

SECTION V TECHNIQUES FOR LOCAL IMPLEMENTATION OF THE PROGRAM

A. LOCAL LAWS AND REGULATIONS NECESSARY TO IMPLEMENT THE LWRP

1. EXISTING LAWS

The Village of Sodus Point is unique in its implementation of the LWRP in that the Village policies, sub policies and zoning have all been updated to reflect the intent of the long anticipated LWRP. In addition, as the corporate limits of the Village of Sodus Point are the land limits of the LWRP, no separate zoning regulations apply to parts of the community.

The Village of Sodus Point has in place the following local laws which affect and partially implement the purposes of the Local Waterfront Revitalization Program: Zoning (Revised in 1998 and 2006); the Flood Damage Prevention Law (1977); the Sewer Use Law (1976); the Sewer Rent Law (1976); and the Docks and Moorings Law (1986).

Zoning- Chapter 190

The current Zoning Law was amended in 1979 and again in 1998. The Zoning Law was designed to accomplish certain goals including the following:

- a. To give priority to water dependent uses within the Village
- b. To promote a healthy commercial center, this maintains a mix of uses and a suitable scale for the Village
- c. To protect the traditional scale and characteristics of the residential areas.
- d. To protect open space, natural features and conservation areas

The following zoning districts apply to properties within the LWRP:

R	Residential
MH	Mobile Home Park
LCR	Limited Commercial/Residential
WC	Waterfront/Commercial
I	Industrial
P	Public

N Natural Areas

The districts, illustrated on the Zoning Map, provide for the following:

- R Residential: Conventional single-family housing at current development densities.
- MH Mobile Home Park: Four or more manufactured homes on a single lot, or complexes of owned lots for the exclusive use of mobile/manufactured housing.
- LCR Limited Commercial/Residential: Allows multiple use of dwellings in areas on major thoroughfares along with various low-intensity uses such as small retail shops, crafts, professional offices, personal services and home occupations.
- WC Waterfront/Commercial: Water-dependent, water-enhanced, professional, general retail, tourist accommodations and visitor service businesses; this classification has special requirements for off-street parking, view protection, pedestrian circulation, dockage architectural design
- I Industrial: Conventional processing, manufacturing, storage, of raw materials and fabricated items; also would allow recreational vehicle parking, boat storage, agriculture and research facilities.
- P Public/Institutional: Land to be used as parks, walkways and/or public access.
- N Natural Areas: Provides land for natural areas.

In addition to the zoning districts, the Village’s Zoning-Law also provides for the following:

- Residential Cluster Development – In order to promote health and general welfare of the community and to preserve and make available open space, the Village Board may grant a developer the right to vary the residential density within a tract to be developed (but not maintained) under single ownership, leaving a substantial area free of building lots.
- Site Plan Review – Except for one and two-family dwelling units in approved subdivisions, no building permit or certificate of occupancy for a change in use of an existing premises may be issued except in accordance with specified standards and procedures. Factors considered in site plan review include: location, arrangement, size and design of buildings, lighting and signs; landscaping; stormwater drainage; pedestrian access and parking.

- Subdivision of Land – Property to be subdivided must be approved by the Planning Board in conformance with specified procedures, including design standards requirements. In case the lands sought to be shown upon the subdivision map are contiguous to the navigable waters of the state and have frontage on such waters, such map shall show the extension of the littoral property line or lines of such lots, plots, blocks, sites, or units from the intersections of said line or lines with the high water mark into said navigable waters of the state. Such map shall show sufficient data to define the location of the riparian/littoral area associated with such lots, plots, blocks, sites or units.

Flood Damage Prevention Law

This law, adopted in 1977, regulates construction in any area, which is designed as an “area of special flood hazard.” Although it does not prevent construction in these areas, it does a developer to obtain a variance and incorporates certain flood proofing and prevention measures, which are intended to minimize public and private losses due to flood conditions. The Village Building Inspector is responsible for administering this law and for granting or denying permits in accordance with its provisions.

Sewer Use Law

This law regulates the use of public and private sewers and drains, private sewer disposal, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer systems. In addition, the Sewer Rent Law establishes a schedule of rates for sewer service based on the type of use. Fees collected are applied to the cost of operation and maintenance of the Village Sewer Works.

Docks and Mooring Law

The Docks and Moorings Law of the Village of Sodus Point, Chapter 86 enacted in 1986 and substantially amended in 1999, establishes comprehensive controls for the construction, installation, and locations of docks, piers, boathouses, structures, and mooring buoys. This law provides for the appointment of a Docks and Mooring Inspector by the Mayor, with subsequent approval by the Board of Trustees, and for the inspection of all docks and moorings in the Village, and the collection of an annual fee. The inspector examines all permit applications for all docks, structures, piers, etc. within 1500 feet from the shoreline.

Except for docks extending less than 60 feet from the shoreline and less than 60 feet in total length, a dock or mooring permit must be obtained by approval from the Village Zoning Board of Appeals (ZBA). Specifications for docks in the Law call for a width of 2.5 to 8 feet and a 10 foot clearance from adjacent property lines. Additional width is obtained only through a Special Permit issued by the ZBA.

The number of docks permitted by right in a residential zone is one for the first 75 feet of lot width plus one additional for each additional 75 feet of lot width. Docks and piers shall be straight or T-shaped and extend at right angles to the shoreline where practicable. For properties zoned for business or industrial use, up to 4 docks are permitted per lot. Additional docks may be allowed with a Special Use Permit from the ZBA. The number and configuration of docks and piers shall be determined on a case-by-case basis considering the location, limiting natural features of the site, and demonstrated need for such docks.

Mooring buoys are permitted only in connection with a littoral parcel and must be within 20 feet of property line extensions and less than 100 feet from the shoreline. One mooring buoy is permitted per littoral parcel. No permit is required for mooring buoys within the federally designated special anchorage areas.

Under the Docks and Moorings Law, deicers are not permitted within 300 feet of a public access area. In addition, all deicers must be set to create an open water area of no more than 20 feet from the structures being protected. Finally, all areas with deicing must be marked with specified signage, not less than four feet by four feet which displays lettering in blaze orange in letters not less than six inches in height, which states: "Caution: Open Water." Nighttime warnings consist of flashing amber light, which can be seen from the water side a minimum distance of 500 feet.

Waterfront Consistency Review Law

The Waterfront Consistency Review Law requires that all Village personnel, officials, boards, agencies and committees act consistently with the policies and purposes of the Village of Sodus LWRP, and amendments made thereto. (See Appendix A)

2. LAWS RECOMMENDED FOR ADOPTION/CHANGE TO MAXIMIZE CONSISTENCY WITH LWRP

Zoning Chapter 190 Amendment

Dry Rack Storage. Current requirements for commercial marinas within the WC Zoning District include a maximum height of 35 feet, maximum lot coverage of 40% and a minimum setback from the shoreline (front setback) of 25 feet.

To address a deficiency regarding the use of dry rack storage, the following additional provisions are recommended to allow and encourage the use of dry rack storage while protecting adjacent land uses:

Dry Stack Boat Storage Definitions Storage of boats in a vertical rack system, outdoors or within an enclosed or semi-enclosed building, providing storage of at least two layers of boats.

Under District Uses:

- Dry stack boat storage permitted as:
 - a stand-alone warehouse use – permitted in the I (Industrial) zone of the Village of Sodus Point.
 - an accessory use to a marina – permitted in the WC (Waterfront Commercial) zone of the Village of Sodus Point.
- Parking Requirement:
 - Minimum of one off-street parking space per four dry storage units required in addition to requirement for other on-site uses.
- Setbacks/Buffers:
 - Setbacks for dry stack boat storage from any abutting residential property line shall be 2.75 times the height of the structure if enclosed or 2.75 times the height of the highest point of any stored vessels if unenclosed.
 - To protect the visual appearance of the shoreline, as viewed from the water and from adjacent upland areas, dry rack storage facilities should be set back from the water's edge a minimum distance of 400 feet.
 - Buffering and architectural treatment of any dry stack boat storage facility shall be such as to be consistent with the surrounding land uses and with adequate, nearly opaque, vegetative and other screening to minimize visual impacts of the facility and its operation. Architectural treatment and buffering shall be at the discretion of the Planning Board in the Village of Sodus Point under its authority to grant Site Plan approval.
 - Projects utilizing dry stack boat storage shall be designed so that the use of noise-generating equipment, such as forklifts, or activities, such as boat repairs, are located as far from adjacent residential property lines as feasible to lessen impacts to residents. In no case shall such activities occur within the required setback from any adjacent residential property line.

It is believed that incorporation of the above recommended definitions and standards will allow for and encourage the use of dry rack storage while protecting the neighborhood within which they may occur.

Docks and Moorings Law Amendment

The *Great Sodus Bay Harbor Management Plan* recommends that communities around the Bay establish uniform regulations regarding the use of deicing equipment. Implementation will

require the passage of resolutions in the Village of Sodus Point (and the Town of Huron) to amend their existing docking and mooring ordinances consistent with the recommendations. During the winter season, nighttime visibility should be assured through the use of reflectors instead of a blinking light, which has been found to detract from the aesthetics of the Bay.

The *Great Sodus Bay Harbor Management Plan* also recommends uniform standards for docks, moorings and other in-water structures for the three municipalities bordering Sodus Bay -- while allowing for differences in administrative structure and implementation. At present, the Village of Sodus Point and the Town of Huron have docking and mooring laws while the Town of Sodus does not. Implementation of the recommended requirements requires amendment of the existing Village of Sodus Point Docks and Moorings Law.

The substantive areas should include specification of the number of docks and boat slips permitted based upon water frontage and land use, the minimum setback from property line extensions, the maximum length and surface area of structures, and regulation of boathouses and deicers.

The following substantive standards are recommended in each of these areas:

- 1. The maximum number of docks and boat slips per parcel** is based upon length of water frontage and adjacent land use. In each case, a mooring may be substituted for a permitted boat slip on a one-for-one basis.

For Residential land uses:

Up to 25 feet:	1 boat slip, 1 dock
25.01 feet to 50 feet:	2 boat slips, 1 dock
50.01 feet to 100 feet:	3 boat slips, 1 dock
100.01 feet to 150 feet:	4 boat slips, 2 docks
150.01 feet to 200 feet:	5 boat slips, 2 docks.
> 200 feet	+1 slip per 50 feet + 1 dock per 100 feet

Non-Residential

(Note that the maximum number of slips is subject to all other land use and zoning restrictions, including parking requirements.)

Yacht Clubs and Marinas:

Requires minimum 200 feet:	
200 feet to 250 feet:	total of 75 boat slips and/or moorings

> 250 feet	+20 slips and/or moorings per 50 feet
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Restaurants:

Requires minimum 100 feet:	
100 feet to 150 feet:	up to 20 boat slips
150.01 feet to 200 feet	up to 30 boat slips
> 200 feet	+10 slips per 50 feet to maximum of 25% of the seating capacity

2. Minimum setbacks from property line extensions:**

- 10 feet for residential uses abutting another residential use
- 30 feet for non-residential use property abutting a residential use property
- 15 feet for a non-residential use abutting another non-residential use

***The minimum setbacks apply to the docking structures only and not to the vessels berthed at the docks. These setbacks also apply to moorings and should be based upon the closest point at which a moored vessel can be to the property line extension. Methods for determining property line extensions can vary among the municipalities, but should be consistent with at least one of the methods recommended by the NYS Office of General Services.*

3. Maximum dock lengths and surface areas.

Each permitted dock associated with a residential lot shall not exceed a total of eight hundred (800) square feet, including walkways. For the purposes of this section, width is measured parallel to the mean high water line; length is measured perpendicular to the mean high water line.

- (i) The main walkway of a dock is the section extending from the mean high water line toward the navigable water of the Bay. The main walkway shall not exceed a maximum width of eight (8) feet as measured parallel to the mean high water line. The surface area of the portion of the main walkway that extends from the mean high water mark towards the navigable water of the Bay shall constitute no less than fifty (50) percent of the total surface area of the dock and associated structures.
- (ii) No part of the dock or associated structures and equipment shall extend beyond a line or curve drawn parallel to the mean high water mark at a distance of sixty (60) feet from the mean high water line toward the navigable water of the Bay.

- (iii) If the water depth is less than three (3) feet as measured from the mean low water level at the "sixty (60) feet line" referenced in (ii), the maximum length of the dock may be extended to reach the underwater elevation level of 240.3 feet IGLD 85 (established by a mean low water elevation of 243.3 feet minus 3.0 feet)). Under no circumstances may any part of the dock or associated structures extend beyond a line drawn 100 feet from the mean high water line nor may the total surface area exceed eight hundred (800) square feet.
- (iv) The use of fingers, "T" or "L" shaped appendages are permitted in any configuration from the main walkway of the dock to form boat slip spaces. Such appendages must be set out in the water a minimum of 20 feet where the main dock walkway meets the mean high water line. The total surface area of all such appendages shall not exceed 300 square feet per dock.

4. Boathouses.

Not permitted. See section on "non-conforming structures" regarding existing boathouses.

5. Deicers.

Requires a permit. Allowed if setback is at least 300 feet from public access areas. Open water around structures limited to 20 feet. Day signage and nighttime visibility required. Nighttime visibility to be provided through the use of red reflectors meeting US DOT requirements.

6. Pre-Existing Non-Conforming Structures.

Pre-existing, non-conforming structures subject to regulation under the above provisions are grandfathered and may remain in use until such time the structure is damaged beyond 50% of the replacement cost or otherwise becomes unusable. At such time the facility shall be made to conform to the adopted Docking and Mooring Law provisions.

B. STATE FUNDING SOURCES TO IMPLEMENT THE LWRP

Environmental Protection Fund

The Environmental Protection Fund (EPF) is a State program that offers matching grant funds for waterfront planning and development projects, parks and recreation improvements, and historic preservation projects. Funds can be used for planning and design services, for land acquisition and for the construction of project improvements. The Department of State and the

Office of Parks, Recreation and Historic Preservation both distribute EPF funding, typically on an annual basis. The EPF criteria for recreation projects favor proposals that would provide additional water-based recreation opportunities or access to water-based sites.

1996 Clean Water/Clean Air Bond Act

The Bond Act passed by State voters in November of 1996 provides a variety of opportunities for communities to obtain grants for clean water/clean air projects. One specific component of the Bond Act that would apply to the Village's waterfront area enables the State of New York to provide grants to a municipality for a park or heritage area project that:

- a) develops, enhances or expands public access to a water body
- b) promotes water based recreation
- c) enhances the natural cultural or historic aspects of the water body
- d) preserves historically significant projects or sites. The New York State Office of Parks, Recreation and Historic Preservation administers this component of the Bond Act.

A second component of the 1996 Bond Act provides resources for the Department of Environmental Conservation and the Office of Parks, Recreation and Historic Preservation to purchase land or conservation easements for parcels that develop, expand or enhance water quality protection or public access to water bodies.

State Legislature 'Member Items'

Members of the state legislature have access to significant funding for projects they deem as important in their local districts. State legislators should be kept informed about the community's vision and funding needs for various projects.

C. FEDERAL FUNDING SOURCES TO IMPLEMENT THE LWRP

Transportation Equity Act for the 21st Century (TEA-21)

In 1991, the U.S. Congress passed the Intermodal Surface Transportation Efficiency Act (ISTEA) requiring that bicycle and pedestrian transportation projects be included in metropolitan transportation plans. ISTEA significantly increased funding for such projects. The Transportation Equity Act for the 21st Century (TEA-21) increases funding for bicycle and pedestrian transportation projects beyond those provided in ISTEA. Most federal funding programs provide 80% of the total amount for trail development and require 20% local matching funds.

Transportation Enhancement Program

The Transportation Enhancement Program (TEP) has been and continues to be the most common funding source for trail projects. This program requires states to utilize 10% of their

Federal Surface Transportation Program allocation for enhancing the transportation system. TEA-21 spells out eligible purposes, which include bicycle and pedestrian facilities, as well as historic preservation, scenic beautification and others. It is anticipated that there will be TEP funding through 2010. Unique among federal transportation programs, the TEP permits the non-federal match to be in-kind contributions; all other programs require cash match.

Hazard Elimination Program

The purpose of the Hazard Elimination Program is to identify and correct locations that may constitute a danger to motorists, bicyclists and pedestrians. These funds can be used for trail development, where it is documented that use of the roadways has resulted in a significant number of accidents involving cycling and/or pedestrians.

Surface Transportation Program

This program typically focuses on road construction, reconstruction and repair. However, a permitted use of STP funds is the development of transportation facilities in conjunction with road projects. STP funds can also be used for maps, brochures and public service announcements.

National Highway System Funds

NHS funds can be used to develop multi-use trails and shoulder improvements in highway corridors, including interstate highways.

D. LOCAL GOVERNMENT FUNDING SOURCES TO IMPLEMENT THE LWRP

Wayne County and Village government will be required to provide matching funds and/or in-kind contributions for all State (50% match) and federal grants (20% match). They can, of course, choose to take on project planning and construction with their own funding, if unsuccessful with State and federal funding applications.

Village, Town and County Parks/Transportation Works Department

Village staff members, along with elected and appointed officials, should build local interest in the designated LWRP projects and develop funding proposals. Staff time will often provide in-kind contributions toward the local matching funds required.

Private and Non-Profit Sector Involvement

Building partnerships with members of the local business community and any non-for-profit is critical to long-term successful project development efforts. Leaders of the business community are key volunteers and leaders in the non-profit sector. The leadership of business

representatives will strengthen grant applications and sometimes provide a source of matching funds for the local portion of State and federal grants.

E. FUNDING SOURCES BY PROJECT TYPE

A hierarchy of funding sources could be tapped to provide the one time funding for capital and marine infrastructure improvements. These include:

1. Grant Programs such as those administered by the NYS Department of State (DOS) and the Office of Parks, Recreation and Historic Preservation (OPRHP) under the Environmental Protection Fund. These are generally matching funds granted to preserve, rehabilitate, restore or acquire lands, waters or structures for park, recreation, conservation or preservation purposes.
2. One time Congressional appropriations or NYS Assembly/Senate “member items”. These are generally for one-time, high visibility expenditures meeting a community need.
3. Bonding directly by local governments, perhaps utilizing a Section 190 Harbor Improvement District for repayment.

Funding sources that could provide support for items needing continuous expenditures:

1. General municipal and/or county tax revenues (general fund).
2. User fees for launch sites, public pier docking and, as demand grows, transient-use moorings.
3. User fee assessed on a per dock basis for commercial and/or residential docks.
4. Section 190 Harbor Improvement Districts set up within each municipality.