SECTION III - WATERFRONT REVITALIZATION POLICIES

DEVELOPED WATERFRONT POLICIES

POLICY 1

Foster a pattern of development in the coastal area that enhances community character, preserves open spaces, makes efficient use of infrastructure, makes beneficial use of a coastal location, and minimizes adverse effects of development.

Explanation of Policy

The Village of Sodus Point waterfront area is heavily developed with a mixture of general commercial, marine commercial, public recreational and residential uses. Most of the structures and sites associated with these uses are in good condition. Only a few could be considered deteriorated or under used. These deteriorated or underutilized sites should be redeveloped with commercial or tourism-related uses while protecting stable residential uses. Whenever the structure/site has water frontage, water-dependent uses should be favored. Otherwise, new uses should be in some way related to waterfront activities.

The Village of Sodus Point will encourage the investment of capital in projects that support commercial or tourism related water-dependent and water-enhanced uses along the waterfront.

State, federal, and local agencies must ensure that any direct funding and permitting actions further the revitalization of waterfront areas within the Village of Sodus Point. When any such action, or similar action, is proposed, it must be analyzed to determine if the action would contribute to or adversely affect the Village's waterfront revitalization plans and efforts.

1.1 Concentrate development and redevelopment in order to revitalize deteriorated and underutilized waterfronts and strengthen the traditional waterfront focus of a community.

Improvements to abandoned, underutilized, and deteriorated sites in the Village should perform several functions, including enhancing the visual character of the Village, promoting the historic or nautical theme of the village while addressing certain development or support needs (such as parking), and providing economic activity beneficial to a recreational and resort community. At the same time, they should

protect and enhance the environmental resources that support the area's economy and improve its quality of life.

Within the Village of Sodus Point, underutilized sites include the waterfront at the end of South Ontario Street and boat storage on Greig Street. Subsequent improvements, such as renovation and new construction of commercial structures on Greig Street, renewed maintenance and improvements to several cottages and residences on Sodus Point, and considerable improvements and renovations to the marina facilities have been documented.

Many of the structures in the Village have undergone substantial renovation and improvements. They are in good repair, and although some would benefit from façade work and maintenance, and improvements of their grounds, there are no sites so deteriorated that they would critically affect the Village's vitality as a waterfront community.

The visual environment of the Village, which is an important factor in attracting tourists, can be enhanced by careful consideration of landscaping and well-designed fencing to screen some of uses of the waterfront, such as boat storage and boat repair.

Business signs in the Village can affect the visual environment. Most of the signs are in good condition, but a few are dilapidated or need paint, and several are poorly located and do not fit well with their surroundings. Repositioning of several signs would substantially improve the visual character of Greig Street, and Route 14.

Enforcement of the 1986 Sodus Point Docks and Moorings Law addresses the issue of unsightly and deteriorated residential and commercial docks and boathouses. The Docks and Moorings Law provides for an annual inspection of docks and the issuance of a permit good for one year. The inspection includes construction, durability, and safety.

The Village will use all planning and regulatory tools available to stimulate development or redevelopment of dilapidated or underutilized sites on the waterfront. Such development shall constitute a suitable match between water-dependent uses and appropriate use of related Lake Ontario and Sodus Bay water areas. When reviewing sites for development or redevelopment, the Village shall consider the following factors:

- Water access and navigation rights in accordance with the Public Trust Doctrine;
- Public access and trails where appropriate;
- Protection of sensitive environmental resources (bluffs, beaches, water quality, habitat);
- Protection of visual resources;
- Access to public services; and

- Protection of existing land use, investments and the economic base of the community.

The following planning principles should be used to guide investment and preparation of development strategies and plans:

- Compatibility of the new development with traditional and/or desired uses which are dependent on or enhanced by a waterfront location.
- New development will enhance existing uses and will not affect anticipated future uses.
- Plan for new development based on the area's intensity of use.
- Scale development to be appropriate to the setting.
- Design development to highlight existing resources, such as local history and important natural and man-made features to reinforce community identity.
- Design the waterfront as a focus for activity that draws people to the waterfront and links the waterfront to upland portions of the community.
- Meet community and regional needs and market demands in making development choices.
- Recognize environmental constraints as limiting development.
- Restore environmental quality to degraded areas.
- Update the infrastructure supporting water and sewer services to the waterfront area, ensure that new development does not overwhelm the existing drinking water and sewer infrastructure, and that upgrading the existing infrastructure will not burden the existing development.

All development or uses should recognize the unique qualities of a waterfront location by:

- designing the waterfront, especially along Greig Street on Sand Point, to link development and its waterfront setting;
- ensuring that any new development is within an appropriate scale with surrounding buildings and responsive to its environmental setting;
- using building and site design to make beneficial use of a coastal location and associated coastal resources;
- minimizing consumption of waterfront lands and potential adverse impacts on natural resources;
- limiting shoreline alteration and surface water coverage, including the loss of public lands through allowing waterward extension of bulkheads/seawalls and/or the increase in height with resulting back(top)fill;

- incorporating recreational activities, public access, open space, or amenities, as appropriate to the use, to enhance the site and the surrounding community, and to increase visual and physical access to the waterfront;
- attracting people to the waterfront, as appropriate to the use;
- designing sites with consideration to local historic development and recognizing the importance of the Village's location as a seasonal settlement by Native Americans, and its significance in the War of 1812; and
- using indigenous plants as components of landscape design to improve habitat and water quality, and to lessen water demand, and adopting vegetative buffer regulations to filter the runoff draining in the Bay.

1.2. Ensure that development or uses make beneficial use of their waterfront coastal location.

There is a limited amount of available real estate along the waterfront area in the Village. Subsequently, any new development of these waterfront parcels must be carefully regulated and planned. Public access, water-dependent recreation and water-dependent commercial must be weighed against residential and environmental concerns. Existing water-dependent uses should be given preferential consideration for their waterfront locations. New water-dependent uses should respond to and respect existing residential areas and the quality of the environment. Development proposals should go further to stabilize and enhance, when practicable, qualities of view, water quality, habitat as well as public access. Public access includes both landside use and waterside use.

A primary objective of this policy is to create a process by which water-dependent uses can be accommodated well into the future. The build-out analysis conducted as part of the *Great Sodus Point Harbor Management Plan* concludes that the Village of Sodus Point is the most advantageous for marine expansion. As mentioned in Section IV under Proposed Projects, water depths and landside support dictate that the shoreline area on the south and southwest side of the Village of Sodus Point is the most advantageous for expanded marina uses. The primary reason for choosing this area is the existence of deep water access, due to the remnants of the dredged channel that used to service the coal trestle in that area. It is also a reasonably sheltered area with good roadway access and undeveloped or underdeveloped land areas that could be used for marine expansion.

Also, there are several facilities in this general vicinity that could similarly be developed to accommodate a variety of uses, including a large scale marine research station if such a facility is developed on the U.S. side of Lake Ontario.

Water-dependent uses

Water-dependent uses are activities which require a location in, on, over, or adjacent to the water because the activities require direct access to water and the use of water is an integral part of the activity. Water-dependent uses should be promoted where appropriate and given precedence over other types of development at suitable waterfront sites. Existing water-dependent uses should be protected.

Development along the shoreline which is not dependent on a waterfront location, or which cannot make beneficial use of a waterfront location, should be avoided.

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

Water enhanced uses

Water enhanced uses may be encouraged where they are compatible with surrounding development and are designed to make beneficial use of their coastal location.

Water enhanced uses are the activities that do not require a location on or adjacent to the water to function, but whose location on the waterfront could add to public enjoyment and use of the water's edge, if properly designed and sited. Water enhanced uses are generally of a recreational, cultural, commercial, or retail nature.

A water-dependent use is an activity which can only be conducted on, over or adjacent to a water body because such activity requires direct access to that water body, and which involves, as an integral part of such activity, the use of the water.

In addition to water-dependent uses, those uses, which are enhanced by a waterfront location, should be encouraged to locate along the shore, though not at the expense of water-dependent uses. A water enhanced use is defined as a use or activity which does not require a location adjacent to or over coastal waters, but whose location on land adjacent to the shore adds to the public use and enjoyment of the water’s edge. Water enhanced uses are primarily recreational, cultural, retail, or entertainment uses. A restaurant, which uses good site design to take advantage of a waterfront view, is an example of a water enhanced use.

To ensure that water enhanced uses make beneficial use of their waterfront location, they should be sited and designed to:

- attract people to or near the waterfront and provide opportunities for access that is oriented to the coast

- provide public views to or from the water (see C. Proposed Projects, in Section IV)
- minimize consumption of waterfront land and protect sensitive waterfront areas
- not interfere with the operation of water-dependent uses
- not cause significant adverse impacts to community character and surrounding land and water resources
- provide revenue that could form a funding pool for water-dependent uses with marginal profits
- ensure that the infrastructure and parking areas are maintained and improved to properly support existing and new uses along the waterfront

Uses should be avoided which would:

- result in unnecessary and avoidable loss of coastal resources
- ignore their coastal setting as indicated by design or orientation, and
- do not, by their nature, derive economic benefit from a waterfront location

1.3. Maintain and enhance natural areas, recreation, open space, and agricultural lands.

Natural areas, open space, and recreational land produce public benefits that may not be immediately tangible. In addition to scenic and recreational benefits, these lands may also support habitat for commercially or ecologically important fish and wildlife, provide watershed management of flood control benefits, serve to recharge ground water, and maintain links to a region's agricultural heritage. Such areas include wetlands, forested areas and agricultural lands (identified in Section II). (See Section IV, Proposed Projects, Sodus Bay Open Space Plan Feasibility Study)

To enhance community character and maintain the quality of the natural and man-made environments, potential adverse impacts on existing development, physical environments, and economic factors should be addressed and mitigated. Development requirements should reflect site characteristics, limit the disturbance of land and water, and foster visual compatibility of the development with surrounding areas.

Adverse impacts on natural resources should be avoided, including:

- deterioration of water quality
- loss, fragmentation, and impairment of habitats and wetlands
- alterations to natural protective features and changes to the natural processes of erosion and accretion that lead to increased erosion rates, damage by coastal storms, and flooding

Special consideration should be given to protecting stands of large trees, specifically along the western entrance to the Village of Sodus Point along Lake Road (Seaway Trail).

In addition, the forests that grow in the unique depressions or valleys that run throughout the Village should be protected. The open space value of agricultural land should be protected, preferably through retention of agricultural production.

The expansion of infrastructure into undeveloped areas should be avoided where such expansion would promote growth and development detrimental to natural resources and agricultural productivity.

1.4. Minimize potential adverse land use, environmental, and economic impacts that would result from proposed development.

To enhance community character and maintain the quality of the natural and man-made environments of the coastal area, potential adverse impacts on existing development, physical environments, and economic factors should be addressed and mitigated. Development requirements should reflect existing site characteristics, limit the disturbance of land and water, and foster visual compatibility of development with surrounding areas.

Cumulative and secondary adverse impacts from development and redevelopment should be minimized. Cumulative impacts are the result of the incremental or increased impact of repetitive actions or activities when added to other past, present, or future actions or activities. Secondary impacts are those, which are foreseeable, but occur at a later time or at a greater distance from the action, and are caused by an action or activity, whether directly or indirectly.

Potential adverse impacts on existing development should be minimized, as follows:

- Avoid introduction of discordant features which would detract from the community by comparing the proposed development with existing mass and distribution of structures, scale, intensity of use, architectural style, land use pattern, or other indicators of community character.
- Mitigate adverse impacts among existing incompatible uses by avoiding expansion of conflicting uses, promoting mixed-use development approaches which would reduce potential for conflict, mitigating potential conflicts by segregating incompatible uses, and providing buffers, or using other design measures to reduce conflict between incompatible uses.
- Protect the surrounding community from adverse impacts due to substantial introductions of or increases in odors, noise or traffic.
- Integrate waterfront areas with upland communities by: providing physical linkages between the upland community and the waterfront, matching uses to

community needs, particularly as related to demographic characteristics, and limiting exclusion of the waterfront from the surrounding community.

- Prevent displacement or impairment of the operation of water-dependent uses.

Potential adverse economic impacts should be minimized, as follows:

- Prevent deterioration of the site and surrounding area by preventing derelict or dilapidated conditions, avoiding detraction from community character, and preventing isolation of community and people from the waterfront.
- Protect and enhance the community's economic base.
- Promote a diverse economic base.
- Where expansion of infrastructure or services is necessary:
    - Increase existing facility and service capacity and efficiency to foster concentration of development, and avoid expansion of improvements and services into previously undeveloped areas.

1.5. Protect stable residential areas.

New development located in or adjacent to existing residential areas should be compatible with neighborhood character. New development can result in a reduction of informal public access points, which may be of significance to a residential area. The potential loss of these informal public access points emphasizes the need to foster opportunities to provide new public access points for the community.

New uses in a stable residential area should be avoided when the use, its size and scale will significantly impair neighborhood character. New construction, redevelopment, and screening, such as fences and landscaping, should not reduce or eliminate vistas that connect people to the water.

POLICY 2

Preserve historic resources of the Coastal Area.

Explanation of Policy

Archaeological sites and historic structures are tangible links to the past development of a community—both its cultural and economic life—providing a connection to past generations and events. The Native American sites, Colonial era farmsteads and outbuildings, 19th century commercial districts, fishing villages, lighthouses, shipwrecks and Gilded Age mansions are important components in defining the Village of Sodus Point's distinctive identity and heritage.

In a broader sense, these resources, taken together, continue to shape the coastal culture of New York State.

The intent of this policy is to preserve the historic and archaeological resources of the Coastal Area. Concern extends not only to the specific site or resource but also with the area adjacent to and around specific sites or resources. The quality of adjacent areas is often critical to maintaining the quality and value of the resource. Effective preservation of historic resources must also include active efforts, when appropriate, to restore or revitalize. While the Coastal Management Program addresses all such resources within the coastal area, it actively promotes preservation of historic, archaeological, and cultural resources that have a coastal relationship.

This policy is divided into three sections. The first section addresses protection of historic resources and presents standards to prevent or minimize loss of these resources. Section 2 provides standards to protect archeological resources. The final section deals with resources that are of importance to the maritime heritage of the lighthouses, shipwrecks, and traditional centers of maritime activity.

2.1 Maximize preservation and retention of historic resources.

These standards are derived from and explain the U.S. Secretary of the Interior's Standards for Identification, Restoration, and Rehabilitation of historic resources. Consult the Secretary of the Interior's standards for additional detail on specific aspects of historic preservation.

I. Historic resources are those structures, landscapes, districts, areas or sites, or underwater structures or artifacts which are listed or designated as follows:
   - A. any historic resource in a federal or state park established, solely or in part, in order to protect and preserve the resource
   - B. any resource on, nominated to be on, or determined eligible to be on the National or State Register of Historic Places
   - C. any cultural resource managed by the New York State Nature and Historic Preserve Trust or the New York State Natural Heritage Trust
   - D. any archaeological resource which is on the inventories of archaeological sites maintained by the New York State Department of Education or the Office of Parks, Recreation, and Historic Preservation
   - E. any resource which is a significant component of an Urban Cultural Park/Heritage Area
   - F. any locally designated historic or archaeological resources protected by a local law or ordinance

II. Identify those elements important in defining the character and value of a historic resource.

This section presents standards to assist in defining the specific elements that make up the historic character of the resource, once a resource has been identified as being historic.

A. Use designation information, available documentation, and original research to identify important character-defining elements of the historic resource in terms of its:
   1. time, place, and use
   2. materials, features, spaces, and spatial relationships
   3. setting within its physical surroundings and the community
   4. association with historic events, people, or groups

B. Determine the value of the historic resource as indicated by:
   1. its membership within a group of related resources which would be adversely impacted by the loss of any one of the group of resources
   2. the rarity of the resource in terms of the quality of its historic elements or in the significance of it as an example, or
   3. the significance of events, people, or groups associated with the resource

III. Preserve and retain the historic character-defining elements of the resource. Use the following standards to achieve the least degree of intervention.
These standards should be applied as much as possible to achieve complete preservation and retention of the resource. Passive approaches are often insufficient to achieve needed preservation; an active commitment to preservation is necessary.

A. Protect and maintain historic materials and features according to the following approach:
   1. Evaluate the physical condition of important materials and features.
   2. Stabilize materials and features to prevent further deterioration.
   3. Protect important materials and features from inadvertent or deliberate removal or damage.
   4. Ensure the protection of historic elements through a program of non-intrusive maintenance of important materials and features.

B. Repair historic materials and features according to recognized preservation methods when their physical condition warrants.

C. When a historic feature is missing or the level of deterioration or damage precludes maintenance or repair:
   1. Limit the replacement of extensively deteriorated features or missing parts to the minimum degree necessary to maintain the historic character of the resource.
   2. Maintain historic character where a deteriorated or damaged feature is replaced in its entirety. In replacing features, the historic character of the resource can be best maintained by replacing parts with the same kind of material. Substitute materials may be suitable if replacement in kind is not technically or economically feasible and the form, design, and material convey the visual appearance of the remaining parts of the feature.
   3. When re-establishing a missing feature, ensure that the new feature is consistent with the historic elements of the resource. If adequate historical, pictorial, and physical documentation exists so that the feature may be accurately reproduced, use available documentation to design and construct a new feature. If adequate documentation does not exist, design and construct a new feature that is compatible with the remaining features of the resource. The new design should be based on research, pictorial, and other evidence so that a true historical appearance is created.

IV. Provide for efficient, compatible use of the historic resource.
A valid approach to preserving historic resources is to provide for on-going, compatible use of that resource.

A. Foster uses that maximize retention of the historic character of the resource:
   1. Maximum retention of historic character is best achieved by using the resource as it was historically used.
   2. If the resource cannot be used as it was historically used, adapt a use to the historic resource that maximizes retention of character-defining materials and features.

B. Minimize alterations to the resource to preserve and retain its historic character.

1. Minimize potential negative impacts on the resource's historic character due to necessary updates in systems to meet health and safety code requirements or to conserve energy.
2. Make alterations to the resource only as needed to ensure its continued use and provided that adverse impact on the resource is minimized. Alterations should not obscure, destroy, or radically change character-defining spaces, materials, features, or finishes in order to minimize adverse impact on the resource. Alterations may include selective removal of features that are not historic elements of the resource and its setting and that detract from the overall historic character of the resource.
3. Construct new additions only after it is determined that an exterior addition is the only viable means of assuring continued use of the resource.
4. In constructing new additions, use appropriate design and construction to minimize adverse impact on the resource's historic character. Adverse impact can minimized in new additions by: clearly differentiating from historic materials and features; using design compatible with the historic materials, forms and details, size, scale and proportion, and massing of the resource to protect the integrity of the resource and its setting. In addition, new additions should be designed such that, if removed in the future, the essential form and integrity of the historic resource and its setting would not be impaired.

V. Minimize loss of historic resources or the historic character of the resources of the Coastal Area when it is not possible to completely preserve and retain the resource.

A. Relocate an historic resource when it cannot be preserved in place and:

1. the resource is imperiled:
   a) directly by a proposed activity which has no viable alternative which would not result in adverse effects on the resource, or
   b) indirectly by surrounding conditions which are likely to result in degradation or inadequate maintenance of the resource

2. the resource cannot be adapted for use on the existing site which would result in preservation of the resource

3. a suitable site for relocation is available, and

4. it is technically and economically feasible to move the resource

B. Allow for demolition of the resource only when:

1. it is not feasible to protect the resource through relocation, and

2. the resource has been officially certified as being imminently dangerous to life or public health, or

3. the resource cannot be adapted for any use on the existing site or on any new site

C. Document in detail the character-defining elements of the historic resource in its original context prior to relocation or demolition of the resource.

VI. Avoid potential adverse impacts of development on adjacent or nearby historic resources.

A. Protect historic resources by ensuring that development is compatible with the historic character of the affected resource.

B. Design development to a size, scale, proportion, mass, and with a spatial relationship compatible with the historic resource.

C. Design development using materials, features, forms, details, textures, and colors compatible with similar features of the historic resource.

VII. Limit adverse cumulative impacts on historic resources.

A. Minimize the potential adverse cumulative impact on a historic resource which is a member of a group of related resources that may be adversely impacted by the loss or diminution of any one of the members of the group.

B. Minimize the potential cumulative impacts of a series of otherwise minor interventions on a historic resource.

C. Minimize potential cumulative impacts from development adjacent to the historic resource.

2.2 Protect and preserve archaeological resources.

The area in and around what is now Sodus Point has been recorded as a favorite rendezvous area of Native American Indians. It was also the spot which first attracted European explorers and Jesuit Missionaries. Subsequently, the State Historic Preservation Office considers that the entire Village is a sensitive area for archaeological resources. See: Archeologically Sensitive Areas Map.

I. Conduct a cultural resource investigation when an action is proposed on an archaeological site, fossil bed, or in an area identified for potential archaeological State Department of Education.
   A. Conduct a site survey to determine the presence or absence of cultural resources in the project's potential impact area.
   B. If cultural resources are discovered as a result of the initial survey, conduct a detailed evaluation of the cultural resource to provide adequate data to allow a determination of the resource's archaeological significance.

II If impacts are anticipated on a significant archaeological resource, minimize potential adverse impacts by:
   A. redesigning the project
   B. reducing direct impacts on the resource, and
   C. recovering data prior to construction

III. Avoid disturbance or adverse effects on any object of archaeological or paleontological interest situated on or under lands owned by the State of New York. These resources may not be appropriated for private use.

2.3 Protect and enhance resources that are significant to the coastal culture of the Village of Sodus Point.

I. Protect historic shipwrecks and shipwrecks to which the state holds title. Colonial era to modern-day shipwrecks lie in coastal waters. While the location of many of these ships is well documented, more research remains to be done to identify and protect these historic and recreational resources as significant components of the coastal culture of the state. Historic shipwrecks are those wrecks which, by reason of their antiquity or their historic, architectural, archaeological, or cultural value, have state or national importance and are eligible for inclusion on the State or National Register of Historic Places. The state holds title to all shipwrecks determined to be abandoned under the Abandoned Shipwrecks Act of 1987.

A. Provide for the long-term protection of historic through the least degree of intervention. The least degree of intervention can be achieved by preserving historic shipwrecks in place. When preservation is not feasible, record and recovers shipwrecks or their artifacts. See Section II for more details.

B. Manage shipwrecks to provide for public appreciation, use, and benefit. The nature of public use and benefits associated with shipwrecks is very diverse. Sport divers should have reasonable access to explore shipwrecks. Additional public appreciation and enjoyment of shipwrecks can be achieved through interpretive access, which describes the history and value of the resource. Archaeological research on historic shipwrecks is particularly important where research can be reasonably expected to yield information important to understanding the past. See: Section II, 4B.

C. Avoid disturbance to shipwrecks unless the shipwreck: poses a navigation hazard; or, would impede efforts to restore natural resource values.

D. Prevent unauthorized collection of shipwreck artifacts and associated direct or cumulative impacts.

E. Maintain the natural resource values that are associated with shipwreck sites, which may be sensitive to disturbance.

II. Preserve and enhance historic lighthouses and other navigational structures. Historic lighthouses and other navigation aids are significant to the coastal culture of the state. The Sodus Bay Historical Society, in accordance with an agreement and lease from the Town of Sodus since 1984, is committed to preserving the Old Sodus Bay Lighthouse and Maritime Museum. The use of the Museum Lighthouse for navigation was terminated in 1900. The building was placed on the National Register of Historic Places in 1990.

A. Provide for the long-term protection of historic lighthouses and navigation aids listed or eligible to be listed in the National or State Register of Historic Places through the least degree of intervention.

B. Protect historic lighthouses from erosion hazards.

1. Use nonstructural methods such as beach nourishment as the first choice in providing protection from erosion hazards.

2. Relocate historic lighthouses, which are imperiled by erosion hazards that cannot be managed by nonstructural methods. Imperiled lighthouses should be relocated to adjacent sites whenever feasible, as determined by economics and engineering constraints. In relocating a lighthouse, particular attention should be given to preserving the original context and function of the lighthouse. In addition, any decision to relocate a lighthouse should provide for a sufficient period of protection to warrant the expenditure of funds for relocation.

3. Use hard structural erosion control measures to preserve historic only if:

   a) the lighthouse is clearly imperiled by erosion hazards
   b) relocation is not feasible based on economic or engineering constraints
   c) nonstructural approaches would not provide sufficient protection, and
   d) hard structures would not adversely affect coastal processes.

III. Protect the character of historic maritime communities.

Historic maritime communities are significant to the coastal culture of the state.

A. Preserve traditional uses which define the maritime character of the area.

B. Preserve maritime character by maintaining appropriate scales, intensity of use, and architectural style.

C. Provide interpretive materials in appropriate settings to augment the public's understanding and appreciation of the state's maritime heritage.

The New York State Office of Parks, Recreation, and Historic Preservation, OPRHP, has identified the Village of Sodus Point as an area of archeological sensitivity. Prior to undertaking any Type I or unlisted action, the agency shall ensure that the State Historic Preservation Officer has been consulted to determine whether significant archeological resources are present at the site and to identify measures that are necessary to preserve or avoid damage to these resources. All

practicable means shall be used to preserve significant archeological resources.

This policy shall not be construed to prevent the construction, reconstruction, alteration, or demolition of any building, structure, earthwork, or component thereof of a recognized historic, cultural, or archeological resource, which has been officially certified as being imminently dangerous to life or public health. Nor shall the policy be construed to prevent the ordinary maintenance, repair, or proper restoration according to the U.S. Secretary of the Interior's Standards for any building, structure, site or earthwork, or component thereof of a recognized historic, cultural, or archeological resource, which does not involve a significant adverse change to the resource, as, defined above.

POLICY 3

Enhance visual quality and protect outstanding scenic resources.

Explanation of Policy

A number of juxtaposing elements combine to create the Village of Sodus Point's unique visual character. They include: the expanse of Lake Ontario contrasted with the enclosure of Sodus Bay; the lakeshore bluffs and other steep areas contrasted with the beach and other low-lying areas; and the dense Village development with surrounding undeveloped rural landscape areas. The Village has a number of public access points along the shoreline, which include many opportunities to view the natural and human elements comprising the Village and to enjoy harbor activity.

Visual resources and important vistas are described in Section II: Inventory and Analysis, in this report.

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

Guidelines:

1. Siting structures and other development back from shorelines (particularly bluffs) or in other inconspicuous locations to maintain the attractive quality of the shoreline and to retain views to and from the shore;

2. Clustering or orienting structures to retain views, retain qualities of open space, and provide visual organization to a development;
3. Incorporating existing structures (especially historic buildings) into the overall development scheme of a project;
4. Removing deteriorated and/or degrading elements;
5. Maintaining or restoring the original land form, except when changes screen unattractive elements and/or add appropriate interest;
6. Maintaining or adding vegetation to provide interest, encourage the presence of wildlife, blend structures into the site, and obscure unattractive elements, (such as parking lots and boat storage areas), except when selective clearing removes unsightly, diseased or hazardous vegetation and when selective clearing within public parks, at Village street ends and along rights-of-way creates views of coastal waters;
7. Using appropriate materials (wood, stone, wrought iron fencing, earth berms) in addition to vegetation to screen unattractive elements;
8. Using appropriate scales (building height shall be limited to thirty feet for residential structures and for principal non-residential structures), forms, and materials to ensure that buildings and other structures are compatible with and add interest to the Village's visual environment;
9. Minimizing the effects, as much as possible, of facility operation (e.g. lighting, noise, and odor); and
10. Provide for burying overhead wires whenever practicable especially in the Business District on Greig Street.

Also, the Great Sodus Point Harbor Management Plan recommends that several Bay viewpoints be designated as "visual resources of local significance" by the Village. It is believed that this action, in conjunction with development review by the Great Sodus Bay Intermunicipal Committee, will be sufficient to provide a reasonable level of protection for the identified viewpoints and their viewsheds. (See Section IV, C. Proposed Projects)

NATURAL WATERFRONT RESOURCES

POLICY 4

Minimize loss of life, structures, and natural resources from flooding and erosion.

Explanation of Policy

In response to existing or perceived erosion and flood hazards, many landowners construct erosion control structures. While some erosion control structures are necessary to protect development, there are many erosion control structures located along the coast are not necessary for erosion protection.

Erosion control structures often contribute to erosion both on and off the site due to poor design and siting and lack of down drift remediation. Increased erosion, aesthetic impairments, loss of public recreational resources, loss of habitats, and water quality degradation can result from individual hardening of the shoreline. The cumulative impact of these structures is potentially large. Before a permit is granted to allow construction of hard erosion control structures, the purpose, function, impact, and alternatives to the project need to be carefully evaluated to determine that the structures are necessary and to avoid adverse impacts.

Although some sections of the waterfront has been heavily fortified, significant stretches remain in a natural state. The natural shoreline has an inherent natural, social, and economic value that should be respected to ensure continuing benefits to the state. Consequently, those portions of the shoreline that are not fortified should generally remain in a natural condition to respond to coastal processes. Portions of the shoreline that have been hardened should be returned to a natural condition where feasible and appropriate.

Development and redevelopment in hazard areas needs to be managed to reduce exposure to coastal hazards. Hardening of the shoreline is to be avoided except when alternative means, such as soft engineering alternatives, beach nourishment, revegetation, offshore bar building, or inlet sand bypassing, are impractical to protect principal structures or extensive public investment (land, infrastructure, facilities). Areas of extensive public investment are found in developed centers.

Barrier landforms that protect significant public investment or natural resources should be maintained. Soft structural protection methods are to be used to conform with the natural coastal processes. Barrier beach landforms should be maintained by using clean, compatible dredge material, when feasible, for beach nourishment, offshore bar building, or marsh creation projects.

In suitable locations and where appropriate, interpretive materials could be considered to enhance the public's education on natural coastal processes.

This policy seeks to protect life, structures, and natural resources from flooding and erosion hazards throughout the Coastal Area. The policy reflects state flooding and erosion regulations and provides measures for reduction of hazards and protection of resources.

The historic Sodus Point Lighthouse and Museum had a revetment constructed by the US Army Corps of Engineers in 2001 to ensure the continued existence of the lighthouse structure and its setting. If additional efforts are required to stabilize the earth along the shoreline of the Sodus Point Lighthouse property, action will be taken to prevent any additional loss of the lighthouse proper.

Policy standards are divided into seven sections. Section 1 presents standards directed at protection of life and property, including measures for minimizing losses from flooding and erosion arranged in order of priority, ranging from avoidance to hard structural approaches. Section 2 addresses natural protective features. Section 3 addresses protection of public lands or public trust lands. Measures for water-dependent uses and navigation are provided in Section 4. Section 5 establishes conditions for expenditure of public funds for management of flood and erosion hazards contingent on public benefit. Section 6 calls for compliance with municipal erosion management plans. The last section directs that sea level rise be considered in development of major projects.

4.1 Minimize losses of human life and structures from flooding and erosion hazards by using the following management measures, which are presented in order of priority.

Coastal Barrier Resource Area is any one of the designated and mapped areas under the Coastal Barrier Resources Act of 1982, (P.L. 97-348), and any areas designated and mapped under the Coastal Barrier Improvement Act of 1990 (P.L. 101-591), as administered by the U.S. Fish and Wildlife Service, and any future designations that may occur through amendments to these laws.

Coastal Hazard Area is any coastal area included within the Erosion Hazard Area as designated by the New York State Department of Environmental Conservation pursuant to the Coastal Erosion Hazard Areas Act of 1981 (Article 34 of the Environmental Conservation Law), and any coastal area included within a V-zone as designated on Flood Insurance Rate Maps prepared by the Federal Emergency Management Agency pursuant to the National Flood Insurance Act of 1968 (P.L. 90-448) and the Flood Disaster Protection Act of 1973 (P.L. 93-234).

Natural protective features are beaches, dunes, shoals, bars, spits, barrier islands, bluffs, and wetlands; and associated natural vegetation.

I. Minimize potential loss and damage by locating development and structures away from flooding and erosion hazards.

A. Avoid developing new structures and uses or reconstruction of structures damaged by 50 percent or more of their value in areas which are likely to be exposed to hazards unless:

1. the structure or use functionally requires a location on the coast or in coastal waters

2. the new development would be located in an area of substantial public investment

3. the new structure or use is necessary for shoreline development which:

a) reinforces the role of Maritime Centers and Areas for Concentrated Development in concentrating water-dependent uses and other development

b) would not result in impairment of natural resources

B. Locate new structures which are not functionally dependent on a location on or in coastal waters, are not in areas of substantial public investment, or do not reinforce the role of a developed working waterfront, as far away from flooding and erosion hazards as possible.

1. No development is permitted in natural protective feature areas (nearshore, beaches, bluffs, primary dunes, and wetlands as defined under 6 NYCRR Part 505), except as specifically allowed under the relevant portions of 6 NYCRR 505.8.

2. Locate new development away from coastal hazards associated with inlet areas.

3. Avoid hazards by siting structures to maximize the distance from Coastal Erosion Hazard Areas.

4. Provide sufficient lot depth to allow relocation of structures and maintenance of required setbacks over a period of thirty years.

C. Where practical, moving existing structures and development which are exposed to hazards away from the hazard is preferred over maintaining structures and development in place. Maintaining existing development and structures in hazard areas may be warranted for:

1. structures which functionally require a location on the coast or in coastal waters, or

2. water-dependent uses which, by the nature of the use, cannot avoid exposure to hazards, or

3. sites in areas with extensive public investment, public infrastructure, or major public facilities

D. Provide public infrastructure in or near identified high velocity flood zones, structural hazard areas, or natural protective features only if the infrastructure:

1. will not promote new development or expansion of existing development in: a Coastal Barrier Resource Area, except as provided in the Coastal Barrier Resource System Act; a Coastal Erosion Hazard Area; or a V-zone.

2. is designed in a manner which will not impair protective capacities of natural protective features, and

3. is designed to avoid or withstand damage from flooding and erosion

II. Use vegetative non-structural measures, which have a reasonable probability of managing flooding and erosion based on capacities of natural protective features at every opportunity.

III. Enhance existing natural protective features and use non-structural measures, which have a reasonable probability of managing erosion.

A. Enhance the protective capabilities of beaches by using fill, artificial nourishment, dredge disposal, or by restoring coastal processes.

1. Use only clean sand or gravel with a grain size equivalent to or slightly larger than the native material at the project site.

2. Design criteria for enhancing the protective capabilities of beaches should not exceed the level necessary to achieve protection from a 30-year storm, except where there is an overriding public benefit.

3. Provide for sand by-passing at engineered inlets or other shore protection structures to maintain coastal processes and protective capabilities of beaches.

B. Protect and enhance existing dunes or create new dunes using fill, artificial nourishment, or entrapment of windborne sand.

1. Use only clean sand with a grain size equivalent or slightly larger than native dune material.

2. Design criteria for created dunes should not exceed the overtopping height defined by the 30-year storm, except where there is an overriding public benefit.

3. Enhance existing or created dunes using snow fencing and dune vegetation.

4. Construct and provide for use of walkovers to prevent pedestrian damage to existing and enhanced dunes.

C. Increase protective capacity of natural protective features using practical vegetative measures in association with all other enhancement efforts.

IV. Use hard structural erosion protection measures for control of erosion only where:

A. Avoidance of the hazard is not appropriate because a structure is: functionally dependent on a location on or in coastal waters; located in an area of extensive public investment; or reinforces the role of Maritime Centers or Areas for Concentrated Development.

B. Vegetative approaches to controlling erosion are not effective.

C. Enhancement of natural protective features would not prove practical in providing erosion protection.

D Construction of a hard structure is the only practical design consideration and is essential to protecting the principal use.

E. The proposed hard structural erosion protection measures are:

1. limited to the minimum scale necessary

2. based on sound engineering practices

F. Practical vegetative methods have been included in the project design and implementation.

G. Adequate mitigation is provided and maintained to ensure that there is no adverse impact to adjacent property or to natural coastal processes and natural resources and, if undertaken by a private property owner, does not incur significant direct or indirect public costs.

4.2 Preserve and restore natural protective features.

I. Maximize the protective capabilities of natural protective features by:

A. avoiding alteration or interference with shorelines in a natural condition

B. enhancing existing natural protective features

C. restoring the condition of impaired natural protective features wherever practical

D. using practical vegetative approaches to stabilize natural shoreline features

E. managing activities to limit damage to, or reverse damage which has diminished, the protective capacities of the natural shoreline

F. providing relevant signage or other educational or interpretive material to increase public awareness of the importance of natural protective features

II. Minimize interference with natural coastal processes.

A. Provide for natural supply and movement of unconsolidated materials and for water and wind transport.

B. Limit intrusion of structures into coastal waters.

C. Limited interference with coastal processes may be allowed where the principal purpose of the structure is necessary to:

1. simulate natural processes where existing structures have altered the coast, or

2. provide necessary public benefits for flooding and erosion protection, or

3. provide for the efficient operation of water-dependent uses

D. Limited interference is to be mitigated to ensure that there is no adverse impact to adjacent property, to natural coastal processes and natural resources, and, if undertaken by a private property owner, does not incur significant direct or indirect public costs.

4.3 Protect public lands and public trust lands and use of these lands when undertaking all erosion or flood control projects.

I. Retain ownership of public trust lands which have become upland areas due to fill or accretion resulting from erosion control projects.

II. Avoid losses or likely losses of public trust lands or use of these lands, including public access along the shore, which can be reasonably attributed to or anticipated to result from erosion protection structures.

III. Provide and maintain compensatory mitigation of unavoidable impacts to ensure that there is no adverse impact to adjacent property, to natural coastal processes and natural resources, or to public trust lands and their use.

4.4 Manage navigation infrastructure to limit adverse impacts on coastal processes.

I. Manage navigation channels to limit adverse impacts on coastal processes.

A. Design channel construction and maintenance to protect and enhance natural protective features and prevent destabilization of adjacent areas by:

1. using dredging setbacks from established channel edges and designing finished slopes to ensure their stability

2. locating channels away from erodible features, where feasible

3. preventing adverse alteration of basin hydrology

4. including by-passing methods to maintain navigability and reduce frequency of dredging

B. Use clean dredged material as beach nourishment whenever the grain size of the dredged material is the same size or slightly larger than the grain size of the potential recipient beach.

II. Manage stabilized inlets to limit adverse impacts on coastal processes.

A. Include sand bypassing at all engineered or stabilized inlets which interrupt littoral processes.

B. Manage flood and ebb tidal deltas to simulate natural processes.

C. Avoid extending jetties when it will increase disruption of coastal processes.

4.5 Expend public funds for management or control of flooding or erosion hazards only in areas of the coast which will result in proportionate public benefit.

Give priority in expenditure of public funds to actions which protect public health and safety, mitigate past flooding and erosion, protect areas of intensive development, and protect substantial public investment (land, infrastructure, facilities).

I. Expenditure of public funds for flooding or erosion control projects:

A. is limited to those circumstances where public benefits exceed public costs

B. is prohibited for the exclusive purpose of flooding or erosion protection for private development, with the exception of work done by an erosion control district, and

C. may be apportioned among each level of participating governmental authority according to the relative public benefit accrued

II. Factors to be used in determining public benefit attributable to the proposed flood or erosion control measure include:

A. economic benefits derived from protection of public infrastructure and investment and protection of water-dependent commerce, or

B. protection of significant natural resources and maintenance or restoration of coastal processes, or

C. integrity of natural protective features, or

D. extent of public infrastructure investment, or

E. extent of existing or potential public use

Applications of these factors indicate that public expenditure for erosion and flood control projects may be warranted in developed centers.

4.6 Comply with the provisions of any municipal erosion management plan, consistent with the provisions of this policy.

4.7 Include sea level rise calculations in siting and design of all major projects having more than a fifty year design life.

POLICY 5

Protect and improve water resources.

Explanation of Policy

The purpose of this policy is to protect the quality and quantity of water in the Coastal Area. Quality considerations include both point and nonpoint pollution management. Water quality protection and improvement must be accomplished by the combination of managing new and remediation existing sources of pollution. In some areas with existing water quality impairments, aggressive remediation measures may be needed.

Five sections present the standards for this policy. The first section deals with both point and nonpoint sources of pollution. These standards reflect state regulations for point source discharge, treatment of sanitary and industrial wastes, and discharges into navigable waters. Section 2 presents specific approaches for managing nonpoint source pollution according to the land use or pollution source categories. Section 3 summarizes existing regulations for protection of coastal water quality. Section 4 specifically addresses cumulative and secondary impacts as related to water quality. The last section deals with protection of potable water supplies from contamination, salt water intrusion, and depletion.

5.1 Prohibit direct or indirect discharges, which would cause or contribute to contravention of water quality standards and targets.

I. Prevent point source discharges into coastal waters and manages or avoid land and water uses, which would:

A. exceed applicable effluent limitations

B. cause or contribute to contravention of water quality classification and use standards

C. materially adversely affects receiving water quality

D. violate a vessel no-discharge zone

II. Ensure effective treatment of sanitary sewage and industrial discharges by:

A. maintaining efficient operation of sewage and industrial treatment facilities

B. providing, at a minimum, effective secondary treatment of sanitary sewage

C. modifying existing sewage treatment facilities to provide improved nitrogen removal capacity

D. incorporating treatment beyond secondary, as feasible, particularly focusing on nitrogen removal, as part of new wastewater treatment plant design

E. reducing demand on treatment facilities:
   1. reduce infiltration of excess water in collection and transport systems
   2. eliminate unauthorized collection system hookups
   3. pre-treat industrial wastes
   4. limit discharge volumes and pollutant loadings to or below authorized levels
   5. install low-flow water conservation fixtures in:
      a) all new development, and
      b) when replacing fixtures in existing development

F. reducing the loadings of toxic materials into coastal waters by including limits on toxic metals as part of wastewater treatment plant (WWTP) effluent permits

G. reducing or eliminating combined sewer overflows

H. providing and managing on-site disposal systems:

   1. Use on-site disposal systems only when impractical to connect with public sewer systems.

2. Protect surface and groundwater against contamination from pathogens and excessive nutrient loading by keeping septic effluent separated from groundwater and by providing adequate treatment of septic effluent.

   This standard addresses performance of septic systems. Factors to include in assessing septic systems include water table elevation, soil porosity, and system design. Septic system capacity is an important factor which can be controlled by reducing unnecessary organic loads (e.g., by avoiding use of garbage disposals). Nutrient loading to groundwater is of concern based on cumulative effects and resulting contamination of potable groundwater water and excessive nutrient loadings into surface waters including through springs and groundwater lens ponds.

3. Encourage evaluation and implementation of alternative or innovative on-site sanitary waste systems to remediate on-site systems that currently do not adequately treat or separate effluent.

5.2 Minimize nonpoint pollution of coastal waters and manage activities causing nonpoint pollution.

I. Minimize nonpoint pollution of coastal waters using the following approaches, which are presented in order of priority.

   A. Avoid nonpoint pollution by limiting nonpoint sources.

      1. Reduce or eliminate introduction of materials which may contribute to nonpoint pollution.

      2. Avoid activities, which would increase off-site stormwater runoff and transport of pollutants.

      3. Control and manage stormwater runoff to:
         a. minimize transport of pollutants, and
         b. restore sites to emulate natural stormwater runoff conditions where degraded stormwater runoff conditions exist, or
         c. achieve no net increase of runoff where unimpaired stormwater runoff conditions exist

4. Retain or establish vegetation to maintain or provide:
   a. soil stabilization, and
   b. filtering capacity in riparian and littoral zones

5. Preserve natural hydrologic conditions.

   a. Maintain natural surface water flow characteristics.

   b. Retain natural watercourses and drainage systems where present.

   c. Where natural drainage systems are absent or incapable of handling the anticipated runoff demands:

      (1) develop open vegetated drainage systems as the preferred approach and design these systems to include long and indirect flow paths and to decrease peak runoff flows

      (2) use closed drainage systems only where site constraints and stormwater flow demands make open water systems infeasible

B. Reduce pollutant loads to coastal waters by managing unavoidable nonpoint sources and use appropriate best management practices as determined by site characteristics, design standards, operational conditions, and maintenance programs.

II. Reduce nonpoint source pollution using specific management measures appropriate to specific land use or pollution source categories.

This section presents summary management measures to apply to specific land use or pollution sources. These management measures are to be applied within the context of the prioritized approach of avoidance, reduction, and management presented in the previous policy section. Further information on specific management measures is contained in Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters (U.S. EPA, 840-B-92-002).

A. Agriculture
   1. Control soil erosion and contain sediment in order to avoid entry of soils into coastal waters.

2. Manage nutrient loadings by applying nutrients only in amounts needed for crop growth, avoiding nutrient applications, which will result in nutrient loadings to coastal waters and tributaries.

3. Limit contamination of coastal waters from pesticides to the extent possible by applying pesticides only when economically appropriate and in a safe manner.

4. Manage irrigation and use of chemicals to avoid contamination of return flows with fertilizers, pesticides or their residues, or accumulated salts; and to prevent contamination of source waters by avoiding backflow of waters used to apply chemicals through irrigation.

B. Urban

1. For new development, manage total suspended solids in runoff to remain at predevelopment loadings.

2. For site development, limit activities that increase erosion or the amount or velocity of stormwater runoff.

3. For construction sites, reduce erosion and retain sedimentation on site, and limit and control use of chemicals and nutrients.

4. For new on-site sewage disposal systems, ensure that siting, design, maintenance, and operation prevent discharge of pollutants.

5. Plan, site, and design roads and highways to manage erosion and sediment loss, and limit disturbance of land and vegetation.

6. Plan, site, and design bridges to protect ecosystems.

7. For roads, highways, and bridges, minimize to the extent practical the runoff of contaminants to coastal waters.

C. Marinas

1. Site and design marinas such that tides and/or currents will aid in flushing of the site or renew its water regularly.

2. Assess impact on water quality as part of marina siting and design. Do not site new marinas in Class SA waters.

3. Manage stormwater runoff, discharge of hazardous substances, and solid waste.

D. Hydro modifications

1. Maintain the physical and chemical characteristics of surface waters, reduce adverse impacts, and, where possible improve the physical and chemical characteristics of surface waters in channels.

2. Minimize impacts of channelization and channel modification on instream and riparian habitat, and identify opportunities to restore habitat.

3 Use vegetative means, where possible, to protect stream banks and shorelines from erosion.

4. Manage wetlands that have been channelized to simulate natural hydrology.

E. Floatables and litter

1. Prohibit all direct or indirect discharges of refuse or litter into waters of the state or upon public lands contiguous to and within 100 feet of waters of the state.

2. Limit entry of floatables to surface waters through containment and prevention of litter.

3. Remove and dispose of floatables and litter from surface waters and shorelines.

4. Implement pollution prevention and education programs to reduce discharge of floatables and litter into storm drains.

5.3 Protect and enhance water quality of coastal waters.

I. Protect water quality based on an evaluation of physical factors (pH, dissolved oxygen, dissolved solids, nutrients, odor, color and turbidity), health factors (pathogens, chemical contaminants, and toxicity), and aesthetic factors (oils, floatables, refuse, and suspended solids).

II. Minimize disturbance of streams including their bed and banks in order to prevent erosion of soil, increased turbidity, and irregular variation in velocity, temperature, and level of water.

III. Protect water quality of coastal waters, estuaries, tidal marshes, and wetlands that are adjacent to and contiguous at any point to navigable waters from adverse impacts associated with excavation.

IV. Limit potential adverse impacts on water quality due to excavation or placement of fill using avoidance and minimization methods including reduction in scope of work and use of clean fill.

5.4 Limit the potential for cumulative and secondary impact of watershed development and other activities on water quality and quantity.

I. Protect water quality by ensuring that watershed development results in:

A. protection of areas that provide important water quality benefits

B. maintenance of natural characteristics of drainage systems, and

C. protection of areas that are particularly susceptible to erosion and sediment loss

II. Limit the individual impacts associated with development to prevent cumulative water quality impacts which would lead to a failure to meet water quality standards.

5.5 Protect and conserve quality and quantity of potable water.

I. Prevent contamination of potable waters by limiting discharges of pollutants to maintain water quality according to water quality classification, and limiting land use practices which are likely to contribute to contravention of surface and groundwater quality classifications for potable water supplies.

II. Prevent depletion of existing potable water supplies by limiting saltwater intrusion in aquifers and estuaries, through conservation methods or restrictions on water supply use and withdrawals, and by allowing for recharge of potable aquifers.

- Limit cumulative impact of development on groundwater recharge areas to ensure replenishment of potable groundwater supplies.

POLICY 6

Protect and restore ecological resources, including significant fish and wildlife habitats, wetlands, and rare ecological communities.

Explanation of Policy

The ecosystem consists of physical/non-living components, biological/living components, and their interaction. Its physical components include environmental factors such as water, soils, geology, energy, and contaminants. The biological components include the plants, animals, and other living things in and around the shore. Certain natural resources that are important for their contribution to the quality and biological diversity of the ecosystem have been specifically identified by the State for protection. These natural resources include regulated tidal and freshwater wetlands; designated Significant Coastal Fish and Wildlife Habitats; and rare, threatened, and endangered species.

In addition to specifically identified discrete natural resources, the quality of the ecosystem also depends on more common, broadly distributed natural resources, such as the extent of forest cover, the population of overwintering song birds, or the benthic communities. These more common natural resources collectively affect the quality and biological diversity of the ecosystem.

6.1 Protect and restore ecological quality

The Village of Sodus Point is committed to avoiding adverse changes to the quality of the Sodus Bay ecosystem and to mitigating impacts of new development. As described in the Greater Sodus Bay Harbor Management Plan, and in Section IV, under C. Proposed Projects, a process that coordinates open space planning and acquisition through the Sodus Bay municipalities should be created. The plan produced by this process would identify and incorporate areas around the bay that are unsuitable for development, are highly sensitive to development impacts, provide scenic views of the bay or have high value and accessibility for public use. Also, this plan would identify significant and valued natural areas for preservation and potential development for public access, consider the conservation value, educational potential of each identified site, development costs, and acquisition strategies - if not in public ownership.

6.2 Protect Significant Coastal Fish and Wildlife Habitats.

Significant Coastal Fish and Wildlife Habitats, identified by the Department of Environmental Conservation as critical to the maintenance or re-establishment of species of fish and wildlife in the coastal area and designated by the Secretary of State,

must be protected for the habitat values they provide and to avoid permanent adverse changes to the coastal ecosystem.

Sodus Bay is a State -Designated Significant Coastal Fish and Wildlife Habitat and is described in individual Significant Coastal Fish and Wildlife Habitat narratives and outlined on boundary maps prepared by the Department of State

The first section of these standards presents the criteria for designation of Significant Coastal Fish and Wildlife Habitats. The remaining standards for this section are to be applied to any activity that is subject to consistency review under federal and state laws. Examples of generic activities, which could destroy or significantly impair habitat values, are provided within the impact assessment section of the narrative for each designated habitat.

Significant fish and wildlife habitats are those habitat areas which:

a. Exhibit to a substantial degree one or more of the following characteristics:
    1. is essential to the survival of a large portion of a particular fish or wildlife population
    2. supports a species which is either endangered, threatened, or of special concern as those terms are defined at 6 NYCRR Part 182
    3. supports fish or wildlife populations having significant commercial, recreational or educational value, or
    4. is of a type which is not commonly found in the state or a coastal region of the state, and

b. Are difficult, or even impossible, to replace in kind.

Uses or activities should be avoided which would:

a. Destroy habitat values through direct physical alteration, disturbance, or pollution, or the indirect effects of actions, which would result in a loss of habitat.

b. Significantly impair the viability of a habitat beyond the tolerance range of fish and wildlife species through:
    1. Degradation of existing habitat elements
    2. Change in environmental conditions
    3. Functional loss of habitat values, or

4. Adverse alteration of physical, biological, or chemical characteristics.

Where destruction or significant impairment of habitat values cannot be avoided, potential impacts of land use or development should be minimized through appropriate mitigation. Use mitigation measures, which are likely to result in the least environmentally damaging feasible alternative. Mitigation includes:

a. avoidance of potential adverse impacts, including:
   1. avoiding ecologically sensitive areas
   2. scheduling activities to avoid vulnerable periods in life cycles or the creation of unfavorable environmental conditions
   3. preventing fragmentation of intact habitat areas

b. minimization of unavoidable potential adverse impacts, including:
   1. reducing scale or intensity of use or development
   2. designing projects to result in the least amount of potential adverse impact
   3. choosing alternative actions or methods that would lessen potential impact

c. specific measures designed to protect habitat values from impacts that cannot be sufficiently avoided or minimized to prevent habitat destruction or significant habitat impairment

d. specific protective measures included in the narratives for each designated Significant Coastal Fish and Wildlife Habitat area.

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

Sodus Bay is approximately 3,000 acres with maximum depths of 45 feet, but is mostly shallow, with depths of less than 20 feet. The outlet of Sodus Bay has been reduced to a narrow stabilized channel by construction of concrete and steel jetties. The bay receives inflow from four creeks. Sizeable areas of emergent vegetation have developed at the lower ends of the creeks, and in the sheltered portions of the bay. Wetlands border Sodus, First and Second Creeks.

The entire bay is used for recreation during the summer months, and there is a trend toward extending the season from March to November, with use in the early and late weeks by salmonid fishermen. Despite the human disturbance, the area still serves as a productive fish and wildlife habitat. (Refer to Section II, Inventory and Analysis for additional details.)

Any activity that substantially degrades water quality, such as increases in temperature or turbidity, alteration of water depths or increase or decrease of inflows in Sodus Bay would adversely affect a variety of fish and wildlife species. Discharges of untreated stormwater runoff containing sediments or chemical pollutants (including fertilizers, herbicides, or insecticides) will potentially result in adverse impacts on fish and wildlife resources of the area. Habitat disturbances would be especially detrimental during fish spawning and nursery periods (March - July for most warmwater species, and September - November for most salmonids) and waterfowl breeding seasons (April - July for most species). Elimination of wetland habitats (including submergent aquatic beds), as a result of dredging or filling, would reduce the value of this area to fish and wildlife. Construction and maintenance of shoreline structures, such as docks, piers, and bulkheads, may have a significant impact on the shoreline habitat. Existing areas of natural vegetation bordering the Bay should be maintained for their value as cover for wildlife, perch and nesting sites, and buffer zones. Barriers to fish migrations between Sodus Bay, Lake Ontario, and any tributary stream, could have significant effects on fish populations in the area. Any substantial physical alteration of the outlet or barrier beach formation would affect the fisheries resources, and human use of the area. However, public access to Sodus Bay should be maintained or enhanced to ensure that adequate opportunities for compatible human uses of the fish and wildlife resources are available.

Guidelines:

- The Sodus Bay habitat shall be protected, preserved, and where practical, restored so as to maintain its viability as a habitat.
- Protect fish and wildlife resources in the coastal area from the introduction of hazardous wastes and other pollutants which bio-accumulate in the food chain or which cause significant modification to habitats or related natural resources.

6.3 Support the restoration of Significant Coastal Fish and Wildlife Habitats wherever possible so as to foster their continued existence as natural, self-regulating systems.

Measures, which can be undertaken to restore significant habitats, include:

a. reconstructing lost physical conditions to maximize habitat values
b. adjusting adversely altered chemical characteristics to emulate natural conditions
c. manipulating biological characteristics to emulate natural conditions through re-introduction of indigenous flora and fauna

6.4 Protect and restore freshwater wetlands.

Wetlands provide numerous benefits, including, but not limited to, the following: habitat for fish and wildlife; erosion and flood control; natural pollution treatment; groundwater protection; and aesthetic open space.

The following measures can further the protection or restoration of wetlands:

a. Compliance with the statutory and regulatory requirements of the Freshwater Wetlands Act and the Stream Protection Act.

b. Prevention of the net loss of wetlands by:
   - Avoiding placement of fill or excavation of wetlands.
   - Minimizing adverse impacts resulting from unavoidable fill, excavation or other activities.
   - Providing compensatory mitigation for adverse impacts, which may result from unavoidable fill, excavation or other activities remaining after all appropriate and practicable minimization has been accomplished.

Provide and maintain adequate vegetative buffers between wetlands and adjacent or nearby uses and activities in order to ensure protection of the wetlands character, quality, values, and functions.

POLICY 7

Protect and improve air quality in the Coastal Area.

Explanation of Policy

This policy provides for protection of the coastal area from air pollution generated within the coastal area or adversely affecting coastal air quality.

The four sections of this policy are divided to reflect the organization of state statutes. The first section addresses point and nonpoint sources of air pollution, stationary sources, mobile sources, and sources of acid rain precursors. Section 2 deals directly with atmospheric

discharges of radioactive material and Section 3 addresses chloroflourocarbons. The last section addresses atmospheric deposition of pollutants.

7.1 Control or abate existing, and prevent new air pollution.

I. Limit pollution resulting from new or existing stationary air contamination sources, consistent with:
G.- attainment or maintenance of any applicable ambient air quality standard
H.- applicable New Source Performance Standards
C.- applicable control strategy of the State Implementation Plan, and
D.- applicable Prevention of Significant Deterioration requirements

II. Recycle or salvage air contaminants using best available air cleaning technologies.

III. Limit pollution resulting from vehicular or vessel movement or operation, including actions, which directly or indirectly change transportation uses or operation, consistent with attainment or maintenance of applicable ambient air quality standards, and applicable portions of any control strategy of the State Implementation Plan.

IV. Restrict emissions of air contaminants to the outdoor atmosphere which are potentially injurious to human, plant, or animal life or property, or unreasonably interfere with the comfortable enjoyment of life or property.

V. Limit new facility or stationary source emissions of acid deposition precursors consistent with achieving final control target levels for wet sulfur deposition in sensitive receptor areas, and meeting New Source Performance Standards for the emissions of oxides of nitrogen.

7.2 Limit discharges of atmospheric radioactive material to a level that is as low as practicable.

7.3 Capture and recycle chlorofluorocarbon compounds during service and repair of air-conditioning and refrigeration units to the greatest extent possible.

POLICY 8

Minimize environmental degradation in the Coastal Area from solid waste and hazardous substances.

Explanation of Policy

Development of the Coastal Area has resulted in contamination of some waterfront parcels, particularly from industrial uses. Former landfills may produce leachates which degrade both surface and industrial waste dumps, may pose immediate problems and can preclude or delay appropriate reuse of coastal lands. Smaller and more incremental solid waste problems arise from littering.

The intent of this policy is to protect people from sources of contamination and to protect coastal resources from degradation through proper control and management of wastes and hazardous materials. In addition, this policy is intended to promote the expeditious remediation and reclamation of hazardous waste sites in developed centers to permit redevelopment.

Standards are divided into four major categories according to the type of material addressed: solid waste, hazardous wastes, toxic pollutants and hazardous substances, and petroleum products. Two additional sections of standards address transportation of solid and hazardous wastes and siting requirements for solid and hazardous waste facilities. Section 1 establishes requirements for the handling, management, and transportation of solid waste. It also includes the state's management priorities for the reduction, reuse, and disposal of solid wastes. Section 2 deals with the treatment, storage, and disposal of hazardous wastes and includes standards for minimizing potential exposures through appropriate management. Section 3 addresses degradation of the environment resulting from discharges of toxic substances. Section 4 addresses storage and transportation of petroleum products and protocols for spill cleanup. Section 5 addresses transportation of solid and hazardous substances. Section 6 includes siting criteria for solid and hazardous waste facilities.

8.1 Manage solid waste to protect public health and control pollution.

I. Solid wastes are those materials defined under ECL §27-0701 and 6 NYCRR Part 360 1.2.

II. Plan for proper and effective solid waste disposal prior to undertaking major development or activities generating solid wastes.

III. Manage solid waste in accordance with the following solid waste management priorities:

A. Reduce the amount of solid waste generated.

B. Reuse material for the purpose for which it was originally intended or recycle material that cannot be reused.

C. Use land burial or other approved methods to dispose of solid waste that is not being reused or recycled.

Municipal, industrial, and commercial discharges include not only end-of-the pipe discharges into surface and groundwater but also general non-point source site runoff, including leaching, spillages, sludge, and other waste disposal, and drainage from material storage sites. Also, regulated discharges are both those which directly empty into receiving coastal waters and those which pass through municipal treatment systems before reaching the State's waterways. Subsequently, enterprises located in the Village of Sodus Point's commercial and industrial zones are not to discharge materials or chemicals, which would be harmful to the Village's sewers or sewage treatment plant.

Pursuant to the Federal Clean Water Act of 1977, the State has classified its coastal and other waters in accordance with considerations of best usage in the interest of the public and has adopted water quality standards for each class of waters. These classifications and standards are reviewable at least every three years for possible revision or amendment. Local Waterfront Revitalization Programs and State coastal management policies shall be factored into the review process for coastal waters. However, such consideration shall not affect any water pollution control requirements established by the State pursuant to the Federal Clean Water Act. First and Second Creeks are classified as (D) streams. It is not recommended that the classification be changed; however, further degradation of water quality in these streams is to be prevented. It appears that water quality issues affecting these streams originate outside the Village limits.

Sanitary Waste Treatment System - The Village maintains a modern sanitary waste treatment system, and requires all new development to hook into Village sanitary sewers. Consequently, it is not necessary to encourage the use of alternative or innovative systems for sewage wastes or discharge.

Stormwater Runoff - Best management practices include both structural and non-structural methods of preventing or mitigating pollution caused by the discharge of stormwater runoff and sewer overflows. At present, structural approaches to controlling stormwater runoff are not always economically feasible. The Clean Water Act encourages innovative stormwater management.

Until funding for such projects becomes available, non-structural approaches (e.g., improved street cleaning, reduced use of road salt) should be encouraged.

Agricultural activities are potential sources of non-point pollution of coastal waters around Sodus Bay. The Village's coastal area contains few active agricultural areas, such as the orchards along Route 14. However, other agricultural activities upstream on First and Second Creeks and outside Village jurisdiction may have the potential for non-point pollution. The Village should collaborate with and encourage the Town of Sodus with an education program to identify and minimize any discharges from upland agricultural activities.

Other possible sources of non-point pollution in the Village include: Village roads (sands, silt, salt, and petrochemicals), the Village parking lots, the Wayne County Park beach parking area and boat ramp, the Town boat ramp, bayside marinas and boat service and cleaning yards, and the lawns of the golf course and bayside residences.

Vessel Wastes - Other practices, such as the discharging vessel wastes into the waters surrounding the Village of Sodus Point, can have a number of negative effects. These effects could be particularly offensive on the bayside of the Village where water circulates less freely. Vessel wastes can threaten the quality of the Sodus Bay Significant Fish and Wildlife Habitat, and the public beaches of Sodus Point. They can also diminish the attractiveness of near shore waters, especially near Sand Point, where boating and onshore recreational pursuits are most intense. Therefore, this policy requires compliance with federal waste discharge standards developed pursuant to 1987 amendments to the Federal Clean Waters Act. These standards limit the discharge of sewage, garbage, rubbish, and other solid and liquid materials from watercraft and marinas, which provide dockage or moorings for boats, equipped with marine sanitation devices. These businesses are to provide pump out facilities adequate to serve the Marina during times of peak activity. Boat discharges into the Lake and Bay waters are regulated by the Clean Waters Act. However, both a program of education and enforcement are needed to change some boaters' current habits of illegal discharging. The Village of Sodus Point, in collaboration with the other Bay communities, is committed to educating boaters about the services that are provided around the bay for vessel waste discharge.

Dredging - Dredging often proves to be essential for waterfront revitalization and development, maintaining channels at sufficient depths, removing pollutants, and meeting other coastal management needs. Dredging in the Village of Sodus

Point area is undertaken to keep open the boating channel between Lake Ontario and Sodus Bay. Occasional dredging also maintains access to marinas in the bay. Such dredging projects, however, may temporarily but adversely affect water quality. Often these adverse effects can be minimized through careful design and timing of the dredging operation and proper siting of the dredge spoil disposal site. Dredging permits shall be granted if it has been satisfactorily demonstrated that these anticipated adverse effects have been reduced to levels, which satisfy State dredging permit standards set forth in regulations developed pursuant to the Environmental Conservation Law, and are consistent with policies pertaining to the protection of coastal resources.

Oil Pollutants - Within the Village of Sodus Point, several gasoline stations and marinas near the Bay use petroleum products. Shipment and storage of these products must comply with State regulations and will be done in a manner which prevents or minimizes spills into the Bay waters. Storage will comply with Bulk Storage Regulations, promulgated by DEC.

The Village has no control of, or association with, shipping on Lake Ontario. Shipping of petroleum or hazardous materials is regulated at the State and Federal levels to minimize the risk of spill.

Guidelines:

The following guidelines shall be applied to all development and land use activities within the Village of Sodus Point waterfront area to reduce or minimize non-point source pollution:

1. Adjacent to creeks and DEC -designated wetlands -- a natural vegetative buffer of 25 feet shall be maintained with impervious surfaces set back 100 feet. Along the Bay shore, a natural vegetated strip should also be maintained or reintroduced as practicable. Where this is not practicable, development shall ensure that runoff from the site does not directly enter a water body.

2. Impervious surfaces, such as structures, driveways, walks, or parking areas shall be designed, located, constructed, and maintained to minimize the amount and velocity of runoff entering a wetland, stream, or the Bay. A high ratio of vegetated areas, grasslined swales and retention basins are examples of mitigative measures, which should be, incorporated in future site designs.

3. Development shall preserve salient natural features of a site, minimize grading and cut and fill operations, ensure conformity with natural topography and retain vegetation to the maximum extent practicable in order to create the least erosion potential and handle adequately the volume and rate of velocity of surface water runoff.

4. Natural drainage patterns shall be protected and incorporated into proposed site designs. If natural drainage patterns are demonstrated to be adversely affecting a natural protective future (beach or bluff), drainage patterns may be altered in a manner which reduces the threat to the natural protective feature and does not create other flooding or erosion problems.

5. Site preparation, including stripping of vegetative cover and grading, shall be undertaken so that no individual building site is stripped of its vegetative cover more than thirty (30) days prior to commencement of construction. Best practices for sedimentation controls shall be required with all new construction.

6. Disturbed soils shall be stabilized and revegetated or seeded as soon as practicable. During the interim construction period, erosion protection measures such as temporary vegetation, retention ponds, recharge basins, berming, silt traps, and mulching shall be used to ensure that erosion is minimized and mitigated.

7. In no case shall stormwater be diverted to another property either during site preparation or after development.

8. The amount and velocity of runoff from a site after development shall approximate pre-development characteristics. However, if the site is adjacent to coastal waters, stormwater shall be contained on-site, to the maximum extent practicable, to prevent direct discharge of runoff into coastal waters.

9. Use of chemical cleaning agents to service machinery, equipment, or boats shall be kept to a minimum; chemicals shall be disposed of in an environmentally safe manner.

10. Boat ramps, street ends, and parking areas shall be designed to prevent direct runoff into waterbodies.

11. The Village will minimize the use of road salt and alternative chemicals on Village maintained streets/roads, provided safe road conditions can be maintained on such streets/roads.

In addition to these guidelines, the following educational programs should be pursued:

- Educate employees of waterside businesses in the use of cleaning practices which avoid soil or water contamination; and
- Educate residents on the pollutant potential from fertilizer and pesticide applications to lawns and gardens.

The definitions of terms "solid waste" and "solid wastes management facilities" are taken from New York's Solid Waste Management Act (Environmental Conservation law, Article 27). Solid wastes include sludge from air or water pollution control facilities, demolition and construction debris and industrial commercial wastes.

Within the Village of Sodus Point there is currently no use involving production, transport, storage, treatment, or disposal of solid waste that would cause damage to groundwater, surface water supplies, coastal fish and wildlife habitats, recreation areas, or scenic resources. Such production, storage, treatment, or disposal shall not be permitted in the waterfront area.

IV. Create and support a market for maximum resource recovery by using materials and products manufactured with recovered materials, and recovering materials as a source of supply for manufacturing materials and products.

V. Prevent the discharge of solid wastes into the environment by using proper handling, management, and transportation practices.

VI. Operate solid waste management facilities to prevent or reduce water pollution, air pollution, noise pollution, obnoxious odors, litter, pest infestation, and other conditions harmful to the public health.

8.2 Manage hazardous wastes to protect public health and control pollution.

I. Hazardous wastes are those materials defined under ECL §27-0901 and 6 NYCRR Part 371.

II. Manage hazardous waste in accordance with the following priorities:

A. Eliminate or reduce generation of hazardous wastes to the maximum extent practical.
B. Recover, reuse, or recycle remaining hazardous wastes to the maximum extent practical.
C. Use detoxification, treatment, or destruction technologies to dispose of hazardous wastes, which cannot be reduced, recovered, reused, or recycled.
D. Phase out land disposal of industrial hazardous wastes.

III. Ensure the maximum safety of the public from hazards associated with hazardous wastes through the proper management and handling of industrial hazardous waste treatment, storage, and disposal.

IV. Remediate inactive hazardous waste disposal sites.

A. Expedite remediation of substances hazardous in developed centers to permit redevelopment of the sites.

B. Select a remediation remedy at a particular site to ensure that the public health and the environment will be protected. The future use of a site may determine the selected cleanup levels.

8.3 Protect the environment from degradation due to toxic pollutants and substances hazardous to the environment.

I. Substances hazardous to the environment are defined under ECL §37-0101. Toxic pollutants are defined under ECL §17-0105.

II. Prevent release of toxic pollutants or substances hazardous to the environment which would have a deleterious effect on fish and wildlife resources.

III. Prevent environmental degradation due to persistent toxic pollutants:
A. Limit discharges of bioaccumulative substances.
B. Avoid resuspension of toxic pollutants and hazardous substances and wastes and re-entry of bioaccumulative substances into the food chain from existing environmental sources.

IV. Prevent and control environmental pollution due to release of radioactive materials as defined under 6 NYCRR Part 380.

V. Protect public health, public and private property, and fish and wildlife from inappropriate use of pesticides.

A. Pesticides are those substances defined under ECL §33-0101 and 6 NYCRR Part 325.
B. Limit use of pesticides to effectively target actual pest populations as indicated through integrated pest management methods.
C. Prevent direct or indirect entry of pesticides into waterways.
D. Minimize exposure of people, fish, and wildlife to pesticides.

VI. Report, respond to, and take action to correct all unregulated releases of substances hazardous to the environment.

8.4 Prevent and remediate discharge of petroleum products.

I. Minimize adverse impacts from potential oil spills by appropriate siting of petroleum off-loading facilities.

II. Demonstrate that an adequate plan for prevention and control of petroleum discharges is in place at any major petroleum-related facility.

III. Prevent discharges of petroleum products by following methods approved for handling and storage of petroleum products and using approved design and maintenance principles for storage facilities.

IV. Clean up and remove any petroleum discharge.
Undertake clean-up and removal activities in accordance with the guidelines contained in the New York State Water Quality Accident Contingency Plan and Handbook and the procedures specified in the New York State Water Quality Accident Contingency Plan and Handbook.

A. Give first priority to minimizing environmental damage:
1. Respond quickly to contain petroleum spills.
2. Contain discharges immediately after discovery.
B. Recover and recycle petroleum discharges using the best available practices.

8.5 Transport solid waste and hazardous substances and waste using routes and methods which protect the safety, well-being, and general welfare of the public and the environmental resources of the state; and protect continued use of all transportation corridors and highways and transportation facilities.

I. Solid and hazardous waste facilities should not be located within the coastal area unless there is a demonstrated need for waterborne transport of waste materials and substances.

II. If the need for a coastal location is demonstrated, preclude impairment of coastal resources from solid and hazardous waste facilities by siting these facilities so that they are not located in or would not adversely affect:
   A. agricultural lands
   B. natural protective feature areas
   C. surface waters, primary water supply, or principal aquifers
   D. designated Significant Coastal Fish and Wildlife Habitats
   E. habitats critical to vulnerable fish and wildlife species, vulnerable plant species, and rare ecological communities, and
   F. wetlands

PUBLIC WATERFRONT POLICIES

POLICY 9

Provide for public access to, and recreational use of, coastal waters, public lands, and public resources of the Coastal Area.

Explanation of Policy

Along many stretches of the coast physical and visual access to coastal lands and waters is limited for the general public. Limitations on reaching or viewing the coast are further heightened by a general lack of opportunity for diverse forms of recreation at those sites that do provide access. Often access and recreational opportunities that are available are limited to local residents. Existing development has made much of the coast inaccessible and new development has been eliminating remaining opportunities to provide meaningful public access. In addition to loss of opportunities for physical access, visual access has also been lost due to the loss of vantage points or outright blockage of views. In some locations, access along public trust lands of the shore has been impeded by long docks and shoreline fortification has led to physical loss of access. Use of the water surface has also been inappropriately impeded by long structures.

Existing public access and opportunities for recreation are inadequate to meet the needs of the residents of the State. Given the lack of adequate public access and recreation, this policy incorporates measures needed to provide public access throughout the coastal area. The need to maintain and improve existing public access and facilities is the first of these measures, and is necessary to ensure that use of existing access sites and facilities is optimized in order to accommodate existing demand. The second measure is to capitalize on all available

opportunities to provide additional visual and physical public access along with appropriate opportunities for recreation.

The policy is divided into five sections. The first section promotes physical access through protection of existing access and recreation facilities and provisions for additional physical access. Section 2 presents standards for protection and provision of visual access. Section 3 deals with the public trust doctrine as a critical component of ensuring public access to the coast. Standards to clarify and reinforce public trust rights are contained in this section. Section 4 addresses structures in public trust lands and waters. Section 5 provides standards to prevent the despoliation of natural areas when public access is developed.

9.1. Promote appropriate physical public access and recreation throughout the coastal area.

I. Provide a level of public access and type of recreational use which takes into account the following factors:
   - A. proximity to population centers
   - B. public demand for access and recreational use
   - C. type and sensitivity of natural resources affected
   - D. purpose of public institutions which may exist on the site
   - E. accessibility to the public access site or facility
   - F. the needs of special groups such as the elderly and persons with disabilities
   - G. the potential for adverse impacts on adjacent land uses

II. Provide convenient, well-defined physical public access to and along the coast for water-related recreation, for all seasons. (See Section IV, C Proposed projects, Improve Access for Winter Use.)

III. Protect and maintain existing public access and water-related recreation facilities.

   A. Prevent physical deterioration of facilities due to lack of maintenance or overuse.

   B. Prevent any on-site or adjacent development project or activity from directly or indirectly impairing physical public access and recreation or adversely affecting its quality.

   C. Protect and maintain established access and recreation facilities.

D. Protect and maintain the infrastructure supporting public access and recreational facilities.

IV. Provide additional physical public access and recreation facilities at public sites throughout the coastal area.

A. Promote acquisition of additional public park lands to meet existing public access and recreation needs.

B. Provide for public access and recreation facilities on non-park public waterfront lands as a secondary use.

C. Provide for public access at streets terminating at the shoreline.

D. Provide access and recreation facilities to all members of the public whenever access or recreation is directly or indirectly supported through federal or State projects or funding.

E. Retain a public interest which will be adequate to preserve public access and recreation opportunities in publicly owned lands immediately adjacent to the shore in any transfer of public lands.

This standard promotes expansion of a network of recreational opportunities through physical linkages that would establish greenways and blueways.

V. Provide physical public access to, and/or water-related recreation facilities on, coastal lands and waters whenever development or activities are likely to affect the public's use and enjoyment of public coastal lands and waters. Provide incentives to private development projects which provide public access and/or water-related recreation facilities.

VI Restrict public access and recreation only where incompatible with public safety and protection natural resources.

9.2 Provide public visual access to coastal lands and waters or open space at all sites where physically practical. (See Section IV.C. Proposed projects, #22)

I. Avoid loss of existing visual access.

A. Limit physical blockage of existing visual access by development or activities due to the scale, design, location, or type structures.

B. Protect view corridors provided by streets and other public areas leading to the coast.

C. Protect visual access to open space areas associated with natural resources.

II. Minimize adverse impact on visual access.

A. Provide for view corridors to the coast in those locations where new structures would block views of the coast from inland public vantage points.

B. Use structural design and building siting techniques to preserve or retain visual access and minimize obstruction of views.

C. Visual access requirements may be reduced where site conditions, including vegetative cover or natural protective features, block potential views.

D. Vegetative or structural screening of an industrial or commercial waterfront site is allowed if the resulting overall visual quality outweighs the loss of visual access.

III. Provide compensatory mitigation for loss of visual access.

A. Provide public visual access from vantage points on the site where development of the site blocks visual access from inland public vantage points.

B. Provide for additional and comparable visual access at nearby locations if physical access cannot be provided on-site.

IV. Increase visual access to the coast whenever practical.

A. Provide pull offs along public roads at appropriate locations to enhance opportunities for visual access to coastal lands and waters.

B. Provide interpretative exhibits at appropriate locations for visual access to enhance public understanding and enjoyment of views of coastal lands and waters and its associated water-dependent uses.

C. Provide visual access to areas of high visual quality including community waterfronts, water-dependent uses, agriculture, natural resources, and panoramas of the lake and the bay.

9.3 Preserve public interest in and use of lands and waters held in public trust by the state and other government levels.

I. Limit grants, leases, easements, permits or lesser interest in lands underwater in accordance with an assessment of potential adverse impacts of the proposed use, structure, or facility on public interest in public lands under water. Use the following factors in assessing potential adverse impact:

A. environmental impact

B. values for natural resource management, public recreation, and commerce

C. size, character, and effect of the transfer in relation to neighboring uses

D. potential for interference with navigation, public uses of waterway, and riparian rights

E. effect of the transfer of interest on the natural resources associated with the lands

F. water-dependent nature of use

G. adverse economic impact on existing commercial enterprises, and

H. consistency with the public interest for purposes of navigation and commerce, fishing, bathing, and access to navigable waters and the need of the owners of private property to safeguard development

II. Limit the transfer of interest in public trust lands to the minimum necessary conveyance of public interest.

A. Provide the minimum conveyance using the legal instrument, which results in the least abrogation of public interest.

B. Limit the physical extent of any conveyance to the minimum amount of land necessary.

III. Grants in fee of underwater lands are limited to exceptional circumstances.

IV. Retain a public interest in the transfer of interest in underwater lands, which will be adequate to preserve public access, recreation opportunities, and other public trust purposes.

V. Private uses, structures, or facilities on underwater lands are limited to those circumstances where ownership of the underwater lands or riparian interest has been legally validated either through proof of ownership of the underwater lands or adjacent riparian parcel, or by assignment of riparian interest by the riparian owner.

VI. Avoid substantial loss of public interest in public trust lands by assessing the cumulative impact of individual conveyances of grants, easements, and leases of public trust lands.

VII. Resume and re-establish public trust interests in existing grants which are no longer being exercised according to terms of the grant, or where the use is not in conformity with the public trust doctrine.

9.4. Assure public access along public trust lands above the line of mean low water.

A. Provide free and substantially unobstructed passage along public trust shorelands.

B. Interference with passage along the shoreline is limited to the minimum extent necessary to gain access from the upland to the water.

C. Provide passage around interferences on public trust lands through adjacent upland easements or other mitigation where public access is substantially impeded.

D. Require that all publicly owned land allow for perpendicular access to trust lands whenever compatible with the principal use of the public land.

E. Provide access to, and reasonable recreational use of, navigable waters and public trust lands under water.

F. Provide for free and unobstructed public use of all navigable waters below the line of mean high water for navigation, recreation, and other public trust purposes, including the incidental rights of public anchoring.

G. Allow obstruction of public use, including navigation, in navigable waters:

1. for water-dependent uses involving navigation and commerce which require structures or activities in water as part of the use

2. for commercial recreational boating facilities, provided that the loss of navigable waters and use of underwater lands is offset by sufficient public benefits

3. in order to gain reasonable access to navigable waters from riparian lands

H. Obstruction of navigable waters and underwater lands is limited:

1. to the extent that it interferes with commercial navigation the right of commercial navigation is superior to all other uses on navigable waters and may not be obstructed.

2. to the minimum necessary for access to navigable waters, which is determined by evaluating the following factors:
   a. the extent of the use's dependence on access to navigable waters
   b. the range of tidal water level fluctuation
   c. the size and nature of the body of water
   d. the nature of public use of the adjacent waters
   e. the traditional means of access used by surrounding similar uses
   f. whether or not alternative means to gain access are available

I. Piers, docking facilities, and catwalks must not result in an unnecessary interference with use of public trust lands. Alternatives to long piers or docks include use of dinghies to reach moored boats and mooring in nearby marinas, but generally not dredging to accommodate boat draft.

1. by extent and characteristics of the developable adjacent upland area and its ability to support in-water development for the water-dependent use

2. by potential adverse effects on natural resources and their uses, and

3. by potential adverse effects on public safety

J. Structures extending beyond the minimum necessary for access to navigable waters impair public trust interests and open space values associated with the water's surface. Allow such structures only in the following circumstances:

1. when necessary for practical and convenient operation of water-dependent industry or commerce, and provided that obstruction of commercial navigation does not result

2. for commercial recreational boating facilities provided that:

a) the loss of navigable waters and use of underwater lands is offset by sufficient public benefit, and

b) obstruction of commercial navigation does not result

3. when the principal purpose of the structure is necessary:

a) to provide public access for recreational uses

b) for improvements for navigation

c) for protection from coastal hazards, or

d) for essential public transportation and transmission facilities

9.5 Provide access and recreation, which is compatible with natural resource values.

I. Provide appropriate access and associated recreational activity that will avoid potential adverse impacts on natural resources. Use the following factors in determining the potential for adverse environmental effects:

A. intensity of the associated recreational, scientific, or educational activity.

B. level of likely disturbance associated with the proposed activity. The following types of access or associated activities are listed in decreasing order of potential for disturbance:

1. motorized activities

2. active, non-motorized activities, including water-dependent and water-related uses

3. passive activities

4. avoidance of the area

C. Sensitivity of the natural resources involved and the extent of the ecological benefits associated with avoidance of the area.

II. Limit public access and recreational activities where uncontrolled public use would lead to impairment of natural resources.

A. Establish appropriate seasonal limitations on access and recreation in order to minimize adverse impacts on fish and wildlife species.

B. Provide stewardship, which is capable of controlling, anticipated adverse impacts before providing public access.

C. Physically limit or avoid provision of public access to natural resource areas whose principal values are based on the lack of human disturbance.

D. Provide educational, interpretive, research, and passive uses of natural resources through appropriate design and control of public access and recreation.

III. Provide public access for fish and wildlife resource related activities, including fishing and hunting, provided that the level of access would not result in a loss of resources necessary to continue supporting these uses.

IV. Provide access using methods and structures, which maintain and protect open space areas associated with natural resources. Determine the extent of visual and physical impairment by structures extending through these open space areas based on:

A. the value of the open space as indicated by unfragmented size or mass of the wetland or other natural resources, distance to navigable water, and wetland value, and

B. the size, length, and design of proposed structures.

WORKING WATERFRONT POLICIES

POLICY 10

Protect water-dependent uses, promote siting of new water-dependent uses in suitable locations and support efficient harbor operation.

Explanation of Policy

The intent of this policy is to protect existing water-dependent commercial, industrial, and recreational uses and to promote their future siting in accordance with the reasonably expected demand for such uses. It is also the intent of this policy to foster orderly water use management to address the problems of conflict, congestion, and competition for space in the use of surface waters and underwater lands.

It is important for the Village of Sodus Point to consider water-dependent uses and facilities on or adjacent to the waterfront especially as associated with current and future use of near-water sites to Sodus Bay and Lake Ontario. Through the Village's zoning ordinance and the local law regarding docks and mooring regulation, development can occur that favors appropriate water-dependent and water enhanced development proposals. These regulations, especially the Village's docks and mooring law, have the potential to protect the natural environment, local community character and scenic resources as well as water-dependent uses of the Lake and the Bay.

There is a limited amount of available real estate along the waterfront area in the Village. Subsequently, any new development of these waterfront parcels must be carefully regulated and planned. Public access, water-dependent recreation and water-dependent commercial must be weighed against residential and environmental concerns. Existing water-dependent uses should be given preferential consideration for their waterfront locations. New water-dependent uses should respond to and respect existing residential areas and the quality of the environment. Development proposals should go further to stabilize and enhance, when practicable, qualities of view, water quality, habitat as well as public access. Public access includes both land-side use and water-side use as guaranteed by the Office of General Services (OGS).

Water-dependent uses in the Village include but are not limited to recreation; boat access, storage and servicing (e.g. marinas, docking, mooring areas, boat launches); and flood and erosion control structures. Water enhanced uses include commercial establishments, restaurants, and some recreation areas.

10.1. Protect water-dependent uses.

Water-dependent uses are activities that require a location in, on, over, or adjacent to a waterway because the activity requires direct access to the waterway (i.e. a marina) or the use of water (i.e., an industry which uses water for production or cooling purposes).

Actions should be avoided which would adversely impact or interfere with existing water-dependent uses.

In general, the following are considered to be water-dependent uses in the Village of Sodus Point:

- public and private marinas
- fishing piers
- swimming beaches
- yacht clubs

- boat yards
- commercial and recreational fishing facilities
- tour boat and charter boat facilities
- unloading and aggregate trans-shipment facilities
- waterborne commerce
- ferries
- marine educational or laboratory facilities
- water-related public and quasi-public utilities
- navigational aides

Much of the Village's bay front from Sodus Point Park to just south of Harriman Park is already devoted to water-dependant uses with the exception of residential development. These uses should remain as the predominant uses in this area. In addition, new water-dependent uses will be preferred along the Bay. New water enhanced uses as defined above will also be encouraged. If there is no immediate demand for a water-dependent or enhanced use, but a future demand can be reasonably foreseen, temporary non-water related uses may be allowed.

10.2. Promote the siting of new water-dependent uses at suitable locations and provide for their safe operation.

In general, water-dependent uses, such as marinas, should be located within urban or developed areas that contain concentrations of water-dependent commercial, industrial, or recreational uses and essential support facilities. Water-dependent uses should be discouraged from rural or undeveloped areas unless there is a lack of suitable sites within a nearby urban area and there is a demonstrated demand for the use, the use has unique locational requirements that necessitate a particular site, or the use is of a small scale and has the principal purpose of providing access to a waterway and is consistent with the character of the area.

Adverse impacts of new and expanding water-dependent uses should be minimized. Water-dependent uses should be sited in locations where:

- the need for dredging is minimized;
- waterside and landside access, as well as upland space for parking and other facilities, is adequate;
- the necessary infrastructure exists or is easily accessible, including adequate shoreline stabilization structures, roads, water supply and sewage disposal facilities, and vessel waste pump-out and waste disposal facilities; and
- water quality classifications are compatible.

Ensure that new or expanding marinas:

- incorporate marine services and boat repair, as feasible, to meet a range of boating needs;
- do not displace or impair the operation of water-dependent transportation, industry, or commerce;
- do not encroach upon navigation channels or channel buffer areas;
- incorporate public access to the shore through provisions, such as including access from the upland, boat ramps, and transient boat mooring;
- limit discharge of sewage by providing pump out facilities unless the State's Clean Vessel Act plan indicates that adequate pumpout facilities exist; and
- avoid or minimize adverse impacts on natural resources and existing neighborhoods and communities.

10.3. Improve the economic viability of water-dependent uses.

Many water-dependent uses often contain and are supported by non-water-dependent uses that are complementary and supportive to the water-dependent use and do not impair the ability of water-dependent uses to function. These non-water-dependent uses often mix compatibly with water-dependent uses, provide beneficial support, and positively affect the working waterfront character.

Non-water-dependent accessory or mixed use developments may be allowed, provided:

- accessory uses are subordinate and functionally related to the principal water-dependent use and contribute to sustaining the water-dependent use;
- mixed uses subsidize the water-dependent use and are accompanied by a demonstrable commitment to continue operation of the water-dependent use;
- uses are sited and operated so as not to interfere with the principal operation of the site for a water-dependent use; and
- uses do not preclude future expansion of a water-dependent use.

Locations that exhibit important natural resource values, such as significant resources, such as wetlands and fish and wildlife habitats, should be avoided.

Other uses may be incorporated in the waterfront, particularly water enhanced and marine support services, provided that these uses:

- improve the working waterfront and its character;
- do not interfere with the efficient operation of another water-dependent use;
- make beneficial use of a coastal location through siting and design; and
- increase public enjoyment of the waterfront.

10.4. Allow water-enhanced uses which complement or improve the viability of water-dependent uses.

In addition to water-dependent uses, certain uses which are enhanced by a waterfront location may be appropriate to locate along the shoreline, though not in a manner which would preclude future water-dependent uses. Water-enhanced uses are activities that do not require a location on the waterfront to function, but whose location on the waterfront could add to public enjoyment and use of the water's edge, if properly designed and sited. Water-enhanced uses are generally of a recreational, cultural, commercial, or retail nature.

Many water-dependent uses are often supported by water-enhanced uses that are complementary to the water-dependent use and do not impair the ability of water-dependent uses to function. Water enhanced uses should be compatible with water-dependent uses, provide beneficial support, and be a positive impact on the waterfront.

A water enhanced use could function on an inland site but would be more profitable and provide more enjoyment to users if located on the water. A water enhanced use must be open to the public (e.g., a restaurant, hotel, or complex of shops).

When determining if a water enhanced use is appropriate for siting along a waterfront, the following factors should be considered:

- The use would provide an economic incentive to prevent the loss of a water-dependent use.
- The use would be sited and operated so as not to interfere with water-dependent uses.
- The use would be sited in a manner which does not preclude future expansion of a water-dependent use.
- The activity makes beneficial use of a shoreline location through siting and design to increase public enjoyment of the waterfront and enhance community character.

10.5. Promote the efficient management of surface waters and underwater lands.

Lack of effective water use management contributes to congestion and competition for space within harbors, surface waters, and underwater lands. As a result, natural resources can be degraded and communities are not able to take advantage of tourism and economic growth opportunities.

To promote effective water use management, traditional land use planning techniques can be applied to the water surface in the following manner:

- To assure safety, vessel speed zones can be established and zones for bathing, water skiing, and other recreational uses should be located away from marinas or commercial boating facilities.
- Site marinas, in-water structures, and surface water so as not to encroach upon navigation channels and to minimize potential impacts on sensitive resources such as wetlands and fish/wildlife habitats
- Uses which are not water-dependent (i.e. decks and platforms) should not be allowed on or over surface waters.
- The establishment of future water use zones and the siting of in-water structures should be done in a manner, which minimizes potential impacts on sensitive resources such as wetlands and fish/ wildlife habitats.

Additionally, as per recommendations from the Greater Sodus Bay Harbor Management Plan, the intermunicipal agreement establishing the Great Sodus Bay Watershed Intermunicipal Committee should be modified by the participating municipalities to provide authority to the Committee to review and comment on land use decisions proposed within the Sodus Bay Harbor Management Area. Such review comments would provide a regional, bay-wide perspective to the local officials to help inform their decision-making. The Greater Sodus Bay Harbor Management Plan also recommends the creation of a Harbor Master position, which would advance the concept of a coordinated intergovernmental approach to better manage the water activities that take place on the Bay.

POLICY 11

Promote sustainable uses of living aquatic resources in coastal waters.

Explanation of Policy

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

The following guidelines should be considered relative to State and federal regulations as they relate to their consistency with the above policy.

Guidelines:

- Consideration should be made as to whether an action will impede existing or future utilization of the State's recreational fish and wildlife resources;
- Efforts should be made to increase access to recreational fish and wildlife resources while not leading to over utilization of any such resource or cause impairment of the habitat. Sometimes such impairment can be more subtle than actual physical damage to the habitat. For example, increased human presence can deter animals from using a habitat area.
- Any public or private sector initiatives to supplement existing stocks (e.g., stocking fisheries) or develop new resources (e.g., creating private fee-hunting or fee-fishing facilities) must be done in accord with existing State law; and
- An ecological study, to quantify as much as possible the ability of Sodus Bay's fish and wildlife to survive and flourish under current levels of boat traffic and shoreline and nearshore development, should be undertaken as part of any significant (e.g. SEQR designation) development proposal, or planning efforts.

POLICY 12

Protect agricultural lands.

The Village of Sodus Point has very little active agricultural land, the loss of which would not affect the production levels or crop availability of the region.

12.1 Establish and maintain favorable conditions, which support existing or promote new coastal agricultural production.

A. Promote new and maintain existing local support services and commercial enterprises necessary to support agricultural operations.

B. Provide economic support of existing agriculture by allowing mixed uses, which would assist in retention of the agricultural use.

C. Promote activities and market conditions that would likely prevent conversion of farmlands to other land uses.

1. Avoid activities which would likely result in real estate market conditions that would be unfavorable to continued agricultural use.

2. Promote activities, which protect and expand agricultural commodity markets.

12.2 Minimize adverse impacts on agriculture from unavoidable conversion of agricultural land or agricultural production to other land uses.

A. Minimize encroachment of commercial, industrial, institutional, or residential development of agricultural lands.

B. Retain or incorporate opportunities for continuing agricultural use.

POLICY 13

Promote appropriate use and development of energy and mineral resources.

This policy is divided into five sections. The first calls for conservation of energy resources. Section 2 addresses alternative energy sources. Section 3 provides standards to ensure maximum efficiency and minimum environmental impacts when siting energy facilities. Section 4 presents standards to minimize the impact of large fuel storage facilities. The last section addresses mineral extraction.

13.1 Conserve energy resources.

The Village of Sodus Point is configured in a concentrated manner where infrastructure and services are efficiently provided. Alternative modes of transportation are some ways that energy conservation can be achieved. In this regard, a number of trails projects are currently being considered within the context of the Wayne County Trails Master Plan Project funded in part by Trailworks Inc.

Guidelines:

- Whenever possible, multi-use trail systems which promote walking, biking and using muscle-powered means of mobility in the Village shall be encouraged. Site planning guidelines should include alternatives to use of personal cars where possible, especially within the close-in-residential/commercial precinct.

- Since railroad redevelopment is not feasible, the Village should work with Wayne County to develop the Wallington to Sodus Point trail along the old Penn-Central Rail right-of-way. Recreational Trails Program funding has been awarded for development of a multi-use trail along the former Penn Central Railroad Right-of-Way between Wallington and Sodus Point. In addition, trail development such as the right-of-way along the Wickham Boulevard should be developed as part of a local trails improvements project.

I. Promote energy efficient modes of transportation.

A. Promote and maintain facilities for waterborne cargo and passenger transportation.

B. Integrate access to mass transit facilities and, where feasible, provide secure bicycle parking and safe bicycle lanes in new development projects.

II. Plan and construct sites using energy efficient design. Energy efficient design includes consideration for solar utilization, protection from wind, and landscaping for thermal control.

III. Promote greater energy generating efficiency through design upgrades of existing facilities.

13.2. Promote alternative energy sources that are self-sustaining, including solar and wind powered energy generation.

I. Avoid interference with coastal resources and processes, including interference with migratory birds, from wind farm developments.

II. There are no existing hydroelectric power generation facilities in the Village of Sodus Point. There are also no sites where the benefits of developing hydroelectric generating facilities are not outweighed by the economic costs and the potential adverse impacts on natural resources.

13.3. Ensure maximum efficiency and minimum adverse environmental impact when siting major energy generating facilities.

I. Major energy generating facilities may be sited in a coastal location where a clear public benefit is established using the following factors:
   A. There is a demonstrated need for the facility.
   B. The facility will satisfy additional electric capacity needs or electric system needs,
   C. alternative available methods of power generation and alternative sources of energy cannot reasonably meet the public need.
   D. Upgrades of existing facilities cannot reasonably meet the public need.
   E. The facility incorporates feasible public recreational uses.

II. Achieve maximum transmission efficiency by siting major energy generating facilities close to load centers.

III. Preclude the potential degradation of coastal resources by siting and constructing new electric energy generating and transmission facilities so that they would not adversely affect:
   A. commercial navigation
   B. commercial and recreational fishing
   C. agricultural lands
   D. designated Significant Coastal Fish and Wildlife Habitats
   E. habitats critical to vulnerable fish and wildlife species, vulnerable plant species, and rare ecological communities
   F. wetlands
   G. historic resources, and
   H. scenic resources

13.4. Minimize adverse impacts from fuel storage facilities.

I. Prohibit the production, storage, or retention of petroleum products in earthen reservoirs.

II. Protect natural resources by preparing and complying with an approved oil spill contingency plan.

13.5 Minimize adverse impacts associated with mineral extraction.

I. Factors to be used in determining the appropriateness of a commercial mining operation include:
   A. compatibility with adjacent uses
   B. loss of use of the site for other potential uses
   C. alteration of coastal geological landforms
   D. impact on designated sole-source aquifers
   E. adverse impact on natural resources
   F. degradation of visual quality

II. Removal of soils and overburden requires appropriate site preparation and subsequent site reclamation in accordance with an approved plan for the suitable use of affected lands, including:
   A. drainage and water control to reduce soil erosion
   B. proposed future use of the affected lands, and
   C. specific activities, including:
      1. revegetation
      2. disposal of refuse or spoil
      3. drainage and water control features

4. grading and slope treatment
5. proposals for the prevention of pollution and the protection of the environment

III. Limit sub-aqueous sand and gravel extraction to activities necessary for navigation or erosion control.