the Town of Irondequoit's Department of Public Works. The Planning Division may review and make recommendations to appropriate agencies regarding the consistency of Type I and Unlisted actions with the policies and purposes of the Town of Irondequoit Local Waterfront Revitalization Program.
- L. "State Environmental Quality Review Act (SEQR)" means Article 8 of the Environmental Conservation Law.
- M. "State Environmental Quality Review Regulations (Part 617)" means 6 N.Y.C.R.R. Part 617.
- N. "Town" means Town of Irondequoit.
- O. "Type I Action" shall include all those listed in 6 N.Y.C.R.R. Section 617.12.
- P. "Type II Action" shall include all those listed in 6 N.Y.C.R.R. Section 617.13.
- Q. "Unlisted action" means all actions not listed as a Type I or Type II Action and not an Exempt or Excluded action as those terms are defined in 6 N.Y.C.R.R. Part 617.

SECTION 132.7 ENVIRONMENTAL AND COASTAL ASSESSMENT FORMS

With regard to an application for an action involving funding or approval by the Town, or which will be undertaken by the Town the Planning Division of the Department of Public Works will:

- A. Advise each applicant, when an application is involved, and each agency whether a proposed action is subject to the provisions of SEQR and whether a proposed action would be located within the LWA.
- B. Provide each applicant and each agency with an Environmental Assessment Form (EAF), and where appropriate, a Coastal Assessment Form (CAF) pursuant to Section 132.7 of this Chapter.

SECTION 132.7 ENVIRONMENTAL AND COASTAL ASSESSMENT FORMS

- A. When any agency contemplates directly carrying out, funding, or approving any Type I action, a full Environmental Assessment Form (EAF) must be prepared by it or on its behalf. When an Unlisted action is contemplated, either a full or short-term EAF, as appropriate, must be prepared. The EAF forms given in 6 N.Y.C.R.R. Section 617.21 or 6NYCRR Part 617 will be used as models, but may be modified to meet the needs of particular cases. However, the final scope of such a modified EAF must be at least as comprehensive as the scope of the model forms.
- B. When any person submits an application for funding or a permit or other approval of a Type I or Unlisted action to any agency of the Town, an EAF must accompany the application. For Type I actions, a full EAF must be prepared; for Unlisted actions, either the full EAF or the short-form EAF may be used, as appropriate. An applicant may choose to prepare a Draft EIS in place of an EAF.
- C. When, pursuant to Section 132.6 of this local law, the initial review determines that such Type I or Unlisted action is contemplated within the Local Waterfront Area (LWA), the full or short-form EAF specified in 132.9 A or B above shall be accompanied by the Coastal Assessment Form (CAF).

SECTION 132.8 DETERMINATION OF LEAD AGENCY AND REFERRAL FOR CONSISTENCY

- A. Upon receipt by an agency of a completed EAF, and where appropriate a completed CAF, the agency will determine whether it involves one or more agencies. The agency will distribute a copy of the application and completed EAF/CAF to all involved agencies for the designation of lead agency in accordance with the procedures set forth in 6 N.Y.C.R.R. Sections 617.6 (Type I actions) or 617.17 (Unlisted actions).
- B. Where no federal or State agency funds, permits or approvals are necessary:
 - (a) The Town Board will be the lead agency for the determination of environmental significance and consistency for the following actions:
 - (1) adoption, amendment or change of zoning and land use regulations, special use permits pursuant to Section 130.41B of the Zoning Law;
 - (2) construction or expansion of municipal buildings, structures, and other facilities including highways within the Town; and
 - (3) purchase, sale and/or lease of real property by the Town.

- (b) The Town Zoning Board of Appeals will be the lead agency for the determination of environmental significance and consistency for zoning appeals and variance applications.
 - (c) for all other actions, agencies will be the designated lead agency for the determination of environmental significance and consistency under the procedures referred to in Section 132.8A.
- C. The Genesee Finger Lakes Regional Planning Board will be the areawide clearinghouse for lead agency designation. It will assist agencies and applicants to identify other federal, State and local agencies that may be involved in approving, funding or carrying out Type I of Unlisted action. The clearinghouse will make recommendations on designations of lead agencies for particular actions.
 - D. Environmental review of actions involving a federal agency will be processed in accordance with 6 N.Y.C.R.R. Section 617.16.

SECTION 132.9 LOCAL WATERFRONT REVITALIZATION PROGRAM (LWRP) REVIEW

- A. For proposed actions located within the LWA, the full EAF for a Type I action, each CAF and each Draft EIS shall be referred to the the Planning Division for review and recommendation regarding the consistency of such action with the policies and purposes of the LWRP.
- B. For proposed Unlisted Actions within the LWA, the full or short-form EAF may be referred to the the Planning Division along with the CAF when the agency contemplating the action deems the referral necessary and beneficial in determining the proposed action's consistency with the policies and purposes of the LWRP.
- C. The recommendation of the the Planning Division shall be provided to the agency contemplating the action within thirty (30) days from the date of referral. In the event that such recommendation is not forthcoming within the allotted time period, the agency shall proceed as provided under Sections 132.10 through 132.13 of this local law.

SECTION 132.10 DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE

- A. The lead agency must make a determination of environmental significance of the action. This determination must be based on the EAF and on such other information as the lead agency may require. The criteria listed in 6 N.Y.C.R.R. Section 617.11 must be considered by the lead agency in making its determination of significance. The determination must be made within fifteen (15) days of the date of lead agency designation, or within fifteen (15) days of its receipt of all information required by the lead agency to make the determination, whichever is later.
- B. If the lead agency makes a determination of nonsignificance and the action is to be located within the LWA, decision making on the

action shall proceed with regard to Section 132.13 of this Chapter. Recommendations of the the Planning Division shall be considered required information for the determination of significance to when:

1. the agency of the Town is lead agency; and
 2. such recommendations are required or requested pursuant to 132.9 A or B of this local law, respectively.
- C. If the lead agency makes a determination that the action may have significant effect on the environment and the action is to be located within the LWA, an environmental impact statement will be required and the provisions of Section 132.11 through 132.13 of this Chapter, inclusive, shall apply.
- D. If the lead agency makes a determination that the action may have a significant effect on the environment and the action is not located within the LWA, an environmental impact statement will be required and the provisions of Section 132.11 through 132.12 of this Chapter, inclusive, shall apply.

SECTION 132.11 ENVIRONMENTAL IMPACT STATEMENTS

A. EIS Preparation and Procedures

1. When required pursuant to Section 132.10 of this Chapter, an EIS must be prepared in accordance with:
 - (a) The environmental impact statement procedures as provided under 6 N.Y.C.R.R. Section 617.8 and the requirements for preparation and content of environmental impact statements as provided under 6 N.Y.C.R.R., Section 617.14.
 - (b) When the EIS is prepared for a proposed action located within the LWA, it must also contain an identification of the applicable policies and purposes of the Town of Irondequoit LWRP as required by Section 132.12 and a discussion of the effects of the proposed action of such policies and purposes.

B. Fees for Review and Preparation of EIS's

1. The fees for publication of notices and for review or preparation of an EIS involving approval or funding of an action will be fixed from time to time by resolution of the Town Board.
2. Fees so fixed will be consistent with the limitations set by 6 N.Y.C.R.R. Section 617.17. When the EIS is prepared by the applicant, fees will reflect actual expenses of reviewing it and for the publication of notices. When the EIS is prepared by an agency on behalf of the applicant, fees will reflect the cost of preparation, including publication of notices, but not the cost of environmental review by the agency. However, the

lead agency may not charge a fee for its determinations of significance.

C. Decision and Findings for Actions Subject to EIS's

Decisions-making and findings for any proposed action which is the subject of a Final EIS shall be made by the agency of the Town contemplating such action in accordance with the provisions of 6 N.Y.C.R.R. Section 617.9 and Sections 132.12 and 132.13 of this local law regardless of whether or not it is the lead agency.

SECTION 132.12 NOTICES AND FILING

All notices, CAF's, EAF's, Draft EIS's, Final EIS's and all other documents shall be prepared, filed, circulated and made available as prescribed under 6 N.Y.C.R.R. Section 617.10 and this Chapter.

SECTION 132.13 CONSISTENCY

- A. Whenever a proposed action is located in the LWA, the lead agency shall make a determination that it is consistent to the maximum extent practicable with the LWRP policy standards and conditions set forth in Section 132.13E. No action shall be approved, funded or undertaken without this determination.
- B. Prior to making the determination of consistency, the lead agency shall solicit and consider the recommendation of the the Planning Division with the reference to the consistency of the proposed action. The lead agency shall make the determination of consistency based on the EAF, the CAF, the the Planning Division recommendation and such other information as is deemed to be necessary in its determination. The lead agency shall issue its determination within seven (7) days of the date of receipt of the The Planning Division's recommendation.
- C. After receipt of a completed CAF for an action, the the Planning Division shall consider whether the proposed action is consistent to the maximum extent practicable with the LWRP policy standards and conditions set forth in Section 132.23E. The Planning Division shall require the applicant to submit any completed applications, EAF's and information deemed to be necessary to its consistency recommendation.
- D. The Planning Division shall render its written recommendation to the lead agency within thirty (30) days following the submission by the applicant of the required information, unless extended by mutual agreement of the applicant and the Planning Division. The recommendation shall indicate whether, in the opinion of the Planning Division, the proposed action is consistent to the maximum extent practicable or inconsistent with one or more of the LWRP policy standards or conditions. The recommendation shall state the manner and extent to which an inconsistency affects the LWRP policy standards and conditions.

The the Planning Division shall, along with its consistency recommendation, make any suggestions to the lead agency concerning modification of the proposed action to make it consistent to the maximum extent practicable with LWRP policy standards and conditions or to advance them to a greater degree.

In the event that the the Planning Division's recommendation is not forthcoming within the specified time, the applicant shall be deemed to have received a recommendation that it is consistent to the maximum extent practicable.

- E. Actions to be undertaken within the LWA shall be evaluated for consistency in accordance with the following LWRP policy standards and conditions, which are derived from and further explained and described in Section III of the Town of Irondequoit LWRP, a copy of which is on file in the Town Clerk's office and available for inspection during normal business hours. Agencies which directly undertake actions shall also consult with Section IV of the LWRP in making their consistency determination. The action shall be consistent with the policy to:

Restore, revitalize, and redevelop deteriorated and underutilized waterfront areas for commercial, cultural, recreational, and other compatible uses (Policy 1 and Subpolicies 1A - 1H).

Facilitate the siting of water-dependent uses and facilities on or adjacent to coastal waters (Policy 2 and Subpolicies 2A - 2C).

Strengthen the economic base of smaller harbor areas by encouraging the development and enhancement of those traditional uses and activities which have provided such areas with unique maritime identity (Policy 4 and Subpolicies 4A and 4B).

Encourage the location of development in areas where public services and facilities essential to such development are adequate, except when such development has special functional requirements or other characteristics which necessitate its location in other coastal areas (Policy 5 and Subpolicies 5A and 5B).

Expedite permit procedures in order to facilitate the siting of development activities at suitable locations (Policy 6).

Significant coastal fish and wildlife habitats, as identified on The Coastal Area map, shall be protected, preserved, and, where practical, restored so as to maintain their viability as habitats (Policy 7 and Subpolicy 7A).

Protect fish and wildlife resources in the coastal area from the introduction of hazardous wastes and other pollutants which

bioaccumulate in the food chain, or which cause significant sublethal or lethal effects on those resources (Policy 8).

Expand recreational use of fish and wildlife resources in coastal areas by increasing access to existing resources, supplementing existing stocks and developing new resources. Such effects shall be made in a manner which ensures the protection of renewable fish and wildlife resources and considers other activities dependent on them (Policy 9 and Subpolicy 9B).

Buildings and other structures will be sited in the coastal area so as to minimize damage to property and the endangering of human life caused by flooding and erosion (Policy 11 and Subpolicies 11A - 11C).

Activities or development in the coastal area will be undertaken so as to minimize damage to natural resources and property from flooding and erosion by protecting natural protective features including beaches, dunes, and bluffs. Primary dunes will be protected from all encroachments that could impair their natural protective capacity (Policy 12 and Subpolicies 12A - 12C).

The construction or reconstruction of erosion structures shall be undertaken only if they have a reasonable probability of controlling erosion for at least thirty years as demonstrated in design and construction standards and/or assured maintenance or replacement programs (Policy 13).

Activities and development, including the construction or reconstruction of erosion protection structures, shall be undertaken so that there will be no measurable increase in erosion or flooding at the site of such activities or development or at other locations (Policy 14).

Mining, excavation or dredging in coastal water shall not significantly interfere with the natural coastal processes which supply beach materials to land adjacent to such waters and shall be undertaken in a manner which will not cause an increase in erosion of such land (Policy 15).

Public funds shall only be used for erosion protective structures where necessary to protect human life, and new development which requires a location within or adjacent to an erosion hazard area to be able to function, or existing development; and only where the public benefits outweigh the long term monetary and other costs including the potential for increasing erosion and adverse effects on natural protective features (Policy 16 and Subpolicy 16A).

Whenever possible, non-structural measures to minimize damage to natural resources and property from flooding and erosion shall be used. Such measures shall include:

1. The setback of buildings and structures;
2. The planting of vegetation and the installation of sand fencing and draining;
3. The reshaping of bluffs;
4. The flood-proofing of buildings or their elevation above the base flood level. (Policy 17 and Subpolicies 17A - 17C)

To safeguard the vital economic, social and environmental interests of the State and of its citizens, proposed major actions in the coastal area must give full consideration to those interests, and to the safeguards which the State has established to protect valuable coastal resources (Policy 18).

Protect, maintain, and increase the level and types of access to public water related recreation resources and facilities so that these resources and facilities may be fully utilized by all the public in accordance with reasonably anticipated public recreation needs and the protection of historic and natural resources. In providing such access, priority shall be given to public beaches, boating facilities, fishing area and waterfront parks (Policy 19 and Subpolicies 19A and 19B).

Access to the publicly-owned foreshore, and to land immediately adjacent to the foreshore or the water's edge that are publicly owned, shall be provided in a manner compatible with adjoining uses. Such lands shall be retained in public ownership (Policy 20 and Subpolicies 20A - 20C).

Water-dependent and water-enhanced recreation shall be encouraged and facilitated and shall be given priority over non-water related uses along the coast provided it is consistent with the preservation and enhancement of other coastal resources and take into account demand for such facilities. In facilitating such activities, priority shall be given to areas where access to the recreation opportunities of the coast can be provided by new or existing public transportation services and to the areas where the use of the shore is severely restricted by existing development (Policy 21 and Subpolicies 21A - 21D).

Development, when located adjacent to the shore, will provide water-related recreation, as a multiple use, whenever such use is compatible with reasonably anticipated demand for such activities, and the primary purpose of the development (Policy 22 and Subpolicies 22A and 22B).

Protect, enhance and restore structures, districts, areas or sites that are of significance in the history, architecture, archaeology or culture of the State, its communities, or the Nation (Policy 23 and Subpolicy 23A).

Protect, restore or enhance natural and man-made resources which are not identified as being of Statewide significance, but which contribute to the overall scenic quality of the coastal area (Policy 25 and Subpolicies 25A and 25B).

Ice management practices shall not damage significant fish and wildlife and their habitats, increase shoreline erosion or flooding, or interfere with the production of hydroelectric power (Policy 28).

Municipal, industrial, and commercial discharge of pollutants, including, but not limited to, toxic and hazardous substances, into coastal waters will conform to State and National water quality standards (Policy 30 and Subpolicies 30A and 30B).

State coastal area policies and management objectives of approved Local Waterfront Revitalization Programs will be considered while reviewing coastal water classifications and while modifying water quality standards; however, those waters already overburdened with contaminants will be recognized as being a development constraint (Policy 31).

Best management practices will be used to ensure the control of stormwater runoff and combined sewer overflows draining into coastal waters (Policy 33 and Subpolicy 33A).

Discharge of waste materials into coastal waters from vessels will be limited so as to protect significant fish and wildlife habitats, recreational areas and water supply areas (Policy 34 and Subpolicy 34A).

Dredging and dredge spoil disposal in coastal waters will be undertaken in a manner that meets existing State dredging permit requirements and protects significant fish and wildlife habitats, scenic resources, natural protective features, important agricultural lands and wetlands (Policy 35).

Activities related to the shipment and storage of petroleum and other hazardous materials will be conducted in a manner that will prevent or at least minimize spills into coastal waters; all practicable efforts will be undertaken to expedite the cleanup of such discharges; and restitution for damages will be required when these spills occur (Policy 36).

Best management practices will be utilized to minimize the non-point discharge of excess nutrients, organics and eroded soils into coastal waters (Policy 37).

The quality and quantity of surface water and groundwater supplies will be conserved and protected, particularly where such waters constitute the primary or sole source of water supply (Policy 38).

The transport, storage, treatment and disposal of solid wastes, particularly hazardous wastes, within coastal areas will be conducted in such a manner so as to protect groundwater and surface water supplies, significant fish and wildlife habitats, recreation areas, important agricultural lands and scenic resources (Policy 39).

Land use or development in the coastal area will not cause National or State air quality standards to be violated (Policy 41).

Coastal Management policies will be considered if the State reclassifies land areas pursuant to the prevention of significant deterioration regulations of the Federal Clean Air Act (Policy 42).

Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas (Policy 44).

If the lead agency determines that the action would cause a substantial hindrance to the achievement of the LWRP policy standards and conditions, such action shall not be undertaken unless the agency determines with respect to the proposed action that:

1. No reasonable alternatives exist which would permit the action to be undertaken in a manner which will not substantially hinder the achievement of such LWRP policy standards and conditions;
2. The action would be undertaken in a manner which will minimize all adverse effects on such LWRP policy standards and conditions to the maximum extent practicable; and
3. The action will result in an overriding local, regional or State-wide public benefit.

Such a finding shall constitute a determination that the action is consistent to the maximum extent practicable.

- F. Each agency shall maintain a file for each action made the subject of a consistency determination, including any recommendations received from the Planning Division, and any findings pursuant to Section 132.10 of this Chapter. Such files shall be made available for public inspection upon request..

SECTION 132.14 SEVERABILITY

The provisions of this local law are severable. If any provision of this local law is found invalid, such finding shall not affect the validity of this local law as a whole or any part or provision hereof other than the provision so found to be invalid.

SECTION 132.15 EFFECTIVE DATE

- A. This local law shall take effect immediately after its filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

MANAGEMENT STRUCTURE

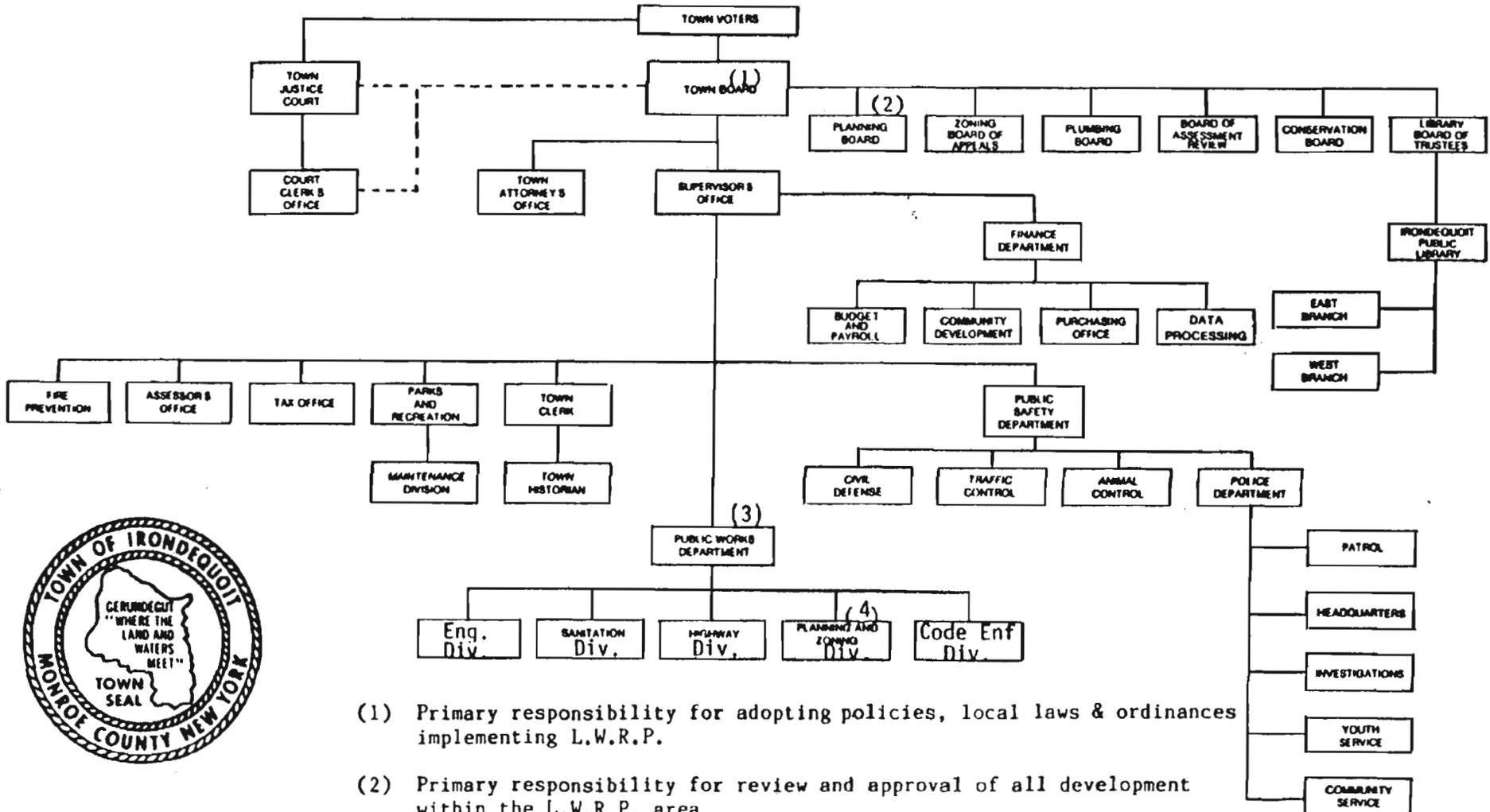
Part-D

TOWN OF IRONDEQUOIT

(1) Agencies Involved
in L.W.R.P.

TABLE OF ORGANIZATION

LOCAL WATERFRONT REVITALIZATION PROGRAM (LWRP)



- (1) Primary responsibility for adopting policies, local laws & ordinances implementing L.W.R.P.
- (2) Primary responsibility for review and approval of all development within the L.W.R.P. area.
- (3) Lead agency responsible for program administration.
- (4) Lead agency responsible for program operations.

Management Structure (Cont.)

ADDITIONAL COSTS AND SOURCES OF FUNDING

The following additional cost items are identified as needed to fully implement Irondequoit's Local Waterfront Revitalization Program:

1. Adoption of new and amended local laws, ordinances, policies and procedures - These work items will be implemented using current Town staff and local funds.
2. Drafting and preparation of a new Official Zoning Map and the Proposed Environmental Protection Overlay District Maps - This work item will be done by consultants, with the Town using Community Development Block Grant (CDBG) funds, as well as financial assistance from the State's Coastal Management Program, if available.
3. Additional review and permit requirements proposed to implement the LWRP - This work item will result in a substantial addition to the work load of the Planning and Zoning and Building divisions of the Town. This additional work is expected to necessitate the creation of two new positions:

One (1) Planning Assistant to assist the Town Planner with program administration and management responsibilities.

One (1) Assistant Building Inspector to assist the Building Inspector in the issuance of required permits and the monitoring and prosecution of permit violations.

The Town proposes to utilize a combination of local (permit fees) and State funds to fill these new staff positions.

4. Engineering and feasibility studies needed to facilitate the development of identified opportunity sites on Irondequoit Bay (especially engineering studies of all access roads leading down to the bayfront) - The Town will seek additional LWRP grant funds to implement this work item.
5. Detailed land use and site analysis and land use plans for the Stutson Street - Thomas Ave. site and the Lakeshore Development Site will be needed as a basis for developing these two opportunity sites in conjunction with the City of Rochester's proposals for development of the adjoining City land along the Genesee River. The Town will seek additional LWRP grant funds to implement this work item.

LOCAL FINANCIAL RESOURCES-PART E

In addition to the costs associated with the management of Irondequoit's Local Waterfront Revitalization Program, discussed above, are the local funds (including both public and private financial resources) which will be needed by the Town for proposed projects and other necessary implementation actions.

As identified in Section IV of the Local Waterfront Revitalization Program, those projects and actions requiring Town financial resources for implementation include:

- * Joint purchase and development, with the City of Rochester, of the Thomas Avenue site for water-related recreational purposes.
- * Acquisition of lakefront homes in the vicinity of the new Bay outlet (with possible State participation).
- * Purchase and development, with the County, of a portion of the abandoned Hojack Line as a pedestrian walkway and bikeway.
- * Provision of a commercial revitalization program for the Sea Breeze business district (Culver Road).
- * Conversion of the municipal landfill site, after termination of operation, into a recreational facility.
- * Construction, upgrading, or replacement of infrastructure facilities in older waterfront neighborhoods.
- * Initiation of expanded code enforcement programs in waterfront areas.
- * Provision of housing rehabilitation grants to lower income owner-occupants residing in substandard housing.

These projects and actions are in addition to those which have been identified as the responsibility of the State, or County governments. Such projects and actions include:

- * Acquisition of private parcels in the Irondequoit Creek wetlands for incorporation into Ellison Park. (County)
- * Development and operation of Bay Park West, including the recently purchased Isaac property. (County)
- * Provision of public access and recreational facility improvements on the State-owned parcel at the northwest corner of Irondequoit Bay. (State)
- * Designing and commissioning studies concerning the need for replacement of the Bay outlet bridge, as well as development and operation of the recently purchased Isaac property. (County)

- .. Relocation of the terminus of the Sea Breeze Expressway. (State)
- * Upgrading of Culver Road right-of-way within the Sea Breeze commercial district. (County)
- * Implementation of the Durand Eastman Park and Ellison Park Master Plans.

Funds for those undertakings identified as primarily the Town's responsibility will be raised by one or more of the following financing techniques:

- * Financing projects with current revenues, paying cash instead of borrowing against future revenues. (Although the Town has traditionally followed a pay-as-you-go approach to finance a majority to its capital improvements, this practice is not always the most cost efficient or equitable financing technique.)
- * Bond issues, including: general obligation bonds (backed by full faith and credit of the municipality); special assessment bonds (levied against owners of property directly benefiting from improvements); revenue bonds (which pledge income from a specific enterprise).
- * Short-term notes issued by local banks.
- * Joint financing - the Town and County share costs for benefits which are shared.
- * Revenue funds - funds accumulated in advance for construction of capital projects.
- * Lease-purchase agreements enabling private companies and authorities to build and lease public works facilities from the municipality.
- * Authority and special districts created to manage facilities which are supported by user charges.
- * State and Federal Aid, including: Community Development Entitlement Block Grants, Federal Revenue Sharing, New York State Land and Water Conservation Program, New York State Neighborhood Park and Land Acquisition Program, State Revenue Sharing and Special Municipal Aid, New York State Department of Environmental Conservation Municipal Wastewater Treatment Works Construction Grants.

Capital Improvement Program: Because the orderly and timely replacement of public facilities and major equipment, before upkeep and maintenance costs become excessive, can result in substantial savings to the Town, Irondequoit has implemented a Capital Improvement Program (CIP). Capital planning provides the time necessary for the completion of preliminary studies, thereby enhancing the ability of the Town to compete for Federal and State grants.

As provided under Section 99G of the New York Town Law, the Town Supervisor is responsible for the preparation of Irondequoit's CIP. In January of each year the Supervisor, with staff help, reviews project requests and prepares a CIP report containing the Town policy on capital improvements, status of current capital projects, fiscal guidelines for capital programming, projected future debt service requirements and their impact on the Town tax rate. Irondequoit's CIP encompasses a six (6) year term, and may be revised every year, if necessary, by a majority (3/5) vote of the Town Board, with a new sixth year added.

Community Development Block Grants: As an Entitlement Community, Irondequoit receives Community Development Block Grant funds on an annual basis from the U.S. Department of Housing and Urban Development. These funds can be used for a wide variety of activities and, to date, have been used primarily by the Town to subsidize the rehabilitation of substandard, owner-occupied housing and to finance public infrastructure improvements (e.g., sidewalks, street tree planting programs, sewers, and roadway upgradings). A substantial percentage of these funds have and will continue to be expended on activities located within the Town's waterfront area, including a CDBG-funded commercial revitalization program in the Sea Breeze business district.

Town Leadership Function: In addition to the provision of local funds, and the use of Federal and State funding sources, the successful implementation of several of the Local Waterfront Revitalization Program's proposed projects and actions will depend on the Town's ability to take a strong leadership role in working with property owners and potential investors and to provide an effective framework for local public/private cooperation. By so doing, the Town will encourage the types of private-sector participation which will be essential to the successful implementation of the residential and water oriented/mixed-use developments discussed in Section 4.