

# Village of Sodus Point Local Waterfront Revitalization Program

Adopted:  
Village Board, June 5, 2006

Approved:  
Acting NYS Secretary of State Frank P. Milano, December 28, 2006

Concurred:  
U.S. Office of Ocean and Coastal Resource Management, April 17, 2008

This Local Waterfront Revitalization Program (LWRP) has been adopted and approved in accordance with provisions of the Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Executive Law, Article 42) and its implementing regulations (6 NYCRR 601). Federal concurrence on the incorporation of this Local Waterfront Revitalization Program into the New York State Coastal Management Program as a routine program change has been obtained in accordance with provisions of the U.S. Coastal Zone Management Act of 1972 (P.L. 92-583), as amended, and its implementing regulations (15 CFR 923).

The preparation of this program was financially aided by a federal grant from the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Management, under the Coastal Zone Management Act of 1972, as amended. Federal Grant No. NA-82-AA-D-CZ068.

The New York State Coastal Management Program and the preparation of Local Waterfront Revitalization Programs are administered by the New York State Department of State, Division of Coastal Resources, One Commerce Plaza, 99 Washington Avenue, Albany, New York 12231.



STATE OF NEW YORK  
**DEPARTMENT OF STATE**  
41 STATE STREET  
ALBANY, NY 12231-0001

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George E. Pataki  
Governor

Christopher L. Jacobs  
Secretary of State

December 28, 2006

Honorable Michael Sullivan  
Mayor  
Village of Sodus Point  
8356 Bay Street  
PO box 159  
Sodus Point, NY 14555

Deay Mayor Sullivan:

I am pleased to inform you that I have approved the Village of Sodus Point Local Waterfront Revitalization Program (LWRP), pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. Everyone who participated in the preparation of this program is to be commended for developing a comprehensive management program that promotes the balanced preservation, enhancement, and utilization of the Village's valuable waterfront resources.

I am notifying State agencies that I have approved your LWRP and am advising them that their activities must be undertaken in a manner consistent, to the maximum extent practicable, with the program.

I look forward to working with you as you endeavor to revitalize and protect your waterfront. If you have any questions, please contact George R. Stafford, Director of our Division of Coastal Resources at 518-474-6000.

Sincerely,

A handwritten signature in black ink, appearing to be "C. L. Jacobs", written in a cursive style.

Christopher L. Jacobs  
Secretary of State

CLJ:lt\gn



APR 17 2008

Mr. George R. Stafford  
Director, Division of Coastal Resources  
New York State Department of State  
Division of Coastal Resources  
99 Washington Avenue – Suite 1010  
Albany, New York 12231-0001

Dear Mr. Stafford:

Thank you for the New York Division of Coastal Resources' December 14, 2007 request that the Village of Sodus Point Local Waterfront Revitalization Program (LWRP) be incorporated into the New York Coastal Management Program (CMP). You requested that the Village of Sodus Point LWRP policies described below be incorporated as routine program changes (RPCs), pursuant to Coastal Zone Management Act (CZMA) regulations at 15 C.F.R. part 923, subpart H, and Office of Ocean and Coastal Resource Management (OCRM) Program Change Guidance (July 1996). OCRM received the request on December 20, 2007, and OCRM's decision deadline was extended until March 31, 2008.

Based on our review of your submission, we concur, with the exceptions described below, that the incorporation of the Village of Sodus Point LWRP is an RPC and we approve the incorporation of the LWRP policies and policy standards as enforceable policies of the New York CMP. Federal Consistency will apply to the approved policies only after you publish notice of this approval pursuant to 15 C.F.R. § 923.84(b)(4). Please include in the public notice the list of enforceable policies provided in this letter, and please send a copy of the notice to OCRM.

### **CHANGES APPROVED**

See enclosed list of the changes incorporated into the New York CMP.

### **CHANGES NOT APPROVED**

Policy Standard 13.2, V. relates to the siting of hydroelectric power generating facilities. Any policies regarding such siting are preempted by the Federal Power Act under the jurisdiction of the Federal Energy Regulatory Commission. OCRM does not approve the incorporation of this statement as an enforceable policy.

### **QUALIFICATIONS**

The Village of Sodus Point LWRP policies and policy standards include supporting language that occasionally refers to rules and regulations, standards, management measures, plans, etc. After conferring with NYSCMP staff, OCRM confirmed that the supporting language is intended



to detail the means for implementing the LWRP policies. Therefore, any regulations and standards found within the supporting language represent enforceable mechanisms or guidance for implementing the policies rather than enforceable policies in their own right.

**PUBLIC AND FEDERAL AGENCY COMMENTS**

OCRM received no comments on this RPC submission.

Thank you for your cooperation in this review. Please contact Carleigh Trappe at (301) 713-3155, extension 165, if you have any questions.

Sincerely,  
  
John King, Chief  
Coastal Programs Division

Enclosure: Policies Approved and Incorporated into the New York CMP

Enclosure to OCRM's April 17, 2008 Approval of the Incorporation of Changes to  
the NEW YORK COASTAL MANAGEMENT PROGRAM

Changes marked with an asterisk (\*) are incorporated into the NEW YORK COASTAL MANAGEMENT PROGRAM, but do not contain enforceable policies that can be used for Federal Consistency.

Name/Description of State or Local Law/Regulation/Policy/Program Authority	State/Local Legal Citation	Date Adopted by State	Date Effective in State
<b>ADDED:</b>			
Village of Sodus Point Local Waterfront Revitalization Program (LWRP)*	Village of Sodus Point LWRP document	12/28/2006	12/28/2006
Foster a pattern of development in the coastal area that enhances community character, preserves open space, makes efficient use of infrastructure, makes beneficial use of the coastal location, and minimizes adverse effects of development	Village of Sodus Point LWRP document, Waterfront Revitalization Policy 1 and Policy Standards 1.1 – 1.5	12/28/2006	12/28/2006
Preserve historic resources of the Coastal Area	Village of Sodus Point LWRP document, Waterfront Revitalization Policy 2 and Policy Standards 2.1 – 2.3	12/28/2006	12/28/2006
Enhance visual quality and protect outstanding scenic resources	Village of Sodus Point LWRP document, Waterfront Revitalization Policy 3	12/28/2006	12/28/2006
Minimize loss of life, structures, and natural resources from flooding and erosion	Village of Sodus Point LWRP document, Waterfront Revitalization Policy 4 and Policy Standards 4.1 – 4.6	12/28/2006	12/28/2006
Protect and improve water resources	Village of Sodus Point LWRP document, Waterfront Revitalization Policy 5 and Policy Standards 5.1 – 5.5	12/28/2006	12/28/2006
Protect and restore ecological resources including significant fish and wildlife habitats, wetlands, and rare ecological communities	Village of Sodus Point LWRP document, Waterfront Revitalization Policy 6 and Policy Standards 6.1 – 6.3	12/28/2006	12/28/2006
Protect and improve air quality in the coastal area	Village of Sodus Point LWRP document, Waterfront Revitalization Policy 7 and Policy Standards 7.1 – 7.3	12/28/2006	12/28/2006
Minimize environmental degradation in the Coastal Area from solid waste and hazardous substances	Village of Sodus Point LWRP document, Waterfront Revitalization Policy 8 and Policy Standards 8.1 – 8.5	12/28/2006	12/28/2006
Provide for public access to, and recreational use of, coastal waters, public lands, and public resources of the coastal area	Village of Sodus Point LWRP document, Waterfront Revitalization Policy 9 and Policy Standards 9.1 – 9.5	12/28/2006	12/28/2006
Protect water-dependent uses, promote siting of new water-dependent uses in suitable locations and support efficient harbor operation	Village of Sodus Point LWRP document, Waterfront Revitalization Policy 10 and Policy Standards 10.1 – 10.5	12/28/2006	12/28/2006
Promote sustainable use of living aquatic resources in coastal waters	Village of Sodus Point LWRP document, Waterfront Revitalization Policy 11	12/28/2006	12/28/2006

VILLAGE OF SODUS POINT  
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## **SECTION I WATERFRONT REVITALIZATION AREA BOUNDARY**

### Waterfront Revitalization Boundary

The Village's Waterfront Revitalization Area (WRA), as related to the Local Waterfront Revitalization Plan, includes the entire incorporated Village, which is bounded to the north by Lake Ontario and to the east by a line that runs south from Sand Point, through Sodus Bay to the southern-most extent of the Village near South Shore Drive. The southern boundary of the Village is defined primarily by the centerlines of Morley Road, State Route 14, Bayview Drive and a line to the southeast that approximates a centerline between Bayview Drive and an intersection of South Shore Drive. To the southwest, the Village boundary parallels the former Penn Central Railroad. The Village line is west and approximately parallel to the former rail corridor and varies from 125'-300' to the edge of the rail right-of-way. The westerly edge of the Village is also defined by the southern property boundaries of land parcels on Margaretta Road. Portions of the westerly Village boundary conforms to the centerlines of North and Margaretta Roads and an alignment with various property lines between Lake Road and Margaretta Road. (See [Map A](#) entitled Waterfront Revitalization Area Boundary).

The waterside boundary for the WRA extends 1500' into Lake Ontario parallel to the shoreline of the Village limits to the north. The waterside boundary also extends 1500' beyond the shoreline to the east of the Village into Sodus Bay.

## **SECTION II INVENTORY AND ANALYSIS**

### **I. REGIONAL SETTING AND COMMUNITY CHARACTERISTICS**

#### **A. LOCATION**

The Village of Sodus Point is located in Wayne County, New York, approximately 35 miles east of the City of Rochester. The Village is bounded on the north by Lake Ontario and on the east by Sodus Bay. On the west and south, the Village abuts the Town of Sodus. The Village of Sodus Point is two square miles (960 acres) in area, with a permanent population of approximately 1,200. It is the primary settlement area on Sodus Bay.

Although it is less than an hour from metropolitan Rochester, the Village retains much of its historic character. The active recreational waterfront on Lake Ontario and Sodus Bay is a counterpoint to the less developed upland neighborhoods, and areas of wooded and hilly land at the outer perimeter of the Village.

The Village of Sodus Point via Sodus Bay offers significant opportunities for access to Lake Ontario. Fishermen from throughout of the Northeast and parts of the Midwest travel to Sodus Point for excellent Lake Ontario sport fishing. Swimming, water skiing, ice fishing, hunting, boating, bird watching, and sightseeing also draw vacationers from a large region. As a result, tourism plays a significant role in the Village's economy.

#### **B. POPULATION AND HOUSING**

The following statistics about the Village of Sodus Point from the 2000 Census highlight some characteristics of the community.

The community residential population varies throughout the year. Year-round homeowners make up approximately 50% of the total home ownership. Thirty-five percent of all homes are seasonally unoccupied, with 15% of the housing units being rented. 60% of the residents lived in the same household in 1990 as they did in 1985, with families making up 70% of total households. Twenty two percent of the families have children under 18 years old resulting in over 264 children in the Village of Sodus Point attending primary and secondary schools.

Sixty-two (62%) percent of the work force commute between 10 minutes and one hour to work. Twelve (12%) percent commute longer than one hour, and four (4%) percent work at home.

Median family income and housing prices are higher than other Wayne County communities. The median household income is \$41,272 and the median owner occupied home value is \$84,900.

The housing stock has a median age of 54 years. Five (5%) percent of the housing units were built between 1985 and 1990. Fifty-six (56%) percent were built before 1939, with ninety nine (99%) percent connected to public sewers.

### **C. GOVERNMENT**

The Village of Sodus Point is an incorporated village. An elected Mayor and four Village Boards of Trustees govern it. There are five Village Departments: Clerk/Treasurer, Highway, Water, Sewer, and Recreation. Parks are managed by the Highway Department. State law provides for the Village Board to approve Comprehensive Plans, adopt or amend Zoning Laws, and enact special regulations to protect community health, safety and welfare.

In this regard, the Village has appointed Planning and Zoning Boards. The Planning Board is responsible for long-range planning and development review. The Zoning Board of Appeals (ZBA) hears appeals regarding zoning regulations and may vary development and design standards for reasons of practical difficulty and undue hardship. The ZBA also issues special use permits for development activities which can only be approved if found to be appropriate and compatible with their surroundings. There is a code enforcement officer who inspects construction for compliance with zoning and building codes. The Village also has adopted other land use related laws covering: outdoor entertainment, noise, dock and moorings, flood protection, parks, sewer use, vehicles and traffic, fire and building codes.

### **D. LAND USE AND ZONING**

The first Village ordinance, enacted in 1958 regulated various types of land use, public safety, and health, but did not include zoning or other types of planning legislation enabled by State laws. In April of 1964, a Planning Board was created. The first Zoning Map and Zoning Laws were adopted in November of 1969. A zoning map was updated and modified in 1998. (See [Map B - Zoning](#)). The original zoning map and zoning law was initiated by the completion of a Comprehensive Development Plan and Model Zoning and Subdivision Ordinance, by the Planning firm of Brown and Anthony in February 1968.

The 1968 Comprehensive Development Plan contained individual plans for the Town of Sodus, and the Village of Sodus Point. The Development Plan contained the following recommendations for the Village of Sodus Point, many of which continue to be appropriate today:

1. No development should occur in flood plains, or wetlands.
2. Conversion from a seasonal to year-around economy was desirable.
3. Promotion of tourism.
4. Development of commercial frontage along Bay and Greig Streets.

5. Industrial development of lands west of First Creek and Second Creek, south of Sentell Street to the Village line.
6. Upgrading property maintenance, controlling signs, and improving the aesthetics of existing and new development with landscaping.
7. Planting street trees along Village rights-of-way.
8. From Clover Street to the (then) Railroad Trestle, proposed water enhanced commercial development.

The current Zoning Ordinance closely resembles the model prepared by Brown and Anthony. The Zoning Board of Appeals was created to administer the Zoning Regulations, when adopted in 1969. A Building Code Administration Law was adopted in 1970. The current Zoning Ordinance was readopted in 1979 and modified again in 1998. The new zoning law was designed to accomplish certain goals including the following: 1) to give priority to water dependent uses within the Village, 2) to promote a healthy commercial center which maintains a mix of uses and a suitable scale for the Village, and 3) to protect the traditional scale and characteristics of the residential areas. (See [Map B - Zoning](#)).

#### **E. COUNTY AND REGIONAL PLANS**

There have been several plans and studies of the County and region, which have addressed the development of the Village of Sodus Point. A separate Wayne County Trails Master Plan has tentatively identified enhancement of recreational opportunities in the Village of Sodus Point as a primary goal. The Village was also included in a regional study of the Seaway Trail.

Wayne County performs several coordinating functions, which may affect future development in the Village. The County has prepared an Agricultural Preservation Plan and a County- Wide Economic Development Strategy. The County has ongoing responsibilities to develop parks and trails, promote tourism and economic development, obtain grants, review development proposals, coordinate sewer and water improvements, and improve water quality. The Village is also a part of a County Water Quality Initiative. Since 1991, a County Water Quality Coordinating Committee (WQCC) has been identifying water quality impairments throughout the County. A monitoring station has been installed in Glenmark Creek to test water quality entering the Bay. A cooperative effort between the WQCC, Soil and Water Conservation District, Save our Sodus (SOS) and SUNY Brockport has also been monitoring water quality and fisheries in Sodus Bay.

## **F. RECENT LOCAL INITIATIVES**

Questionnaires have been sent out by the Planning Board over the past ten years to solicit opinions from residents and property owners about such issues as expanded commercial and industrial development, historic preservation, public docks, noise regulations, property maintenance, tourism promotion, recreational opportunities, and revenue generation. In addition, several focus groups related to residential and commercial development, parks and recreation and fishing/boating activities were initiated as part of a Village Master Plan in 1995-96.

Several of the most successful projects have been the result of local initiatives. The Lighthouse Museum originated from the interest of a Sodus Point Museum Committee in 1972. In 1979 this group incorporated as the Sodus Bay Historical Society. In 1984, the Society entered into a 25- year renewable lease with the Town of Sodus for the Lighthouse, which became its home and has been maintained/enhanced for the benefit of the public since. The society sponsors concerts, with the financial support of local merchants and foundations. They also help sponsor the 4th of July celebration, Arts and Crafts Shows and other related events. The Fire Department, Methodist Church, Town Chamber of Commerce, Neighborhood Association of Sodus Point and the Yacht Club have annually sponsored other events such as the Carnival, Sportsman Show, Antique Boat Show, and regattas.

The Neighborhood Association of Sodus Point raised the necessary funds then organized the community to participate in the installation of a state-of-art playground system in Willow Park.

The Greater Sodus Bay Association (GSBA) participated in the Sodus Point Movie night held at Oscar Fuerst Park (Sodus Point Ball field). 2002 was the first year for the movie night, but based on public feedback it may become an annual event. The movies are geared for children and are run at dusk. Karaoke and vendors add to the charm of the event.

Save our Sodus (SOS) has grown to over five hundred members in the year 2002. As one of their many deeds they recently purchased a weed harvester for the control of weeds in Sodus Bay. GSBA and SOS have been involved with the evolution of the Inter-municipal Harbor Management Plan. They have been working with the municipalities surrounding the bay, Syracuse University, State and County Officials and the various regulatory agencies with the primary purpose of making the bay a cleaner/better bay for our children.

## **G. RECENT DEVELOPMENT ACTIVITIES**

There has been recent investment in marinas, restaurants, hotels and recreation. Although, there has been some new housing, principally along the shorefront, the majority of building is reconstruction of existing structures or complete teardowns of one or more structures to build a larger home. The Town of Sodus with the Village of Sodus Point and funding from the Department of State recently completed the development of improved parking, an informational kiosk, landscaping and signage

associated with Harriman Park. Harriman Park is a facility jointly managed and owned by the Town of Sodus and the Village of Sodus Point respectively. The Park provides an important boat launch for recreational fishing for the Bay.

The Village installed historic style lights throughout the village from 1996-2003. In addition, the village completed a project, which made improvements to the Village Greens.

Boat storage facilities have expanded off Margaretta Road along the old railroad corridor.

## **II. EXISTING LAND AND WATER USES**

### **A. LAND USE**

Former agricultural land and scattered residential land use occupies the greatest proportion of area in the Village. This land use category includes forestland, brushland, wetlands, and inactive farm fields. This type of land use is generally located along Lake Road, with scattered residences as well as in the area bounded by the former Penn-Central railroad corridor, Route 14, Bayless Road, and Morley Road.

Residential uses occupy the second largest proportion of land in the Village. Residential uses are located on both Sand Point and Sodus Point. Homes line the shoreline from the mouth of First Creek, south to the Village line. They are also located in upland areas along Lake Road, Margaretta Road, and Route 14 in the Bayless Road area, in the Ontario Street - Fitzhugh Street area, and in Sodus Bay Heights.

Commercial activity in the Village is primarily located on the waterfront, and tends to serve local residential and tourist needs. Taverns and restaurants are concentrated in the central business district, along Greig Street. Combined land uses of residential and commercial occur in several areas including Route 14, Bay Street and Greig Street. (See [Map C - Existing Land Use](#)).

Marinas and boat sales are the predominant commercial uses directly on the shoreline, and occupy over 10% of this area. Boat storage areas are located on large parcels scattered throughout the waterfront area.

Lodging is another important element of the Village's commercial land use. These consist of seasonal cottages, tourist homes, and bed and breakfast establishments.

Public parks include the Wayne County Park on Sodus Point; Oscar Fuerst Park (Village of Sodus Point ball field) located near the Greig Street commercial district; Willow Park on Sodus Bay, (south of Greig Street), and the Lighthouse Park and Museum overlooking Lake Ontario. In addition, there is Harriman Park, a Town of Sodus operated and maintained boat launch located near the mouth of First Creek and an associated (and recently improved) parking area off Margaretta Road.

The estimated size of each park or community owned parcels are as follows:

- 1) Oscar Fuerst Park 3.2 acres (Village of Sodus Pt.)
- 2) Willow Park 3.1 acres (Village of Sodus)
- 3) Town of Sodus (green space) 2.2 acres (remaining from the original 2.9 acres)
- 4) Village of Sodus Water 4.3 acres
- 5) Harriman Park 4.2 acres (Town of Sodus & Village of Sodus Pt.)
- 6) Water tower in the Heights 23.0 acres (Village of Sodus Point)
- 7) Light House 1.1 acres (Town of Sodus)
- 8) Village Park adjacent to L. House 2.3 acres
- 9) Sodus Point Park 6.2 acres (Town, county & Coast Guard lands)
- 10) Vista Sunset Park 0.2 acres

Institutional land uses include public buildings, schools, and churches. The former Village water treatment plant is located between the bluffs overlooking Lake Ontario by Featherly Drive.

Water storage towers are located on the south side of Lake Road, a short distance west of the plant, as well as above Sodus Bay Heights. The sewage treatment plant is located at the corner of Seaman Street and Lake Road. The Village highway facility is adjacent to the sewage treatment plant at the corner of Lake Road and Seaman Street. Other significant public buildings include: the Village Hall and the Recreation Center, the firehouse on Bay Street, the U.S. Post Office on Bay Street, and the U.S. Coast Guard station.

Agricultural areas, which are primarily orchards, are located to the west and south of the Village. Inactive agricultural lands are located west of First Creek, and north of Morley Road.

Industrial uses in the Village of Sodus Point have declined over the past twenty years. In 1986, the Genesee Brewery Malt House ceased operation. The remaining industrial use parcel is a storage and construction company located on the bay shore between Willow Park and Lummis Street.

The intensity of residential and commercial development along Sodus Bay attests to the strong attraction and high value of the shore lands. Virtually all-bayside parcels large enough for a house, business, or boat docking or storage facility have been developed, and any land use changes will generally require redevelopment of parcels into different uses.



Inland areas can provide new development opportunities to complement waterfront uses. These areas include adjacent to the railroad right-of-way and, to a limited degree, the highland and the forest brushland south of Bayless Road. In other areas, development should be limited to redevelopment of existing developed parcels, such as the former Genesee Malt House. Additional development should be planned carefully, to consider the impacts upon existing businesses and infrastructure, and perhaps on residential life and the quality of the recreational experience of visitors to the Village. Further development of Sand Point and Sodus Point, the bayshore and the lakeshore must be balanced with a concern for its effect on commerce, the quality of life and the quality of recreation.

**B. WATER DEPENDENT AND WATER ENHANCED USES**

In the Village of Sodus Point, water dependent uses include: the many marinas, the docking and boat repair businesses, marine construction operations, the town and county boat launch ramps, the swimming beach, the Coast Guard station, the various navigation aids including the light at the end of the breakwater, and the sewage treatment plant (See [Map D – Existing Water Use](#)).

Marinas in the Village of Sodus Point tend to be full service and include activities such as boat sales, rental, service and repair, dockage, launching by ramp and by sling, ancillary sales, such as fishing, navigational and water skiing equipment, and fishing boat charters.

As of Spring 2005 F-E-S Associates, as part of the Great Sodus Bay Harbor Management Plan development, determined the following inventory for Sodus Point, Sodus and Huron:

Total Slips/Docks	2130
Total Launch Lanes	11
Total Moorings	76

Type of Use

- Recreation boating
- Lake access for fishing

The Channel depth is currently 14-15 feet as the result of dredging work from the United States Army Corps of Engineers in 2004. Periodic dredging will be required to maintain the necessary depth of the channel.

Wayne County Soil & Water Conservation District reports the following: A large number of tourists, bathers and anglers are attracted to Sodus Bay on an annual

basis. Although exact figures are not available, the significant numbers of marinas (11), dockage and users seen on the bay indicate its heavy use. The most active time of the year is from Memorial Day through Labor Day. Sodus Bay has been rated as the primary site (statewide) for angler boat access during the ESLO fishing derby (Empire State Lake Ontario, Trout and Salmon Derby). During the 98 day peak summer season, marinas, cottages, restaurants and other water related facilities fill to capacity in the bay area.

Usage:

Government owned public access areas.....2

Marinas with misc. facilities.....11

Average boats launched per day (weekends/marina.....16

Average persons per boat.....2.6

Number of public parks.....3

Number of public beaches.....1

Number of waterfront restaurants.....12

The village is concerned about controlling possible future overuse of boating on the bay and recognizes the following issues that would result from overuse:

- interference with existing navigation channels by structures such as docks, floats or anchored or moored vessels;
- public health and safety, such as conflicts between operation of vessels in or near swimming areas, and general boating congestion;
- substandard water quality and a need to improve water quality for a range of desired uses, such as fishing, or swimming;
- degraded or threatened natural areas such as wetlands or significant coastal fish and wildlife habitats;
- the need to protect important water-dependent uses in appropriate areas within the harbor; and
- regulate dry dock boat storage facilities.

The Bay is the largest on Lake Ontario’s south shore. It draws recreational boaters from far and wide. These visitors are important to the region’s quality of life and vital to the Village’s economy. In recent years, use of the Bay for recreational boating has grown rapidly as indicated by the increased numbers of docks and marinas along the

Bay. However, there has been a reduction in charter boats for fishing due to the reduction in most fish stocks in the lake. The Bay, because of its size and location, also unofficially serves as a harbor of refuge.

Recreational boating occurs predominantly in the more open waters of the Bay. Sailboats and cruisers use deeper bay areas and the lake. Water skiers will often use areas, which are protected from wind, waves, and boat wakes, as well as more open areas. More sheltered areas are used for temporary anchoring for swimming, sunbathing, picnicking, wildlife observation, fishing and overnight mooring.

Navigational breakwaters are situated near the mouth of the Bay and include the two jetties and the break wall which protect the channel between the Bay and Lake Ontario as well as several marker buoys and the lighthouse on the north end of the western jetty.

Wayne County and the Town of Sodus operate boat launch facilities in the Village of Sodus Point, providing additional water access. The public parks and boat launches located in the Village are important public access facilities to the Bay and Lake Ontario.

Docks, marinas and the Coast Guard mooring/anchorage area effectively use much of the Bay from First Creek to the end of Sand Point. Speed and movement of boats in this area are affected by this waterside use. Similarly, the small bay north of Sand Point has many docks. A large submerged sandbar extends parallel to the main channel, just west of the county ramps. The sandbar protrudes about 500 feet out, and is used frequently by boaters for undesignated mooring and as a swimming area. No accident history is associated with this area; the 5 mph speed and the shallow depth work well as traffic calming for boats. This area will be studied in more depth through the preparation of the Sodus Bay Harbor Management Plan, which is underway.

As the Bay becomes more heavily used, there is a greater likelihood of conflicts among competing uses. Initial steps have been taken to control conflicting activities, which pose safety hazards. These steps include: regulation of boat speed in the inner harbor, use of navigation aids, and enforcement of the Village law, which regulates the location, and size of docks and moorings within 1,500 feet of the shoreline. The current usage is not problematic even during the peak use weekends of the year.

If conflicts should become problematic in the future as identified by enforcement agencies within the limits of the Village of Sodus Point, it might be necessary to limit the amount of boats going out of each private facility as well as possibly reduce the number of available parking spaces for trailer-launched vessels within the limits of the Village of Sodus Point. This would effectively limit the amount of boats on the water at any given time. The Sodus Bay Harbor Management Group, which is preparing a study for all of Sodus Bay, will look more closely at this issue.

There are several land uses in the Village, which are not directly water-related, and which are located near the shoreline, such as retail stores, and several craft shops. Virtually all of these exist, however, to provide services for tourists and residents.

### **C. PUBLIC ACCESS TO WATERFRONT AND PUBLIC RECREATION**

The Oscar Fuerst Park is located near the Greig Street commercial district, east of Bay Street Extension. Although, separated from the Bay by vehicular parking, it offers views of the commercial district, the Bay, and several islands. The entire park is periodically used for major events sponsored in the Village and various community organizations.

Willow Park, located on Sodus Bay south of Greig Street, has a developed play and picnic area, and public parking convenient to the business district.

The Village, in conjunction with the Town of Sodus and the Sodus Bay Historic Society, has developed a museum and park overlooking Lake Ontario at the Old Sodus Point Lighthouse. The park occupies a large parcel east of Ontario Street, on the lakeshore bluffs. The old lighthouse has been rehabilitated and has a live-in caretaker. The grounds are suitable for picnicking and passive recreation, enhanced by views of Lake Ontario and the boats using the near shore waters.

Wayne County maintains Sodus Point Park, with lakeshore beaches, picnic areas, a pavilion, and public restrooms. The park shares the end of Sodus Point with a U.S. Coast Guard Station, which occupies a narrow parcel on the bay side of the point. Adjacent to the Coast Guard Station and docks is a double boat ramp and dock, which is part of the County Park. The parking at the site can accommodate approximately seventy vehicles.

There are parcels owned by the Town of Sodus and maintained by the Village on three of the four corners of the Ontario-Bay Street intersection. Three are public green spaces. The fourth corner is occupied by the Village firehouse.

Other designated open space parcels have been set-aside in the Sodus Bay Heights subdivision. This includes an access way to the Bay Shore. There are also various street end rights-of-way near the lake or the bay, including North Fitzhugh, North Ontario, and Eighth through First Streets on the lake and several on the Bay.

The following areas should be retained as open space and to provide access and recreation:

- The Wickham Boulevard right-of-way, extending east from Third Street to Sodus Point Park;
- The Village of Sodus Point Parks and community spaces previously listed as community owned parcels, boat ramps and beaches;
- The U.S. Army Corps of Engineers breakwater on the east end of the county park, defining the channel between Lake Ontario and Sodus Bay;

- Willow Park, with 50 feet or less of waterfront;
- A short stretch of Route 14, where the right-of-way runs parallel to the bay shore, between Margaretta Road and Sentell Street; and
- Harriman Park, the Town-maintained boat ramp and picnic area occupying about 400 feet of bayshore north of the mouth of First Creek, and east of Route 14; and the area west of Route 14 adjacent to First Creek (a newly rehabilitated parking area); and
- Right-of-way at the end of North Fitzhugh Street that can only be used as a lookout point to Lake Ontario.
- The Commons - the remaining three corners of the original four corners defining the original
- Community commons. The remaining parcels shall be protected as community green space.

Despite the number of existing and potential opportunities for physical and visual access to the water, there are two key factors which limit recreational use and public access in the Village: insufficient parking and the absence of public docking facilities. Opportunities to address the needs are limited, and should be pursued whenever possible.

In order to provide the greatest benefit to the Village, the design of parking and docking facilities should involve careful siting, with landscaping that will reduce impacts on residential areas and improve or maintain the aesthetic quality of the Village. The density of development on sand Point and along much of the Bayshore is an incentive to consider alternatives to locating parking in these areas. Greig-Bay Street area development would allow better accommodations of pedestrians and would result in an environment that will attract more commerce.

Additionally, the Village former water supply facility is situated on the lakeshore and provides some visual access to Lake Ontario. There is a beach at the base of the bluffs below the old water supply plant. (See [Map E - Public Land Use and Waterfront Access](#)).

#### **D. ABANDONED, UNDERUTILIZED, AND DETERIORATED SITES**

Abandoned, underutilized, and deteriorated sites in the Village coastal areas have been identified to focus efforts on structural, facade, and site improvements. Improvements 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, which support the area's economy and improve its quality of life.

## **Abandoned structures within the Village of Sodus Point**

Genesee Malt House, located on the corner of Sentell Street, west of Route 14. The facility, which was closed in 1986 by Genesee Brewery, includes a stone warehouse, several masonry silos, a parking area along Sentell Street, and an abandoned railroad siding. A small part of the building is currently leased to the Great Lakes Freshwater Research Institute.

The building appears to be in a reasonable condition, but is somewhat specialized in function, and will likely require some structural alterations to be suitable for other uses.



The current owner plans to make the necessary structural modifications, while maintaining some of the building's original character, to make the building into a proposed series of specialty shops and boat storage facility.

Within the Village of Sodus Point, underutilized sites include the waterfront at the end of South Ontario Street, boat storage on Greig Street and boat storage off of Route 14.

## **Deteriorated Sites**

Deteriorated structures were identified in the 1995 Master Plan study for the Village of Sodus Point. 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, 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 three years. The inspection includes construction, durability, and safety.

## **E. TRANSPORTATION SYSTEMS**

Primary road access to the Village from the south is by State Route 14. Route 14 is a 55 mph, two-lane road from the New York State Thruway (I-90), twenty-five miles away. East-west access is provided by Lake Road, part of the Seaway Trail, which is a 454-mile recreational and scenic road stretching along the Lake Erie, Niagara River, Lake Ontario and St. Lawrence River shorelines. Both of these main routes are in good condition, and provide direct vehicular access to the Village's primary commercial areas.

When industrial activity in the Village was a strong presence, the Ontario-Midland Railroad Line/Conrail tracks brought freight trains into the Village. However, with the closing of the Genesee Brewery Malt House, there was insufficient business to make the line profitable, and it was discontinued. Wayne County now owns the right-of-way and the tracks. Since it is unlikely that rail service will be re-instituted, the tracks and right-of-way are currently considered a high priority corridor to be redeveloped as a multi-use bicycle and hiking trail between Wallington and the Village.

## **F. PUBLIC UTILITIES AND SERVICES**

The Village of Sodus Point provides municipal sewage and water service within its corporate boundaries. The Village sewage treatment plant has a capacity of 685,000 gallons per day. There are 13 pumping stations and 7 miles of sewer line. An outfall deposits treated effluent in Lake Ontario. There are no on-site septic systems within the Village of Sodus Point as specified in the Village Code.

The Village's water system has been connected to the Town's, via a new line on Lake Road. This water system is composed of 11.7 miles of water mains, and two water storage towers of 500,000 and 250,000 gallons. Capacity is 430,000 gallons per day.

The condition of the water lines varies throughout the village. The majority of the existing water lines were part of the original installation and date back to 1925. The lines need to be updated as the service life has expired and water line breaks are rather frequent. The water pressure to the restaurants on the North side of Greig Street is low and creates some hardship. Residents approaching the east end of Greig Street (the Loop) also experience hardship through low water pressure and sediments that accumulate in household utilities and water filters. The village routinely replaces segments of waterlines as funds become available.

Rochester Gas and Electric Corporation provides electrical service to the entire Village. Approximately 85 percent of Village residences use natural gas. The Lake Road area is the only part of the Village not served by gas lines.

Commercial haulers who contract with individual businesses and residents for solid waste disposal serve the Village of Sodus Point.

Fire and police protection are provided in the Village. The Village maintains its own part time police force, and the Wayne County Sheriff and the New York State Police provide full time service. The Wayne County Sheriff also patrols the waters of Sodus Bay and Lake Ontario using two patrol boats. The U.S. Coast Guard Auxiliary provides additional emergency services to boaters. The Sodus Point Volunteer Fire Department provides fire protection, as well as ambulance and marine rescue services.

The Newark - Wayne Hospital, in the Village of Newark, is about 20 miles away. Several critical care hospitals are located in the Rochester area, 45 minutes to 1 hour away. Mercy Flight Air Transport is also available for critical emergencies throughout the Village.

### **III. NATURAL RESOURCES**

#### **A. GEOLOGY**

Sodus Bay and the Village of Sodus Point are underlaid with fine sands and silts of a glacial beach ridge, which formed during the Wisconsin stage of the Pleistocene ice age. Glacial water flowed into this area from the south, forming a delta of fine sands and silts, which were later deeply cut by small streams.

The action of wind, waves, and groundwater has augmented this recent geologic activity to form the topography and soils, which characterize present day Sodus Point. These physical forces are ongoing, and can be seen in the eroding lakeside bluffs, and in the shifting sands on the beaches and the sandbars at the mouth of the Bay.

There are three general physiographic features in the Sodus Point coastal area: the steep bluffs along Lake Ontario shoreline; the beaches on Lake Ontario, lying at the base of the bluffs and at the entrance to Sodus Bay; and the uplands, cut by gullies which slope steeply to the Bay.

The two peninsulas at Sand Point and the Sodus Point County Park are composed of beach sand and gravel. These areas are subject to erosion from winds and storm overwash, especially when lake levels are high.

Just west of the two peninsulas, between Eighth and North Fitzhugh Streets, the land rises gently to an elevated area of shallow silt loams purportedly overlying a clay layer. West of Fitzhugh Street and north of Lake Road, extending to the trailer homes at the western edge of the coastal area, is an area of complex hills of erodible silt and fine sand with steep slopes, interspersed by lower areas of less erodible, loamy fine



sand. These loamy fine sands are subject to wind erosion if the vegetative cover is removed. The soil of the uplands is fine sands, silts and silt loams. The sands and silts are generally well-drained and easily eroded when located on a slope.

The bluffs overlooking Lake Ontario are forty to sixty feet high and are comprised of very erodible silts and fine sands. A combination of fluctuating lake levels, wind, waves, groundwater seepage, and vegetation loss result in severe erosion problems on the bluffs. Whenever the narrow beach at the foot of the bluffs is reduced or covered by high lake levels this buffer to wave action loses effectiveness. Waves can then attack the base of the bluffs. Further aggravating erosion is the relative quickness with which water moves through the upper soil layers, especially when a fragipan layer in the subsoil creates a perched water table and a lateral flow, resulting in seepage out and over the face of the bluff. In recent years, the lake level has been high and a very wet summer in 1986 caused bluffs to slump in several areas, resulting in large land losses. It should be noted, however, that bluff slumping is a principal means of replenishing protective beaches. Consequently, actions to prevent slumping must take into account the need to maintain a sand supply for the beaches along Lake Ontario.

There are also isolated areas of wetness, including two freshwater wetlands designated by the NYS Department of Environmental Conservation (DEC), as well as wetlands, which fall under the jurisdiction of the Army Corps of Engineers in the Village limits. Development within one hundred feet of the DEC designated freshwater wetlands is prohibited unless a permit is obtained.

All regulations specific to DEC regulated wetlands or Army corps of Engineers designated wetlands will affect future development in these areas.

## **B. COASTAL EROSION HAZARD AREAS**

In the Village of Sodus Point, critical erosion problems occur along the Lake Ontario bluffs (See [Map F - Natural Features](#)). As mentioned above, the stability of the soft sandy bluffs is undermined by wave action, frost, wind, rain, and overland runoff. In addition, there are colonies of cliff swallows, which burrow into the face of bluffs.

The entire Lake Ontario shoreline in the Village has been identified as a coastal erosion hazard area and mapped pursuant to the Coastal Erosion Hazard Area Act, Article 34, and Environmental Conservation Law.

Two distinct characteristics define the Village shoreline: 1) the sandy beach, from the breakwater at the entrance to Sodus Bay west to the point where the land slopes upward to the bluffs, just east of the old lighthouse, identified as a “natural protective feature”; and 2) the eroding bluffs, west of the lighthouse to the western boundary of the Village, designated as a structural hazard area.

The most rapid erosion occurs in the central section of the Village’s bluff area, beginning approximately 1,200 feet east of the Town of Sodus/Village boundary and stretching east for about 4,200 feet. This area has an average erosion rate of 1.5 feet per year. (See [Map F - Natural Features](#)). On either side of this area, from the Village

boundary on the west, to the lighthouse property on the east, the erosion rates have been determined to average one foot per year.

Observations of ongoing bluff erosion, however, indicate that there are localized areas of slumping, which can greatly exceed the estimated average loss. These areas include the Camp DeMolay area and bluffs located at the end of North Fitzhugh Street running to the eastern side of the water treatment plant. Losses of 15 to 30 feet have been noted in these areas over the last 15 years. The Bay is protected from the most severe wind and wave events. Prevailing winds are from the southwest. The Bay is also protected from northerly and westerly winds, but has little protection from infrequent but often-severe southeast storms.

### **C. WATER RESOURCES**

The character, and to a large extent, the economy of the Village of Sodus Point is tied to its location on Lake Ontario and Sodus Bay.

Two small creeks are also located within the Village, and flow into Sodus Bay. First Creek flows roughly parallel to the abandoned railroad lines, and empties into Sodus Bay near the Town boat ramp. Second Creek forms a small part of the Village's southern boundary.

The New York State Department of Environmental Conservation has established water quality classifications for streams and lakes in the State. Lake Ontario has been designated as a Class A waterbody. This means that the lake is suitable for the widest range of uses including water supply, bathing, and fishing.

Sodus Bay is a Class B waterbody. While the bay's waters are suitable for swimming and fishing they are not clean enough for use as a municipal water supply or for food processing. First and Second Creeks are designated Class D streams. Their waters are suitable for fishing but not fish propagation.

Although First and Second Creeks are only minor watercourses, it is important to prevent further degradation of these and other small tributaries to Sodus Bay. Increased nutrient loads from these tributaries can contribute to weed growth, turbidity, and lower oxygen levels, all of which can adversely affect fish and wildlife, which depend on the bay. It appears that water quality of these two creeks is affected by land use outside the Village limits.

### **D. FLOOD HAZARD AND FLOOD PRONE AREAS**

Bluff and escarpment topography along Lake Ontario and Sodus Bay generally confine flooding to areas immediately adjacent to Lake Ontario and Sodus Bay. This includes the densely developed Sand Point peninsula that is subject to periodic flooding. Localized flooding does occur inland along First Creek and nearby wetlands and low-lying areas. (See [Map F - Natural Features](#)).

The Flood Insurance Rate Map (FIRM) also designates the large wetland lying between Lake Road and Sentell Street as a flood prone area, shown as a 100-year flood plain.

#### **E. FRESHWATER WETLANDS**

There are two freshwater wetlands in the Village of Sodus Point, which have been designated by the Department of Environmental Conservation. One is a linear wetland system along First Creek; the second is located behind the old Genesee Malt House, south of Lake Road. These wetlands serve several important functions including storm water retention, wildlife shelter and breeding areas, and open space benefits. (See [Map F - Natural Features](#)).

The State Environmental Conservation Law (Article 24) protects these wetlands from intrusion by development or fill. However, they are vulnerable to disturbances such as contaminated runoff from roads and nearby development or from indiscriminate access.

#### **F. SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS**

Sodus Bay has been designated, pursuant to the Waterfront Revitalization and Coastal Resources Act, as a significant coastal fish and wildlife habitat (see Appendix A).

#### **G. HISTORIC 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 entire Village is considered an archeological site by O.P.R.H.P.

Robert Morris, a wealthy Philadelphia land speculator, first purchased Sodus Point, part of the so-called Phelps Gorham Purchase. Mr. Morris had already been involved in extensive land operations in the Genesee Country, and had agents in all principal cities of Europe. His agent in London was Temple Franklin, son of Benjamin Franklin, who sold almost 1,200,000 acres including the Sodus Point area to an association consisting of Sir William Pultney, John Nornby, and Patrick Colquhoun. This association became known as the Pultney Estate and Charles Williamson was chosen to be the local agent for the estate in the Genesee Country. Charles Williamson, a British captain during the Revolution, first came to the Genesee Country in February of 1792 and it was during the next year that he chose the Sodus Bay area as the site for commercial development for markets to the north and east. In the spring of 1794, he had roads cut from Palmyra and Phelpstown to the Bay.

Charles Williamson planned for the Town to be located between Salmon Creek and Great Sodus Bay. It was to include spacious streets and a public square in the center, mills built at the falls on Salmon Creek, and an anchorage area in the Bay. He is quoted as saying: "as the harbor of Great Sodus Bay is acknowledged to be the finest on Lake Ontario, this town will command advantages unknown to the country".

Joseph Colt surveyed the area now known as the Village of Sodus Point at this time. The map showed in-lots of 1/4 acre, out-lots of ten acres, and was named Great Sodus.

In 1801, Great Sodus became the City of Troupville after Colonel Robert Troup, the new agent for the Pultney Estate. Mr. Williamson built a tavern and mills on Salmon Creek. Captain William Wickham built a general store, and the Town became a thriving fishing and boat building port. It was this accessibility that would eventually lead to the battle of Sodus Point during the War of 1812. When war was declared with Britain on June 19, 1812, the Village of Sodus, of which Sodus Point was a part, had a population of 150 resident taxpayers. Sodus Point became a busy supply center for government troops stationed at Fort Niagara and Sackett's Harbor. Fort Niagara was located at the western side of Lake Ontario and Sackett's Harbor was to the east. Sodus Point was conveniently situated in the middle of these two places. From the beginning of the war, it was the policy of British ships to travel along the shore of Lake Ontario and, if a village was found to be undefended, any available stores were taken, either by negotiation or force. At the onset of war, a local militia was set up consisting of men from Sodus and the neighboring towns of Williamson, Ontario, and Marion.

From time to time, these men, under the command of Major William Rogers, would meet at the Point in anticipation of an attack, whenever British sails were spotted on the lake. However, there were no full time troops regularly stationed at the Point. (*Mulberry Sun and Record, August 12, 1999.*) It was during the War of 1812 that the British burned the Village after being unable to confiscate stores and ammunition (the people had moved these to safe hiding places).

The steamship era was an exciting time as the lake steamers came into the Point with coal for Canada and other lake ports, and there were passenger services on the bay with docks at Charles Point, Lake Bluff, Bonnie Castle Resort and all of the islands. In Sodus Point, the steamers had their docks located on the south side of Sand Point and were scheduled to meet all the trains and trolleys. The Village's name was changed to Sodus Point and it became a government Port of Entry.

Concern for the safety of shipping, fishermen and recreational boaters led to the federal government being petitioned to have a lighthouse established. The first lighthouse was built on the bluff in 1825. It was replaced in 1871 by the present lighthouse, which was in use until 1901 when the light was transferred to the tower on the end of the pier, a beacon light known as the Outer Light.

## Historic Structures

Following consultation with Nancy Todd of the New York State Office of Parks Recreation and Historic Preservation (SHPO) three structures have been identified as being on the National Historic Register:

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1871 Lighthouse (on the register since 1980)

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Lotus (boat was placed on register in 1990)

-No photo of Lotus available for this document.-

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Customs House (on register since 1980)



-Removed for safety reasons in 2000.

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Structures that are eligible for the register could only be identified following an in depth analysis of the structures in the village. These potentially historic eligible structures exist primarily on North Ontario Street. A historic district may be appropriate for properties on Ontario Street and would include the churches along Route 14. (See [Map G - Historic and Significant Public Sites](#)). Other possible sites include the Village Hall Complex and the Town Greens (Village Greens) at Bay and Ontario Streets.

Following consultation with Cynthia Blakemore of the SHPO the area of Sodus Point is considered Historically Sensitive for archeological resources. Therefore prior to any ground disturbing activities a Phase I Cultural Resources Survey should be conducted unless prior ground disturbance can be documented.

## **H. SCENIC RESOURCES AND IMPORTANT VISTAS**

Shoreline communities possess a variety of unique aesthetic characteristics and visual experiences. A water-side location offers opportunities for views over the water, as well as views of the shoreline from the water. In a small community such as the Village of Sodus Point, there are few locations where an awareness of the surrounding body of water, either Lake Ontario or Sodus Bay, is not present. The community's appeal, and its reason for existence, depends to a large extent on this relationship of land and water. The extensive shoreline of the Village provides many scenic resources that both attract tourists and directly influence the aesthetic character of the Village.

The lakeshore and Sodus Bay each offer a different visual experience. Lake Ontario is a vast body of water, which stretches to the horizon. Fishing boats, sailboats, many birds, and an occasional jumping fish are found close to shore. Waves vary from gentle swells to pounding surf on narrow beaches of sand and stone. Extensive,

eroded bluffs rise above the beaches. Farther out, an occasional ship or lake barge can be seen, bound for Lake Erie or the St. Lawrence River.

The Bay, by contrast, is an enclosed waterbody, bounded by irregular green shorelines and islands. Resorts and cottages are located along its shores. Within the Village of Sodus Point, marinas, docks, and moorings line the shore. The rich diversity of fish and wildlife in the Bay contributes to its attractiveness.

Although the Village of Sodus Point is a densely developed community, there are areas where the public can enjoy the scenic resources of Lake Ontario and Sodus Bay. These viewing sites are shown on [Map F - Natural Features](#). A brief description of each site follows:

Site 1: Sodus Point Park

Sodus Point Park is located at the eastern end of Wickham Boulevard. The northern side of the park is adjacent to Lake Ontario and offers a panoramic view of the beach and the lake. Charles Point, across the mouth of the bay, and the tree-lined shores of Newark and Eagle Islands in Sodus Bay are also visible from the park.

Site 2: Willow Park - Greig Street

The small Village park located at the south side of Greig Street contains a gently elevated grassy picnic area. The park is set on a small inlet, and offers a view of the inner bay between Sand Point and South Shore Road. The waters adjacent to the park are used for docks and mooring. The park contains a skate board facility and recently added playground equipment.

Site 3: Old Sodus Lighthouse Museum and Park

The Old Sodus Lighthouse Museum is located in a Town park on the lakeshore at the end of North Ontario Street. The site is on the eastern edge of the bluffs, just west of the Sodus Point beaches. Views of Lake Ontario and the steep bluffs along the lakeshore are available from the site. The lighthouse itself, set on a grassy promontory with several mature trees, is a scenic resource for the Village.

Site 4: Sunset Vista

At the end of North Fitzhugh Street is a small, yet quaint area to view the sunset. Due to the layout of Sodus Point, viewing west for a sunset is a rather unique setting. This area is planned for some small park amenities to further convenience the viewing public.

Site 5: Town Boat Ramp and Picnic Area

The Town boat ramp and picnic area on Route 14, near Margaretta Road, offers a panoramic view of the Bay, and the shoreline of Newark and Eagle Islands. Recent site improvements include parking, a park entry sign, and information kiosk.

Site 6: Sand Point

Although Sand Point is densely developed, larger lots at the eastern end of the peninsula permit views of the Bay to pedestrians and motorists. This area is valuable because it permits uninterrupted views of the bay. Some access points exist at street ends.

Site 7: The Sodus Bay Golf Course

The golf course offers an excellent vantage point from which to see both the Bay and the lake and is itself a visually attractive site.



## **SECTION III WATERFRONT REVITALIZATION 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.

#### **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 and investments.

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

- 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.

All development or uses should recognize the unique qualities of a coastal 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;

- 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.

**1.2. Ensure that development or uses make beneficial use of their 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.

**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 not 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 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
- minimize consumption of waterfront land
- not interfere with the operation of water-dependent uses
- not cause significant adverse impacts to community character and surrounding land and water resources

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 1*).

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 detracting 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**

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.

## **Policy Standards**

### **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**
  - 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 be 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.**

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 sensitivity on the archaeological resources inventory maps prepared by the New York 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 shipwrecks 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 recover shipwrecks or their artifacts.**
- 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.*
- 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.*

- 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 lighthouses 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, O.P.R.H.P., 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 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.

## **POLICY 4**

### **MINIMIZE LOSS OF LIFE, STRUCTURES, AND NATURAL RESOURCES FROM FLOODING AND EROSION.**

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 that 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 coast have 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. Where feasible and appropriate, portions of the shoreline that have been hardened should be returned to a natural condition.

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 understanding of 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.

## Policy Standards

### **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, or
2. the new development would be located in an area of substantial public investment, or
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, and
- 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.



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

**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**

*Application 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.**

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.

#### **Policy Standards**

##### **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, or**
  - B. cause or contribute to contravention of water quality classification and use standards,**
  - C. materially adversely affect receiving water quality, or**
  - 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.**

- III. 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.**

IV. 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. Hydromodifications**

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.**

##### **6.1 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 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. (see Inventory and Analysis II-F for Designated Habitat Description)

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:

- Destroy habitat values through direct physical alteration, disturbance, or pollution, or the indirect effects of actions, which would result in a loss of habitat.
- 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 A for Significant Coastal Fish and Wild Habitats Map)The New York State Department of Environmental Conservation 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.

**6.2 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, and
- c. manipulating biological characteristics to emulate natural conditions through re-introduction of indigenous flora and fauna

**6.3. 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:

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

Providing and maintaining adequate 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.**

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 the third section addresses chloroflourocarbons. The last section addresses atmospheric deposition of pollutants.

## **Policy Standards**

### **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:
  - A. attainment or maintenance of any applicable ambient air quality standard**
  - B. 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.**

Development of the Coastal Area has resulted in contamination of some waterfront parcel, particularly from industrial uses. Former landfills may produce leachates which degrade both surface and groundwater sources. A variety of substances, ranging from improperly disposed motor oils to 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.

## **Policy Standards**

### **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.

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.

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.

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.

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.

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.

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, 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.

#### 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 D.E.C. 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 feature (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 protects 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**

**POLICY 9**

**PROVIDE FOR PUBLIC ACCESS TO, AND RECREATIONAL USE OF, COASTAL WATERS, PUBLIC LANDS, AND PUBLIC RESOURCES OF THE COASTAL AREA.**

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.

## **Policy Standards**

### **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.
- 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.**

- 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.

The minimum 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
- 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

**I. 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**

## **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.
- 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.
- 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 and;
- do not interfere with the efficient operation of another water-dependent use and;
- 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.

**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 that 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. Work will begin in September of 2006 with trail development completion in the Spring of 2007. 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.

## **SECTION IV PROPOSED LAND AND WATER USES AND PROPOSED PROJECTS**

The intent of this LWRP is to rediscover economic development and quality of life, attract destination tourism and protect the environmental qualities of the area.

Proposals for the future use of Sodus Point's coastal area reflect the pattern of existing land uses, the observed and anticipated trends in development, the natural physical limitations to development, and the cultural and natural resources which should be protected or enhanced. (See the Proposed Land Use [Map H-1](#) and Proposed Water Use [Map H-2](#).)

### **A. Proposed Land Uses**

The uses proposed for the coastal area of the Village of Sodus Point reflect its character as a resort community and recreational harbor of regional importance.

Undeveloped inland area: Most of the undeveloped inland area and the lakeshore bluffs are designated for large lot residential or agricultural uses. Use of a large lot, low-density residential zone is appropriate for these areas, to avoid inappropriate development of marginal lands. The development needs of the Village can be partially met in these areas.

Several sites in this inland area should be utilized for other uses, which are needed to support the more intensive development of the shore areas. These include: parking lots, boat and equipment storage areas, campgrounds for tents, camp trailers and recreational vehicles. Parking for cars and cars with trailers is the greatest limiting factor to expanding public access, docking and commercial activities along the shore. These supportive uses would be subject to special permits and site plan review to ensure: compatibility with residential and agricultural uses; site design which accommodates physical site restrictions; appropriate visual buffering; and provision for water, sewers, and road access.

The sites most suitable for this type of future parking are the two segments of the old railroad right-of-way running to the south and east of the tracks, one segment extending south of Margaretta Road.

Existing residential areas: Existing residential development in the Village will continue. These areas include the uplands, Sand Point, Sodus Point, and sections of the bay shore. Since these areas are almost completely developed, new construction will either be compatible infill or disposal of two or more smaller structures to make way for larger residences.

Bay shore and near bay areas: Commercial land uses are proposed for the bay shore and near bay areas located roughly from Sand Point to First Creek. Most of this area is already devoted to such uses, although there are some residential uses interspersed. The commercial uses along the shoreline are principally

water-dependent and include docking and marina businesses. A concentration of restaurants on Sand Point is an exception to this. Slightly inland are several lodging, gas and grocery stores, boat yards and restaurants. Some locations in this vicinity may be appropriate for hotel and/or town house development.

Private docks that exist in scattered locations along the bay shore will continue, pursuant to the 1986 Docks and Moorings Law, until such a time as these sites are redeveloped into water-dependent commercial or recreational and public access uses.

Water enhanced uses, such as a lodging facility or a store engaged in selling articles ancillary to water dependent recreation would be encouraged in the area bounded by the bay, the railroad tracks and Margareta and Sentell Street. Along the immediate shoreline, such uses would have next-highest priority, but not if they displace existing water-dependent uses or prevent reasonably anticipated new water dependent uses.

Recreation and public access throughout the coastal area:

Existing public recreation and access facilities along the water are proposed to be maintained and where possible, enlarged and enhanced at the following sites: Wayne County beach, ramp and park; the Oscar Fuerst Ball Field; Willow Park; the North Ontario lighthouse museum and park; the South Shore Drive Sodus Bay Heights public reservation parcels, and the Town of Sodus ramp; and Harriman Park. Future sites with potential for access include: the municipal parking lot and the right-of-way from Bay Street along the southern side of Willow Park and the bay shore to the county land. This also includes street end ROWs south of Maiden land and the North Fitzhugh viewing area.

Private recreation development in the form of camping areas is proposed to provide alternative overnight facilities for fisherman and boaters with tents or camper vehicles. Areas suitable for camping include: the wooded parcel west of Route 14, around the wetland; the track right-of-way between Margareta Road and Sentell Street; and the area south of Margareta Road to and including the undeveloped 25 acre parcel on the town line.

Open space and conservation areas:

Wetland and erosion hazard areas are proposed to be reserved as open space and conservation areas. (See [Map F](#)) Because most of the undeveloped land in the coastal area possesses some development limitations, this category generally includes only those areas having significant environmental value or posing serious threats to life or property. Their designation also protects water quality and scenic values. State regulations limit development in these areas. They are: the lake shore bluffs between the western village line and the old lighthouse property; the lake shore beach east of the bluffs; and the two DEC regulated wetland areas west of South Fitzhugh Street and adjacent to First Creek. Some limited Village - owned open space along South Shore Road is also included in this category (see proposed land use [Map H-1](#)).

## **B. Proposed Water Uses**

The Village's jurisdiction over the water for regulation of docks, moorings and boat operation and any activities or construction not land-based, extends a distance of 1,500 feet from the shoreline. The Inter-municipal Group (Huron, Sodus and Sodus Point) is currently undertaking the Greater Sodus Bay Harbor Management Plan and will ultimately provide the controls and protections via a Harbor Management Plan for the bay, which may include a Harbor Master to oversee the protection of the Greater Sodus Bay.

The water uses proposed reflect existing development and uses of the water. Areas which will continue to be used for recreational boating and fishing include: the waters around the channel entering the bay; the waters north of the residential area of Sand Point and immediately to the east; and the waters generally south of a line drawn from the east end of Sand Point to the southeast corner marks of the designated mooring area. The Corps of Engineers special anchorage areas occupying about 30 acres of water immediately south of Sand Point from the Sodus Bay Yacht Club east will also continue to be used predominantly by sailboats that have deeper drafts and are less able to use some dock areas. Expanded mooring facilities are appropriate and could be provided south of this area for approximately 500 feet and in a small area approximately 750-1000 feet east of the Town ramp, extending south of the Arney's Marina dock from about 300 to 1000 feet. The areas south of the Town ramp to the south side of the mouth of First Creek and south of the eastward line drawn perpendicular to the south end of South Shore Drive (the wetlands at the mouth of the southern creek) should not be disturbed by either land or water use development, to protect the Sodus Bay Fish habitat.

Public recreation and short term mooring are proposed for the large shallow sandbar which is located near the breakwater at the mouth of the bay, thereby continuing a traditional practice of use by boaters and swimmers during the summer season.

The near shore waters of the lake will continue to be used for recreational boating, fishing and swimming.

## **C. PROPOSED PROJECTS**

The following studies and projects have been identified for the Village of Sodus Point coastal area:

### (1) Studies

#### **Greater Sodus Bay Harbor Management Plan**

There is a need to evaluate existing use in and around the entire Sodus Bay, and to develop a regional program for protection of the area's resources. The LWRP addresses only the Village of Sodus Point. Although

the Village has a key location and much of the development on Sodus Bay, it occupies only a small portion of the bay's shoreline.

The Inter-municipal Group for Sodus Bay is in the process of preparing a Harbor Management Plan for Sodus Bay. The Harbor Management Plan will be incorporated into the Sodus Point LWRP as approved and completed.

(2) Projects

Throughout the Planning Process numerous projects were suggested by the public at large through focus group sessions and by the consultant by engaging in on-site observation and evaluation. The Planning Board selected the following five of these projects as a first phase of project development. Project costs and details are further discussed in Detailed Project Descriptions below:

- **War of 1812, Interpretive Trail**

It was observed that while the Village of Sodus Point figured prominently in the War of 1812 as the only significant harbor on Lake Ontario, little interpretation or recognition of that event is evident in the Village. The State of New York has included the Village in its brochure promotion of the War events; however, the only evidence of this in the Village is a standard State sign and some information on display at the Sodus Bay Lighthouse Museum. This project has its origins in reconstructing the sidewalk and tree lawn along Bay Street heading east through the Village Greens. Another site specific project was proposed for the Village Greens, providing a landscape edge defining the public and private property, installing period lighting to provide safe use of the greens at night and as well as creating a strong civic identity to this place and rebuilding sidewalks at street edge along all four greens.

It has been proposed to link the Bay Street and Village Green projects to make a more coherent whole. Simultaneously, the new project area would be themed as a War of 1812 Interpretive Trail. This should recognize the War effort in the Village and connect smaller projects and provide consistency as well as create a more fundable project.

- **Scenic Byway and Greenway Trail/ Seaway Trail**

The Village of Sodus Point has a lack of sidewalks, multi-modal trails and a formally designated greenway, despite the fact that the Village is laced with public lands which are both on and off road right-of-ways. The sidewalk system throughout the village is incomplete, existing in one block and often absent on the next. There are informal trails that are used on occasion, mostly by residents, that follow old rail right-of-ways or just follow the shoreline. Numerous public points of access to the Bay and the Lake were identified during the search into the public owned lands. It is in the context of identifying the public need to move around the Village as pedestrians,

combined with the definition of public-owned lands that lead to the proposed Greenway concept for the Village of Sodus Point.

One segment of the greenway is defined as a corridor running north to south. It begins in the Harriman Park, the Town owned and maintained Boat Launch on Route 14, and parallels the Bay Shore, ultimately intersecting Bay Street. This is significant in that the portion of the scenic byway and greenway occurs within the Seaway Trail and also intersects with the proposed War of 1812, Interpretive Trail. The scenic Byway and Greenway Trail also would connect the Seaway Trail, information kiosk at the Town boat launch with a sidewalk (at the outer edge of the Route 14 right-of-way) that would have an unobstructed view of the Bay and marina activities for long uninterrupted stretches of the walk.

This proposed segment of the Greenway would visually improve the entrance to the Village from the south on Route 14; support the State's efforts to enhance the Seaway Trail; bring activity and life to this important corridor and connect future and existing development along this corridor. Existing commercial and restaurant operations and residents of the homes along Route 14 would all be served by developing this segment of the Greenway Trail.

It is recognized that drainage swales, utility poles, trees, mailboxes, building setbacks, guard rails, etc. within the available 12' of right-of-way on the east side of Route 14 present significant obstacles to design and construction and may force construction of a pedestrian only path with accepted sidewalk dimensions.

- **Wickham Boulevard Greenway Trail**

One of the most heavily used segments of the proposed greenway spans the two Village Parks near Greig Street and the County owned Sodus Point Park at the beach. Numerous pedestrians of all ages are regularly seen walking between the commercial activities on Greig Street and the sand beach area at Sodus Point Park. Wickham Boulevard, which parallels this segment of the proposed greenway, is heavily traveled, especially in the summer, with traffic enroute to the public beach. Pedestrians and vehicles share the same narrow road pavement creating a dangerous condition.

It is proposed that a walkway be developed on publicly owned land connecting the Village Parks, Greig Street and Sodus Point Park and beach. The walk would be a segment of the proposed Village Greenway System, Pedestrians and vehicles would be separated along Wickham Boulevard. The walk would serve visitors and residents of the Village.

This trail would provide considerable amenity for the Village, make safe access to the Village Parks and associated lands and reduce the prospect of serious injury due to vehicle and pedestrian conflicts on Wickham Boulevard.

This project is a high priority for the village and construction is expected to begin in the spring of 2006.

- **Public Pier**

The village of Sodus Point critically needs a public pier to accommodate transient boats of all sizes. This public pier would act to house boaters in search of refuge from Lake Ontario or who just wish to visit Sodus Bay. The public dock would give Sodus Point a sense of arrival (Gateway) for traveling boaters and would become essential to the character of the Village of Sodus Point and Sodus Bay in general.

The pier would need to be large enough to house all size boats and provide a place for public access to the water. It should also be designed to accommodate a number of resident boats and should be available for the various patrol boats (Sheriff, Coast Guard, State Police, Future Harbor Master, etc.) In addition, it could become home to a future water-taxi, should one begin operating on Sodus Bay, It would be expected that events or festivals might be held at this location. It would also be expected that tourists that now bypass the Great Sodus Bay would have the ability to dock and possibly tour the village or even visit for an extended period of time.

Some proposed locations are shown on [Map-I](#) Village of Sodus Point Conceptual Plan. Existing proposals for a public pier are obsolete and inappropriate. The original proposal was for a small dock with docking rights to be determined by a public lottery system. The public pier as proposed was controversial and did not meet the needs of the Village of Sodus Point. The current conceptual idea is that the public pier needs to be:

- located in deep water
- large enough to dock large boats and a permanent structure (non-removable) perhaps similar to public piers in Sackett's Harbor or Skaneateles Lake
- be considered the water side gateway into the community
- a place where non-boating public have opportunity to walk out on the water, fish or view the bay.
- an integral part of the community with a sense of place
- large enough for community functions to take place in part or entirely on the pier.
- lighted with appropriate period lighting.

At this time no plans or accurate estimate exist that can accompany the current public pier concept. It is anticipated that the public pier as described could be roughly estimated between \$1,500,000 and \$2,000,000 based on land acquisitions and other engineering variables (depth of water and year of construction).

- **Multi-Purpose Skating Rink**

The Village of Sodus Point has completed the construction of an outdoor multi-purpose skating rink. The rink is operating as an ice skating rink in the winter and as a Skateboard park in the summer. It is important to provide positive outlets for the youth of the Village and a Skateboard Park/Ice Skating Rink provides just such an outlet.

The park provides a safe and supervised location for these types of activities, which generally take place unsupervised, and often in less than safe locations. (Ice-skating on the bay is often difficult due to bumps and cracks that occur naturally in the ice. In addition there is a moderate level of danger for skaters due to thin ice and the addition of bubblers at the edges of the bay to protect docks.)

(3) **Detailed Project Descriptions**

The five projects described above are further detailed in the following pages. Each project is outlined in a format that should make them more suitable for use in grant writing. A map that characterizes opportunities and constraints, key features in the Village, Site-specific connections and general proposals are provided. A detailed cost estimate for each project outlines unit costs as well as a complete summary. Site-specific sketches are provided where possible to help illustrate design intentions.

- (a) Project Title: **War of 1812 Interpretive Trail**
- Geographic Area: Village of Sodus Point Greenway, parallel to the shore of Lake Ontario and Sodus Bay, a spur of the Seaway Trail
- Functional Area: Along Bay Street between the intersection of Route 14 and Lake Road and the Village Green of Sodus Point and Ontario Street.
- Transportation: Parallel to the primary regional highway, Route 14, which is both a scenic byway and corridor for the Seaway Trail.
- Recreation and Tourism: This project proposes greenway development along Bay Street within the Right of Way and recognizes the War of 1812 Trail, culminating in an interpretive kiosk at the historic village green. The project is adjacent to historical Lake Ontario lighthouse and the maritime museum. Access to Lake Ontario and Sodus Bay are within one village block of the Greenway.
- Commercial: The extension of the Bay Street War of 1812 Interpretive Trail culminates in the commercial/retail center of the Village of Sodus Point. Access to all restaurants and stores is a 5-minute walk.



Residential Areas: Bay Street and Ontario Street are lined with historic homes.

Industrial Area: Waterfront industry and maritime activities are within walking distance of Bay Street. These are accessible along Route 14, Ontario and Fitzhugh Streets.

Environmental: A SEQRA document will be completed prior to the implementation of the project. Any environmental issues will be reviewed and discussed for any negative and positive impacts.

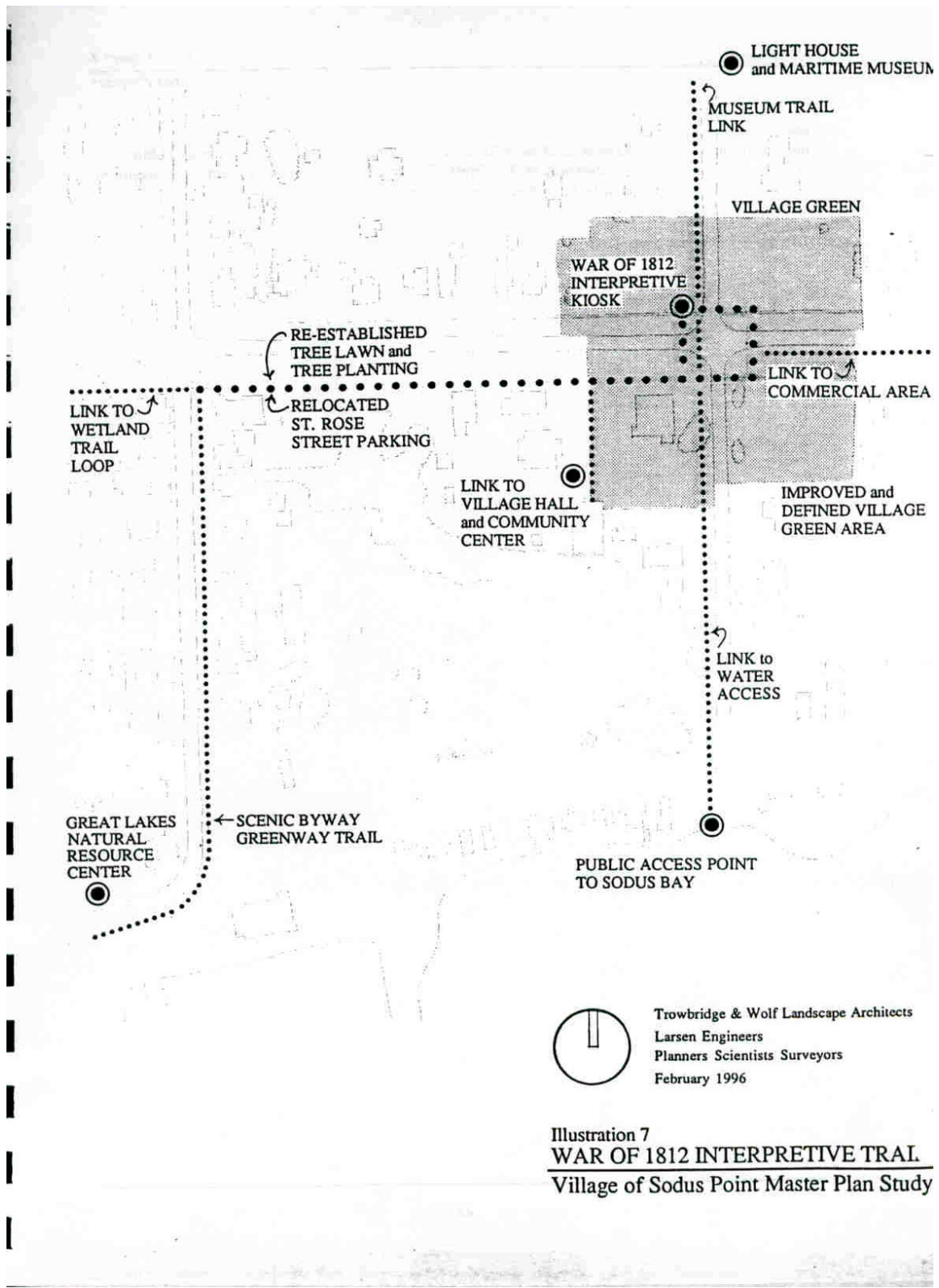
Lead Organization: Village of Sodus Point

Description: The project involves the enhancement and interpretation of a segment of the War of 1812 Trail as it enters the Village of Sodus Point. This segment of the greenway would establish a handicap accessible walk through the historic district of the village. It would include a tree planting proposal and a historic period lighting scheme within the 42-foot wide tree lawn, which is now primarily paved over. The new walk in an historic landscape setting would include interpretive signage revealing the strategic location of Sodus Point in the War of 1812 and the individual settlers of the village who made a difference in this conflict.

Time Frame: Spring 2008

Costs and Funding: Project estimate for 2008 is \$90,631

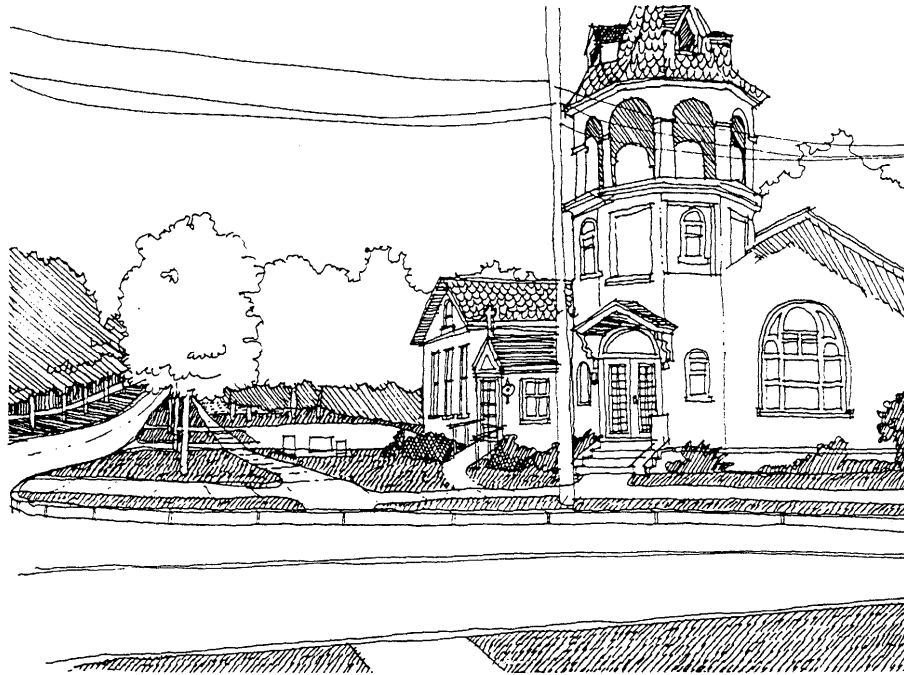
Barriers to Implementation: Relocation of Saint Rose's Church parking, which now occurs in the public Right-of-way on Bay Street.



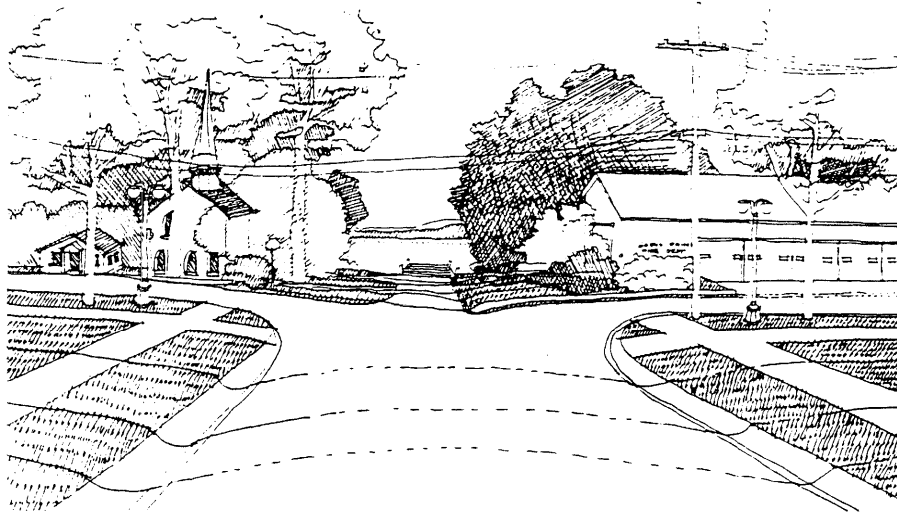
**War of 1812 continued**

*Chapter 4  
Selected Projects*

Relocated parking with new tree lawn and street trees, Saint Rose Church, Bay Street



Village Green; public access at foot of Ontario Street, Site of War of 1812 War Memorial



Hedge around Village Green, separating public and private property and definition of special events parking area.



**War of 1812 Trail - cost estimate**

*Chapter 4  
Selected Projects*

**WAR OF 1812, INTERPRETIVE TRAIL  
VILLAGE OF SODUS POINT, N.Y.**

Description	Qty	Unit	Cost/Unit	Subtotal	Total
<b>SITE WORK</b>					
<b>Demolition</b>					<b>\$12,808.93</b>
Remove asphalt parking and base	.4	SY	\$6.40	\$2,419.20	
Remove ex. concrete walk	60	SY	\$6.55	\$389.73	
Disposal (Budget)	1	LS	\$10,000.00	\$10,000.00	
<b>Pavements and Concrete</b>					<b>\$30,800.00</b>
Provide and set new curbing	770	LF	\$25.00	\$19,250.00	
New concrete sidewalk	4620	SF	\$2.50	\$11,550.00	
<b>Landscape</b>					<b>\$10,717.60</b>
Provide and install new tree	8	EA	\$275.00	\$2,200.00	
Install new lawn and topsoil (1' depth)	936	SY	\$9.10	\$8,517.60	
<b>Lighting</b>					<b>\$10,000.00</b>
New period fixtures	4	EA	\$2,500.00	\$10,000.00	
<b>Landscape Accessories</b>					<b>\$11,200.00</b>
New bench	4	EA	\$1,200.00	\$4,800.00	
Interpretive signage	1	EA	\$6,400.00	\$6,400.00	
<b>TOTAL SITE WORK</b>					\$75,526 x .20 (cost update)= \$90.631

- (b) Project Title: **Scenic Byway and Greenway Trail/ Seaway Trail**
- Geographic Area: Village of Sodus Point Greenway, parallel to the shore of Lake Ontario and Sodus Bay, a spur of the Seaway Trail.
- Functional Area: Along Rte. 14 between Harriman Park/ Boat Launch (Town of Sodus) and Lake Road/Bay Street intersection in the Village of Sodus Point.
- Transportation: Route 14 Right-of-way within the Village of Sodus Point is also the Seaway Trail Corridor.
- Recreation and Tourism: This multi-modal Greenway development along Route 14 (within the right-of-way) links a recreational destination (Harriman Park and Boat Launch) and the historic center of the Village of Sodus Point. Several marinas front upon the proposed Greenway. Charter boats, boat launching, fishing and other related water-based activities would be accessed from the greenway.
- Commercial: The commercial center for the Village of Sodus Point is within a 5-10 minute walk of the proposed Greenway. The commercial/retail center can be reached by the War of 1812 Interpretive Trail that parallels Bay Street.
- Residential Areas: The proposed Greenway terminates in the historic residential district of the Village of Sodus Point, which approximates the intersection of Rte. 14 and Bay Street. It is likely that the residential community of the Village will be significant users of the Greenway. The proposed trail will link two neighborhoods; the residential area and the more contemporary "heights" neighborhood.
- Industrial Area: The Great Sodus Bay waters will edge the Greenway Trail.
- Environmental: SEQRA documentation will be completed prior to the implementation of the project. Any environmental issues will be reviewed and discussed for any negative and positive impacts.
- Lead Organization: Village of Sodus Point
- Description: This project would provide a multi-use trail that connects the north and south sides of the Village of Sodus Point along Route 14. Currently, no sidewalks or trails exist for pedestrian or bicycle use other than the road shoulders along Rte. 14. The proposed Greenway will provide amenities such as lighting, street tree planting and rustic stone construction consistent with

surrounding vernacular details. The Greenway will be built within the New York State right-of-way along Route 14. It will provide a safe walking surface for visitors and residents connecting residential, commercial, parkland and the Town of Sodus Boat launch at Harriman Park.

Time Frame: Spring 2008

Costs and Funding: Project estimate as of 2006 is \$131,740

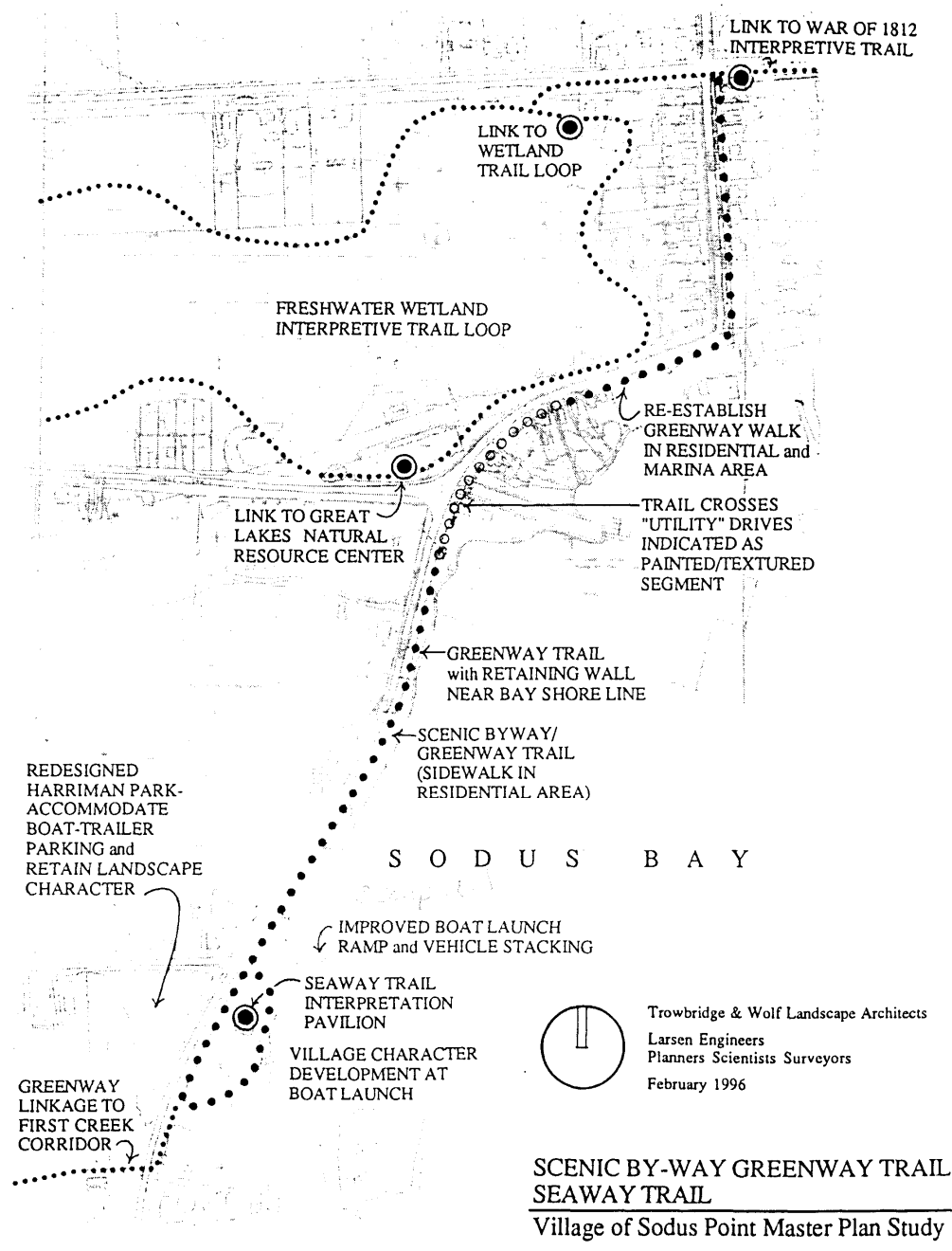
Barriers to Implementation: Coordination with property owners along Route 14. Sections of the walk/trail traverse marina functions which utilize public right-of ways. Subsequently, special site-specific details and agreements would need to be developed. Construction documents would need to be prepared to acquire competitive bids.

*Chapter 4*  
*Selected Projects*

**SCENIC BYWAY AND GREENWAY TRAIL/SEAWAY TRAIL  
VILLAGE OF SODUS POINT, N.Y.  
February 1996**

Description	Qty	Unit	Cost/Unit	Subtotal	Total
<b>SITE WORK</b>					
<b>Demolition</b>					
Remove ex. pavement	30	SY	\$6.55	\$196.50	
Disposal (Budget)	1	LS	\$2,000.00	\$2,000.00	
<b>Pavements and Concrete</b>					
Pavement Stripping	1	LS	\$200.00	\$200.00	\$54,350
Recycled Asphalt Walk: (8' width, 2" over 6" gravel)	3610	LF	\$15.00	\$54,150.00	
<b>Landscape</b>					
Provide and install new tree	14	EA	\$275.00	\$3,850.00	\$32,970.00
Install new lawn and topsoil (1' depth)	3200	SY	\$9.10	\$29,120.00	
<b>Lighting</b>					
New fixtures	12	EA	\$2,500.00	\$30,000.00	\$36,224.40
Cable and conduit (PVC)	3420	LF	\$1.82	\$6,224.40	
<b>Landscape Accessories</b>					
New bench/ installed	5	EA	\$1,200.00	\$6,000.00	\$6,000.00
<b>TOTAL SITE WORK</b>					\$131,740

\* Note: It is assumed that the proposed Seaway Trail Kiosk would be coordinated with a comprehensive state effort. Subsequently, no estimate for construction is given here.

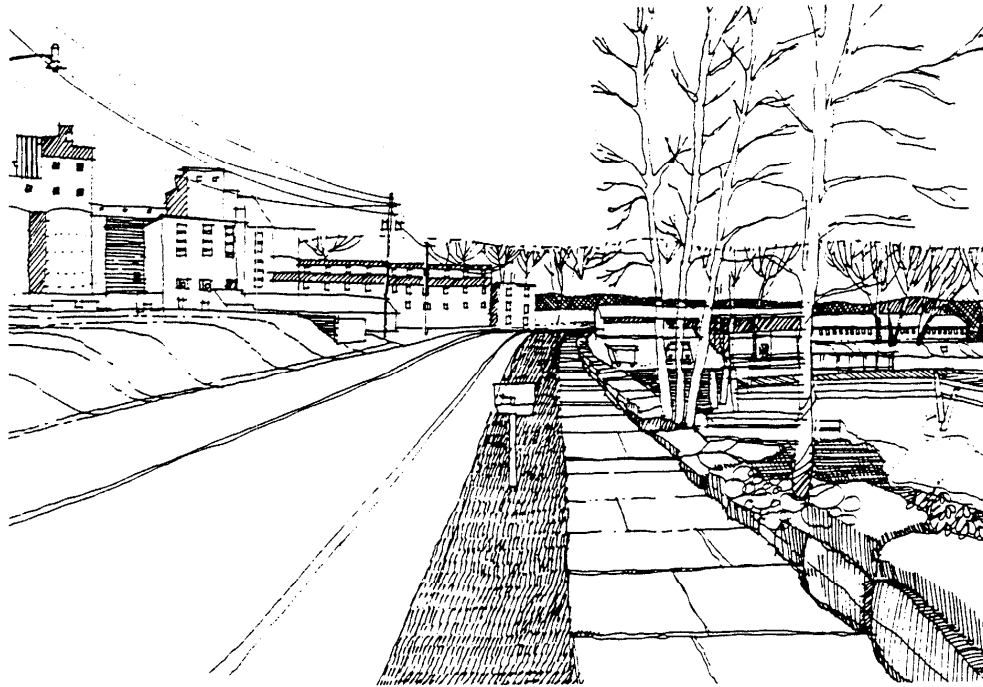


Trowbridge & Wolf Landscape Architects  
 Larsen Engineers  
 Planners Scientists Surveyors  
 February 1996

**SCENIC BY-WAY GREENWAY TRAIL  
 SEAWAY TRAIL**  
 Village of Sodus Point Master Plan Study



Scenic Byway and Greenway along Route 14.



- (c) Project Title: Wickham Boulevard Greenway Trail
- Geographic Area: Village of Sodus Point Greenway, parallel and adjacent to the Great Sodus Bay
- Functional Area: Along Wickham Boulevard between the Village owned Parks on Greig Street and the county owned park Sodus Point Park.
- Transportation: Perpendicular to Route 14 and parallel to Wickham Boulevard. The trail will occur on publicly owned land adjacent to Wickham Boulevard. A short easement over contested private property needs to be acquired.

Wickham Boulevard is the primary collector road for the Lakeview neighborhood and the only vehicular access to the public park and beach at Sodus Point Park.

Recreation and  
Tourism:

The Wickham Boulevard Greenway is proposed within a primary non-marina based recreation area in the Village of Sodus Point. Two public beaches are linked to the Wickham Boulevard segment of the Greenway. This section of the Greenway also links two significant Village Parks, which provide active recreation and a fishing dock. Wickham Boulevard is contiguous with this Greenway segment.

Commercial:

The Wickham Boulevard Greenway crosses the foot of Greig Street, the primary commercial street of the Village. This segment of the greenway is essential in that it is the only pedestrian link to the commercial area on Greig Street since this part of the Village is built upon a sand bar peninsula.

Residential Areas:

The Wickham Boulevard Greenway directly serves the most densely populated neighborhood in the Village. All of the Lakeview neighborhood streets feed into Wickham Boulevard. Subsequently, pedestrian traffic would do the same, being collected on the Greenway Trail.

Industrial Area:

The Wickham Boulevard Trail is unrelated to any industrial areas of the Village

Environmental  
Areas:

Just off-shore on the Bay, parallel to the greenway, is a submerged sandbar. This unique condition allows for shallow water and safe swimming, but also limits boat traffic in this area.

Lead Organization: Village of Sodus Point

Description:

This project involves the development of a Greenway trail within an area that desperately needs a separate and safe pedestrian walkway. The Village with Wayne County owns contiguous land for this portion of the Greenway requiring no land purchases or extenuating negotiations with abutters. The wide paved trail will allow pedestrian use to be shared with bicycle riders, in-line skaters and other modes of non-motorized transportation.

**Wickham Boulevard Greenway Trail**

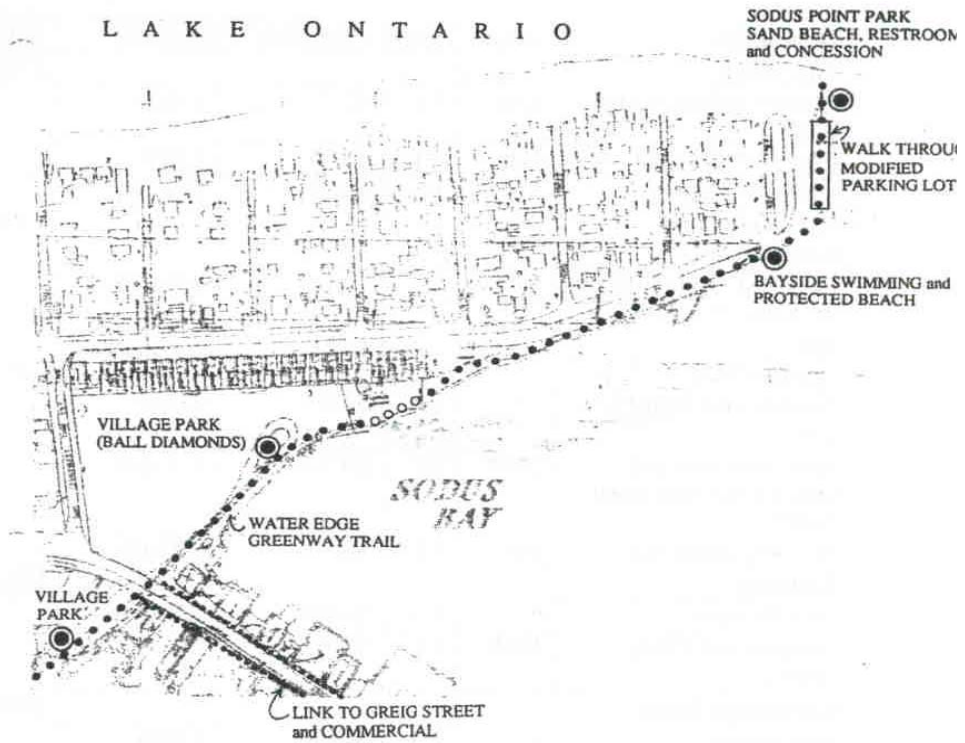
Wickham Boulevard Greenway Trail

Village of Sodus Point, NY,

April 2005

Description	Qty	Unit	Cost/Unit	Subtotal	Total
<b>D. Site Work</b>					\$7900
Remove asphalt parking and base	420	SY	\$7.5	\$3150	
Remove soil for walk base	1000	SY	\$2.75	\$2750	
Disposal (Budget)	1	LS	\$2000	\$2000	
<b>Pavements and Concrete</b>					\$40,000
Recycled Asphalt Walk	1600	LF	\$25	\$40,000	
(8' width, 2" resurface, 6" gravel)					
<b>E. Landscape</b>					\$45,140
Provide and install new tree	12	EA	\$275	\$3300	
Install new lawn and topsoil 1 to 3 inch depth AOB	2400	SY	\$9.10	\$21,840	
Masonry guide rail	400	LF	\$50	\$20,000	
<b>F. Lighting</b>					\$22,929
New fixtures	6	EA	\$3500	\$21,000	
Conduit and Cable (PVC)	1060	LF	\$1.82	\$1929	
<b>G. Landscape Items</b>					\$9000
New Bench	6	EA	\$1500	\$9000	
<b>H. Total Site Work</b>					<b>\$124,969</b>

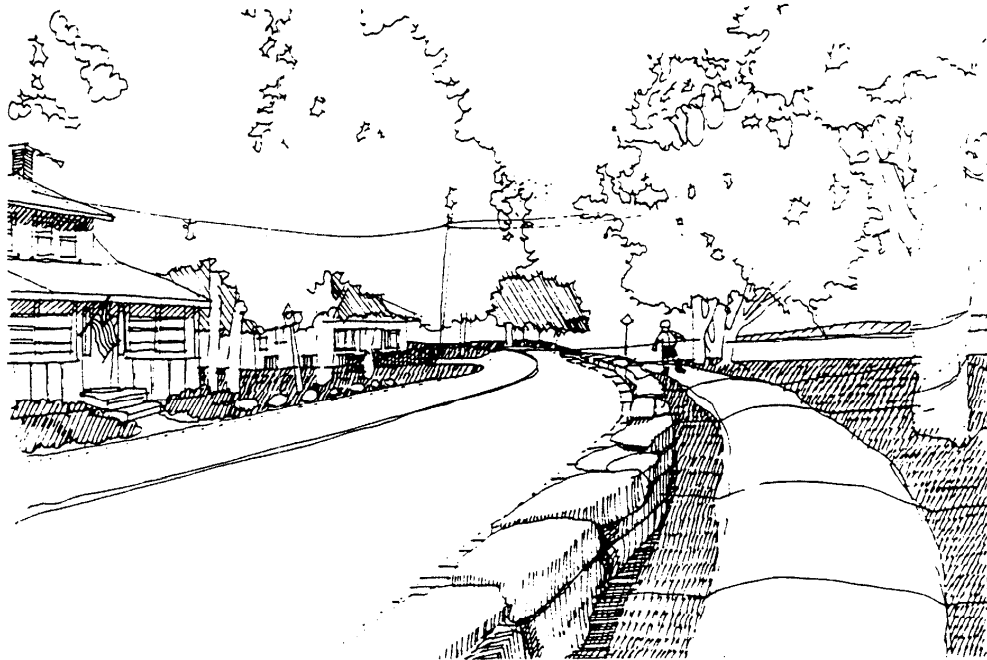
**C. Wickham Boulevard Greenway Trail continued**



Trowbridge & Wolf Landscape Architects  
Larsen Engineers  
Planners Scientists Surveyors  
February 1996

**WICKHAM BOULEVARD  
GREENWAY TRAIL**  
Village of Sodus Point Master Plan Study

Greenway Trail along Wickham Boulevard



- (d) **Project Title: Public Pier** - No formal cost estimate has been worked up for the Public Pier at this time. While the project is a top priority for the Village and is essential for the waterfront expansion of the Village, no sites have been selected to date. In order to do a reasonable cost estimate it is necessary to determine the cost of land acquisition, depth of water and accessibility of the site. A reasonable cost guess, based on simple land acquisition and deep water would probably put the project in the neighborhood of two million dollars.

The Village will work with project engineers to find suitable alternatives for the project that can be brought to the public and discussed in a public forum. This is the appropriate way to advance a project of this magnitude and importance to the Village.

- (e) Project Title: Skateboard Park / Ice-skating Rink
- Geographic Area: Village of Sodus Point Greenway, parallel to the shore of Lake Ontario and Sodus Bay.
- Functional Area: Within the limits of the Village of Sodus Point Willow Park
- Transportation: Adjacent to Route 14 and the municipal parking lot.
- Recreation and Tourism: This site is already home to a state of the art playground, and has newly refurbished rest rooms. This location is the new site for the summer kids outdoor movie and dance party.
- Commercial: The Skateboard Park and Ice-skating Rink is located minutes from the stores and restaurants of Greig Street.
- Residential Areas: The location is ideal for serving all residential areas within the Village of Sodus Point.
- Industrial Area: The Park is adjacent to the waterfront commercial areas.
- Lead Organization: Village of Sodus Point
- Description: This project will provide a safe place for the youth of the community to gather under a supervised activity. The need for a Skateboard Park is apparent just by the number of skateboarders observed daily. The Village of Sodus Point has researched other municipalities for issues surrounding the project, such as safety, hours of operation, type of equipment and other information.  
The project will be another attraction for the summer and winter visitors to the area.
- Time Frame: Spring 2004 and continuing
- Costs and Funding: Project estimate \$117,300
- Barriers to Implementation: Public participation is essential to insure the success of the project.

**Skateboard Park/ Ice-skating Rink**

March 2004

Description	Quantity	Cost/Unit	Subtotal	Total
Site Work				
Clearing/excavation	.2 Acres	2000/ac	\$400	
Drainage/excavation	.2 Acres	2000/ac	\$400	
Disposal	Lump Sum	\$1000	\$1000	
Pavements and Concrete				
Concrete pad	100 x 100	\$1.2/sf	\$12,000	
Landscape amenities				
Pavers for walkway	500 sf	\$5.2 sf	\$2600	
Topsoil and seed	.1 Acre	\$4000/acre	\$400	
Period lighting/installed	8 lights	\$4500/each	\$36,000	
Benches	6 each	\$1500/each	\$9000	
Fencing	400 LF	\$18.75/lf	\$7500	
Skateboard Equipment (ramps)	LS	\$46,000	\$46,000	
Signage	LS	\$2000	\$2000	
				<b>\$117,300</b>

*In addition to the five detailed projects, other project observations are made for several places in the Village. These are projects that are supported by the Village, but no further project development has taken place to promote these projects at this time. These projects are not ranked in any particular order.*

- Promote the Village of Sodus Point, through a series of ad campaigns that might include spots on TV, ads in newspapers, trade magazines and could possibly include the governors “I love New York” campaign. The “new” Sodus Point concept could convey the new image the Village is attempting to demonstrate.

- Campgrounds

There is an opportunity to encourage the development of private campgrounds within the Village to accommodate fisherman and other visitors. The areas, which may be suitable for this activity, are located near Route 14, the track right-of-way between Sentell Street and Margaretta Road, and south of Margaretta Road.

- Harbor Dredging

It is imperative that the entrance to the bay be maintained at a safe navigational depth. Sedimentation and littoral drift contribute to the buildup of a sand bar in the entry channel; the 2002 recorded depth was 11 feet. The US Army Corps of Engineers completed a dredging operation in the summer of 2004 and lowered the depth to 14 – 15 feet. Periodic dredging will be required by the USACOE to maintain a safe depth in the channel.

- Sewer Pipeline Crescent Beach

- a) A sewer pipeline from the Village of Sodus Point to the “Sand Bar” will allow for the collection of currently untreated sewage being discharged into Sodus Bay. The Village of Sodus Point Waste Treatment Plant currently operates at approximately a fifty percent capacity and can easily handle the additional effluent. This connection will eventually allow for the municipalities of Huron, and Rose to connect with the Village of Sodus Point Sewage Treatment.

The overall effect of cleaning the bay would take a big step with this action. In addition, with the reduction in phosphorus and nitrogen being dumped into the bay it may have a positive effect on reduction of weed growth.

Informal estimates on the cost of supplying the underwater sewage and clean water lines is approximately \$500,000 and this does not include additional costs of design and hookups as well as the on land links. An estimate for the overall full functional sewage and clean water line and the on land linkage is approximately \$980,000.



Grants from HUD and other Community Grants are crucial to making this project happen. In addition, the Village of Sodus Point would have to agree to provide out of district services with appropriate water and sewer rents.

- b) Replace antiquated sewage and water lines down Greig Street from the 4 way stop sign to the end of the loop. This upgrade of underground utility will facilitate any future development within this section of the Village. Currently, NY State Route 14 runs to the end of the loop, but before the NYS Department of Transportation will propose a reconstruction project to bring the Village up to current standards the substructure must be modernized to avoid placing new pavement over an antiquated system.

Wayne County is actively looking at this situation. Currently the County is awaiting the results of a survey, which is intended to revisit the per capita income of the affected residents to see if the Village may qualify for HUD grants. The county is also looking for other fund sources to get this project designed and built. This is a **high priority project** as all future development of the Village is contingent upon the quality of the underground utilities.

- Development of pedestrian connections

Public access to the water is all-important and providing a walking trail along the south side of Greig Street from the CBD to the old railroad corridor is important.

Property acquisition, easements, strict planning review and policy setting are integral to obtaining and maintaining a pedestrian walk along this section of the Village. This trail is an important piece to the future of Sodus Point and is vital for the overall good of the Village.

- Overnight accommodations and banquet facilities

Additional overnight accommodations are the key to the future success of the Village. Current conditions are unacceptable for any necessary growth. There are not enough available beds to effectively plan for any sizable water related activity. Weddings, for example that currently take place in the village, are forced to make accommodations in locations as far away as Newark, New York. In order for the Village to become a self-supporting community and attract viable businesses, the addition of at least fifty rooms (a hotel) and a meeting facility are essential.

- Underground utilities in the Central Business District

As the village is afforded opportunities in the future, overhead utilities should be placed underground in the Central Business District (CBD). This would improve the aesthetics of the village and would improve the views to and from the water. This would best be coordinated with a large reconstruction project such as the NYSDOT reconstruction or the underground utility upgrade project.

- Period lighting

Period lighting has been incorporated into the village where appropriate. An additional style of historic lighting with more detail and human scale is necessary to define the limits of the CBD.

- Water Transportation

The Rose Lummis is currently operating on a limited basis within Sodus Bay. The boat runs a tour and dinner cruise and can be rented for special occasions. The addition of a public pier would enhance the ease of this operation and might provide for a base of operations.

With the powerful connection to the water that exists in Sodus Point and the opportunity to do more, the village needs to provide a system of water transportation. This would be one more method to provide people who would not normally have the ability to get on the water a chance to get out on the water.

It is vital that the village makes a connection to the Fast Ferry that will be operating out of Rochester and transporting people and goods to and from Toronto. With the connection to the Fast Ferry it will be possible for people to park their car in Sodus Point and take water transportation to Rochester and ultimately across Lake Ontario to Toronto, faster than they could possibly drive. In addition, it is important that we connect to the water transportation system that the Town of Irondequoit is proposing for transporting people within the Irondequoit Bay and over to the Fast Ferry.

- Pedestrian and Bicycle Study

The Village of Sodus Point needs to conduct a study of pedestrian needs, which would include sidewalks, ADA compliance, bike lane and bike trails, hiking trails, tourist trails and a system of pedestrian

passage along the bay. The study would have to be completed by consultants with experience in this field.

- New Village Hall/Rehab of existing Village Hall

The existing Sodus Point Village Hall is in poor condition and should be replaced and or rehabilitated with a state of the art facility. The building should be completely ADA accessible and be architecturally designed to fit into the character of the community.

- Fire Station

The Village of Sodus Point Fire Station is located in what was once known as the commons. This historic section of the village requires an architectural facelift to fit the character of the community. Cape cod style amenities such as clap board siding, a pitched roof with a cupola and shutters would help make the structure fit into the water side community.

- Property Acquisition

At some point it may be necessary to acquire parcels of property to make critical connections between pieces of unconnected trail systems. In addition, acquisition may be necessary to institute the master plan as well as to expand on points for access to the water.

- Historic Districts

The Village of Sodus Point has potential historic districts. These areas should be further defined and formally recognized. These districts could then be mapped and used as part of a historic Sodus Point Brochure or walking tour. In addition, funding or tax advantages may be available for those who qualify.

- Village of Sodus Point Design Study

Hire design consultants with engineering, architecture and landscape architecture experience to review the Village and make design recommendations. This should include concepts for building design, new layouts for better pedestrian access to the water, design a walk of shops, move existing boat storage facilities to better locations and consider the idea of a “super store” for boat sales and combine all the various boat sales in one location with one general manger. This would allow for convenience in boat shopping and

advertising dollars could be used to reach a larger audience. This same idea should be applied to a state of the art boat repair facility.

This would allow for several acres of prime waterfront acreage to be utilized for a more diversified purpose. Views to the water would be improved. New restaurants, stores and hotels could occupy this valuable real estate.

## **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); the Flood Damage Prevention Law (1977); the Sewer Use Law (1976); the Sewer Rent Law (1976); and the Docks and Moorings Law (1986).

- a. Zoning - The current Zoning Ordinance was readopted in 1979 and modified again in 1998. The new zoning law was designed to accomplish certain goals including the following:
  - 1) To give priority to water dependent uses within the Village,
  - 2) To promote a healthy commercial center which maintains a mix of uses and a suitable scale for the Village, and
  - 3) To protect the traditional scale and characteristics of the residential areas. (See [Map B – Zoning](#).)
  - 4) To protect open space, natural features and conservation areas (see [map F](#))

The following zoning districts apply to properties within the LWRP.

- R Residential
- PR Planned Residential
- MH Mobile Home Park
- LCR Limited Commercial/Residential
- WC Waterfront/Commercial
- I Industrial
- P Public
- N Natural Areas

The districts, illustrated on [Map B](#), provide for the following:

- R Zoning District – conventional single-family housing at current development densities.
- PR Zoning District – parcels of five or more acres planned with a unifying design theme; different types of units would be allowed with densities up to 12 units per acre.
- MH Zoning District – four or more manufactured homes on a single lot, or complexes of owned lots for the exclusive use of mobile/manufactured housing.

- LCR Zoning Districts – 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 Zoning District – 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 and architectural design
- I Zoning District – conventional processing, manufacturing, storage, repair of raw materials and fabricated items; also would allow recreational vehicle parking, boat storage, agriculture and research facilities.
- P Zoning District – land to be used as parks, walkways and/or public access.
- N Zoning District – provides land for natural areas.

In addition to the zoning districts, the Village’s zoning ordinance 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.
- b. 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 require 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 development permits in accordance with its provisions.
- c. 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.

- d. Docks and Moorings Law - This law establishes comprehensive controls for the construction, installation, and locations of docks, piers, boathouses, structures, and mooring buoys. A Docks and Mooring Inspector is appointed by the Mayor with subsequent approval by the Board of Trustees. The inspection examines all permit applications for all docks, structures, piers, etc. within 1500 feet from the shoreline. Dock and pier specifications are given in Article V of the local law.
- e. Waterfront Consistency Review Law - A waterfront Consistency Review law has been enacted that requires that all Village personnel, officials, boards, agencies and committees act consistently with the policies and purposes of the LWRP.

## **B. State Funding Sources to Implement the LWRP**

- 1. Environmental Protection Fund (EPF) – The EPF is a State program that offers matching grant funds for waterfront planning and development projects, for recreation improvements and for historic preservation projects. Funds can be used for planning and design services, for land acquisition and for the construction of project improvements. The two agencies that distribute EPF funding generally issue separate Requests for Proposals (RFP's). The EPF criteria for recreation projects favor proposals that would provide additional water-based recreation opportunities or access to water-based sites.
- 2. Environmental Bond Act – New York State seeks grant applications on an annual basis for funds from the Environmental Bond Act as well as the Environmental Protection Fund. Like the LWRP Implementation Grants, Bond Acts and EPF grants are a 50/50 matching grant program. Funds for a variety of project types may be applied for through the NYS Office of Parks, Recreation and Historic Preservation. Information for the program is available through OPRHP's regional grant administrator.
- 3. 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: 1) develops, enhances or expands public access to a water body; 2) promotes water based recreation; 3) enhances the natural cultural or historic aspects of the water body; or, 4) 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.

4. State Legislature 'Member Items' – Members of the state legislature have access to significant funding for projects they deem as important in their local districts. The consultant has experienced cases where unsuccessful EPF grant applications have been funded with member item funds. State legislators should be kept informed about the community's vision and funding needs for various projects.

### **C. Federal Funding Sources to fund the LWRP**

1. 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.
2. 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.
3. 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.
4. 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.
5. 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.

1. 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.
2. 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.

**SECTION VI  
STATE AND FEDERAL ACTIONS AND PROGRAMS  
LIKELY TO AFFECT IMPLEMENTATION**

State and federal actions will affect and be affected by implementation of a Local Waterfront Revitalization Program (LWRP). Under State law and the U.S. Coastal Zone Management Act, certain State and federal actions within or affecting the local waterfront area must be "consistent" or "consistent to the maximum extent practicable" with the enforceable policies and purposes of the LWRP. This consistency requirement makes the LWRP a unique, intergovernmental mechanism for setting policy and making decisions and helps to prevent detrimental actions from occurring and future options from being needlessly foreclosed. At the same time, the active participation of State and federal agencies is also likely to be necessary to implement specific provisions of the LWRP.

Pursuant to the State Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Executive Law, Article 42), the Secretary of State notifies affected State agencies of those agency actions and programs which are to be undertaken in a manner consistent with approved LWRPs. The following list of State actions and programs is that list. The State Waterfront Revitalization of Coastal Areas and Inland Waterways Act requires that a LWRP identify those elements of the program which can be implemented the local government, unaided, and those that can only be implemented with the aid of other levels of government or other agencies. Such statement shall include those permit, license, certification, or approval programs; grant, loan, subsidy, or other funding assistance programs; facilities construction; and planning programs which may affect the achievement of the LWRP. Federal agency actions and programs subject to consistency requirements are identified in the New York State Coastal management Program and by the implementing regulations of the U.S. Coastal Zone Management Act.

The second part of this section is a more focused and descriptive list of State and federal agency actions which are necessary to further implementation of the LWRP. It is recognized that a State or federal agency's ability to undertake such actions is subject to a variety of factors and considerations; that the consistency provisions referred to above, may not apply; and that the consistency requirements cannot be used to require a State or federal agency to undertake an action it could not undertake pursuant to other provisions of law. Reference should be made to Section IV and Section V, which also discuss State and federal assistance needed to implement the LWRP.

**A. State and Federal Actions and Programs Which Should be Undertaken in a Manner Consistent with the LWRP**

**1. STATE AGENCIES**

**OFFICE FOR THE AGING**

- 1.00 Funding and/or approval programs for the establishment of new or expanded facilities providing various services for the elderly.

**DEPARTMENT OF AGRICULTURE AND MARKETS**

- 1.00 Agricultural Districts Program  
2.00 Rural Development Program  
3.00 Farm Worker Services Programs  
4.00 Permit and approval programs:  
    4.01 Custom Slaughters/Processor Permit  
    4.02 Processing Plant License  
    4.03 Refrigerated Warehouse and/or Locker Plant License  
5.00 Farmland Protection Grants from the Environmental Protection Fund

**DIVISION OF ALCOHOLIC BEVERAGE CONTROL/ STATE LIQUOR AUTHORITY**

- 1.00 Permit and Approval Programs:  
    1.01 Ball Park - Stadium License  
    1.02 Bottle Club License  
    1.03 Bottling Permits  
    1.04 Brewer's Licenses and Permits  
    1.05 Brewer's Retail Beer License  
    1.06 Catering Establishment Liquor License  
    1.07 Cider Producer's and Wholesaler's Licenses  
    1.08 Club Beer, Liquor, and Wine Licenses  
    1.09 Distiller's Licenses  
    1.10 Drug Store, Eating Place, and Grocery Store Beer Licenses  
    1.11 Farm Winery and Winery Licenses  
    1.12 Hotel Beer, Wine, and Liquor Licenses  
    1.13 Industrial Alcohol Manufacturer's Permits  
    1.14 Liquor Store License  
    1.15 On-Premises Liquor Licenses  
    1.16 Plenary Permit (Miscellaneous-Annual)  
    1.17 Summer Beer and Liquor Licenses  
    1.18 Tavern/Restaurant and Restaurant Wine Licenses  
    1.19 Vessel Beer and Liquor Licenses  
    1.20 Warehouse Permit  
    1.21 Wine Store License  
    1.22 Winter Beer and Liquor Licenses  
    1.23 Wholesale Beer, Wine, and Liquor Licenses

## **DIVISION OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES**

- 1.00 Facilities, construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
  - 2.01 Certificate of approval (Substance Abuse Services Program)
- 3.00 Permit and approval:
  - 3.01 Letter Approval for Certificate of Need
  - 3.02 Operating Certificate (Alcoholism Facility)
  - 3.03 Operating Certificate (Community Residence)
  - 3.04 Operating Certificate (Outpatient Facility)
  - 3.05 Operating Certificate (Sobering-Up Station)

## **COUNCIL ON THE ARTS**

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Architecture and environmental arts program.

## **DEPARTMENT OF BANKING**

- 1.00 Permit and approval programs:
  - 1.01 Authorization Certificate (Bank Branch)
  - 1.02 Authorization Certificate (Bank Change of Location)
  - 1.03 Authorization Certificate (Bank Charter)
  - 1.04 Authorization Certificate (Credit Union Change of Location)
  - 1.05 Authorization Certificate (Credit Union Charter)
  - 1.06 Authorization Certificate (Credit Union Station)
  - 1.07 Authorization Certificate (Foreign Banking Corporation Change of Location)
  - 1.08 Authorization Certificate (Foreign Banking Corporation Public Accommodations Office)
  - 1.09 Authorization Certificate (Investment Company Branch)
  - 1.10 Authorization Certificate (Investment Company Change of Location)
  - 1.11 Authorization Certificate (Investment Company Charter)
  - 1.12 Authorization Certificate (Licensed Lender Change of Location)
  - 1.13 Authorization Certificate (Mutual Trust Company Charter)
  - 1.14 Authorization Certificate (Private Banker Charter)
  - 1.15 Authorization Certificate (Public Accommodation Office - Banks)
  - 1.16 Authorization Certificate (Safe Deposit Company Branch)
  - 1.17 Authorization Certificate (Safe Deposit Company Change of Location)
  - 1.18 Authorization Certificate (Safe Deposit Company Charter)
  - 1.19 Authorization Certificate (Savings Bank Charter)
  - 1.20 Authorization Certificate (Savings Bank De Novo Branch Office)
  - 1.21 Authorization Certificate (Savings Bank Public Accommodations Office)

- 1.22 Authorization Certificate (Savings and Loan Association Branch)
- 1.23 Authorization Certificate (Savings and Loan Association Change of Location)
- 1.24 Authorization Certificate (Savings and Loan Association Charter)
- 1.25 Authorization Certificate (Subsidiary Trust Company Charter)
- 1.26 Authorization Certificate (Trust Company Branch)
- 1.27 Authorization Certificate (Trust Company-Change of Location)
- 1.28 Authorization Certificate (Trust Company Charter)
- 1.29 Authorization Certificate (Trust Company Public Accommodations Office)
- 1.30 Authorization to Establish a Life Insurance Agency
- 1.31 License as a Licensed Lender
- 1.32 License for a Foreign Banking Corporation Branch

**OFFICE OF CHILDREN AND FAMILY SERVICES**

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Homeless Housing and Assistance Program.
- 3.00 Permit and approval programs:
  - 3.01 Certificate of Incorporation (Adult Residential Care Facilities)
  - 3.02 Operating Certificate (Children's Services)
  - 3.03 Operating Certificate (Enriched Housing Program)
  - 3.04 Operating Certificate (Home for Adults)
  - 3.05 Operating Certificate (Proprietary Home)
  - 3.06 Operating Certificate (Public Home)
  - 3.07 Operating Certificate (Special Care Home)
  - 3.08 Permit to Operate a Day Care Center

**DEPARTMENT OF CORRECTIONAL SERVICES**

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

**DORMITORY AUTHORITY OF THE STATE OF NEW YORK**

- 1.00 Financing of higher education and health care facilities.
- 2.00 Planning and design services assistance program.

**EMPIRE STATE DEVELOPMENT/ EMPIRE STATE DEVELOPMENT CORPORATION**

- 1.00 Preparation or revision of statewide or specific plans to address State economic development needs.
- 2.00 Allocation of the state tax-free bonding reserve.

## **EDUCATION DEPARTMENT**

- 1.00 Facilities construction, rehabilitation, expansion, demolition or the funding of such activities.
- 2.00 Permit and approval programs:
  - 2.01 Certification of Incorporation (Regents Charter)
  - 2.02 Private Business School Registration
  - 2.03 Private School License
  - 2.04 Registered Manufacturer of Drugs and/or Devices
  - 2.05 Registered Pharmacy Certificate
  - 2.06 Registered Wholesale of Drugs and/or Devices
  - 2.07 Registered Wholesaler-Re-packer of Drugs and/or Devices
  - 2.08 Storekeeper's Certificate

## **NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY**

- 1.00 Issuance of revenue bonds to finance pollution abatement modifications in power-generation facilities and various energy projects.

## **DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of lands under the jurisdiction of the Department.
- 2.00 Classification of Waters Program; classification of land areas under the Clean Air Act.
- 3.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 4.00 Financial assistance/grant programs:
  - 4.01 Capital projects for limiting air pollution
  - 4.02 Cleanup of toxic waste dumps
  - 4.03 Flood control, beach erosion and other water resource projects
  - 4.04 Operating aid to municipal wastewater treatment facilities
  - 4.05 Resource recovery and solid waste management capital projects
  - 4.06 Wastewater treatment facilities
- 5.00 Planning, construction, rehabilitation, expansion, demolition, or the funding of such activities and/or projects funded through the Environmental Protection Fund (Environmental Protection Act of 1993) or Clean Water/Clean Air Bond Act of 1996.
- 6.00 Funding assistance for issuance of permits and other regulatory activities (New York City only).

7.00 Implementation of the Environmental Quality Bond Act of 1972, including:

- (a) Water Quality Improvement Projects
- (b) Land Preservation and Improvement Projects including Wetland Preservation and Restoration Projects, Unique Area Preservation Projects, Metropolitan Parks Projects, Open Space Preservation Projects and Waterways Projects.

8.00 Marine Finfish and Shellfish Programs.

9.00 New York Harbor Drift Removal Project.

10.00 Permit and approval programs:

Air Resources

- 10.01 Certificate of Approval for Air Pollution Episode Action Plan
- 10.02 Certificate of Compliance for Tax Relief - Air Pollution Control Facility
- 10.03 Certificate to Operate: Stationary Combustion Installation; Incinerator; Process, Exhaust or Ventilation System
- 10.04 Permit for Burial of Radioactive Material
- 10.05 Permit for Discharge of Radioactive Material to Sanitary Sewer
- 10.06 Permit for Restricted Burning
- 10.07 Permit to Construct: a Stationary Combustion Installation; Incinerator; Indirect Source of Air Contamination; Process, Exhaust or Ventilation System

Construction Management

- 10.08 Approval of Plans and Specifications for Wastewater Treatment Facilities

Fish and Wildlife

- 10.09 Certificate to Possess and Sell Hatchery Trout in New York State
- 10.10 Commercial Inland Fisheries Licenses
- 10.11 Fishing Preserve License
- 10.12 Fur Breeder's License
- 10.13 Game Dealer's License
- 10.14 Licenses to Breed Domestic Game Animals
- 10.15 License to Possess and Sell Live Game
- 10.16 Permit to Import, Transport and/or Export under Section 184.1 (11-0511)
- 10.17 Permit to Raise and Sell Trout
- 10.18 Private Bass Hatchery Permit
- 10.19 Shooting Preserve Licenses
- 10.20 Taxidermy License
- 10.21 Permit - Article 15, (Protection of Water) - Dredge or Deposit Material in a Waterway

- 10.22 Permit - Article 15, (Protection of Water) - Stream Bed or Bank Disturbances
- 10.23 Permit - Article 24, (Freshwater Wetlands)

#### Hazardous Substances

- 10.24 Permit to Use Chemicals for the Control or Elimination of Aquatic Insects
- 10.25 Permit to Use Chemicals for the Control or Elimination of Aquatic Vegetation
- 10.26 Permit to Use Chemicals for the Control or Extermination of Undesirable Fish

#### Lands and Forest

- 10.27 Certificate of Environmental Safety (Liquid Natural Gas and Liquid Petroleum Gas)
- 10.28 Floating Object Permit
- 10.29 Marine Regatta Permit
- 10.30 Navigation Aid Permit

#### Marine Resources

- 10.31 Digger's Permit (Shellfish)
- 10.32 License of Menhaden Fishing Vessel
- 10.33 License for Non-Resident Food Fishing Vessel
- 10.34 Non-Resident Lobster Permit
- 10.35 Marine Hatchery and/or Off-Bottom Culture Shellfish Permits
- 10.36 Permits to Take Blue-Claw Crabs
- 10.37 Permit to Use Pond or Trap Net
- 10.38 Resident Commercial Lobster Permit
- 10.39 Shellfish Bed Permit
- 10.40 Shellfish Shipper's Permits
- 10.41 Special Permit to Take Surf Clams from Waters other than the Atlantic Ocean
- 10.42 Permit - Article 25, (Tidal Wetlands)

#### Mineral Resources

- 10.43 Mining Permit
- 10.44 Permit to Plug and Abandon (a non-commercial, oil, gas or solution mining well)
- 10.45 Underground Storage Permit (Gas)
- 10.46 Well Drilling Permit (Oil, Gas, and Solution Salt Mining)

#### Solid Wastes

- 10.47 Permit to Construct and/or Operate a Solid Waste Management Facility
- 10.48 Septic Tank Cleaner and Industrial Waste Collector Permit



## Water Resources

- 10.49 Approval of Plans for Wastewater Disposal Systems
- 10.50 Certificate of Approval of Realty Subdivision Plans
- 10.51 Certificate of Compliance (Industrial Wastewater Treatment Facility)
- 10.52 Letters of Certification for Major Onshore Petroleum Facility Oil Spill Prevention and Control Plan
- 10.53 Permit - Article 36, (Construction in Flood Hazard Areas)
- 10.54 Permit for State Agency Activities for Development in Coastal Erosion Hazards Areas
- 10.55 State Pollutant Discharge Elimination System (SPDES) Permit
- 10.56 Approval - Drainage Improvement District
- 10.57 Approval - Water (Diversion for) Power
- 10.58 Approval of Well System and Permit to Operate
- 10.59 Permit - Article 15, (Protection of Water) - Dam
- 10.60 Permit - Article 15, Title 15 (Water Supply)
- 10.61 River Improvement District Approvals
- 10.62 River Regulatory District Approvals
- 10.63 Well Drilling Certificate of Registration
- 10.64 401 Water Quality Certification

11.00 Preparation and revision of Air Pollution State Implementation Plan.

12.00 Preparation and revision of Continuous Executive Program Plan.

13.00 Preparation and revision of Statewide Environmental Plan.

14.00 Protection of Natural and Man-made Beauty Program.

15.00 Urban Fisheries Program.

16.00 Urban Forestry Program.

17.00 Urban Wildlife Program.

### **ENVIRONMENTAL FACILITIES CORPORATION**

- 1.00 Financing program for pollution control facilities for industrial firms and small businesses.

### **FACILITIES DEVELOPMENT CORPORATION**

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

### **OFFICE OF GENERAL SERVICES**

- 1.00 Administration of the Public Lands Law for acquisition and disposition of lands, grants of land, grants of easement and issuance of licenses for land underwater, including for residential docks over 5,000 square feet and all commercial docks, issuance of licenses for removal of materials from lands

under water, and oil and gas leases for exploration and development.

- 2.00 Administration of Article 4-B, Public Buildings Law, in regard to the protection and management of State historic and cultural properties and State uses of buildings of historic, architectural or cultural significance.
- 3.00 Facilities construction, rehabilitation, expansion, or demolition.
- 4.00 Administration of Article 5, Section 233, sub. 5 of the Education Law on removal of archaeological and paleontological objects under the waters of the State.
- 5.00 Administration of Article 3, Section 32 of the Navigation Law regarding location of structures in or on navigable waters.

**DEPARTMENT OF HEALTH**

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
  - 2.01 Approval of Completed Works for Public Water Supply Improvements
  - 2.02 Approval of Plans for Public Water Supply Improvements.
  - 2.03 Certificate of Need (Health Related Facility - except Hospitals)
  - 2.04 Certificate of Need (Hospitals)
  - 2.05 Operating Certificate (Diagnostic and Treatment Center)
  - 2.06 Operating Certificate (Health Related Facility)
  - 2.07 Operating Certificate (Hospice)
  - 2.08 Operating Certificate (Hospital)
  - 2.09 Operating Certificate (Nursing Home)
  - 2.10 Permit to Operate a Children's Overnight or Day Camp
  - 2.11 Permit to Operate a Migrant Labor Camp
  - 2.12 Permit to Operate as a Retail Frozen Dessert Manufacturer
  - 2.13 Permit to Operate a Service Food Establishment
  - 2.14 Permit to Operate a Temporary Residence/Mass Gathering
  - 2.15 Permit to Operate or Maintain a Swimming Pool or Public Bathing Beach
  - 2.16 Permit to Operate Sanitary Facilities for Realty Subdivisions
  - 2.17 Shared Health Facility Registration Certificate

**DIVISION OF HOUSING AND COMMUNITY RENEWAL AND ITS SUBSIDIARIES AND AFFILIATES**

- 1.00 Facilities construction, rehabilitation, expansion, or demolition.
- 2.00 Financial assistance/grant programs:
  - 2.01 Federal Housing Assistance Payments Programs (Section 8 Programs)
  - 2.02 Housing Development Fund Programs
  - 2.03 Neighborhood Preservation Companies Program
  - 2.04 Public Housing Programs

- 2.05 Rural Initiatives Grant Program
  - 2.06 Rural Preservation Companies Program
  - 2.07 Rural Rental Assistance Program
  - 2.08 Special Needs Demonstration Projects
  - 2.09 Urban Initiatives Grant Program
  - 2.10 Urban Renewal Programs
- 3.00 Preparation and implementation of plans to address housing and community renewal needs.

**HOUSING FINANCE AGENCY**

- 1.00 Funding programs for the construction, rehabilitation, or expansion of facilities.
- 2.00 Affordable Housing Corporation

**JOB DEVELOPMENT AUTHORITY**

- 1.00 Financing assistance programs for commercial and industrial facilities.

**MEDICAL CARE FACILITIES FINANCING AGENCY**

- 1.00 Financing of medical care facilities.

**OFFICE OF MENTAL HEALTH**

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
  - 2.01 Operating Certificate (Community Residence)
  - 2.02 Operating Certificate (Family Care Homes)
  - 2.03 Operating Certificate (Inpatient Facility)
  - 2.04 Operating Certificate (Outpatient Facility)

**OFFICE OF MENTAL RETARDATION AND DEVELOPMENT DISABILITIES**

- 1.00 Facilities construction, rehabilitation, expansion, or demolition, or the funding of such activities.
- 2.00 Permit and approval programs:
  - 2.01 Establishment and Construction Prior Approval
  - 2.02 Operating Certificate Community Residence
  - 2.03 Outpatient Facility Operating Certificate

**DIVISION OF MILITARY AND NAVAL AFFAIRS**

- 1.00 Preparation and implementation of the State Disaster Preparedness Plan.

## **NATURAL HERITAGE TRUST**

- 1.00 Funding program for natural heritage institutions.

## **OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION (including Regional State Park Commission)**

- 1.00 Acquisition, disposition, lease, grant of easement or other activities related to the management of land under the jurisdiction of the Office.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 3.00 Funding program for recreational boating, safety and enforcement.
- 4.00 Funding program for State and local historic preservation projects.
- 5.00 Land and Water Conservation Fund programs.
- 6.00 Nomination of properties to the Federal and/or State Register of Historic Places.
- 7.00 Permit and approval programs:
  - 7.01 Floating Objects Permit
  - 7.02 Marine Regatta Permit
  - 7.03 Navigation Aide Permit
  - 7.04 Posting of Signs Outside State Parks
- 8.00 Preparation and revision of the Statewide Comprehensive Outdoor Recreation Plan and the Statewide Comprehensive Historic Preservation Plan and other plans for public access, recreation, historic preservation or related purposes.
- 9.00 Recreation services program.
- 10.00 Urban Cultural Parks Program.
- 11.00 Planning, construction, rehabilitation, expansion, demolition, or the funding of such activities and/or projects funded through the Environmental Protection Fund (Environmental Protection Act of 1993) or Clean Water/Clean Air Bond Act of 1996.

## **POWER AUTHORITY OF THE STATE OF NEW YORK**

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Authority.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition.

**ROCHESTER-GENESEE REGIONAL TRANSPORTATION AUTHORITY (regional agency)**

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Authority.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 3.00 Increases in special fares for transportation services to public water-related recreation resources.

**NEW YORK STATE SCIENCE AND TECHNOLOGY FOUNDATION**

- 1.00 Corporation for Innovation Development Program.
- 2.00 Center for Advanced Technology Program.

**DEPARTMENT OF STATE**

- 1.00 Appalachian Regional Development Program.
- 2.00 Coastal Management Program.
- 2.10 Planning, construction, rehabilitation, expansion, demolition, or the funding of such activities and/or projects funded through the Environmental Protection Fund (Environmental Protection Act of 1993) or Clean Water/Clean Air Bond Act of 1996.
- 3.00 Community Services Block Grant Program.
- 4.00 Permit and approval programs:
  - 4.01 Billiard Room License
  - 4.02 Cemetery Operator
  - 4.03 Uniform Fire Prevention and Building Code

**STATE UNIVERSITY CONSTRUCTION FUND**

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

**STATE UNIVERSITY OF NEW YORK**

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the University.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

## **DEPARTMENT OF TRANSPORTATION**

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Department.
- 2.00 Construction, rehabilitation, expansion, or demolition of facilities, including, but not limited to:
  - (a) Highways and parkways
  - (b) Bridges on the State highways system
  - (c) Highway and parkway maintenance facilities
  - (d) Rail facilities
- 3.00 Financial assistance/grant programs:
  - 3.01 Funding programs for construction/reconstruction and reconditioning/preservation of municipal streets and highways (excluding routine maintenance and minor rehabilitation)
  - 3.02 Funding programs for development of the ports of Albany, Buffalo, Oswego, Ogdensburg, and New York
  - 3.03 Funding programs for rehabilitation and replacement of municipal bridges
  - 3.04 Subsidies program for marginal branchlines abandoned by Conrail
  - 3.05 Subsidies program for passenger rail service
  - 3.06 Financial assistance to local governments for transportation enhancement activities.
- 4.00 Permits and approval programs:
  - 4.01 Approval of applications for airport improvements (construction projects)
  - 4.02 Approval of municipal applications for Section 18 Rural and Small Urban Transit Assistance Grants (construction projects)
  - 4.03 Approval of municipal or regional transportation authority applications for funds for design, construction and rehabilitation of omnibus maintenance and storage facilities
  - 4.04 Approval of municipal or regional transportation authority applications for funds for design and construction of rapid transit facilities

- 4.05 Certificate of Convenience and Necessity to Operate a Railroad
- 4.06 Highway Work Permits
- 4.07 License to Operate Major Petroleum Facilities
- 4.08 Outdoor Advertising Permit (for off-premises advertising signs adjacent to interstate and primary highway)
- 4.09 Real Property Division Permit for Use of State-Owned Property
- 5.00 Preparation or revision of the Statewide Master Plan for Transportation and sub-area or special plans and studies related to the transportation needs of the State.
- 6.00 Water Operation and Maintenance Program--Activities related to the containment of petroleum spills and development of an emergency oil-spill control network.

**URBAN DEVELOPMENT CORPORATION and its subsidiaries and affiliates**

- 1.00 Acquisition, disposition, lease, grant of easement or other activities related to the management of land under the jurisdiction of the Corporation.
- 2.00 Planning, development, financing, construction, major renovation or expansion of commercial, industrial, and civic facilities and the provision of technical assistance or financing for such activities, including, but not limited to, actions under its discretionary economic development programs such as the following:
  - (a) Tax-Exempt Financing Program
  - (b) Lease Collateral Program
  - (c) Lease Financial Program
  - (d) Targeted Investment Program
  - (e) Industrial Buildings Recycling Program
- 3.00 Administration of special projects.
- 4.00 Administration of State-funded capital grant programs.

**DIVISION OF YOUTH**

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding or approval of such activities.

## **2. FEDERAL AGENCIES**

### **DIRECT FEDERAL ACTIVITIES AND DEVELOPMENT PROJECTS**

#### **DEPARTMENT OF COMMERCE**

##### National Marine Fisheries Services

1.00 Fisheries Management Plans

#### **DEPARTMENT OF DEFENSE**

##### Army Corps of Engineers

1.00 Proposed authorizations for dredging, channel improvements, break-waters, other navigational works, or erosion control structures, beach replenishment, dams or flood control works, ice management practices and activities, and other projects with potential to impact coastal lands and waters.

2.00 Land acquisition for spoil disposal or other purposes.

3.00 Selection of open water disposal sites.

##### Army, Navy and Air Force

4.00 Location, design, and acquisition of new or expanded defense installations (active or reserve status, including associated housing, transportation or other facilities).

5.00 Plans, procedures and facilities for landing or storage use zones.

6.00 Establishment of impact, compatibility or restricted use zones.

#### **DEPARTMENT OF ENERGY**

1.00 Prohibition orders.

#### **GENERAL SERVICES ADMINISTRATION**

1.00 Acquisition, location and design of proposed Federal Government property or buildings, whether leased or owned by the Federal Government.

2.00 Disposition of Federal surplus lands and structures.

#### **DEPARTMENT OF INTERIOR**

##### Fish and Wildlife Service

1.00 Management of National Wildlife refuges and proposed acquisitions.

##### Mineral Management Service



2.00 OCS lease sale activities including tract selection, lease sale stipulations, etc.

National Park Service

3.00 National Park and Seashore management and proposed acquisitions.

**DEPARTMENT OF TRANSPORTATION**

Amtrak, Conrail

1.00 Expansions, curtailments, new construction, upgrading or abandonments or railroad facilities or services, in or affecting the State's coastal area.

Coast Guard

2.00 Location and design, construction or enlargement of Coast Guard stations, bases, and lighthouses.

3.00 Location, placement or removal of navigation devices which are not part of the routine operations under the Aids to Navigation Program (ATON).

4.00 Expansion, abandonment, designation or anchorages, lightening areas or shipping lanes and ice management practices and activities.

Federal Aviation Administration

5.00 Location and design, construction, maintenance, and demolition of Federal aids to air navigation.

Federal Highway Administration

6.00 Highway construction.

St. Lawrence Seaway Development Corporation

7.00 Acquisition, location, design, improvement and construction of new and existing facilities for the operation of the Seaway, including traffic safety, traffic control and length of navigation season.

**FEDERAL LICENSES AND PERMITS**

**DEPARTMENT OF DEFENSE**

Army Corps of Engineers

1.00 Construction of dams, dikes or ditches across navigable waters, or obstruction or alteration of navigable waters required under Sections 9 and 10 of the Rivers and

Harbors Act of 1899 (33 U.S.C. 401, 403).

- 2.00 Establishment of harbor lines pursuant to Section 11 of the Rivers and Harbors Act of 1899 (33 U.S.C. 404, 405).
- 3.00 Occupation of seawall, bulkhead, jetty, dike, levee, wharf, pier, or other work built by the U.S. pursuant to Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408).
- 4.00 Approval of plans for improvements made at private expense under Corps supervision pursuant to the Rivers and Harbors Act of 1902 (33 U.S.C. 565).
- 5.00 Disposal of dredged spoils into the waters of the U.S., pursuant to the Clean Water Act, Section 404, (33 U.S.C. 1344).
- 6.00 All actions for which permits are required pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
- 7.00 Construction of artificial islands and fixed structures in Long Island Sound pursuant to Section 4(f) of the River and Harbors Act of 1912 (33 U.S.C.).

## **DEPARTMENT OF ENERGY**

### Economic Regulatory Commission

- 1.00 Regulation of gas pipelines, and licensing of import or export of natural gas pursuant to the Natural Gas Act (15 U.S.C. 717) and the Energy Reorganization Act of 1974.
- 2.00 Exemptions from prohibition orders.

### Federal Energy Regulatory Commission

- 3.00 Licenses for non-Federal hydroelectric projects and primary transmission lines under Sections 3(11), 4(e) and 15 of the Federal Power Act (16 U.S.C. 796(11), 797(11) and 808).
- 4.00 Orders for interconnection of electric transmission facilities under Section 202(b) of the Federal Power Act (15 U.S.C. 824a(b)).
- 5.00 Certificates for the construction and operation of interstate natural gas pipeline facilities, including both pipelines and terminal facilities under Section 7(c) of the Natural Gas Act (15 U.S.C. 717f(c)).
- 6.00 Permission and approval for the abandonment of natural gas pipeline facilities under Section 7(b) of the Natural Gas Act (15 U.S.C. 717f(b)).

## **ENVIRONMENTAL PROTECTION AGENCY**

- 1.00 NPDES permits and other permits for Federal installations, discharges in contiguous zones and ocean waters, sludge runoff and aquaculture permits pursuant to Section 401, 402, 403, 405, and 318 of the Federal Water Pollution Control Act of 1972 (33 U.S.C. 1341, 1342, 1343, and 1328).
- 2.00 Permits pursuant to the Resources Recovery and Conservation Act of 1976.
- 3.00 Permits pursuant to the underground injection control program under Section 1424 of the Safe Water Drinking Water Act (42 U.S.C. 300h-c).
- 4.00 Permits pursuant to the Clean Air Act of 1976 (42 U.S.C. 1857).

## **DEPARTMENT OF INTERIOR**

### Fish and Wildlife Services

- 1.00 Endangered species permits pursuant to the Endangered Species Act (16 U.S.C. 153(a)).

### Mineral Management Service

- 2.00 Permits to drill, rights of use and easements for construction and maintenance of pipelines, gathering and flow lines and associated structures pursuant to 43 U.S.C. 1334, exploration and development plans, and any other permits or authorizations granted for activities described in detail in OCS exploration, development, and production plans.
- 3.00 Permits required for pipelines crossing federal lands, including OCS lands, and associated activities pursuant to the OCS Lands Act (43 U.S.C. 1334) and 43 U.S.C. 931 (c) and 20 U.S.C. 185.

## **NUCLEAR REGULATORY COMMISSION**

- 1.00 Licensing and certification of the siting, construction and operation of nuclear power plans pursuant to Atomic Energy Act of 1954, Title II of the Energy Reorganization Act of 1974 and the National Environmental Policy Act of 1969.

## **SURFACE TRANSPORTATION BOARD**

- 1.00 Authority to abandon railway lines (to the extent that the abandonment involves removal of trackage and disposition of right-of-way); authority to construct railroads; authority to construct coal slurry pipelines.

## **DEPARTMENT OF TRANSPORTATION**

### Coast Guard

- 1.00 Construction or modification of bridges, causeways or pipelines over navigable waters pursuant to 49 U.S.C. 1455.
- 2.00 Permits for Deepwater Ports pursuant to the Deepwater Ports Act of 1974 (33 U.S.C. 1501).

### Federal Aviation Administration

- 3.00 Permits and licenses for construction, operation or alteration of airports.

## **FEDERAL ASSISTANCE\***

## **DEPARTMENT OF AGRICULTURE**

- 10.068 Rural Clean Water Program
- 10.409 Irrigation, Drainage, and Other Soil and Water Conservation Loans
- 10.410 Low to Moderate Income Housing Loans
- 10.411 Rural Housing Site Loans
- 10.413 Recreation Facility Loans
- 10.414 Resource Conservation and Development Loans
- 10.415 Rural Renting Housing Loans
- 10.416 Soil and Water Loans
- 10.418 Water and Waste Disposal Systems for Rural Communities
- 10.422 Business and Industrial Loans
- 10.424 Industrial Development Grants
- 10.426 Area Development Assistance Planning Grants
- 10.429 Above Moderate Income Housing Loans
- 10.430 Energy Impacted Area Development Assistance Program
- 10.901 Resource Conservation and Development
- 10.902 Soil and Water Conservation
- 10.904 Watershed Protection and Flood Prevention
- 10.906 River Basin Surveys and Investigations

## **DEPARTMENT OF COMMERCE**

- 11.300 Economic Development - Grants and Loans for Public Works and Development Facilities
- 11.301 Economic Development - Business Development Assistance
- 11.302 Economic Development - Support for Planning Organizations
- 11.304 Economic Development - State and Local Economic Development Planning
- 11.305 Economic Development - State and Local Economic Development Planning
- 11.307 Special Economic Development and Adjustment Assistance Program - Long Term Economic Deterioration

- 11.308 Grants to States for Supplemental and Basic Funding of Titles I, II, III, IV, and V Activities
- 11.405 Anadromous and Great Lakes Fisheries Conservation
- 11.407 Commercial Fisheries Research and Development
- 11.417 Sea Grant Support
- 11.427 Fisheries Development and Utilization - Research and Demonstration Grants and Cooperative Agreements Program
- 11.501 Development and Promotion of Ports and Inter-modal Transportation
- 11.509 Development and Promotion of Domestic Waterborne Transport Systems

**COMMUNITY SERVICES ADMINISTRATION**

- 49.002 Community Action
- 49.011 Community Economic Development
- 49.013 State Economic Opportunity Offices
- 49.017 Rural Development Loan Fund
- 49.018 Housing and Community Development (Rural Housing)

**ENVIRONMENTAL PROTECTION AGENCY**

- 66.001 Air Pollution Control Program Grants
- 66.418 Construction Grants for Wastewater Treatment Works
- 66.426 Water Pollution Control - State and Areawide Water Quality Management Planning Agency
- 66.451 Solid and Hazardous Waste Management Program Support Grants
- 66.452 Solid Waste Management Demonstration Grants
- 66.600 Environmental Protection Consolidated Grants Program Support Comprehensive Environmental Response, Compensation and Liability (Super Fund)

**GENERAL SERVICES ADMINISTRATION**

- 39.002 Disposal of Federal Surplus Real Property

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

- 14.112 Mortgage Insurance - Construction or Substantial Rehabilitation of Condominium Projects
- 14.115 Mortgage Insurance - Development of Sales Type Cooperative Projects
- 14.117 Mortgage Insurance - Homes
- 14.124 Mortgage Insurance - Investor Sponsored Cooperative Housing
- 14.125 Mortgage Insurance - Land Development and New Communities
- 14.126 Mortgage Insurance - Management Type Cooperative Projects
- 14.127 Mortgage Insurance - Mobile Home Parks
- 14.218 Community Development Block Grants/Entitlement Grants
- 14.219 Community Development Block Grants/Small Cities Program
- 14.221 Urban Development Action Grants
- 14.223 Indian Community Development Block Grant Program

## **DEPARTMENT OF INTERIOR**

- 15.400 Outdoor Recreation - Acquisition, Development and Planning
- 15.402 Outdoor Recreation - Technical Assistance
- 15.403 Disposal of Federal Surplus Real Property for Parks, Recreation, and Historic Monuments
- 15.411 Historic Preservation Grants-in-Aid
- 15.417 Urban Park and Recreation Recovery Program
- 15.600 Anadromous Fish Conservation
- 15.605 Fish Restoration
- 15.611 Wildlife Restoration
- 15.613 Marine Mammal Grant Program
- 15.802 Minerals Discovery Loan Program
- 15.950 National Water Research and Development Program
- 15.951 Water Resources Research and Technology - Assistance to State Institutes
- 15.952 Water Research and Technology - Matching Funds to State Institutes

## **SMALL BUSINESS ADMINISTRATION**

- 59.012 Small Business Loans
- 59.013 State and Local Development Company Loans
- 59.024 Water Pollution Control Loans
- 59.025 Air Pollution Control Loans
- 59.031 Small Business Pollution Control Financing Guarantee

## **DEPARTMENT OF TRANSPORTATION**

- 20.102 Airport Development Aid Program
- 20.103 Airport Planning Grant Program
- 20.205 Highway Research, Planning, and Construction
- 20.309 Railroad Rehabilitation and Improvement - Guarantee of Obligations
- 20.310 Railroad Rehabilitation and Improvement - Redeemable Preference Shares
- 20.506 Urban Mass Transportation Demonstration Grants
- 20.509 Public Transportation for Rural and Small Urban Areas

\* Numbers refer to the Catalog of Federal Domestic Assistance Programs, 1980 and its two subsequent updates.

## **B. STATE AND FEDERAL ACTIONS AND PROGRAMS NECESSARY TO FURTHER THE LWRP.**

### **STATE AGENCIES**

#### **DEPARTMENT OF ECONOMIC DEVELOPMENT**

1. Any action or provision of funds for the development or promotion of tourism related activities or development.

2. Any action involving the Seaway Trail.

#### **DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

1. Planning, development, construction, major renovation, or expansion of facilities in waterfront, including recreational improvement projects.
2. Advance assistance under the Small Communities and Rural Wastewater Treatment Grant Program and a subsequent construction grant subsidy.
3. Review of actions within National Register Districts pursuant to SEQR.

#### **DIVISION OF HOUSING AND COMMUNITY RENEWAL**

1. Provision of funding under the Rural Preservation Company Program.
2. Approval of funding for Rural Area Revitalization Program projects.

#### **JOB DEVELOPMENT AUTHORITY**

1. Provision of low interest mortgage loans to local non-profit development corporations to finance commercial and industrial facilities.

#### **OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION**

1. Planning, development, construction, major renovation or expansion of recreational facilities or the provision of funding for such facilities.
2. Provision of funding for State and local activities from the Land and Water Conservation Fund.
3. Planning, development, implementation or the provision of funding for recreation services programs.
4. Provision of funding for State and local historic preservation activities.

#### **DEPARTMENT OF STATE**

1. Provision of funding for the implementation of an approved LWRP.
2. Provision of funding under the Community Services Block Grant program.

#### **COUNCIL ON THE ARTS**

1. Assistance from the Architecture and Environmental Arts program for a harborfront plan.

## **OFFICE OF GENERAL SERVICES**

1. Prior to any development occurring in the water or on the immediate waterfront, OGS should be consulted for a determination of the state's interest in underwater, or formerly underwater, lands for authorization to use and occupy these lands.

## **DEPARTMENT OF TRANSPORTATION**

1. Assistance for street repairs through the Consolidated Highway Improvements Program.

## **FEDERAL AGENCIES**

### **DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

#### Office of the Assistant Secretary for Community Planning and Development

1. Funding under the Community Development Block Grant Program for improvements in the waterfront.

### **DEPARTMENT OF DEFENSE**

#### Corps of Engineers, Buffalo District

1. Review of any proposed action affecting a resource listed on the National Register of Historic Places, pursuant to the National Environmental Protection Act.
2. Planning, development, construction, major renovation, or expansion of facilities in waterfront areas.

### **DEPARTMENT OF THE INTERIOR**

#### National Park Service

1. Provision of funding under the Land and Water Conservation Fund Program.

### **DEPARTMENT OF THE TREASURY**

1. Continuation of Incentives for Qualified Building Rehabilitation.
2. Provision of appropriate tax-exempt status for non-profit agencies active in the coastal area.



## **ECONOMIC DEVELOPMENT ADMINISTRATION**

1. Assistance under the Public Works and Economic Development Act for street improvements.

## **DEPARTMENT OF TRANSPORTATION**

### United States Coast Guard

1. Maintenance/rehabilitation of facilities.

**SECTION VII  
CONSULTATION WITH OTHER AFFECTED FEDERAL, STATE,  
REGIONAL AND LOCAL AGENCIES**

A. Method

The Village of Sodus Point established and carried out several approaches for consulting with Federal, State, regional and other local agencies that may be affected by the Village of Sodus Point's development of the Local Waterfront Revitalization Program (LWRP). The methods were used to facilitate understanding of the Village's LWRP, promote information sharing, coordinate related Village and agency activities and resolve conflicts between the Village's LWRP and the policies and/or programs of these governmental agencies.

B. Consultation

1) Local Consultation

Consultation has consisted of maintaining a close relationship with other Village entities whose actions and/or functions may be affected by the LWRP. These include the Village Board of Trustees, the Sodus Point Planning and Zoning Boards; and the Highway, Water and Sewer Departments.

The other local governments likely to be affected by the LWRP are the towns surrounding Sodus Bay and The Village of Sodus Point. No plans currently exist for these other communities to prepare LWRPs. However, these communities have entered into an inter-municipal agreement with the Village of Sodus Point to prepare a Harbor Management Plan for the Greater Sodus Bay.

2) Regional Consultation

The Wayne County Planning Department and the Town of Sodus worked on some of the original LWRP documentation and have been involved with review of the Draft Local Waterfront Revitalization Plan (DLWRP)

3) State Agency Consultation

Consultation with the Department of State has taken place throughout the preparation of the DLWRP. Telephone conversations, field visits, and e-mails have focused on LWRP preparation, methods of implementation, legal and programmatic concerns. The Department of Environmental Conservation was also involved.

4) Federal Consultation

The US Army Corps of Engineers was contacted as the LWRP was evolving.

## **SECTION VIII**

### **LOCAL COMMITMENT AND CONSULTATION WITH AGENCIES**

The Village of Sodus Point was committed to adopting a Local Waterfront Revitalization Program (LWRP) as a policy document, to supplement the Village Master Plan (1996). The Village of Sodus Point adopted regulations in support of the LWRP as local laws, similar or equal to other implementation mechanisms such as the local law regulating mooring and docking. The Village is committed to implementing the list of recommended projects through funding partnerships and other funding sources.

The development of this document was undertaken under the direction of the Mayor of the Village of Sodus point with the Village's Planning Board. The Planning Board reviewed and edited the LWRP document throughout its development. The director for Planning, Wayne County, was provided all draft documentation of this report for informational purposes.

Planning efforts, technical assistance, information and data gathering and user inputs were provided by three focus groups during the Village's Master Planning effort (1996). The focus groups included residential, fishing and boating and recreation/environmental interests.

Planning Board members and staff participated in the development and review of this document. Monthly meetings were held for over a six-month period in the development of this report.

The requirements for SEQR were satisfied following the completion of the Environmental Assessment Form (EAF) and determination of No Significant Impact (Neg Dec) by the Village Board. The neg dec was published in papers of record and all comments were compiled.

## COASTAL FISH &amp; WILDLIFE HABITAT RATING FORM

Name of Area: **Sodus Bay**  
 Designated: **October 15,1987**  
 County: **Wayne**  
 Town(s): **Sodus, Huron**  
 7/2' Quadrangle(s): **Sodus Point, NY; Rose, NY**

**Score    Criterion**

- 20      Ecosystem Rarity (ER)  
 One of the largest sheltered bay ecosystems on the Great Lakes, but rarity reduced by human disturbance. Geometric mean:  $(16 \times 2S)^{1/2}$
- 0        Species Vulnerability (SV)  
 No endangered, threatened or special concern species reside in the area.
- 18        Human Use (HU)  
 Recreational fishery attracts visitors from throughout New York State; a significant number of yellow perch caught are sold to local commercial markets. Additive division:  $16 + 4/2$
- Population Level (PL)  
 One of the major spawning and nursery areas for yellow perch and other warmwater fish species in Lake Ontario.
- 1.2      Replaceability (R)  
 Irreplaceable.

$$\text{SIGNIFICANCE VALUE} = [(ER + SV + HU + PL) \times R] = 56$$

SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS PROGRAM  
A PART OF THE NEW YORK COASTAL MANAGEMENT PROGRAM

**BACKGROUND**

New York State's Coastal Management Program (CMP) includes a total of 44 policies which are applicable to development and use proposals within or affecting the State's coastal area. Any activity that is subject to review under Federal or State laws, or under applicable local laws contained in an approved local waterfront revitalization program will be judged for its consistency with these policies.

Once a determination is made that the proposed action is subject to consistency review, a specific policy aimed at the protection of fish and wildlife resources of statewide significance applies. The specific policy statement is as follows: "Significant coastal fish and wildlife habitats will be protected, preserved, and, where practical, restored so as to maintain their viability as habitats." The New York State Department of Environmental Conservation (DEC) evaluates the significance of coastal fish and wildlife habitats, and following a recommendation from the DEC, the Department of State designates and maps specific areas. Although designated habitat areas are delineated on the coastal area map, the applicability of this policy does not depend on the specific location of the habitat, but on the determination that the proposed action is subject to consistency review.

Significant coastal fish and wildlife habitats are evaluated, designated and mapped under the authority of the Coastal Management Program's enabling legislation, the Waterfront Revitalization and Coastal Resources Act (Executive Law of New York, Article 42). These designations are subsequently incorporated in the Coastal Management Program under authority provided by the Federal Coastal Zone Management Act.

This narrative, along with its accompanying map, constitutes a record of the basis for this significant coastal fish and wildlife habitat's designation and provides specific information regarding the fish and wildlife resources that depend on this area. General information is also provided to assist in evaluating impacts of proposed activities on parameters which are essential to the habitat's values. This information is to be used in conjunction with the habitat impairment test found in the impact assessment section to determine whether the proposed activities are consistent with the significant coastal habitats policy.

## **DESIGNATED HABITAT: SODUS BAY**

### **LOCATION AND DESCRIPTION OF HABITAT:**

Sodus Bay is located on the south shore of Lake Ontario, just east of the Village of Sodus Point, in the Towns of Sodus and Huron, Wayne County (7.5' Quadrangles: Sodus Point, N.Y.; and Rose, N.Y.). The fish and wildlife habitat is an approximate 3,000 acre embayment, separated from the lake by a narrow barrier beach. Maximum depth of Sodus Bay is approximately 45 feet, but much of the area is relatively shallow (less than 20 feet deep), with dense beds of submergent aquatic vegetation. The outlet of Sodus Bay has been reduced to a narrow, stabilized channel, by the construction of concrete and steel jetties. Sodus Bay receives inflow from First, Second, Third, and Sodus Creeks; all but Sodus are small, low to medium gradient, warmwater streams. Sodus Creek is a relatively large, medium gradient, coolwater stream, draining approximately 20 square miles of rural farmland. Sizeable areas of emergent wetland vegetation have developed at the lower ends of these tributaries, and in sheltered portions of Sodus Bay. Most of the land area bordering Sodus Bay is privately owned, resulting in extensive development of residential areas, marinas, and bulkheads, and considerable disturbance of shoreline habitats. Two exceptions are the wetlands bordering Sodus Creek (south of County Route 143), and the wetlands located east of LeRoy Island, both of which are part of the NYSDEC's Lake Shore Marshes Wildlife Management Area. The area receives intensive recreational use (e.g., fishing, swimming, boating) during the summer months.

### **FISH AND WILDLIFE VALUES:**

Sodus Bay is one of the largest sheltered bays on Lake Ontario. Extensive littoral areas, such as those found in Sodus Bay, are unusual in the Great Lakes Plain ecological region. Although human activities in the area have resulted in considerable habitat disturbance, the area still serves as a highly productive fish and wildlife habitat.

Sodus Bay has outstanding habitat values for resident and Lake Ontario based fisheries resources. The dense beds of aquatic vegetation, high water quality, sandy substrates, and freshwater tributaries, create highly favorable conditions for spawning and nursery use by many species. Warmwater fishes found in the area include gizzard shad, brown bullhead, white perch, yellow perch, largemouth bass, pumpkinseed, bluegill, rock bass, crappie, and northern pike. Sodus Bay is a major concentration area for yellow perch in Lake Ontario. Concentrations of white sucker, smallmouth bass, and various salmonid species occur in Sodus Bay prior to and after spawning runs in the major tributaries. Salmonid populations in the area are the result of an ongoing effort by the NYSDEC to establish a major salmonid fishery in the Great Lakes, through stocking. In both 1984 and 1985, approximately 200,000 chinook salmon fingerlings were released in Sodus Bay. The diverse and productive fisheries in Sodus Bay provide excellent opportunities for recreational fishing. Access to the area is available from many locations, and there is heavy fishing pressure throughout the year. Anglers from throughout New York State are attracted to the area, especially for the yellow perch ice fishery and the spring bullhead fishery. A considerable number of yellow perch caught in the bay are sold to commercial markets in the Rochester area.

Wetland areas bordering Sodus Bay contribute significantly to the productive fisheries in the bay, and support a variety of wildlife species. These wetlands serve as nesting and feeding areas for a variety of waterfowl and other marsh birds, including green-backed heron, great blue heron, mallard, wood duck, belted kingfisher, marsh wren, red-winged blackbird, and swamp sparrow. Other wildlife species found around Sodus Bay include white-tailed deer, beaver, raccoon, mink, muskrat, green frog, northern leopard frog, and painted turtle.

The open waters of Sodus Bay are important feeding and refuge areas for concentrations of waterfowl wintering along the Lake Ontario coast. Mid-winter aerial surveys of waterfowl abundance for the period 1976-1985 indicate average concentrations of approximately 250 birds in the bay each year (1,380 in peak year), including scaup, common goldeneye, mallard, mergansers, black duck, and Canada goose. Waterfowl use of the area during winter is influenced by the extent of ice cover each year. Concentrations of many waterfowl species, as well as loons, grebes, gulls, terns, and occasional bald eagles (E) and osprey (T), also occur in Sodus Bay during spring and fall migrations (March - April and October - November, respectively). However, there are no significant wildlife related human uses of this area.

#### **IMPACT ASSESSMENT:**

**A habitat impairment test** must be met for any activity that is subject to consistency review under federal and State laws, or under applicable local laws contained in an approved local waterfront revitalization program. If the proposed action is subject to consistency review, then the habitat protection policy applies, whether the proposed action is to occur within or outside the designated area.

The specific **habitat impairment test** that must be met is as follows.

In order to protect and preserve a significant habitat, land and water uses or development shall not be undertaken if such actions would:

- destroy the habitat; or,
- significantly impair the viability of a habitat.

*Habitat destruction* is defined as the loss of fish or wildlife use through direct physical alteration, disturbance, or pollution of a designated area or through the indirect effects of these actions on a designated area. Habitat destruction may be indicated by changes in vegetation, substrate, or hydrology, or increases in runoff, erosion, sedimentation, or pollutants.

*Significant impairment* is defined as reduction in vital resources (e.g., food, shelter, living space) or change in environmental conditions (e.g., temperature, substrate, salinity) beyond the tolerance range of an organism. Indicators of a significantly impaired habitat focus on ecological alterations and may include but are not limited to reduced carrying capacity, changes in community structure (food chain relationships, species diversity), reduced productivity and/or increased incidence of disease and mortality.

The *tolerance range* of an organism is not defined as the physiological range of conditions beyond which a species will not survive at all, but as the ecological range of conditions that supports the species population or has the potential to support a restored population, where practical. Either the loss of individuals through an increase in emigration or an increase in death rate indicates that the tolerance range of an organism has been exceeded. An abrupt increase in death rate may occur as an environmental factor falls beyond a tolerance limit (a range has both upper and lower limits). Many environmental factors, however, do not have a sharply defined tolerance limit, but produce increasing emigration or death rates with increasing departure from conditions that are optimal for the species.

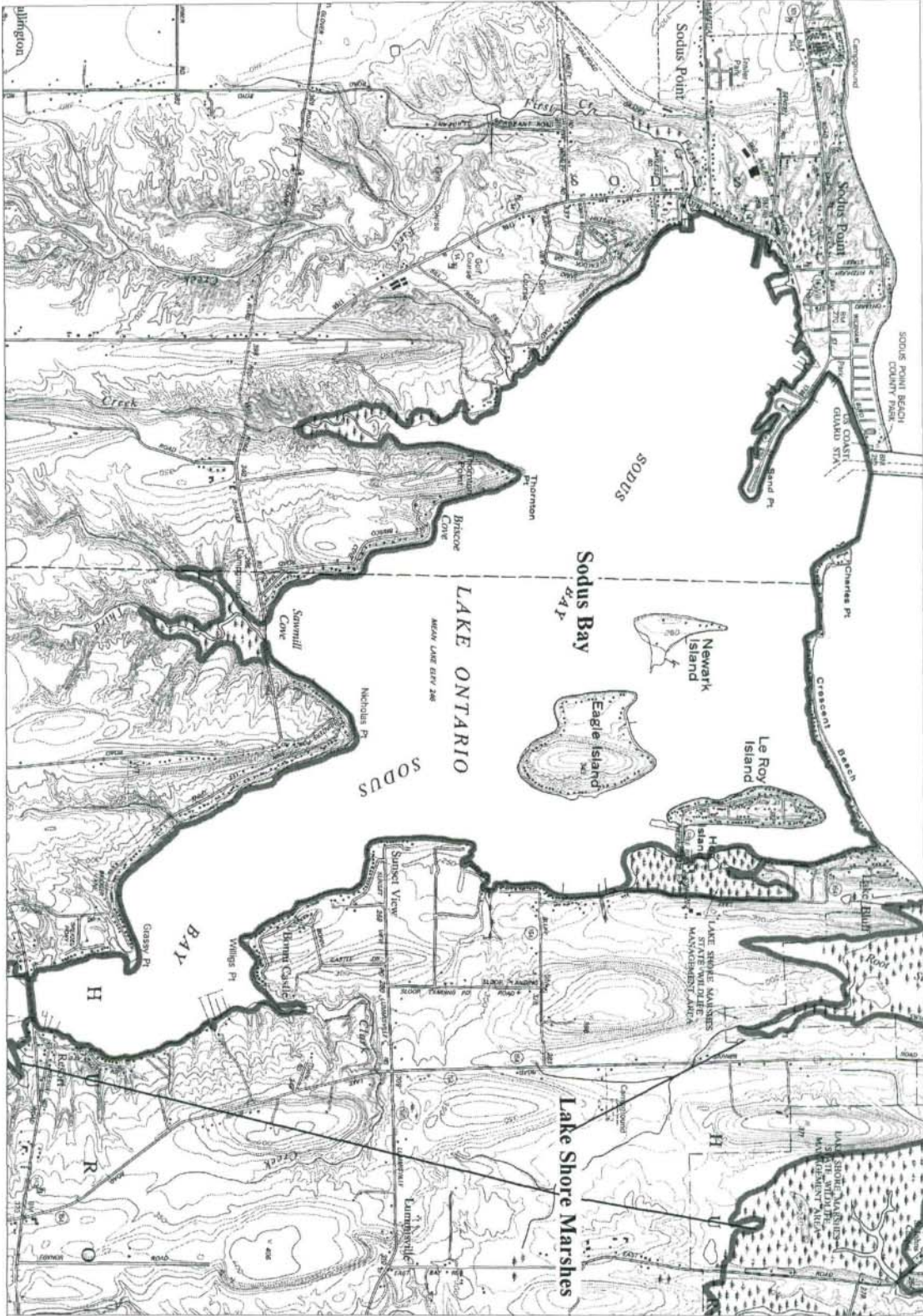
The range of parameters which should be considered in applying the habitat impairment test include but are not limited to the following:

1. physical parameters such as living space, circulation, flushing rates, tidal amplitude, turbidity, water temperature, depth (including loss of littoral zone), morphology, substrate type, vegetation, structure, erosion and sedimentation rates;
2. biological parameters such as community structure, food chain relationships, species diversity, predator/prey relationships, population size, mortality rates, reproductive rates, meristic features, behavioral patterns and migratory patterns; and,
3. chemical parameters such as dissolved oxygen, carbon dioxide, acidity, dissolved solids, nutrients, organics, salinity, and pollutants (heavy metals, toxics and hazardous materials).

Although not comprehensive, examples of generic activities and impacts which could destroy or significantly impair the habitat are listed below to assist in applying the habitat impairment test to a proposed activity.

Any activity that substantially degrades water quality, increases temperature or turbidity, alters water depths, reduces inflows, or increases water level fluctuations in Sodus Bay would adversely affect a variety of fish and wildlife species. Discharges of sewage or stormwater runoff containing sediments or chemical pollutants (including fertilizers, herbicides, or insecticides) could 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 wildlife 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, bulkheads, or revetments, in areas not previously disturbed by development, could have a significant impact on the habitat. Existing areas of natural vegetation bordering the bay should be maintained for their value as cover for wildlife, perch 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 and in connected waters. 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.





New York State  
 Department of State  
 Division of  
 Coastal Resources



**NEW YORK STATE DEPARTMENT OF STATE COASTAL  
MANAGEMENT PROGRAM**

**Guidelines for Notification and Review of State Agency Actions Where Local  
Waterfront Revitalization Programs are in Effect.**

**I. PURPOSES OF GUIDELINES**

- A. The Waterfront Revitalizations of Coastal Areas and Inland Waterways Act (article 42 of the Executive Law) and the Department of State's regulation (19 NYCRR Part 600) require certain state agency actions identified by the Secretary of State to be consistent to the maximum extent practicable with the policies and purposes of approved Local Waterfront Revitalization Programs (LWRPS). These guidelines are intended to assist state agencies in meeting that statutory consistency obligation.
- B. The Act also requires agencies provide timely notice to the situs local government whenever an identified action will occur within an area covered by an approved LWRP. These guidelines describe a process for complying with this notification requirement. They also provide procedures to assist local governments in carrying out their review responsibilities in a timely manner.
- C. The Secretary of State is required by the Act to confer with state agencies and local governments when notified by a local government that state agency action may conflict with the policies and purposes of its approved LWRP. These guidelines establish a procedure for resolving such conflicts.

**II. DEFINITIONS**

- A. Action means:
  - 1. A "Type 1" or "Unlisted" actions as defined by the State Environmental Quality review Act.
  - 2. Occurring within the boundaries of an approved LWRP; and
  - 3. Being taken pursuant to a state agency program or activity, which has been identified by the Secretary of State as likely to affect the policies and purposes of the LWRP.
- B. Consistent to the maximum extent practicable means that an action will not substantially hinder the achievement of any of the policies and purposes of an approved LWRP, and, whenever practicable, will advance one or more of such policies. If an action will substantially hinder any of the policies or purposes of an approved LWRP, then the action must be one:
  - 1. For which no reasonable alternatives exist that would avoid or overcome any substantial hindrance;
  - 2. That will minimize all adverse effects on the policies or purposes of the LWRP to the maximum extent practicable; and

3. That will result in an overriding regional or statewide public benefit.
- C.** Local Waterfront Revitalizations Program or LWRP means a program prepared and adopted by a local government and approved by the Secretary of State pursuant to Executive Law, article 42; which program contains policies on the management of land, water and man-made resources, proposed land uses and specific projects that are essential to program implementation.

### **III. Notification Procedure**

- A. When a state agency is considering an action as described in II above, the state agency shall notify the affected local government.
- B. Notification of a proposed action by a state agency:
  1. Shall fully describe the nature and location of the action;
  2. Shall be accomplished by use of either the State Clearinghouse, other existing state agency notification procedures, or through an alternative procedure agreed upon by the state agency and local government;
  3. Should be provided to the local official identified in the LWRP of the situs local government as early in the planning stages of the action as possible, but in any event at least 30 days prior to the agencies.
- C. If the proposed actions will require the preparation of a draft environmental impact statement the filing of this draft document with the chief executive officer can serve as the state agency's notification to the situs local government.

### **IV. LOCAL GOVERNMENT REVIEW PROCEDURE**

- A. Upon receipt of notification from a state agency, the situs local government will be responsible for evaluating a proposed action against and purposes of its approved LWRP. Upon request of the official identified in the LWRP, the state agency should promptly provide the situs local government with whatever additional information is available which will assist the local government to evaluate the proposed action.
- B. If the situs local government cannot identify any conflicts between the proposed action and the applicable policies and purposes of its approved LWRP, it should inform the state agency in writing of its finding. Upon receipt of the local government's finding, the state agency may proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600.
- C. If the situs government does not notify the state agency in writing of its finding within the established review period, the state agency may then presume that the proposed action does not conflict with the policies and purposes of the municipality's approved LWRP.
- D. If the situs local government notifies the state agency in writing that the proposed action does conflict with the policies and/or purposes of its

approved LWRP, the state agency shall not proceed with its consideration of, or decision on, the proposed action as long as the Resolution of Conflicts procedure established in V. below shall apply. The local government shall forward a copy of the identified conflicts to the Secretary of State at the time when the state agency is notified. In notifying the state agency, the local government shall identify the specific policies and purposes of the LWRP with which the proposed action conflicts.

**V. RESOLUTION OF CONFLICTS**

- A. The following procedure applies whenever a local government has notified the Secretary of State and state agency that a proposed action conflicts with the policies and purposes of its approved LWRP:
1. Upon receipt of notification from a local government that a proposed action conflicts with its approved LWRP, the state agency should contact the local LWRP official to discuss the content of the identified conflicts and the means for resolving them. A meeting of state agency and local government representatives may be necessary to discuss and resolve the identified conflicts. This discussion should take place within 30 days of the receipt of a conflict notification from the local government.
  2. If the discussion between the situs local government and the state agency results in the resolution of the identified conflicts, then, within seven days of the discussion, the situs local government shall notify the state agency in writing, with a copy forwarded to the Secretary of State, that all of the identified conflicts have been resolved. The state agency can then proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600.
  3. If the consultation between the situs local government and the state agency does not lead to the resolution of the identified conflicts, either party may request, in writing, the assistance of the Secretary of State to resolve any or all of the identified conflicts. This request must be received by the Secretary within 15 days following the discussion between the situs local government and the state agency. The party requesting the assistance of the Secretary of State shall forward a copy of their request to the other party.
  4. Within 30 days following the receipt of a request for assistance, the Secretary or a Department of State official or employee designated by the Secretary, will discuss the identified conflicts and circumstances preventing their resolution with appropriate representatives from the state agency and situs local government.

5. If agreement among all parties cannot be reached during this discussion, the Secretary shall, within 15 days, notify both parties of his/her findings and recommendations.
6. The state agency shall not proceed with its consideration of, or decision on, the proposed action as long as the foregoing Resolution of Conflicts procedures shall apply.

**PROCEDURAL GUIDELINES FOR COORDINATING  
NYS DEPARTMENT OF STATE (DOS) & LWRP  
CONSISTENCY REVIEW OF FEDERAL AGENCY ACTIONS**

**DIRECT ACTIONS**

1. After acknowledging the receipt of a consistency determination and supporting documentation from a federal agency, DOS will forward copies of the determination and other descriptive information on the proposed direct action to the program coordinator (of an approved LWRP) and other interested parties.
2. This notification will indicate the date by which all comments and recommendations must be submitted to DOS and will identify the Department's principal reviewer for the proposed action.
3. The review period will be about twenty-five (25) days. If comments and recommendations are not received by the date indicated in the notification, DOS will presume that the municipality has "no opinion" on the consistency of the proposed direct federal agency action with local coastal policies.
4. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the municipality, DOS will contact the municipality to discuss any differences of opinion or questions prior to agreeing or disagreeing with the federal agency's consistency determination on the proposed direct action.
5. A copy of DOS' "agreement" or "disagreement" letter to the federal agency will be forwarded to the local program coordinator.

**PERMIT AND LICENSE ACTIONS**

1. DOS will acknowledge the receipt of an applicant's consistency certification and application materials. At that time, DOS will forward a copy of the submitted documentation to the program coordinator and will identify the Department's principal reviewer for the proposed action.
2. Within thirty (30) days of receiving such information, the program coordinator will contact the principal reviewer for DOS to discuss: (a) the need to request additional information for review purposes; and (b) any possible problems pertaining to the consistency of a proposed action with local coastal policies.
3. When DOS and the program coordinator agree that additional information is necessary, DOS will request the applicant to provide the information. A copy of this information will be provided to the program coordinator upon receipt.
4. Within thirty (30) days of receiving the requested additional information or discussing possible problems of a proposed action with the principal reviewer for DOS, whichever is later, the program coordinator will notify DOS of the reasons why a proposed action may be inconsistent or consistent with local coastal policies.
5. After the notification, the program coordinator will submit the municipality's written comments and recommendations on a proposed permit action to DOS

before or at the conclusion of the official public comment period. If such comments and recommendations are not forwarded to DOS by the end of the public comment period, DOS will presume that the municipality has "no opinion" on the consistency of the proposed action with local coastal policies.

6. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the municipality on a proposed permit action, DOS will contact the program coordinator to discuss any differences of opinion prior to issuing a letter of "concurrence" or "objection" letter to the applicant.
7. A copy of DOS' "concurrence" or "objective" letter to the applicant will be forwarded to the program coordinator.

### **FINANCIAL ASSISTANCE ACTIONS**

1. Upon receiving notification of a proposed federal financial assistance action, DOS will request information on the action from the applicant for consistency review purposes. As appropriate, DOS will also request the applicant to provide a copy of the application documentation to the program coordinator. A copy of this letter will be forwarded to the coordinator and will serve as notification that the proposed action may be subject to review.
2. DOS will acknowledge the receipt of the requested information and provide a copy of this acknowledgement to the program coordinator. DOS may, at this time, request the applicant to submit additional information for review purposes.
3. The review period will conclude thirty (30) days after the date on DOS' letter of acknowledgement or the receipt of requested additional information, whichever is later. The review period may be extended for major financial assistance actions.
4. The program coordinator must submit the municipality's comments and recommendations on the proposed action to DOS within twenty days (or other time agreed to by DOS and the program coordinator) from the start of the review period. If comments and recommendations are not received within this period, DOS will presume that the municipality has "no opinion" on the consistency of the proposed financial assistance action with local coastal policies.
5. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the municipality, DOS will contact the program coordinator to discuss any differences of opinion or questions prior to notifying the applicant of DOS' consistency decision.
6. A copy of DOS' consistency decision letter to the applicant will be forwarded to the program coordinator.