

Town of Webster Local Waterfront Revitalization Program

Adopted:

Town of Webster, Town Board, September 4, 1997

Approved:

NYS Secretary of State Alexander F. Treadwell, April 9, 1998

Concurred:

U.S. Office of Ocean and Coastal Resource Management, July 9, 1998

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, 41 State Street, Albany, New York 12231.



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT
Silver Spring, Maryland 20910

JUL - 9 1998

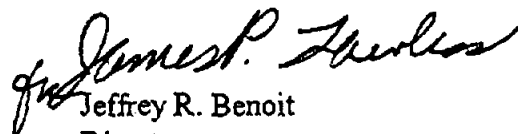
George Stafford
Director
Division of Coastal Resources
and Waterfront Revitalization
Department of State
41 State Street
Albany, New York 12231

Dear Mr. Stafford:

The Office of Ocean and Coastal Resource Management concurs with your request to incorporate the Town of Webster Local Waterfront Revitalization Program (LWRP) into the New York State Coastal Management Program as a Routine Program Change (RPC). We received comments from six Federal agencies, none of which objected to incorporating the LWRP as a RPC. This approval assumes you will make no further changes to the document in addition to the ones submitted.

In accordance with the Coastal Management Regulations, 15 CFR 923.84, Federal Consistency will apply to the Town of Webster after you publish notice of our approval.

Sincerely,


Jeffrey R. Benoit
Director



THE TOWN OF WEBSTER

1000 Ridge Road

Webster, NY 14580

716-872-1000

FAX 716-872-1852

At a regular meeting of the Webster Town Board of the Town of Webster, Monroe County, New York, held at the Town Hall, 1000 Ridge Road, in the Town of Webster, New York on the 4th day of September, 1997, there were present:

Supervisor Cathryn C. Thomas
Councilman James F. Carlevatti
Councilman William C. Saucke - Absent
Councilman Ronald W. Nesbitt
Councilman Henry J. Kujawa

RESOLUTION No. 202 Motion by Supervisor Thomas, seconded by Councilman Carlevatti, to wit:

Resolution Adopting the Town of Webster Local Waterfront Revitalization Program

WHEREAS, the Town of Webster initiated preparation of a Local Waterfront Revitalization Program in cooperation with the New York State Department of State, pursuant to Article 42 of the Executive Law; and

WHEREAS, a Draft Local Waterfront Revitalization Program was prepared and circulated by the Department of State with potentially affected State, Federal and local agencies in accordance with the requirements of Executive Law, Article 42; and

WHEREAS, the Webster Town Board, as lead agency, filed a Negative Declaration - Notice of Determination of Non-Significance for preparation of the Local Waterfront Revitalization Program pursuant to Article 8 of the Environmental Conservation Law (State Environmental Quality Review Act);

NOW, THEREFORE, BE IT RESOLVED, that the Town of Webster Local Waterfront Revitalization Program is hereby adopted and that the Town Supervisor is authorized to submit the Local Waterfront Revitalization Program to the New York State Secretary of State for approval, pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act.

Vote on motion:

Supervisor Thomas.....Aye
Councilman Nesbitt.....Aye
Councilman Kujawa.....Aye

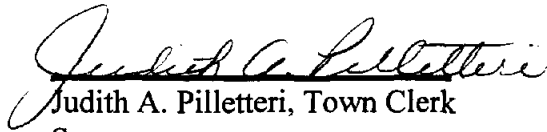
Councilman Saucke.....Absent
Councilman Carlevatti.....Aye
Motion carried.....4-0

Dated: September 4, 1997

* * *

State of New York :
County of Monroe : SS
Town of Webster :

This will certify that the above exhibit is an exact copy of the original which is filed in the Office
of the Webster Town Clerk.


Judith A. Pilletteri, Town Clerk

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A

L

Dated: October 6, 1997
Webster, New York

Town of Webster

1000 Ridge Road, Webster, NY 14580-2917 • 716-872-1000 • 716-872-1352 (FAX)

October 16, 1997

Honorable Alexander F. Treadwell
Secretary of State
41 State Street
Albany, New York 12231-0001

Re: Town of Webster Local Waterfront Revitalization Program (LWRP)

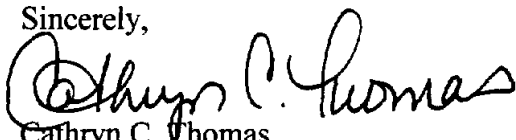
Dear Secretary Treadwell:

The Webster Town Board formally adopted its Final Local Waterfront Revitalization Program (LWRP) on September 4, 1997. This action was taken after having completed all environmental review procedures in accordance with the State Environmental Quality Review Act (SEQRA) and having addressed review comments received pursuant to Article 42 of the NYS Executive Law. On behalf of the Town of Webster, I am pleased to send the following LWRP documents for your review:

1. A certified copy of the Town Board Resolution dated September 4, 1997 adopting the Town of Webster Local Waterfront Revitalization Program; and
2. A certified copy of the Resolution of the Webster Town Board To Enact Local Law #2 of 1997 - Waterfront Consistency Review Law [Chapter 222 Code of the Town of Webster].

As Supervisor of the Town of Webster, and on behalf of the entire Town, I respectfully request your consideration and approval of the Town of Webster Local Waterfront Revitalization Program pursuant to Article 42 of the NYS Executive Law.

Sincerely,



Cathryn C. Thomas
Town Supervisor

CCT:st

Cathryn C. Thomas, Webster Town Supervisor

1000 Ridge Road, Webster, NY 14580-2917 • 716-872-7068 • 716-872-7093 (FAX)

E-mail: cthomas@mcls.rochester.lib.ny.us • Web Site: <http://www.ci.webster.ny.us>

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SECTION I

WATERFRONT REVITALIZATION AREA BOUNDARY

SECTION I

WEBSTER WATERFRONT BOUNDARY DESCRIPTION

The boundary of the Town of Webster's waterfront revitalization area is as follows:

Offshore Boundary

The offshore boundary of the Town of Webster waterfront revitalization area coincides with the Town municipal boundary line along the midpoint of Irondequoit Bay to the west.

The offshore boundary along Lake Ontario to the north coincides with the mean high landward line - 246.8 feet above sea level (International Great Lakes datum).

Inland Boundary

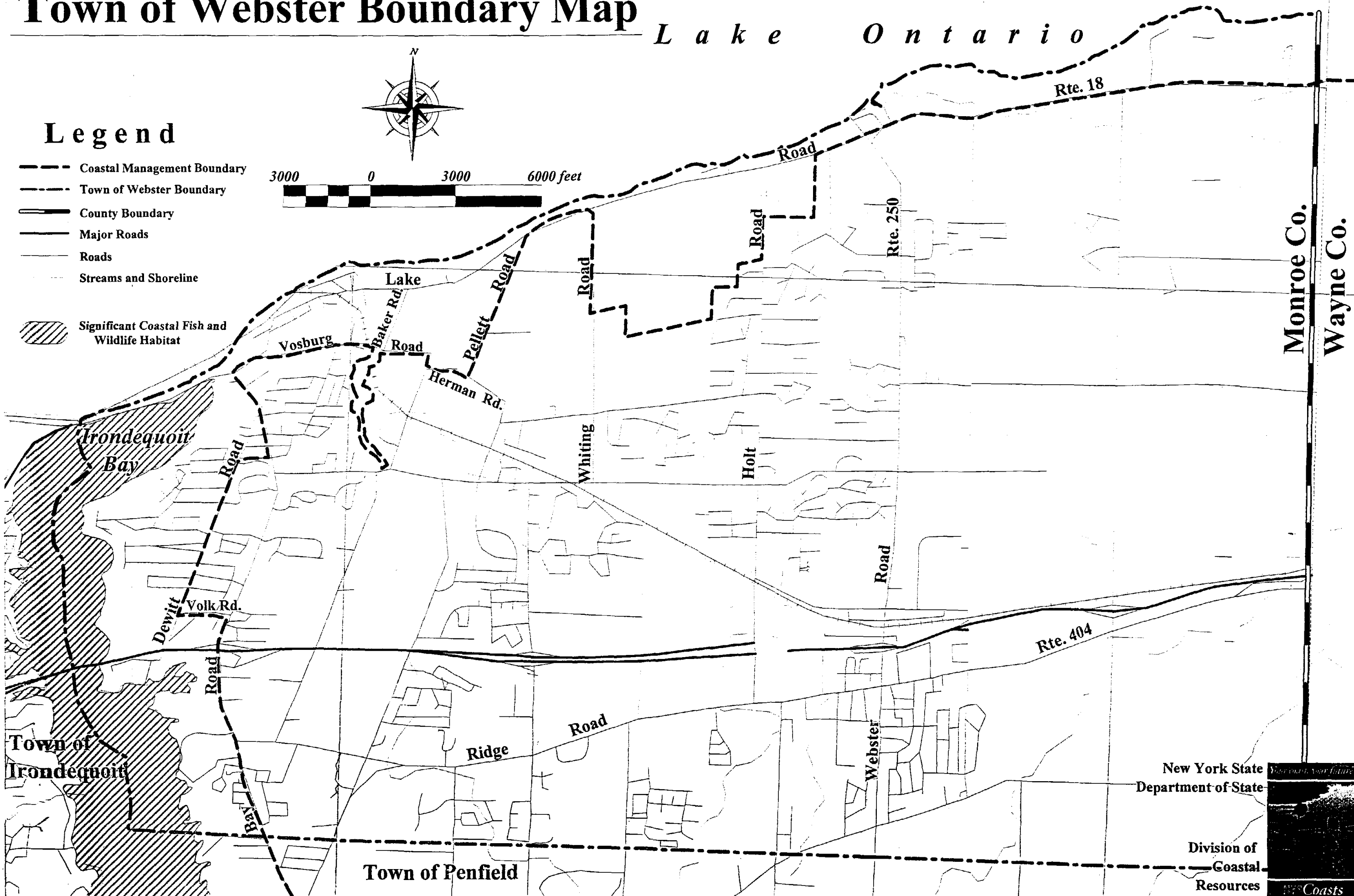
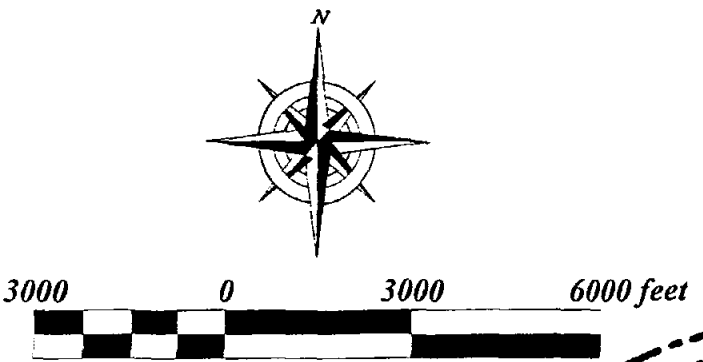
Beginning at the Town line to the south, the boundary proceeds along the east edge of Bay Road from the Town line north to Volk Road, then westerly along the north edge of Volk Road to Dewitt Road, then northerly along the east edge of Dewitt Road to Countryside Lane and then easterly to Bay Road, then northerly along Bay Road to Lake Road, then easterly along the south side of Lake Road and continuing to the south edge of Vosburg Road to Ship Builders Creek, then following the flood zone of Ship Builders Creek to Klem Road and back up along the east side of the flood zone of the Creek to Vosburg Road and continuing easterly to Herman Road, then easterly along the south edge of Herman Road to Pellett Road, then northerly along the east edge of Pellett Road to Lake Road, then easterly along the south edge of Lake Road to Whiting Road, then easterly along the west edge of Whiting Road to the property line of Webster Park, then following the property line on the south and east edge of the Park up to Lake Road and then along the south edge of Lake Road to the town line and north along the town line to Lake Ontario.

Town of Webster Boundary Map

L a k e O n t a r i o

Legend

- Coastal Management Boundary
- Town of Webster Boundary
- County Boundary
- Major Roads
- Roads
- Streams and Shoreline
- Significant Coastal Fish and Wildlife Habitat



New York State
Department of State

Division of
Coastal
Resources



SECTION II
INVENTORY AND ANALYSIS

A. COMMUNITY OVERVIEW

The Town of Webster is located in the northeast sector of Monroe County approximately ten miles north northeast of the Central Business District of Rochester, the primary urban center of Monroe County. The Town is bordered on the north by Lake Ontario and on the west by Irondequoit Bay. Its eastern boundary is the Wayne/Monroe County line and to the south is the Town of Penfield.

Webster has passed through three stages of development over time. In the nineteenth century, the Town was primarily agricultural with the Village of Webster being the only concentration of residences and businesses. During the first half of the twentieth century, the Town residential development began to expand around the Village center, as well as in West Webster. Since 1950 Webster has become one of the major suburban growth centers in Monroe County.

Webster's population, from 1960 to 1990, expanded by 90 percent. Primary growth occurred in the decade between 1960 and 1970. Table I reviews the Town's population statistics and household growth pattern. It is important to note that from 1980 to 1990 household composition experienced a major downward shift, substantially increasing the demand for additional housing in the community. From 1980 to 1990, population grew by 8.2 percent. The number of occupied housing units, however, grew by 42 percent. The data indicates that there was a shift in household size between '80 and '90 from 2.95 persons per household to 2.76 persons per household. Like much of New York State, the Town's household size is on the decline while household formation is increasing, thereby expanding the demand for new housing.

From 1990 to 1994, 1473 housing units were added to the Town as illustrated in Table II. Assuming that the Town's household size has continued to decrease and at a rate reflective of Statewide and national trends, the current estimated population is 32,200. Population projections prepared by the New York State Department of Commerce in 1994 provide a similar 1995 population estimate for the Town.

In 1990, the Town had a median household income of \$44,884 and a median family income of \$46,100, placing it fourth in median family income out of a total of 19 towns in Monroe County. Only 2.7 percent of the Town's population fell below the poverty level. The Town can generally be classified as a middle to upper-middle class community.

The characteristics of the Town's housing stock are beginning to change. Table II reviews the shifts in tenure types, by percentage since 1960. The Table indicates that an increasing percentage of the new construction in the Town is devoted to rental housing. The overall vacancy rate declined over the same period from six to two percent.

The median housing value for the Town in 1980 was \$56,300, placing the Town in sixth position when compared to the County as a whole. The value of a single family residence rose from \$109,552 in 1990 to \$122,000 in 1995.

TABLE I
TOWN OF WEBSTER
POPULATION AND HOUSING
1960, 1970, 1980 AND 1990

	1960	1970	Percent Change	1980	Percent Change	1990	Percent Change
Population	16,470	24,750	+50	28,925	+17	31,298	+8.2
Housing Units	4,743	7,078	+49	9,779	+38	11,315	+15.7
Household Size	3.47	3.50	+0.01	2.95	-16	2.76	-6.5

Source: U.S. Bureau of the census, 1960, 1970, 1980, and 1990
Update: Phoenix Associates, Inc. 1990

TABLE II
HOUSING TENTURE TYPES BY PERCENTAGE
TOWN OF WEBSTER

	1960	1970	1980	1990
Owner Occupied	82.3	79.7	73.4	77.0
Renter Occupied	11.6	16.3	23.7	21.0
Vacant	6.1	3.9	3.0	2.0

Source: U.S. Census of Housing and Population, 1960, 1970, 1980, and 1990
Phoenix Associates, Inc.

The Town's primary land use is residential. As noted above, the highest density of development occurs in West Webster and in the Village. The northeast quadrant of the community is the least developed, with large parcels of land as yet undeveloped and some areas devoted to agricultural uses.

The Town's major retail centers occur in strip development along Ridge Road and in the Village of Webster. The proposed facility has received all Town approvals and will add approximately 650,000 sq. ft. of retail space to the Town.

The major industrial complex in the Town is the Xerox Corporation, located in the southeast quadrant of the Town and in the Village. There is an additional pocket of industrial land use in the southwest sector of the Town, adjacent to the Village which houses a number of small scale

manufacturing and commercial facilities. In recent years, PSC, Lawyers Co-op, and Boulter Industrial Park have expanded their facilities by 50 to 100%.

Approximately 680 acres of Town land, exclusive of school district facilities is devoted to recreational use. The two primary sites are the 550 acre Webster Park, located along the shore of Ontario Lake and operated by Monroe County and the privately operated Happy Acres Golf Course.

The Town's major east/west arterials include Lake Road to the north, which serves as the southern boundary of the LWRP Area along Lake Ontario, the Route 104 expressway, and Ridge Road. Major north/south arterials and roads include, from east to west, Bay Road, Holt Road, N.Y.S. Route 250, and Phillips, Salt and Basket Roads. All of the Town's developed areas are also served by local roads and county collector roads. There are some private roads extending from Lake Road to Lake Ontario in the northern section of the Town. These roads provide access to scattered, year-round single family residences along the lakeshore.

B. GENERAL LAND USE AND OUTSTANDING NATURAL FEATURES

The LWRP area is generally that portion of Webster that borders on the east shore of Irondequoit Bay and the Lake Ontario coastline. For a description of existing land uses in the Town of Webster Waterfront Revitalization Area, see Map 2, Existing Land Use.

For purposes of this report, the waterfront is broken down into three sub-areas:

1. **Irondequoit Bay** (see Exhibit II-1)
 - * Beginning at the Penfield line, the first 4,000 feet of Bay shoreline consists of a mixture of wooded steep slopes, some level areas, and a small wetland. There are no structures along the Bay at this point. The plateau area consists of minor residential and commercial uses. The area also contains a proposed residential development site.
 - * The next 6,000 feet of shoreline consists of generally level land. The area has been developed into homes. The plateau area consists of a single family subdivision and a large proposed development site.
 - * Northward, the land is generally wooded and steep around Devil's Cove, in the vicinity of Inspiration Point, and as far as the Route 104 bridge. Devil's Cove and the adjacent land is a wetland. Single family residential developments are located along Bay Road and on the high plateau above Inspiration Point.
 - * From Route 104 to approximately 2,000 feet from the northern end of the Bay, the shore area is steep with bluffs ending at the water's edge. The slopes are generally wooded; however, sandy areas are found intermittently. The slopes are very fragile and prone to erosion.

- * The plateau is generally developed in single family housing; however, at the present time there are two residential developments under construction. Though both developments "Stony Point Landing" and "The Bluffs" provide a single family housing, "Stony Point" provides a townhouse mixture. These sites are one of the few areas north of the Route 104 bridge where the shoreline is flat enough to allow for waterfront development. Both developments proposal includes docking facilities.

2. Lake Ontario

- * The land along the Lake between the Bay and Webster Park is generally wooded with several single family homes on large lots. The shoreline is stony with steep slopes up to the plateau. These slopes, however, are not as steep as the slopes around Irondequoit Bay or the slopes along the Bay in the Town of Irondequoit.

- * The area south of Lake Road extends from Vosburg and Herman Roads to Pellett Road on the East and includes Ship Builders Creek. The Creek area is within a flood plain and is considered a significant wildlife habitat. The heavily wooded area between Baker and Pellett Roads is also considered a significant habitat and, like the Creek area contains steep slopes.

- * Webster Park (Monroe County operated) lies approximately in the center of the Town's lake frontage. The Park is divided by Lake Road, and is generally wooded to the south of the road.

Picnic areas, a small rocky beach, and a fishing pier are located north of the road. Presently, the Park Master Plan is being updated. Although no plans have been finalized, possibilities include an expanded beach and breakwater system and a new boat launch.

- * From the Park to Nine Mile Point, the predominant land use is large lot residential. With a small portion located north of just west of the Nine Mile Point is composed of townhouses. Small rocky bluffs parallel the lake shore with narrow beaches in between.
- * Nine Mile Point is located at the outlet of Four Mile Creek. The area consists of a restaurant with lodging accommodations. A residential area of cottages, small year-round homes and trailers is adjacent to the restaurant along Four Mile Creek. Small boat docks are located along the Creek.
- * The remainder of the study area from Nine Mile Point to the town line is in rural residential use with very deep lots running from Lake Road to the Lake. The houses generally are close to an overlook of the Lake. Also present are a few small subdivisions. This area under the resent rezoning is zoned for predominately "Large Lot Development".

Topography in this area is flat, gently sloping down to the Lake. The lakefront is stony, with little change in grade from the Lake to the adjacent parcels. Vegetation is a combination of wooded, reverted farmland, meadows and isolated orchards.

3. Sandbar

The Sandbar is a narrow arm of land, approximately 100 to 500 feet in width, which extends for a distance of approximately 6,000 feet from the main shoreline and separates Lake Ontario from Irondequoit Bay. The area is low and flood prone. Single family residences and a few small commercial establishments occupy the northern part of the spit, while small commercial enterprises, including a marine facility and several deteriorated residential structures, are located on its south shore. Some vacant and underutilized parcels are located at the eastern end of the sandbar on both sides of the road. An abandoned railroad right-of-way parallels Route 18 on a raised road bed, obscuring views of the Lake. At the present time, the Town assembled a citizen committee to study the Sandbar Area to improve the availability of the public water, installation of sanitary sewer system, and a proposed 6.5 acre Town Waterfront Park located at the eastern portion of this area. Although the study is at the early stages, the proposed park uses would consist of boat launch, fishing, and parking facilities with a picnic area.

In the summer of 1985, the U.S. Army Corps of Engineers, as part of the Irondequoit Bay opening project, severed the bridge which formerly connected the Towns of Webster and Irondequoit. The removal of the bridge permitted open boat passage between Lake Ontario and Irondequoit Bay. The action was, however, highly controversial because of its elimination of a transportation link between the two towns.

The absence of a crossing has interrupted the travel patterns of residents on both sides of the Irondequoit Bay outlet and has adversely affected the small businesses along the approach to the outlet, again, in both Irondequoit and Webster. The Towns, along with the Monroe County legislature, have all gone on record favoring the construction of a replacement crossing for the outlet. A seasonal bridge is currently under construction.

C. AREA HISTORY, HISTORIC SITES AND STRUCTURES

The Wisconsin Glacier, the last of four successive glaciers of the Ice Age, was responsible for the formation of the Rochester and specifically the Irondequoit Bay areas. As the glacier melted, it left large amounts of water trapped at the southern edge and formed a silt-laden lake in the Irondequoit Valley, now known as Irondequoit Bay. Archaeologists have been able to find evidence of human life as early as the Archaic Period (3500 B.C.).

The area is rich in Indian history. Irondequoit Bay was considered as the gateway to the Iroquois Nation. Trails through the area ran west to Niagara, east to Oswego and north and south along both sides of Irondequoit Bay to the lakeshore.

The first recorded visit of white men took place on August 20, 1669, by the French explorer LaSalle. The area was the site of major conflicts between the French and Seneca Indians. The unsuccessful attacks were led by the Marquis de Denonville, as the governor of New France. The trail which he followed is illustrated in Exhibit II-2. The trail is noted by seven markers extending from Brighton, through Penfield and northward to the Town of Webster.

Areas of historic importance along the lakeshore include two sites known as Oklahoma Beach and Locust Glen. Oklahoma Beach is located at the junction of Bay and Lake Roads and now is developed with private homes. The site is famous for the location of the Cottrell Hotel, a popular gathering place for fishermen, as well as the site of alleged "rum running" during the days of prohibition. The hotel is now a private residence.

A short distance past Nine Mile Point on Lake Ontario is Locust Glen, once the site of tannery and a summer resort area with tennis courts, a harbor for landing small boats and camping facilities. The site is now the location of a private home.

There are no buildings or sites within the waterfront area listed, or eligible for listing, on the National Register of Historic Places.

It should be noted that the western shoreline of Irondequoit Bay and sections of the Lake Ontario shoreline are highly sensitive with respect to the presence of prehistoric archaeological sites. Sensitive areas have been noted on the "New York State Archaeological Site Inventory Map."

D. WATER RESOURCES

1. Water Surface Analysis

Lake Ontario: Lake Ontario is the twelfth largest freshwater body in the world by area (73,400 sq. miles) but because of its depth (average: 283 ft., maximum: 802 ft.), ranks as the tenth largest lake by volume (393) cubic miles of water). The Lake is 193 miles at its longest and 53 miles at its widest. It drains a watershed of 30,000 sq. miles within New York State and the Province of Ontario in Canada. Including most of the major indentations of the shore, the Lake has approximately 726 miles of coastline, with a coast which is considered fairly even. The Lake's surface elevation rests at about 244.0 feet above sea level, but well over half its floor lies below sea level.

Lake Ontario's drainage basin receives, on average, 44 inches of precipitation annually, and the Lake has a water retention period of six years. More than 6.1 million people live near the Lake's shores in Ontario Province and New York State, and 2.5 billion gallons of water are withdrawn each day for farming, power, drinking and other domestic uses, mining, manufacturing, and commercial purposes. Non-consumptive uses of lake waters include shipping, fishing, and other recreational pursuits.

Lake Ontario contains an extensive trout and salmon fishery developed by stocking programs in New York State and the Province of Ontario, as well as an important bass fishery

EXISTING LAND USE

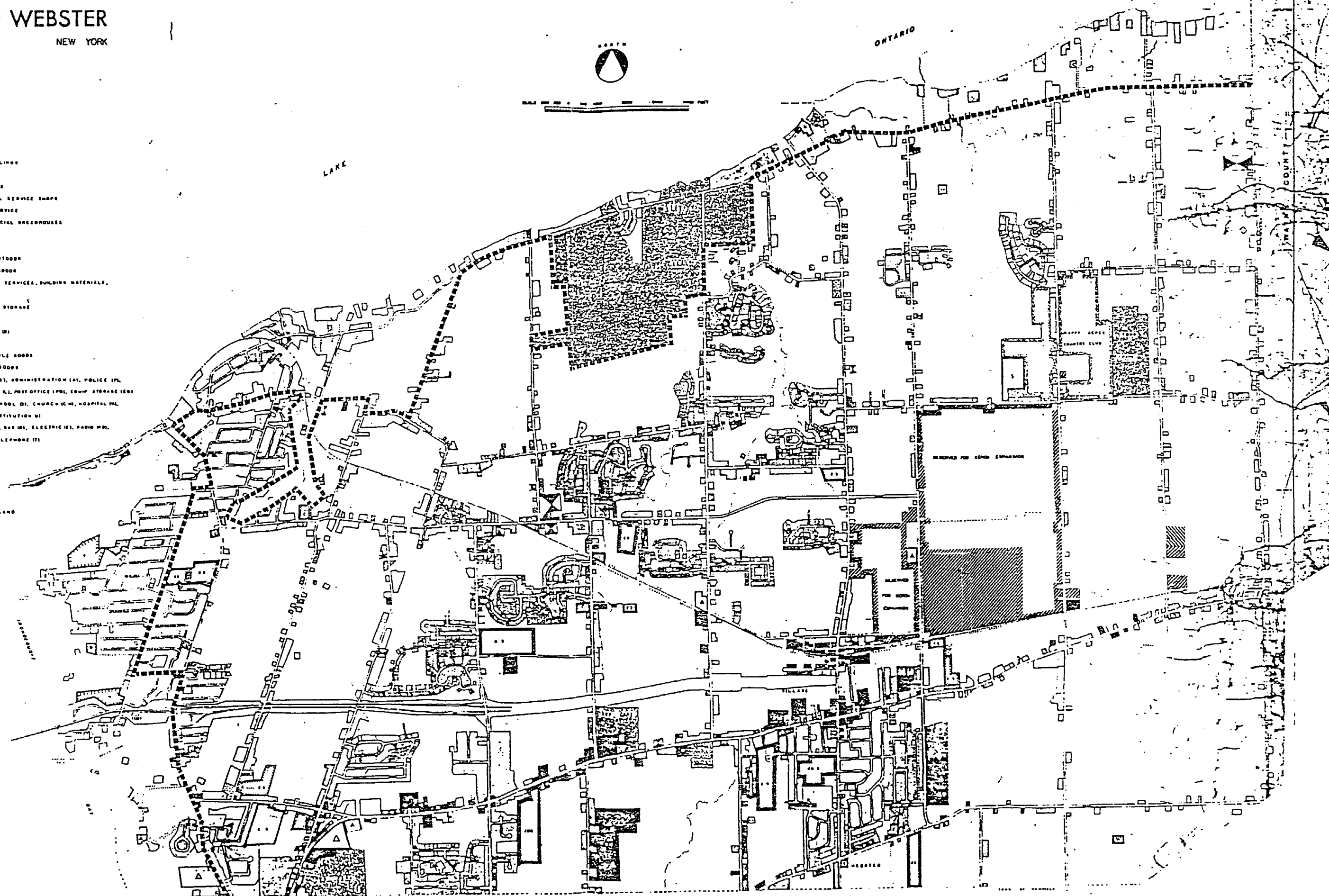
TOWN OF WEBSTER

MONROE COUNTY

NEW YORK

LEGEND

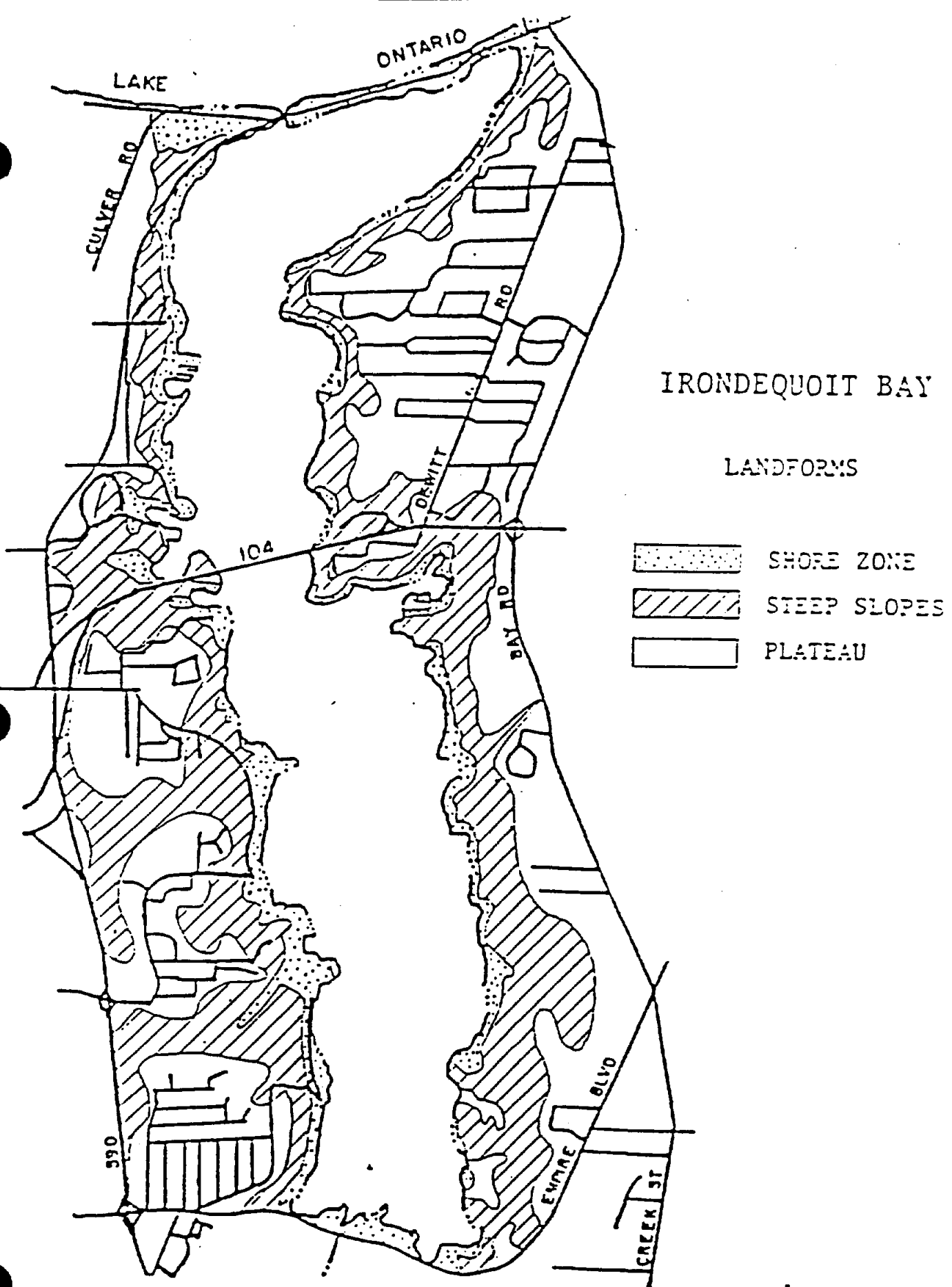
- ONE AND TWO-FAMILY DWELLINGS
- MULTI-FAMILY DWELLINGS
- TRAILERS AND TRAILER PARKS
- RETAIL STORES AND PERSONAL SERVICE SHOPS
- AUTO SALES, REPAIRS, AND SERVICE
- GARDEN STORES AND COMMERCIAL GREENHOUSES
- OFFICES
- HOTELS AND MOTELS
- COMMERCIAL RECREATION - OUTDOOR
- COMMERCIAL RECREATION - INDOOR
- HEAVY COMMERCIAL, GENERAL SERVICES, BUILDING MATERIALS, AND CONTRACTORS' YARDS
- WHOLESALE, WAREHOUSES, AND STORAGE
- FREIGHT TERMINALS
- JUNK YARDS (W/ AND W/O)
- QUARRIES AND GRAVEL PITS
- MANUFACTURING - NON-DURABLE GOODS
- MANUFACTURING - DURABLE GOODS
- PUBLIC BUILDINGS (SCHOOL, LIBRARY, ETC.)
- FIRE STATION (FS), POLICE (P), ETC.
- SEMI-PUBLIC BUILDINGS (SCHOOL, CHURCH, ETC.)
- CLUB, ETC.
- PUBLIC UTILITIES (WATER, GAS, ETC.)
- SEWAGE DISPOSAL (SD), TELEPHONE (T)
- AIRPORTS
- CEMETERIES
- PUBLIC PARKS
- OTHER OPEN SPACE
- WATER AREAS
- AGRICULTURAL OR VACANT LAND
- LWRP BOUNDARY LINE

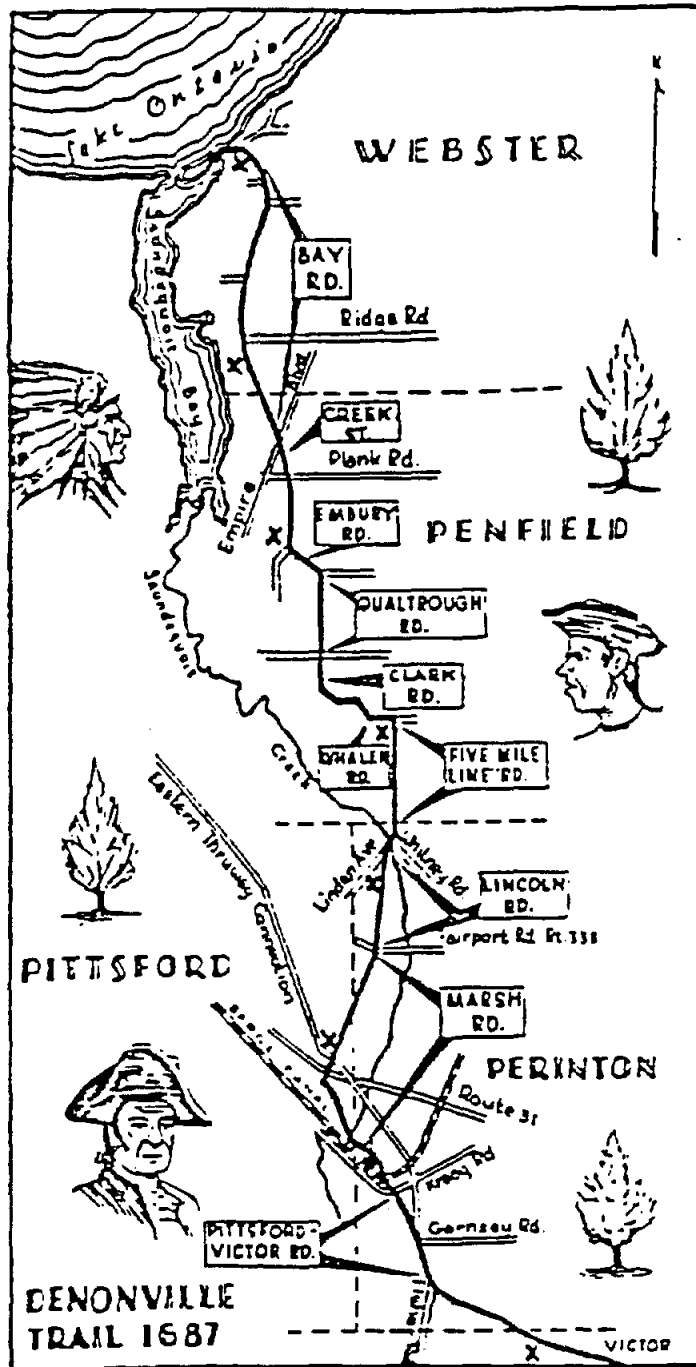


TOWN OF WEBSTER

1000 N. J. 14560 PHONE (716) 872-1000

LOCAL WATERFRONT REVITALIZATION PROJECT





DENONVILLE TRAIL
EXHIBIT II-2

associated with the Lake Ontario shoreline. Boat and shore based fishermen catch salmon and trout in the near shore waters of the Lake, as well as in Irondequoit Bay, during the spring and fall fish migration periods.

Irondequoit Bay (see Exhibit II-3): Irondequoit Bay is located on the south shore of Lake Ontario and is about four miles east of Rochester Harbor and 29 miles west of Great Sodus Bay, the nearest Federal harbors. The Bay is bounded by the Towns of Irondequoit (north, west, and south sides), Penfield (south and east sides), and Webster (east and north sides) in Monroe County. Irondequoit Bay is a natural harbor oriented in a north-south direction with steep banks rising up to 150 feet above the water surface along the east and west shores, a barrier beach or sand bar at the north end, and a wetland at the south end.

Irondequoit Bay is about four miles long and varies in width from 1/4 to 3/4 miles, except near the Lake where it broadens to about 1-1/4 miles. The Bay has about 2.6 sq. miles of water surface and about 10 miles of shoreline (approximately two miles of which are in the Town of Penfield). The north and south ends of the Bay are shallow and generally less than six feet below Low Water Datum (which for Lake Ontario is 242.8 feet). Depths in the central portion of the Bay range from about 30 feet to a maximum depth of about 75 feet. The Bay is primarily a warm water fishery including northern pike, largemouth bass, bullhead, and other species. It should be noted that trout migrate through the Bay to Irondequoit Creek.

2. Water Quality

The water of Irondequoit Bay has suffered severely from the effects of urbanization. For several decades, sewage effluent from the City of Rochester, adjoining communities, and the municipalities along Irondequoit Creek to the south has impaired water quality in the Bay.

Because the Bay is at the foot of a large watershed (see Exhibits II-4 and II-5), water quality abuses originating in the watershed's upper reaches have had a major negative impact on the Bay's water. Such abuses have included partially treated effluent from several sewage treatment plants, as well as oil, herbicides, fertilizers, insecticides, animal wastes, road salt, and other pollutants carried into the Bay from its tributaries. High nutrient loads from partially treated effluent combined with nutrient-rich sediment from agriculture and urban runoff have been responsible for algae blooms whose decomposition causes noxious odors, unsightly conditions, increased alkalinity and reduced available oxygen in the water that adversely affects fish life.

The extensive amount of road salt carried into the Bay from its watershed inhibits the mixing of the Bay's lower waters, extending the annual period of low-oxygen, stagnant, and biologically undesirable conditions in the deeper portion of the Bay. Surface algae and sediment reduce the amount of sunlight which can penetrate to lower depths.

The inadequate operation of private septic systems on the shoreline and elsewhere in the watershed adds to the deterioration of water quality and may create unsanitary conditions at

the point of discharge. The sediments, especially in the wetlands at the mouth of Irondequoit Creek, are thought to be heavily polluted.

High water levels have eroded the steep slopes around the Bay, primarily on the east side, aggravating existing land slides and causing additional ones to occur. This has created scars along the Bay slopes. Increased erosion of the shoreline, in addition to causing property damage, has also added to the sediment load in the Bay.

The quality of the Bay's water has improved noticeably over the last several years as a result of the comprehensive sewage treatment program of Monroe County's Pure Waters Agency. (The Bay is currently rated as a Class B body of water by the State, meaning that it is suitable for bathing and other usages, except as a source of water supply for drinking, culinary or food processing purposes.) This program has diverted sewage from the treatment plants on Irondequoit Creek and Bay to an expanded and improved treatment facility which discharges directly into Lake Ontario.

Purification of Irondequoit Bay, however, will be a slow, yet continual process once all present abuses are terminated. Because of the large quantities of nutrients and salt already in the Bay, improvements in its water quality will be gradual, eventually bringing the quality to the level which existed in 1940. One potential negative impact resulting from the reduction of nutrients will be a decrease in surface algae blooms, allowing more sunlight to penetrate the Bay, thus promoting the growth of weeds in the shallow areas of the northern and southern ends of the Bay.

In addition to the improvements to sewage treatment facilities, Monroe County is actively undertaking measures to improve Bay water quality through other techniques. The County has recently, with federal and state financial assistance, taken action to reduce the phosphorous level of the Bay. An experimental program for using aluminum sulfate or alum to act as a seal on the bottom of the Bay was extremely successful. The entire Bay has since been spread with alum to keep the phosphorous from recycling in the Bay. The County is also undertaking a water quality program to reduce non-point sources of pollution in the Irondequoit Basin. The Irondequoit Bay Water Quality Management Plan has been prepared as part of that program.

E. SCENIC RESOURCES AND VISUAL QUALITY

Irondequoit Bay constitutes a major scenic resource for the Town of Webster, as well as the entire greater Rochester area. The Bay, because of its setting of steep, heavily wooded slopes and wetlands, provides views of exceptional beauty. The number of views and vistas, however, is limited by the presence of natural features such as steep slopes and woodlots.

The most accessible areas for viewing Irondequoit Bay in Webster are located on the Sandbar at the north end of the Bay, Irondequoit Bay Bridge, the State turnoff at the north side of the Route 104 Bay Bridge, and the Village of Webster well field along the plateau area of the Bay. All of these

NEW L.
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Bay

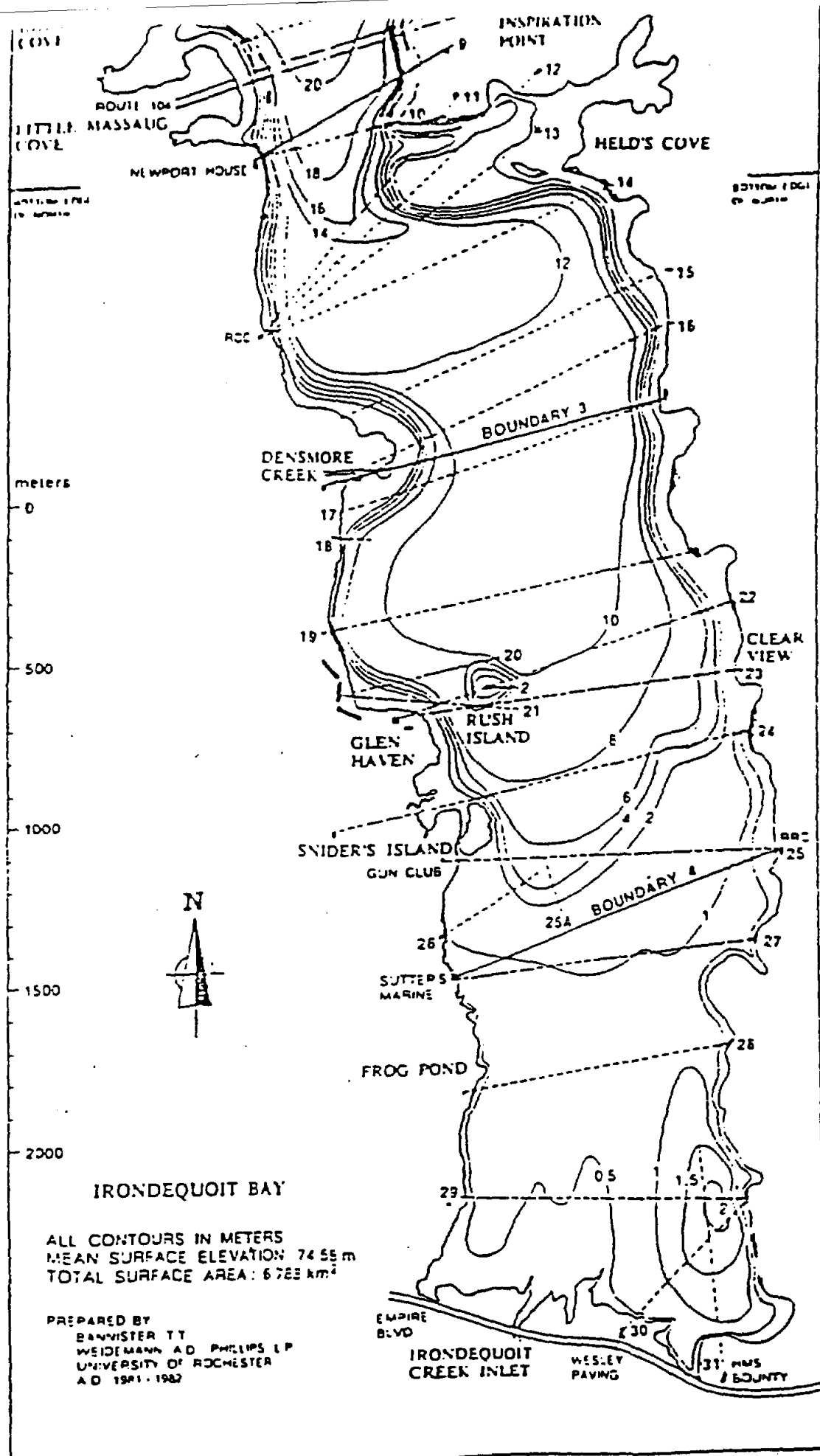


EXHIBIT II-3
IRONDEQUOIT BAY - A

Depth Map

New bench
map of
Irondequoit
Bay

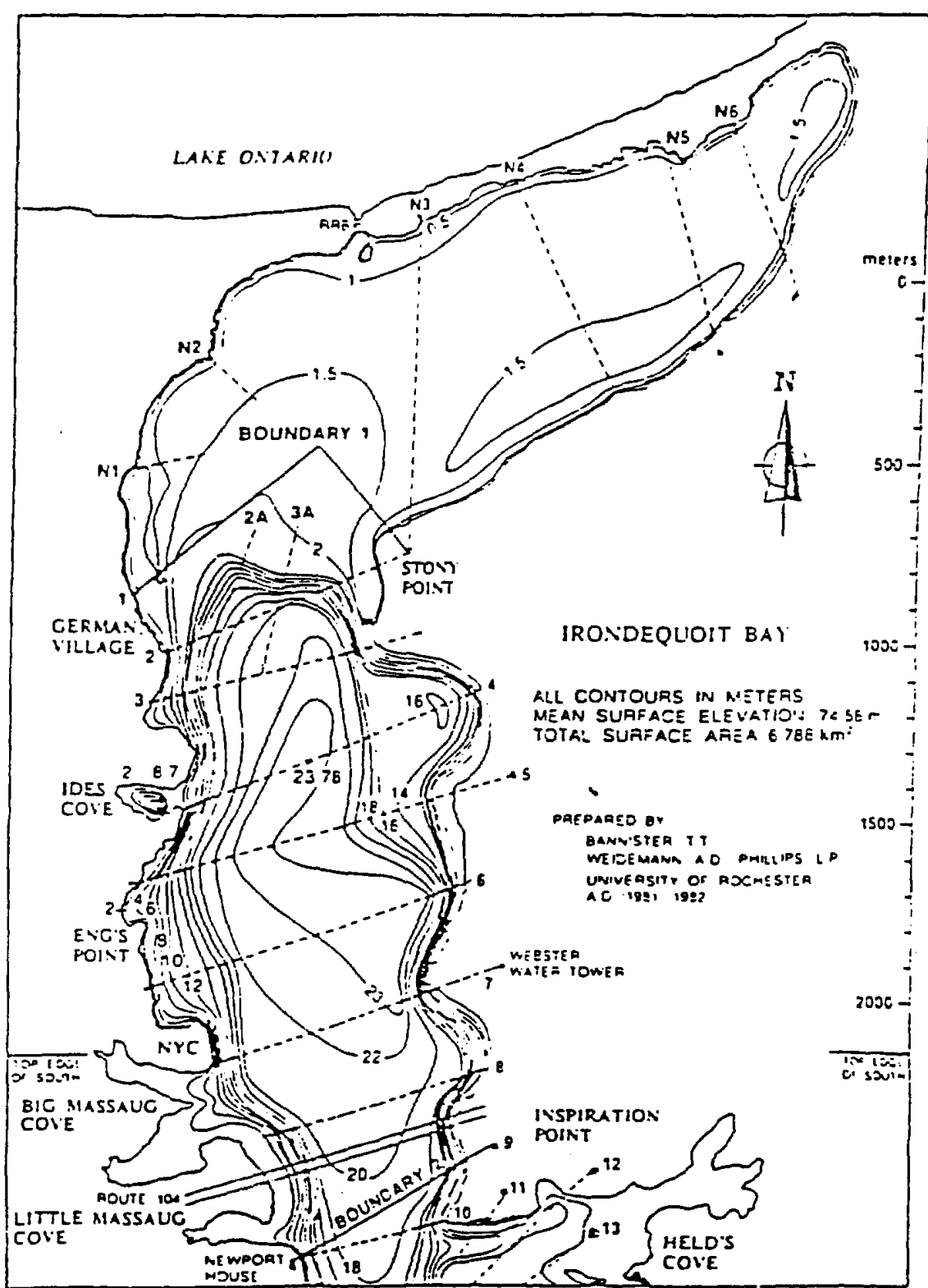
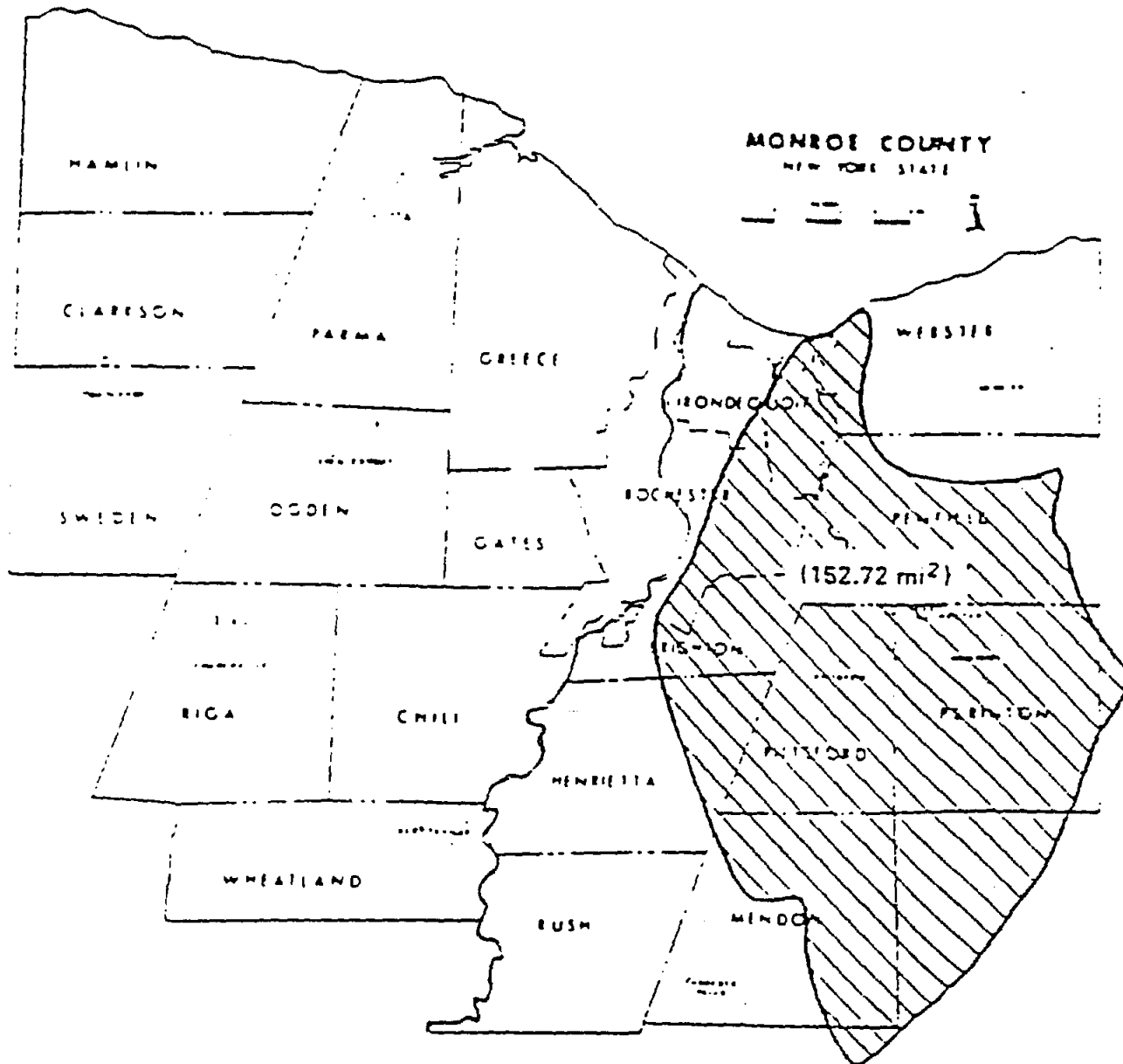


EXHIBIT II-3
IRONDEQUOIT BAY - B

IRONDEQUOIT
BAY
WATERSHED



IRONDEQUOIT BAY STUDY
PREPARED FOR THE IRONDEQUOIT BAY
POLICY COMMITTEE BY THE
MONROE COUNTY DEPT. OF PLANNING
1973

EXHIBIT 4
IRONDEQUOIT BAY WATERSHED

clearly see the Route 104 Bridge in the distance and on a clear day, the terminus of the Bay along Empire Blvd. in Penfield. Increasing development along the west shore in Irondequoit can be noticed and the undeveloped, mostly natural state shorelines of both Penfield and Webster are noticeable. Similar observations can be made from the other viewing points mentioned. One can also observe the Bay's expansive wetlands, an area that attracts numerous birds and animals.

Views of the Bay are limited not only by such natural features as steep slopes and wooded lots, but also by the pattern of land ownership that exists in Webster's waterfront. The Route 104 turnoff and the jetty provide public access to the scenic vistas and views. Areas along the Sandbar are privately controlled.

The concern for visual quality is one in which the action of one community can either enhance or destroy another Town's scenic views. A residential project in a given town may have little impact on the scenic views available along its shores while at the same time severely impacting on the scenic views from the opposing shore. This issue is a matter of concern in the Town of Webster.

Multiple views of Lake Ontario are available within Webster Park. Its shoreline presents several opportunities for views of the Lake. A restaurant located at Nine Mile Point presents an additional scenic vista of the Lake. Other properties along the Lake shoreline are privately owned and offer a unique view or vista of the Lake and its shoreline.

F. WATER DEPENDENT AND ENHANCED USES

Water dependent uses are considered by the Town of Webster to be those uses which could not exist without a waterfront location. Water enhanced uses are those uses which either benefit from or provide a complement to a waterfront location. The following narrative provides a description of sites and land uses located in the waterfront area which meet these criteria. Sites that are specifically water dependent include:

- * Mayer's Marina, located on the Sandbar at the outlet between Irondequoit Bay and Lake Ontario, and the existing New York State Park which includes jetty with walkway and parking facilities.
- * Existing Webster Park facilities, including a fishing jetty and waterfront walkway along Lake Ontario (to be discussed in further detail in 7 of the Inventory and Analysis).

Shoreline development that can be classified as water enhanced includes the Glen Edith Restaurant, located on Irondequoit Bay, with seasonal dining and limited docking facilities for customers, and the New York State Route 104 rest area located on the plateau of the Bay slopes. As can be seen by this review, the number of land uses which are currently water dependent is quite limited in the Town.

1. Development

As in other Irondequoit Bay communities, the pressures for development as a result of the opening of the Bay to Lake Ontario are increasing. This need/demand for increased utilization of the Town's waterfront area, along both the Bay and the lakeshore, for water dependent and water enhanced uses is evidenced by the heightened interest of the private sector in developing such sites along the Bay, particularly on plateau areas with related shoreline development. Several developers are in the process of having major residential projects reviewed and approved by the appropriate town boards and authorities. Although no proposals have as yet been presented for redevelopment along the Sandbar, property values in that area have begun to escalate dramatically. It can further be expected, that once the configuration of an outlet bridge is determined, major redevelopment proposals will be before the Town.

2. Boating

The number of boats of all types that will eventually use the Bay is speculative, but could be as high as 2,000 according to the Army Corps of Engineers. (Boats currently using the Bay number approximately 450 to 500). Webster is in a position to provide both dockage and launching facilities to respond to some of this demand. The residential proposals presented for three sites along Irondequoit Bay will likely include dockage for private residents. Again, pending the outcome of the Outlet Bridge, launching/docking facilities on the Sandbar may be possible. Two lakeshore sites for such facilities are Webster Park and Nine Mile Point.

3. General Access

There is also an acknowledged need for improving the opportunities for access to waterfront recreation available through County parkland and other publicly owned sites within the planning area. Both public and private efforts geared toward waterfront development and improved access to water resources are, however, constrained by environmentally sensitive land and water features which require protection. The area which is available to meet the demands of both the public and private sectors is therefore limited and the development which does occur must follow sound environmental practices.

G. UNDERUTILIZED AND DETERIORATED SITES

As part of Webster's LWRP, several large areas of vacant land were identified as either underutilized or somewhat deteriorated sites. Because of such characteristics as size, location, visibility, value and proximity to the waterfront, these sites possess the highest potential for development in the Town's waterfront area. These sites are discussed below and are designated by number on Map 3, Proposed Land Use, in Section IV.

1. Bay Front

Site 1: Willow Point

This site, which is the location of the former Willow Point Park, runs from Bay Road to Irondequoit Bay. A proposed development consisting of several residential units in mid-rise structures and townhouses is currently being planned for the site. Development will occur primarily on the eastern half of the site, which corresponds to the plateau area of the parcel. No waterfront development activity is proposed at this time. The potential for bayside development does exist in the future.

The site has high visibility and accessibility due to its Bay Road frontage, and is served by sewers. Further, its eastern portion is relatively flat and does not seem to contain any serious constraints to development. The other portion of the site, however, contains steep, wooded slopes and the waterfront area, which are regarded as extremely sensitive to the effects of development and as such will be protected.

Site 2: Stony Point Landing

This site, which is located along the northern portion of Irondequoit Bay and west of DeWitt Road, is the location of a proposed large-scale, residential development consisting of 109 townhouses and 50 single family units. Development constraints include the site's steep wooded slopes, which are located immediately adjacent to the parcel's long Bay frontage. Docking facilities for residents of the development are centralized to limit damage to the slopes and waterfront area, and points up the sensitive nature of this site and the continued care that must be exercised when developing it.

Site 3: Bay Road/Bay Bridge Area

There is a large parcel of privately owned vacant land located at the intersection of Bay Road and Bay Bridge. The area is immediately adjacent to Devil's Cove along Irondequoit Bay. The site contains extensive woodlots and steep slopes and is one of the finest scenic resources along Irondequoit Bay. The most eastern portion of the parcel borders Bay Road and is relatively flat. Surrounding land uses include both single family and multiple residential with some small retail uses to the south. The site has high potential, but can only be developed in such a manner so as not to destroy the natural resources of the area.

Site 4: The Damascus Temple

The Damascus Temple property is located off of Bay Road. The site's extensive plateau area is flat and vacant with the exception of a private club facility. No use is made of the waterfront area which contains both steep slopes and woodlots.

Site 5: DeWitt Road and Landfill

There is a large undeveloped area bordered by DeWitt Road on the east, Route 104 on the south, and the Village of Webster's water supply on the west. The northern portion of the site is vacant and appears to contain no physical features which would constrain development. However, because the site has been subdivided into several small parcels and because ownership of these parcels is in the hands of many different individuals, as well as the Town and the County governments, acquisition and assembly of the site for development will be very difficult and time consuming. The southern portion of the site contains a landfill.

The landfill is also listed on the NYS Register of Inactive Hazardous Waste Disposal Sites (No. 828035). The site is suspected of having received hazardous waste and is therefore classified as "2 A", a temporary classification indicating insufficient site data and the need for further information before any actions are undertaken on the site.

Site 6: The Bluffs

This 48 single family unit subdivision located near the intersection of DeWitt and Backus Roads offers great physical beauty and privacy, as well as a location near the intersection of Bay and Lake Roads. The site's topography, however, with steep slopes on three sides and a somewhat irregular configuration. To preserve these natural features, the development was clustered in exchange for 4.0 acres of open space or parkland. Docking facilities for the residents of this development are centralize to limit damage to steep slopes and shoreline.

2. Lakeshore

Site 7: Nine Mile Point

This site is located between Lake Road and Lake Ontario, opposite Phillips Road and Webster Road. Even though the majority of this area is vacant, Hedges Lakeside Villas, composed of a mixture of 21 townhouses and 20 villas, is located opposite Webster Road intersection. In addition to its beauty and lakefront location, the site has the added advantage of having direct access to Xerox's Webster complex via Phillips Road. Possible public access and use of Nine Mile Point in a way that is compatible with any future development of the site will be explored by the Town as part of its planning project review processes. The site presents an opportunity for providing additional access to Lake Ontario.

Site 8: Vosburg Road

A large, vacant parcel at the intersection of Vosburg and Baker Roads seems well suited for low-density residential development. If properly planned, such development should have a minimal negative impact on the surrounding area, which includes large-lot residential uses, farmland, vacant parcels and wooded lots.

The site's scenic surroundings and good vehicular access, as well as the availability of utilities, should make it attractive to potential developers. Adding to the site's potential for development is the relatively large size of the parcels which comprise the site and the absence of sensitive natural features that would inhibit development and add to construction costs.

3. Sandbar

Site 9: The Sandbar

The now completed opening of Irondequoit Bay to Lake presents Webster with a unique opportunity to realize the full potential of what has been an underutilized natural resource. The Sandbar's location between the Lake and Bay and the absence of steep slopes make it ideal for the development of water-related commercial and recreational facilities, which will greatly increase public access to these two bodies of water. Such facilities could include marinas, boat launches, fishing piers, parks and promenades, beaches, restaurants, and various types of water-related commercial activities.

Several obstacles, however, stand in the way of utilizing this site in a way that will ensure its highest and best use, including the existence of numerous residential uses located on undersized parcels. These uses, many of which are in substandard condition and in close proximity to the road, have cut off views and public access to the Bay and Lake. Because of the large number of these uses and the small number of large parcels in single ownership, acquisition for redevelopment purposes will, no doubt, be slow and expensive.

Redevelopment will be further constrained by the present location of Route 18 and the railroad right-of-way. Sewer and water systems are inadequate to accommodate area redevelopment.

Replacement of the Route 18 bridge over the Bay outlet is currently underway. Therefore, the nature and timing of the Sandbar's redevelopment can be resolved. The replacement of the bridge with a seasonal pivot bridge will have a profound impact upon the future development of the Sandbar. Major projects should proceed now that this critical issue is resolved.

To ensure that the eventual redevelopment of the Sandbar is carried out in a comprehensively planned manner and in such a way as to ensure maximum public access to the Bay and Lake, the Town must begin now to provide the necessary land use and zoning guidelines, regulations, and safeguards. Also necessary will be an ongoing, working relationship with other levels of government, including the County and the State, whose jurisdiction over this area overlaps that of the Town. Even with such cooperative arrangements, however, it must be recognized that redevelopment of the Sandbar will take several years to complete and the expenditure of large sums of both public and private funds.

H. PUBLIC ACCESS AREAS AND RECREATIONAL FACILITIES

The Webster LWRP area contains Webster Park, one of Monroe County's major facilities. The park contains 567 acres of land and is rich in natural resources. Development to date has been concentrated in the northeast portion of the park, which is characterized by flat slopes and open space, and close to road access. Remaining portions of the park are in an undeveloped or minimally developed state. Resources of the park include: beachfront, mature forest, natural creeks and streams, flood plains, etc. The park's primary focus is its waterfront area. The beach was utilized in its early years for sun bathing and swimming, but has since lost its appeal.

The center of activity in the waterfront area is the fishing pier and break wall. As previously noted, the bluffs along the upper portion of the park provide dramatic, unobstructed views of the lake. In addition, the jetty on the Webster side provides for public access to the Lake from the Town's extensive shoreline. The only remaining source of public access is the State Highway rest area located at the Irondequoit Bay Bridge.

All of these public facilities present opportunities for increased public access to the waterfront. The long-range plans for the County parks recognize the need for expanded opportunities and include a program to accommodate those needs (reviewed in detail in Section IV of the LWRP). The proposed improvements would respect the environmentally sensitive nature of the parks' woodlots, steep slopes, wetlands and habitat areas.

Secondly, the Town of Webster is investigating the feasibility of a Town Park located on the eastern portion of the Sandbar. A 6.5 acre parcel on the causeway approximately one mile long is a prime location. It offers several desired recreational outlets like fishing, boating, picnicking, and the ideal location for a public boat launch. The land elevation above water level is 3 to 4 feet which would provide minimal disturbance during the construction phase of development to the bay. Once constructed, this area could provide a refuse harbor with easy launch and retrieval for trailer carried boats.

The Town has one additional area where access to Village owned property within the Town would provide for limited passive recreation and would heighten waterfront opportunities without infringing upon existing land uses - the Village well field located along the plateau of the Bay.

I. DEVELOPMENT CONSTRAINTS

The area adjoining Irondequoit Bay has many unique and sensitive environmental features. These features serve as a resource for recreation, visual beauty, and the functioning of many complex and critical natural processes. Increasing pressures for development around Irondequoit Bay, however, threaten these natural features, and care must be exercised to balance development pressures with resource protection needs.

1. Wetland and Wildlife Habitat Constraints

Irondequoit Bay and Creek, located within the City of Rochester and the Towns of Irondequoit, Webster, Perinton and Penfield in Monroe County, has been designated by the New York State Secretary of State as a fish and wildlife habitat of statewide significance. (See the Appendix to the Inventory and Analysis for a detailed description of the Irondequoit Bay and Creek habitat). The habitat includes the entire bay area, emergent wetlands immediately south of the bay and approximately seven miles upstream on Irondequoit Creek.

Irondequoit Bay has been classified by the New York State Department of Environmental Conservation as a Class 1 Wetland, which is the highest classification that can be given to a wetland. New York State retains permit granting authority for activities in Class I wetlands, and therefore regulates activities around Irondequoit Bay. (DEC is considering the entire shoreline area of the Bay as a Class 1 Wetland because of the presence of both submergent and emergent aquatic vegetation).

Types of wetlands in the Irondequoit Bay area include: submergent, emergent, shrub, and habitat. Each of these serves important functions such as: shoreline erosion protection, wildlife and fish habitat spawning and nursery areas, water quality filtration, open space and passive recreation areas. See Exhibit II-6 for the location of the various types of wetlands in the Irondequoit Bay area.

a. Wetlands - Submergent

Irondequoit Bay is substantially enclosed by a narrow band (200 - 600 feet wide) of submergent aquatic vegetation. This aquatic bed is made up of milfoil, coontail and pondweeds. As already mentioned, it constitutes a regulated Class I wetland. A major limiting factor influencing the development of this vegetative type is the amount of light reaching the bottom substrate. It is anticipated that as the quality of Bay water increases, water turbidity will decrease and allow more light to reach the bottom, and the aquatic bed will expand.

This submergent wetland plays an important role for Bay fish and wildlife populations. Fish use this habitat for spawning, feeding, escape cover, or nursery habitat. Waterfowl and wading birds use these areas to forage for food; reptiles and amphibians likewise may spend much of their life cycle in close association with the aquatic bed.

b. Wetlands - Emergent

Emergent wetlands provide excellent fish and wildlife habitats. Birds such as red-wing blackbirds, rail and marsh wrens use cattails for nesting, feeding or roosting. Waterfowl use these areas during migration and brood rearing, and pheasants winter in them. Other birds such as hawks, great blue herons and bitterns forage for food in emergent wetlands. Muskrats use cattails for food and nest building and small

mammals, such as mice, winter in marshes. Deer may use cattail areas as escape cover. These areas may also be used as spawning habitat for northern pike. When emergent vegetation is associated with other wetland cover types, such as submergent vegetation, or with upland cover types, the habitat value is increased. These "edges" between different cover types are the areas where the greatest diversity of habitat and wildlife exist.

Aquatic wetland vegetation is found in the coves and embayments, and at the south end of the Bay beyond Webster. Water lily and duckweed are the most abundant species of aquatic vegetation. This type of vegetation is valuable as a feeding and nursery area for reptiles, amphibians, fish, and waterfowl.

c. Shrub Wetlands

Shrub wetlands are found in various coves on the east and west sides of the Bay. This wetland cover type is usually adjacent to the upland area and provides a transition zone between the wetland and the upland. Red osier dogwood, willow, arrowwood, buckthorn, and red maple and green ash saplings are common shrub species found around the Bay. Shrub areas are usually only seasonally flooded in spring and fall. Waterfowl use shrub wetlands during spring and fall migration; furbearers and songbirds use these areas during various times of the year.

d. Upland Wildlife Habitat

The bulk of this habitat type is made up of "transitional hardwoods." This forested area provides habitat for characteristic woodland wildlife species such as whitetail deer, eastern cottontail, eastern gray squirrel, woodcock, raccoon, and songbirds, among others. When these woodlot areas are situated directly adjacent to the open water or wetland areas of the Bay, the habitat values increase. Great blue herons, American bittern, wood duck, osprey and others are among the common species which utilize both wetland and upland habitats.

In addition to avian wildlife, many species of mammals use the Bay area. The largest land mammal around the Bay, the whitetail deer, is common to the forested area around the Bay and is dependent upon the woods for escape cover, fawn rearing, and winter cover. Small mammals utilizing the forest and wetland environment include fox, raccoon, muskrat, mink, squirrel, rabbit, mice and others. All are dependent for some part of their existence on the cover provided by the wetlands, open water, and wooded areas.

e. Aquatic Habitat

The Bay supports a large number of freshwater fishes. This population is dominated by some warm-water species not normally considered gamefish, such as white perch, alewife, or bowfin. These species do, however, contribute to the forage base of the

IRONDEQUOIT BAY WETLANDS

Exhibit II-5

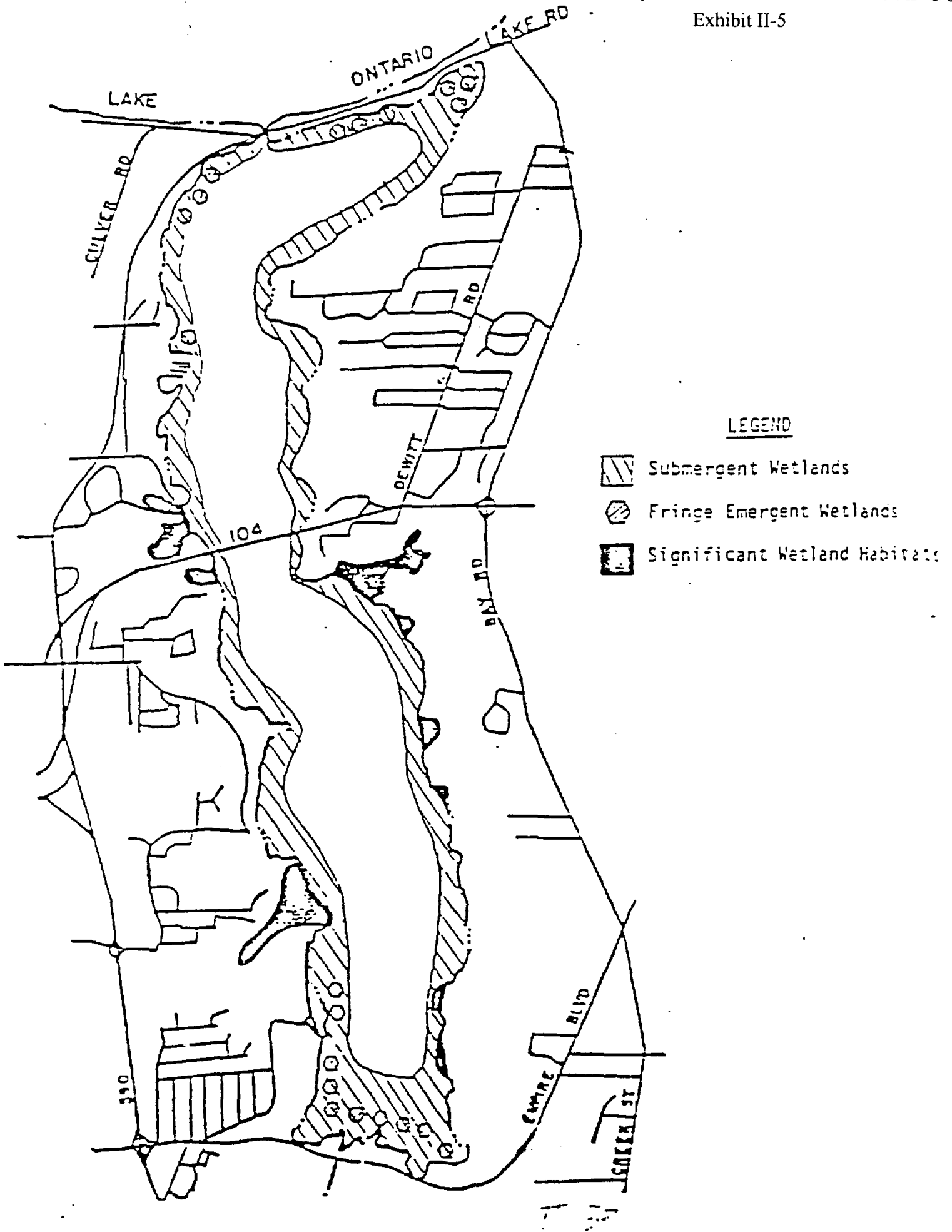


EXHIBIT II-6
FISH SPECIES AND AQUATIC PLANTS ASSOCIATED WITH IRONDEQUOIT BAY

Fish Species

Golden shiner
Carp
Spottail shiner
Emerald shiner

Largemouth bass
Smallmouth bass
Pumpkinseed
Black crappie
Rockbass

White perch

Channel catfish
Black bullhead
Brown bullhead

*Seasonal inhabitants

Walleye
Johnny darter
Yellow perch

Alewife
Gizzard shad

White sucker

Northern pike
Longnose gar

Sea lamprey

*Rainbow trout
*Brown trout
*Coho salmon
*Chinook salmon
*Atlantic salmon

Aquatic Plants

SUBMERGENT

Coontail
Watermilfoil
Sago pondweed

FLOATING

Water lily
Duckweed

EMERGENT

Longleaf pondweed
Broadleaf cattail
Narrow leaf cattail

SHRUB*

Willow
Red osier dogwood
Silky dogwood
Buckthorn
Green ash - sapling stage
Red maple - sapling stage
Arrowwood

*Shrubs are not normally considered truly aquatic plants but these species are used as wetland indicators by biologist with the DEC (Region 8).

EXHIBIT II-7
BREEDING BIRDS OF THE IRONDEQUOIT BAY AREA¹

POSSIBLE

Chimney Swift
Red-headed Woodpecker
Alder Flycatcher
Rough-winged Swallow
Brown Creeper
Chestnut-sided Warbler

PROBABLE

Green Heron
Least Bittern
Sora
Killdeer
Common Snipe
Willow Flycatcher
Least Flycatcher

Tree Swallow
White-eyed Vireo
Yellow-throated Vireo
Mourning Warbler
Hooded Warbler
Rufous-sided Towhee

CONFIRMED

Mallard
Blue-winged Teal
Wood Duck
Red-tailed Hawk
American Kestrel
Ring-necked Pheasant
Virginia Rail
Common Gallinule
American Woodcock
Rock Dove
Mourning Dove
Yellow-billed Cuckoo
Black-billed Cuckoo
Screech Owl
Great Horned Owl
Ruby-throated Hummingbird
Belted Kingfisher
Common Flicker
Pileated Woodpecker
Red-bellied Woodpecker
Hairy Woodpecker

Downy Woodpecker
Eastern Kingbird
Great-crested Flycatcher
Eastern Phoebe
Eastern Wood Pewee
White-breasted Nuthatch
House Wren
Marsh Wren
Gray Catbird
Brown Thrasher
American Robin
Wood Thrush
Veery
Cedar Waxwing
Starling
Red-eyed Vireo
Warbling Vireo
Yellow Warbler
Cerulean Warbler
Common Yellowthroat
American Redstart

House Sparrow
Red-winged Blackbird
Northern Oriole
Common Grackle
Brown-headed Cowbird
Scarlet Tanager
Cardinal
Rose-breasted Grosbeak
Indigo Bunting
House Finch
Bank Swallow
Barn Swallow
Blue Jay
American Crow
Black-capped Chickadee
Tufted Titmouse
American Goldfinch
Chipping Sparrow
Field Sparrow
Swamp Sparrow
Song Sparrow

¹ Based on data from the N.Y.S. Dept. of Environmental Conservation and the Federation of N.Y.S. Bird Clubs Breeding Bird Atlas Project (1980-83), with additional information provided by Mr. Robert Spahn of Webster, N.Y.

Bay. With an improved water quality, a shift in abundance to species commonly sought after as sport fishes, such as largemouth bass, smallmouth bass, northern pike, and salmonids is expected.

In addition to the resident population of fish in the Bay, other species are found in great numbers seasonally. Salmonids use the Bay during spawning runs up Irondequoit Creek. It is possible that, as water quality continues to improve, some of the salmonids may become year-round residents within the Bay. The present condition of the salmonid fishery in Lake Ontario and adjoining bays and tributaries is a direct result of the State's intensive stocking program. 1984 stocking figures show that Irondequoit Creek received 19,100 Brown Trout yearlings, 17,000 Rainbow Trout yearlings, and 10,800 Atlantic Salmon yearlings.

Exhibit II-7 identifies fish species and aquatic plants associated with the Irondequoit Bay area, and Exhibit II-8 identifies breeding birds associated with this area.

2. Geological, Regulatory, and Infrastructure Constraints

a. Steep Slopes

Development activities on or adjacent to the steep slopes around Irondequoit Bay, Lake Ontario, Nine Mile Point and Shipbuilder's Creek can result in increases in erosion and sedimentation, degradation of the water quality of the Bay and the Lake and its tributary streams, slope slippage, and destruction of the natural character of the Bay areas. The manner in which storm water drainage is handled, and the disturbance of soils and removal of vegetation can affect slope stability.

Slopes of 15 percent or greater may be subject to failure if disturbed either through removal of vegetation, which acts to stabilize the slope, or grading of slope areas, which exposes them to erosion by wind and water. Natural percolation of storm water is reduced when vegetation is removed from slope areas, or impervious surfaces (such as buildings and paved surfaces) are constructed.

Concentration of surface runoff from upland development areas to slope faces may cause excessive erosion and further reduce slope stability. Development related activities may increase the risk of slope failure and cause damage to property. Additionally, increased boat traffic resulting from the Bay opening may enhance the natural erosion at critical slope toe areas. Disturbances may also contribute to water quality degradation through siltation.

Making large cuts and fills at the top or base of a steep slope, concentrating volumes of storm water in one location, or placing structures in or too close to slope areas, may disturb the established equilibrium of the soil profile to the point where the upper portion of the slope will begin to slip. This can result in extensive losses to real estate which is built on or near the top or toe of the slopes.

b. Flood plains

The shoreline area and wetlands of Irondequoit Bay, Lake Ontario, Shipbuilder's Creek, Nine Mile Point and Mill Creek (located in Webster Park) have been identified as flood prone in studies done by the Federal Emergency Management Agency. (These areas have been mapped and flood elevations cited as part of the local flood insurance program). Building activity in these flood prone areas is regulated by the National Flood Insurance Program and the Town's flood plain management ordinance. Buildings within flood prone areas can impact the flood handling capabilities of a body of water, such as Irondequoit Bay, and can become exposed to significant damage from high water levels.

c. Soil Characteristics

The characteristics of the soils in the Bay area have been determined largely by glacial history, as well as topography, drainage, and vegetation. Plateau soils in the Webster section of the Bay have a high silt and clay content. They are underlain by glacial till, the relatively dense material deposited and compacted by the glacier. These soils are generally moderately well drained and deep.

The slopes around the Bay are formed predominantly from sediments laid down in the pre-glacial Genesee River valley, although some bedrock outcrops are found in the deeper stream valleys. The material is predominantly of fine sands and silts of nearly uniform consistency, and the composition makes the material highly susceptible to erosion. The soils are stabilized by the native vegetation and are well drained.

Soils along the creeks and the flatter areas of the shoreline are alluvial, which means that they are derived from recently deposited sediments. They are usually of a fine consistency, poorly drained, and have a high water table.

d. Coastal Erosion Hazard Areas

New York State Department of Environmental Conservation has identified Coastal Erosion Hazard Areas in Monroe County. Coastal Erosion Hazard Areas are those coastal shorelines described as follows:

- * Structural areas which are receding at an average rate of one foot or more per year; and
- * Natural protective features areas including beaches, dunes, sandbars, spits, shoals, barrier bays, barrier islands, bluffs and wetlands.

The entire Lake Ontario shoreline and Irondequoit Bay frontage south of Held's Cove, and the area just north of the Penfield town line have been designated Coastal

Erosion Hazard Areas, and are subject to the regulations of Article 34 of the Environmental Conservation Law.

d. Public Water Supply

The waterfront revitalization area receives its water supply primarily from wells owned by the Village of Webster near the sandbar at the northern end of Irondequoit Bay. The wells draw from the Irondegenesee Aquifer. The wells are extremely deep and are constructed in such a way so as to resist contamination. Any development which may occur near these wellfields must be carefully scrutinized to avoid contamination.

e. Sanitary Sewers and Alternative Systems

Part of the waterfront revitalization area is served by sanitary sewers and part is served by on-site systems. Most of the lakeshore area is served by on-site systems. There is a section of sanitary sewers in the vicinity of Four Mile Creek. Along Irondequoit Bay, sewers are available from the intersection of Dewitt and Backus road, south along Dewitt to the Route 104 expressway. Other areas, including the Sandbar, are served by private systems. The quality of systems along the Sandbar is of concern to the Town. A study to provide a sanitary sewer to this area was started early 1995. The study is not yet completed and hopefully it will provide service in the near future.

f. Air Quality

The Town of Webster has no air quality maintenance areas within its boundaries.

INVENTORY AND ANALYSIS

APPENDIX

COASTAL FISH & WILDLIFE HABITAT RATING FORM

Name of Area: **Irondequoit Bay and Creek**

Designated: **October 15, 1987**

County: **Monroe**

Town(s): **Irondequoit, Webster, Penfield, Perinton, Rochester**

7½' Quadrangle(s): **Rochester East, NY; Webster, NY; Fairport, NY**

Score	Criterion
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- | | |
|------------|---|
| 25 | Ecosystem Rarity (ER)
One of the major coastal bay and tributary systems on the Great Lakes coastal region. |
| 24 | Species Vulnerability (SV)
Least bittern (SC) and sedge wren (SC) nesting.
Additive division: 16 + 16/2 |
| 9 | Human Use (HU)
A major recreational fishing area on Lake Ontario, attracting anglers from throughout western and central New York. |
| 9 | Population Level (PL)
Concentrations of many warmwater fish species and salmonids are unusual in the Great Lakes Plain ecological region. |
| 1.2 | Replaceability (R)
Irreplaceable |

SIGNIFICANCE VALUE = [(ER + SV + HU + PL) X R]

= 80

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: IRONDEQUOIT BAY AND CREEK

LOCATION AND DESCRIPTION OF HABITAT:

Irondequoit Bay and Creek are located approximately four miles east of downtown Rochester, N.Y. The bay and creek encompass approximately 2,000 acres located in the City of Rochester and the Towns of Irondequoit, Webster, Perinton, and Penfield, Monroe County (7.5' Quadrangles: Rochester East, N.Y.; Webster, N.Y.; and Fairport, N.Y.). The fish and wildlife habitat includes the entire bay area, a large emergent wetland area at the south end of the bay, and Irondequoit Creek, upstream approximately seven miles from the bay to the confluence with Thomas Creek, just south of the Penn Central Railroad tracks. Irondequoit Bay is separated from Lake Ontario by a sandy barrier beach formation, and is bordered by relatively steep wooded slopes and bluffs. However, much of the western shoreline has been developed for residential and commercial uses. Irondequoit Creek is a very large, medium gradient, coolwater stream, which drains approximately 170 square miles of predominantly suburban and rural residential lands.

FISH AND WILDLIFE VALUES:

Irondequoit Bay and Creek comprise one of the few major coastal bay and tributary systems in the Great Lakes Plain ecological region of New York. The wetland area at the south end of the bay is one of the largest coastal marshes on western Lake Ontario. Irondequoit Bay supports a diverse and productive warmwater fishery, including such species as smallmouth bass, largemouth bass, northern pike, brown bullhead, white perch, white bass, longnose gar, and lake herring. Extensive beds of submergent and emergent wetland vegetation, found in most coves and tributary mouths, are important spawning and nursery areas for many of these species. Irondequoit Bay and Creek also have significant concentrations of steelhead (lake-run rainbow trout), coho salmon, and brown trout. These salmonids migrate through the bay and enter the creek to spawn (unsuccessfully in most instances) between late August and December. Steelhead also migrate into Irondequoit Creek between late February and April. Seasonal runs of salmonids occur as far inland as the confluence with Trout Creek, near the hamlet of Mendon, but actual population levels in the upper reaches (i.e., above Thomas Creek) are not well documented. Salmonid concentrations in Irondequoit Bay and Creek are the result of an ongoing effort by the NYSDEC to restore the Great Lakes salmonid fishery through stocking. In 1984, approximately 24,000 steelhead were released in Irondequoit Creek (as far inland as Trout Creek), and approximately 25,000 brown trout were released in the bay. Irondequoit Creek is also one of only three Lake Ontario tributaries where the NYSDEC is conducting an experimental landlocked (Atlantic) salmon stocking program to restore this fishery in the Great Lakes. Approximately 18,000 yearling Atlantic salmon were released in the creek in 1984. In the spring, salmonids are generally found out along the Lake Ontario shoreline and provide troll fishing opportunities for many anglers. During the winter months, Irondequoit Bay is a popular ice fishing area. As a result of the abundant fisheries resources in the area, anglers from throughout western and central New York are attracted to Irondequoit Bay.

The entire Irondequoit Bay complex is used as a resting and feeding area by waterfowl during spring and fall migrations. Species that regularly occur here during these periods include common goldeneye, mergansers, mallard, blue-winged teal, wood duck, canvasback, redhead, scaup, black duck, and Canada goose. This resource provides waterfowl hunting opportunities in the fall to sportsmen in the local area. Most of this hunting activity occurs along the eastern shore of the bay, in the Town of Webster. Depending on the extent of ice cover each year, some waterfowl may remain in the bay in winter; mid-winter aerial surveys of waterfowl abundance for the ten year

period 1976-1985 indicate average concentrations of over 100 birds in the area each year (370 in peak year), dominated by mergansers, scaup, common goldeneye, and mallard. Wetland areas located around the shoreline, and especially at the south end of the Irondequoit Bay, are also productive habitats for a variety of marsh nesting birds. Probable or confirmed breeding bird species in these areas include green-backed heron, least bittern (SC), mallard, blue-winged teal, wood duck, Virginia rail, sora, common moorhen, belted kingfisher, marsh wren, sedge wren (SC), red-winged blackbird, and swamp sparrow.

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.

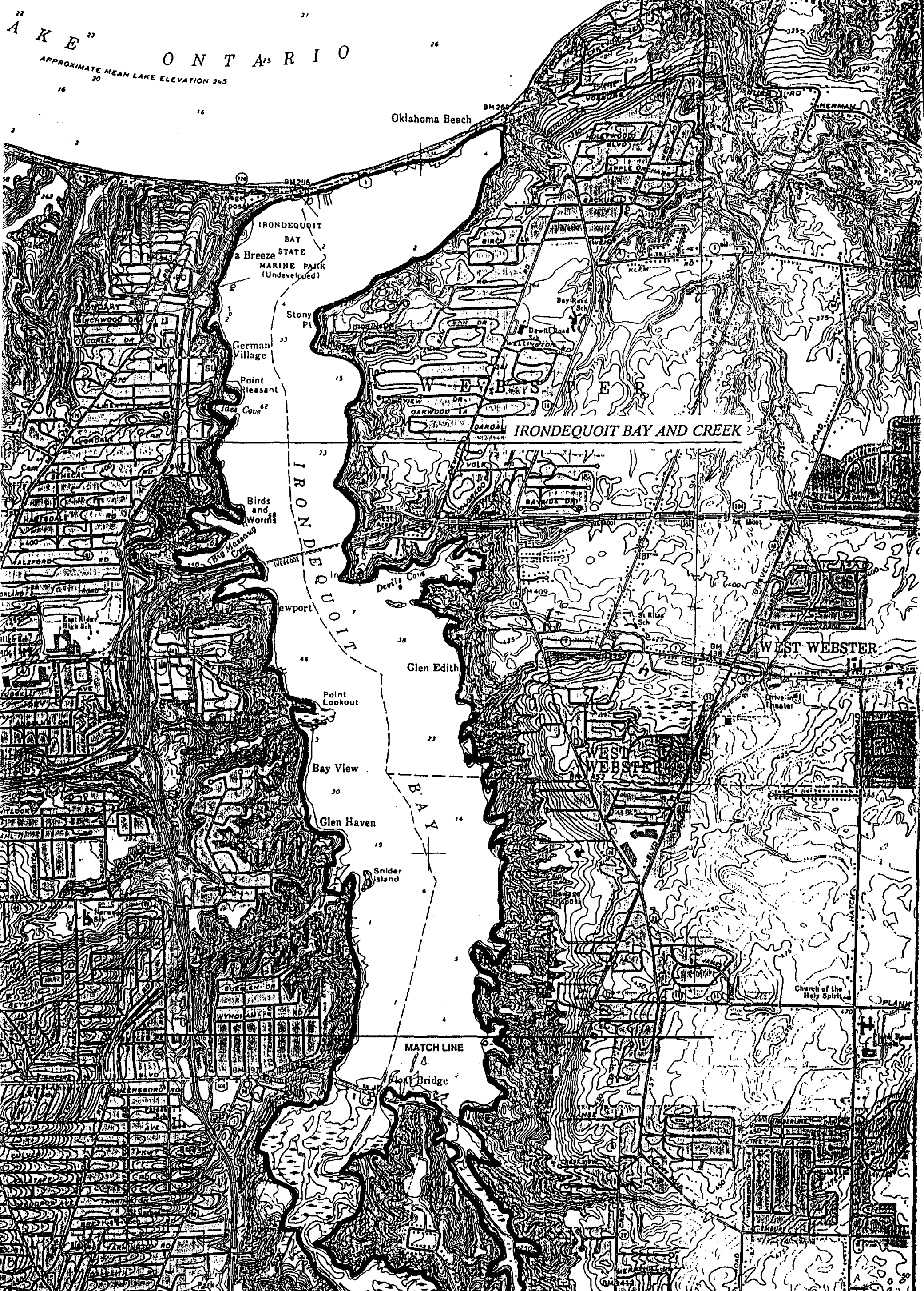
Any activity that degrades water quality, increases temperature or turbidity, alters water depths, or reduces flows in Irondequoit Bay or Creek would adversely affect the fish and wildlife resources of this area. Discharges of sewage or stormwater runoff containing sediments, nutrients, or chemical pollutants could adversely impact on fish and wildlife resources. Warmwater species would be most sensitive during March through July, when spawning and incubation take place. Salmonids would be most sensitive during their respective spawning periods, and in the spring after hatchery-raised fish are released in the creek. Barriers to fish migration, whether physical or chemical, would have a significant effect on salmonid populations in Irondequoit Bay and Creek. Activities affecting Irondequoit Creek as far inland as Trout Creek should be evaluated for potential impacts. The fisheries resources in Irondequoit Bay could support increased recreational fishing pressure, resulting in a fishery of statewide or greater significance. Expansion of the channel connecting Irondequoit Bay with Lake Ontario may significantly increase access for human uses of fish and wildlife in this area. However, improved motorboat access may also stimulate further development of marinas and housing around the bay. Such development could have significant impacts on fish and wildlife, through disturbance or elimination of productive wetland areas and littoral zones, and through pollution of the bay from upland activities. Existing areas of natural vegetation bordering Irondequoit Bay and Creek should be maintained to provide bank cover, perching sites, soil stabilization, and buffer zones.

KNOWLEDGEABLE CONTACTS:

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Latham, NY 12110
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SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS
Irondequoit Bay and Creek (In part)





SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS

Irondequoit Bay and Creek (In part)



SECTION III

POLICIES

- POLICY 1** **RESTORE, REVITALIZE, AND REDEVELOP DETERIORATED AND UNDER-UTILIZED WATERFRONT AREAS FOR COMMERCIAL, INDUSTRIAL, CULTURAL, RECREATIONAL AND OTHER COMPATIBLE USES.**
- POLICY 1A** **CREATE A WATERFRONT ENVIRONMENT THAT INCLUDES APPROPRIATE WATERFRONT USES. INDUSTRIAL USES SHALL BE EXPRESSLY PROHIBITED AND RESIDENTIAL USES, AMONG OTHERS, SHALL BE EXPRESSLY PERMITTED.**
- POLICY 1B** **DEVELOP AVAILABLE PARCELS ALONG THE SANDBAR FOR MIXED WATERFRONT USES, INCLUDING COMMERCIAL, RESIDENTIAL AND RECREATIONAL.**
- POLICY 1C** **DEVELOP VACANT LANDS IN THE NINE MILE POINT AREA FOR WATERFRONT MIXED USE TO INCLUDE SUCH USES AS BOATING FACILITIES, RESIDENCES AND COMPLEMENTARY COMMERCIAL AND RECREATIONAL USES.**

EXPLANATION OF POLICY

The Town of Webster recognized its waterfront area along Lake Ontario and Irondequoit Bay among its most important recreational and economic assets and intends that deteriorated and underutilized waterfront areas be restored, revitalized and redeveloped by encouraging uses and/or activities deemed appropriate for the coastal zone based on their water and recreation oriented characteristics. Additionally, positive action should be taken to remove blighting conditions that currently exist.

The Town is primarily residential in character, with its main industrial and service commercial uses located well to the south and east of the waterfront areas. As noted in the Inventory and Analysis (Section II), there are very few commercial uses within the planning area. Those that are present are located primarily on the Sandbar and in the vicinity of Nine Mile Point.

The Town will only permit scale and type of private development activities that will enhance existing stable residential development and sensitive environmental resources, and create an atmosphere that will cause the rehabilitation of existing commercial properties or development of new properties.

Industrial use of the waterfront area will not be permitted. The private development goals which the Town foresees will result in commercial and residential redevelopment activities that take advantage of the waterfront site and protect its unique environmental features.

The following guidelines will be used to interpret and apply the above policies to the Town of Webster:

1. Development which occurs within the LWRP area will be compatible with or complement what appropriate development already exists within the boundaries.
2. Acceptable uses are considered to be:

residential, low and medium density;
boating clubs;
hotels, boatels;
restaurants and small retail shops;
marinas and related sales;
parks, playgrounds, beaches;
fishing piers, docks, wharves,
boat launching facilities;
boat storage;
combinations of permitted uses;
parking lots accessory to acceptable uses; and
accessory structures.
3. Any project shall be designed to encourage the stabilization and revitalization of surrounding uses.
4. Proposed uses/development actions will serve the Town's intent to provide expanded waterfront opportunities to its own residents as well as visitors to its community, within specifically identified sites, and will be geared toward strengthening the community's economic base.
5. All projects shall to the maximum extent possible incorporate design elements which provide for additional access to the waterways, either on a pedestrian, boating or visual scale.
6. The action must lead to development which is compatible with the character of the area with consideration given to scale, architecture style, density and intensity of use.
7. The action should improve adjacent and upland views of the water, and, at a minimum, must not affect these views in an insensitive manner.
8. Wherever possible, priority shall be given to uses which are dependent on a location adjacent to the water in the Waterfront Development District.

9. The action should have the potential to improve the existing economic base of the community, and, at a minimum, must not jeopardize this base.
10. The action should serve as a catalyst to private investment in the Waterfront Development District.

In the summer of 1985, the U.S. Army Corps of Engineers, as part of the Irondequoit Bay opening project, severed the bridge which formerly connected the Towns of Webster and Irondequoit. The removal of the bridge effectively permits open boat passage between Lake Ontario and Irondequoit Bay. The action was, however, highly controversial because of its elimination of a transportation link between the two towns.

The absence of a crossing has interrupted the travel patterns of residents on both sides of the Irondequoit Bay outlet and has adversely affected the small businesses along the approach to the outlet, again, in both Irondequoit and Webster. The Towns, along with the Monroe County legislature, have all gone on record favoring the construction of a replacement crossing for the outlet.

In the August of 1996, the Monroe County Department of Transportation submitted an application to the U.S. Army Corps of Engineers for a permit to construct a pivot bridge over the Irondequoit Bay outlet channel. In April of 1997, the Department of State concurred with the certification of consistency with the Coastal Management Program. In May of 1997, the NYS Department of Environmental Conservation issued a permit to construct the bridge.

- | | |
|------------------|---|
| POLICY 2 | FACILITATE THE SITING OF WATER-DEPENDENT USES AND FACILITIES ON OR ADJACENT TO COASTAL WATERS. |
| POLICY 2A | EXISTING WATER DEPENDENT USES SUCH AS MARINAS, AND PRIVATE WATER ORIENTED ACTIVITIES FOUND ALONG IRONDEQUOIT BAY, WILL BE ALLOWED TO CONTINUE. |
| POLICY 2B | NEW DEVELOPMENT WILL BE LIMITED TO THOSE USES THAT ARE WATER-DEPENDENT OR WATER-ENHANCED. |
| POLICY 2C | PUBLIC FUNDS SHALL NOT BE EXPENDED TO PROMOTE USES THAT ARE NOT WATER-DEPENDENT OR ENHANCED BY THE WATERFRONT LOCATION. |

EXPLANATION OF POLICY

Because of sensitive environmental issues, the amount of land available for water-dependent and enhanced use is extremely limited. Pressures for its development are increasing. There is particular interest in the development potential of waterfront land along Irondequoit Bay frontage because of its proximity to Rochester, the opening of the Bay to Lake Ontario. Development pressures as well as pressures for access to the water must be successfully balanced against environmental controls.

Land use controls should permit only those uses which are either dependent upon or enhanced by the waterfront. The Town of Webster will give priority status to water-dependent uses, insofar as is reasonable and practical. Considerations which will come into play will include the nature of existing development within and adjacent to the three Waterfront Development Districts and the impact of the establishment of water-dependent uses on pre-existing development, on sensitive environmental features and on the recreational use and navigability of both Irondequoit Bay and Lake Ontario. The land use controls should also be directed toward improving the aesthetic appeal and/or access to the waterfront for the general public.

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

1. Uses which depend on the utilization of resources found in coastal waters (for example: fishing, mining of sand and gravel, mariculture activities);
2. Recreational activities which depend on access to coastal waters (for example: swimming, fishing, boating, wildlife viewing);
3. Uses involved in the sea/land transfer of goods (for example: docks, loading areas, pipelines, short-term storage facilities);
4. Structures needed for navigational purposes (for example: locks, dams, lighthouses);
5. Flood and erosion protection structures (for example: breakwaters, bulkheads);
6. Facilities needed to store and service boats and ships (for example: marinas, boat repair, boat construction yards);
7. Scientific/educational activities which, by their nature, require access to coastal waters;
8. Support facilities which are necessary for the successful functioning of permitted water-dependent uses (for example: parking lots, first aid stations).

In addition to water-dependent uses, uses which are enhanced by a waterfront location should be encouraged to locate along the shore. A water-enhanced use is defined as a use that has no critical dependence on obtaining a waterfront location, but the profitability of the use and/or the enjoyment level of the users would be increased significantly if the use were adjacent to, or had visual access to, the waterfront. A restaurant which uses good site design to take advantage of a waterfront view, and a golf course which incorporates the coastline into the course design, are two examples of water-enhanced uses.

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

In the actual choice of sites where water-dependent use will be encouraged and facilitated, the following guidelines apply:

1. Competition for space - competition for space or the potential for it, should be indicated before any given site is promoted for water-dependent use. The intent is to match water-dependent use with suitable locations and thereby reduce any conflicts between competing uses that may arise. Not just any site suitable for development should be chosen as a water-dependent use area. The choice of a site should be made with some meaningful anticipated impact on the real estate market. The impact could either be one of increased protection to existing water-dependent activities or else the encouragement of water-dependent development.
2. In-place facilities and services - most water-dependent uses, if they are to function effectively, will require basic public facilities and services. In selecting appropriate areas for water-dependent uses, consideration should be given to the following factors:
 - a. The availability of public sewers, public water lines and adequate power supply;
 - b. Access to public transportation, if a high number of person trips are to be generated.
3. Access to navigational channels - if recreational boating is planned, consideration should be given to setting aside a site, within a sheltered harbor, from which access to adequately sized navigation channels would be assured.
4. Compatibility with adjacent uses and the protection of other coastal resources - water-dependent uses should be located so that they enhance, or at least do not detract from, the surrounding community. Consideration should also be given to such factors as the protection of nearby residential areas from odors, noise and traffic. Affirmative approaches should also be employed so that water-dependent uses and adjacent uses can serve to complement one another. Water-dependent uses must also be sited so as to avoid adverse impacts on the significant coastal resources.
5. Preference in Water Development Districts - the promotion of water-dependent uses should serve to foster development as a result of capital programming, permit expediting, and other state and local actions that will be used to promote these sites.
6. Providing for expansion - a primary objective of the policy is to create a process by which water-dependent and water-enhanced uses can be accommodated well into the future. State and Federal agencies should therefore give consideration to long-term space needs and, where practical, accommodate future demand by identifying more land than is needed in the near future.

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

1. The proposed use meets the test of requiring a waterfront site and is included on the list of acceptable waterfront uses. The waterfront site is essential to its operation and/or enhancement.
2. Public facilities are in place for the activity or are to be put in place by the developer to facilitate a desired use.
3. The proposed action has been so designed to make best use of the waterfront site.
4. The development action has been reviewed to identify if there are non-waterfront sites more appropriate to the development.

POLICY 3 THE STATE COASTAL POLICY REGARDING THE DEVELOPMENT OF MAJOR PORTS IS NOT APPLICABLE TO WEBSTER.

POLICY 4 THE STATE COASTAL POLICY REGARDING THE STRENGTHENING OF THE ECONOMIC BASE OF SMALLER HARBOR AREAS IS NOT APPLICABLE TO WEBSTER.

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

POLICY 5A FUTURE DEVELOPMENT ALONG THE SHORELINE OF IRONDEQUOIT BAY AND LAKE ONTARIO SHALL COMPLY WITH STATE COUNTY AND TOWN REGULATIONS RELATIVE TO PUBLIC SEWERS, OR APPROVED ALTERNATIVE SYSTEMS, AND WATER SYSTEMS.

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

EXPLANATION OF POLICY

Because of the dependency of development upon the provision of basic municipal services, water and sewer, and site access and because of the importance of improving and protecting water quality, no development should occur which is not serviced by existing water and sewer systems, the expansion of those systems or approved alternative systems. Any expansion of sewer and waste systems should occur in such a fashion as to promote orderly growth around existing centers of development, and should take into consideration soil conditions, topography, density and impact on treatment facilities.

It is also the intention of this policy to protect the Village of Webster water supply located near the Sandbar and to ensure that private sewer systems are installed in such a manner so as to prevent contamination of ground water and water supply systems.

Development actions should be sited to promote an orderly pattern of growth where outward expansion beyond the Town's currently developed areas is occurring. The following guidelines will be used in the interpretation and application of the policy to the Town of Webster waterfront area.

1. Development will first be promoted in areas which have access to public services and facilities that are adequate to meet the requirement of the proposed action and where such proposed action provides for the logical growth of the Town as spelled out in the Inventory and Analysis (Section II) and Land Use Plan (Section IV).
2. Future development shall be encouraged in the specific areas identified for potential development on the proposed land use map.
3. Service extensions can be provided by the sponsor of a proposed development, if such extensions do promote the orderly growth of the Town. New development should be encouraged to form sewer districts with adjacent property owners in areas not presently served by sewers. Sections II and IV discuss such sites.
4. No development action shall take place at any location where accessway, planned or in place, are inadequate to accommodate peak traffic generated by the action.
5. Any streetscape or street design components of a public or private development shall positively impact on the waterfront environment.
6. Streets and highways serving the proposed site can safely accommodate peak traffic generated by the proposed development.
7. The water needs (consumptive and firefighting) of the proposed development can be met by the existing or proposed water system.

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

**POLICY 6A WHERE POSSIBLE, PROVIDE FOR LOCAL REVIEW AND PERMIT
PROCEDURES TO OCCUR CONCURRENTLY AMONG TOWN
DEPARTMENTS AND WITH REQUIRED MUNICIPAL, COUNTY,
STATE AND FEDERAL REVIEWS.**

EXPLANATION OF POLICY

Permit procedures and review requirements for Town, County, State and Federal government are often confusing and time consuming. The Town of Webster has initiated a package of administrative review procedures and new zoning provisions to ensure compliance with the Town waterfront program. Review procedures, review periods and public hearing requirements are combined to the maximum extent possible.

For specific types of development activities and in areas suitable for such development, the Town of Webster, State and Federal agencies will make every effort to coordinate and synchronize existing permit procedures and regulatory programs as long as the integrity of the regulations' objectives are not jeopardized. Those procedures and programs will be coordinated within each agency. Also, efforts will be made to assure that each agency's procedures and programs are synchronized into other agency's procedures at each level of government.

It should be noted that in the case of the Irondequoit Bay shoreline, the Towns of Webster, Irondequoit and Penfield and the New York State Department of Environmental Conservation have been engaging in a cooperative management planning effort under the auspices of Monroe County Planning Department. The policies and management measures developed as part of that effort are incorporated into this LWRP. With the adoption of the LWRP, they will serve as uniform development and environmental protection standards for Irondequoit Bay.

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

EXPLANATION OF POLICY

Habitat protection is recognized as fundamental to assuring the survival of fish and wildlife populations. Certain habitats are critical to the maintenance of a given population and, therefore, merit special protection. Such habitats exhibit one or more of the following characteristics: (1) are essential to the survival of a large portion of a particular fish or wildlife population (e.g. feeding grounds, nursery areas); (2) support populations of rare and endangered species; (3) are found at a very low frequency within a coastal region; (4) support fish and wildlife populations having significant commercial and/or recreational value; and (5) would be difficult or impossible to replace.

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 that 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 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:

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).

Significant coastal fish and wildlife habitats are evaluated, designated and mapped pursuant to the Waterfront Revitalization and Coastal Resources Act (Executive Law of New York, Article 42). 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.

**POLICY 7A PROTECT AND PRESERVE THE IRONDEQUOIT BAY AND CREEK
IN ORDER TO MAINTAIN ITS VIABILITY AS A FISH AND
WILDLIFE HABITAT OF STATEWIDE SIGNIFICANCE.**

EXPLANATION OF POLICY

Irondequoit Bay and Creek are located approximately four miles east of downtown Rochester, N.Y. (See the appendix to the Inventory and Analysis for a detailed description of this habitat). The bay and creek encompass approximately 2,000 acres located in the City of Rochester and the Towns of Irondequoit, Webster, Perinton, and Penfield, Monroe County (7.5' Quadrangles: Rochester East, N.Y.; Webster, N.Y.; and Fairport, N.Y.). The fish and wildlife habitat includes the entire bay area, a large emergent wetland area at the south end of the bay, and Irondequoit Creek, upstream approximately seven miles from the bay to the confluence with Thomas Creek, just south of the Penn Central Railroad tracks. Irondequoit Bay is separated from Lake Ontario by a sandy barrier beach formation, and is bordered by relatively steep wooded slopes and bluffs. However, most of the western shoreline has been developed for residential and commercial uses. Irondequoit Creek is a very large, medium gradient, cool water stream, which drains approximately 170 square miles of predominantly suburban and rural residential lands.

Any activity that degrades water quality, increases temperature or turbidity, alters water depths, or reduces flows in Irondequoit Bay or Creek would adversely affect the fish and wildlife resources of this area. Discharges of sewage or stormwater runoff containing sediments, nutrients, or chemical pollutants could adversely impact on fish and wildlife resources. Warmwater species would be most sensitive during March through July, when spawning and incubation take place. Salmonids would be most sensitive during their respective spawning periods, and in the spring after hatchery-raised fish are released in the creek. Barriers to fish migration, whether physical or chemical, would have a significant effect on salmonid populations in Irondequoit Bay and Creek. Activities affecting Irondequoit Creek as far inland as Trout Creek should be evaluated for potential impacts. The fisheries resources in Irondequoit Bay could support increased recreational fishing pressure, resulting in a fishery of statewide or greater significance. Expansion of the channel connecting Irondequoit Bay with Lake Ontario may significantly increase access for human uses of fish and wildlife in this area. However, improved motorboat access may also stimulate further development of marinas and housing around the bay. Such development could have significant impacts on fish and wildlife, through disturbance or elimination of productive wetland areas and littoral zones, and through pollution of the bay from upland activities. Existing areas of natural vegetation bordering Irondequoit Bay and Creek should be maintained to provide bank cover, perching sites, soil stabilization, and buffer zones.

Where there are wetland habitats that are viable development sites, objectives of protection and economic development shall be balanced against one another in favor of controls that protect the habitats.

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

EXPLANATION OF POLICY

Hazardous wastes are unwanted by-products of manufacturing processes and are generally characterized as being flammable, corrosive, reactive or toxic. More specifically, hazardous waste is defined in Environmental Conservation Law S27-0901 (3) as "a waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may: (a) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed, or otherwise managed." A list of hazardous wastes has been adopted by DEC (6 NYCRR Part 371).

The handling, storage, transport, treatment and disposal of the materials included on the hazardous waste list adopted by NYSDEC and USEPA are strictly regulated in New York State to prevent their entry or introduction into the environment, particularly into the State's air, land and waters. Such controls should minimize possible contamination and bio-accumulation of these wastes in the State's coastal fish and wildlife resources at levels that would cause mortality or create physiological and behavioral disorders.

Other pollutants are those conventional wastes, generated from point and non-point sources, and not identified as hazardous wastes, which are controlled through other State laws and management practices required by the Town and Monroe County Health Department.

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

POLICY 9A THE POTENTIAL FOR ACCESS TO EXISTING FISH AND WILDLIFE RESOURCES, FOR BOTH ACTIVE AND PASSIVE RECREATIONAL PURPOSES, SHALL BE INCREASED.

EXPLANATION OF POLICY

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

Any efforts to increase recreational use of these resources will be made in a manner which ensures the protection of fish and wildlife resources in the Town's coast area and will take into account compatibility with surrounding land uses. Such efforts will be done in accordance with existing State law and in keeping with sound resource management considerations. Considerations include biology of the species, carrying capacity of the resource, public demand, costs and available technology.

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

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

The Town does not anticipate taking any actions which would supplement existing wildlife stocks other than through good environmental management measures which improve the habitat and thereby, through natural processes, increase the wildlife population within its boundaries.

The portion of the policy which is most applicable to Webster is the concern for access to resources. There are currently only three sites for onshore fishing access (a pier in Webster Park and the new breakwater at the Bay opening), Sandbar proposed boat launch facilities and a small park marina. With the exception of Webster Park there is no opportunity to explore the coastal zone on foot.

The Town intends to make use of every opportunity to increase access to the resources which it has for both the passive and active use of its waterfront area. The proposed plans for the future

development of Webster Park (included in Section IV) include the railroad right-of-way along the Sandbar for pedestrian access and a proposed boat launching facility in Webster Park and Sandbar.

POLICY 10 THE STATE COASTAL POLICY REGARDING DEVELOPMENT OF COMMERCIAL FISHING IS NOT APPLICABLE TO WEBSTER.

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

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

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

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

EXPLANATION OF POLICY

Policy 11 applies to areas that have been identified as either floodprone, as determined by the Federal Emergency Management Agency, and, therefore, covered by the National Flood Insurance Program, or subject to erosion and identified as Coastal Erosion Hazard Areas under the Environmental Conservation Law.

This policy shall apply to the shorelines of Lake Ontario, Irondequoit Bay, Four Mile Creek, Mill Creek and both branches of Shipbuilder's Creek which are designated as floodplains and covered by the Flood Insurance Program. (See Section II for floodplain locations). Buildings will be sited to comply with the provisions of the Flood Drainage and Prevention Regulations which regulate the location and type of construction in designated flood hazard areas.

The Lake Ontario shoreline and the areas of steep slopes along Irondequoit Bay have been designated as Coastal Erosion Hazard Areas by the Department of Environmental Conservation. These areas will be protected by the Coastal Erosion Hazard Areas Act, Environmental Conservation Law, Article 3A 6NYCRR 505.

Development actions that occur on or near the Town's steep slopes of Irondequoit Bay are of critical concern to the Town of Webster. Specific standards and criteria for construction in or near steep

slope areas are dependent of specific site conditions, including slope, soil classes, and proposed activities. No new non-movable structures or substantial enlargements of existing non-conforming structures will be allowed in Webster's Coastal Erosion Hazard Areas covered by the Environmental Protection Overlay District (EPOD).

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

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

POLICY 12B DEVELOPMENT ACTIVITIES AND OTHER ACTIONS SUCH AS CLEARING OF VEGETATION, DISCHARGE OF STORMWATER, FILLING, CUTTING, GRADING OR EXCAVATING FOR ANY ACTIVITY INCLUDING TEMPORARY OR PERMANENT ACCESS TO THE SHORELINE AND CONSTRUCTION OF EROSION PROTECTION STRUCTURES SUCH AS BREAKWALLS PROPOSED FOR THE AREAS DEFINED AS STEEP SLOPES, AND SIMILAR ACTIONS OCCURRING ON THE PLATEAUS OF THE SLOPES SHALL NOT ENDANGER THE STABILITY OF THE SLOPE.

POLICY 12C ANY DEVELOPMENT LOCATED ON THE SANDBAR BARRIER SHALL NOT DESTROY THE INTEGRITY OF THE SITE AS A UNIQUE AND PROTECTIVE LANDFORM.

EXPLANATION OF POLICY

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

This policy applies to natural protective features, delineated on Environmental Protection Overlay District maps, including beaches, bluffs, and nearshore areas, and defined in NYCRR Part 505 regulations implementing the Coastal Erosion Hazard Act.

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

1. **Nearshore Area:** Those lands under water beginning at the mean low waterline and extending waterward in a direction perpendicular to the shoreline to a point where mean low water depth is 15 feet or to a horizontal distance of 1,000 feet from the mean low water line, whichever is greater.
 - a. **Guidelines**
 - (1) Excavating, mining or dredging which diminishes erosion protection offered by a natural protective feature in a nearshore area is prohibited, except construction or maintenance of navigation channels, bypassing sand around natural and manmade obstructions, and artificial beach nourishment.
 - (2) Clean sand and gravel of compatible type and size are the only materials which may be deposited within nearshore areas.
2. **Beach Areas:** The zone of unconsolidated material that extends landward from the mean low water line to a place where there is a marked change in a material or physiographic form, or to the line of permanent vegetation, or to the westward toe of a dune, whichever is most waterward.
3. **Steep Slopes:** Steep slopes include all areas along Irondequoit Bay within a fifteen percent (15%) slope or greater, including transitional zones at the top and base of slopes containing soils with moderate to severe limitation for development, and recreational use and natural protective features as defined in NYCPR Part 505 regulations, Coastal Erosion Hazard Act and local regulations.

Guidelines

- a. The construction of new buildings or structures or additions to or modifications of existing buildings or structures within steep slope areas are strictly regulated.
- b. The following activities are regulated in accordance to predetermined standards and criteria.
 - (1) Clearing of or construction of a land area.
 - (2) Construction or placement of any sewage disposal system including individual disposal systems.
 - (3) Filling, cutting, or excavating operations.
 - (4) Discharge of stormwater and/or construction and placement of stormwater runoff systems.

c. No regulated activity shall be undertaken unless it can be adequately demonstrated that:

- (1) The stable angle of repose of the soil classes found on the site has been used to determine the proper placement of structures and other development related facilities within the plateau area. Site-specific calculations of the stable angle of repose for the site were determined by a professional soil scientist or engineer using the soil classes and nomenclature contained in the Monroe County soil surveys and obtained for the site by borings as well as high intensity soil survey data provided by the applicant.
- (2) The stability of soils will be maintained or increased to adequately support any construction thereon, or to support any landscaping, agricultural, or similar activities. This shall be documented by soil bearing data provided by a qualified testing laboratory or engineer and paid for by the developer.
- (3) No proposed activity will cause erosion or slipping of soil, or cause sediment to be discharged into Irondequoit Bay, its wetlands or tributaries, or any stream or tributary.
- (4) Plant life located on the slopes outside of the minimum area that need to be disturbed for carrying on approved activities shall not be destroyed. Plants or other acceptable ground cover shall reestablished in disturbed areas immediately upon completion of development activity so as to prevent any of the harmful set forth above to maintain the natural scenic characteristics of any steep slope.
- (5) Access down steep slopes shall be provided with ramp slopes no greater than 1:16 and side slopes no greater than 1:3 if not terraced or otherwise structurally stabilized. Disturbed non-roadway areas shall be stabilized and adequately drained.
- (6) Construction of erosion protection structures, particularly along the water side of eroding bluffs, shall be permitted to provide protection of bluff features according to the following standards:
 - i) All erosion protection structures shall be designed and constructed according to generally accepted engineering principles found in publications of the U.S. Soil Conservation Service.
 - ii) The construction, modification or restoration of erosion protection structures shall not be likely to cause any measurable increase in erosion at the development site or other locations and prevent adverse effects to natural protective features, existing erosion protection structures, and natural resources such as significant fish and wildlife habitats.

- iii) Drainage of stormwater shall not cause erosion or siltation, contribute to slope failures, pollute groundwater, or cause damage to, or flooding of property. Drainage systems shall be designed and located to insure slope stability.
 - iv) Any grading, excavating or other soil disturbance conducted on a steep slope shall not direct surface water runoff over the receding edge during construction.
 - v) There is no reasonable alternative for the proposed regulated activity on that portion of the site not containing steep slopes.
- (1) Excavation and mining, which diminish the erosion protection afforded by beaches, are prohibited.
 - (2) Clean sand and gravel of compatible type and size are the only materials which may be deposited within beach areas.

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

EXPLANATION OF POLICY

Erosion protection structures that are improperly designed or constructed or are inadequately maintained do not provide adequate protection against erosion. As a result, development can be sited in areas where it is subject to damage or loss due to erosion. The intent of this policy is to ensure the reduction of such damage or loss.

This policy applies to any structures specifically designed to reduce or prevent erosion such as a groin, jetty, seawall, revetment, breakwater or artificial beach nourishment program. The following guidelines will be used in applying the policy to the Penfield waterfront and in evaluating an action's consistency with this policy.

1. Long-term maintenance programs presented for erosion protection structures should include specifications for normal maintenance of degradable materials and the periodic replacement of removable materials.
2. All material used in such structures must be durable and capable of withstanding inundation, wave impacts, weathering, ice damage and other storm effects.

3. The construction, modification, or restoration of erosion protection structures shall not have adverse effects on natural protective features and natural resources such as significant fish and wildlife habitats and at the same time, shall respect the aesthetic environment.
4. All erosion protection structures shall be designed and constructed according to generally accepted engineering principles, which have demonstrated success or a likelihood of success in controlling long-term erosion. The protective measures must have a reasonable probability of controlling erosion of the immediate site for at least 30 years.

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

EXPLANATION OF POLICY

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

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

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

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

EXPLANATION OF POLICY

Coastal processes, including the movement of beach materials or shoreline sediment by water, and any mining, excavation or dredging in nearshore or offshore waters which changes the supply and net flow of such materials can deprive shorelands of their natural regenerative powers. Mining and quarrying operations are prohibited within the Town, thereby protecting the upland areas of the Waterfront Revitalization Area. The New York State Department of Environmental Conservation regulates dredging, mining and excavation activities in shoreline and wetland areas. The regulations are comprehensive in design and address actions according to their potential to interfere with the natural coastal processes which supply beach materials, as well as the potential for increasing erosion. It should also be noted that dredging, mining and excavation are also regulated by the U.S. Army Corps of Engineers.

See Policy 12.

- POLICY 16** **PUBLIC FUNDS SHALL ONLY BE USED FOR EROSION PROTECTIVE STRUCTURES WHERE NECESSARY TO PROTECT HUMAN LIFE, AND NEW DEVELOPMENT WHICH REQUIRES A LOCATION WITHIN OR ADJACENT TO AN EROSION HAZARD AREA TO BE ABLE TO FUNCTION, OR EXISTING DEVELOPMENT; AND ONLY WHERE THE PUBLIC BENEFITS OUTWEIGH THE LONG TERM MONETARY AND OTHER COSTS INCLUDING THE POTENTIAL FOR INCREASING EROSION AND ADVERSE EFFECTS ON NATURAL PROTECTIVE FEATURES.**
- POLICY 16A** **PUBLIC FUNDS WILL NOT BE INVESTED INTO EROSION CONTROL STRUCTURES FOR NEW OR PROPOSED PRIVATE DEVELOPMENT.**

EXPLANATION OF POLICY

This policy recognizes the need for public investment in erosion protection to sustain existing development or assist new development requiring a waterfront location, when the public benefit which would be derived from such action outweighs what may be adverse impacts on natural protective features or causes an increase in erosion. The policy calls for a careful analysis of benefits and long-term costs (adverse impacts) prior to an expenditure of public funds for protective structures for existing or new development.

The following factors shall be weighed in determining whether the expenditure of public funds is merited:

1. The importance of the development or services provided to the community;
2. The danger which a proposed activity may present to both life and property;

3. The availability of alternative locations, not subject to flooding or erosion damage, for a given use; and
4. The necessity of a waterfront location for new development.

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

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

POLICY 17B **THE STATE IS ENCOURAGED TO INVESTIGATE THE ISSUE OF THE WATER LEVEL OF LAKE ONTARIO AS AN APPROPRIATE NON-STRUCTURAL MEASURE TO MINIMIZE EROSION.**

POLICY 17C **DEVELOPMENT IS PROHIBITED IN AREAS WHERE THERE IS A THREAT TO SLOPE STABILITY LIKELY TO CAUSE SLOPE FAILURE.**

POLICY 17D **BUILDING ACTIVITY WITHIN FLOODPLAIN AREAS OF THE WATERFRONT REVITALIZATION AREA WILL BE LIMITED.**

See Policies 11, 12 and 33.

EXPLANATION OF POLICY

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

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

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

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

Within identified Coastal Erosion Hazard Areas:

1. Use of Minimum setbacks.
2. Strengthening of coastal landforms by such means as:
 - a. Planting appropriate vegetation on dunes and bluffs;
 - b. Reshaping bluffs to achieve an appropriate angle for repose so as to reduce the potential for slumping and to permit the planting of stabilizing vegetation; and
 - c. Installing drainage systems on bluffs to reduce runoff and internal seepage of waters which erode or weaken the landforms.

Within identified flood hazard areas:

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

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

EXPLANATION OF POLICY

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

- POLICY 19** **PROTECT, MAINTAIN, AND INCREASE THE LEVEL AND TYPES OF ACCESS TO PUBLIC, WATER-RELATED RECREATION RESOURCES AND FACILITIES SO THAT THESE RESOURCES AND FACILITIES MAY BE FULLY UTILIZED BY ALL THE PUBLIC IN ACCORDANCE WITH REASONABLY ANTICIPATED PUBLIC RECREATION NEEDS AND THE PROTECTION OF HISTORIC AND NATURAL RESOURCES. IN PROVIDING SUCH ACCESS, PRIORITY SHALL BE GIVEN TO PUBLIC BEACHES, BOATING FACILITIES, FISHING AREAS AND WATERFRONT PARKS.**
- POLICY 19A** **IMPROVE AND EXPAND PUBLIC ACCESS OPPORTUNITIES BY EXPANDING RECREATIONAL OPPORTUNITIES AT WEBSTER PARK.**
- POLICY 19B** **PUBLIC IMPROVEMENTS MADE TO ACCOMMODATE PUBLIC ACCESS SHALL MAKE ADEQUATE PROVISION FOR THE HANDICAPPED.**

EXPLANATION OF POLICY

The policy addresses the issue of balancing the level of access to a resource against its capacity and the necessity for its protection. Because much of Webster's bay shoreline has long been considered environmentally sensitive, there has been essentially no public recreational development in the area.

The opening of Irondequoit Bay will substantially increase the pressures for boating and fishing access to the Lake and the Bay. The LWRP Inventory and Analysis recognized the Sandbar and Nine Mile Point as opportunities for mixed public/private development where increased public access could occur. The Village wellfield and the proposed Sandbar Waterfront Park located on plateau land along the Bay offers additional opportunities for passive public access. Any development in these three areas will be undertaken with full recognition of maintaining a scale of activity which is not intrusive to the environment or existing stable land uses. The level of access provided should also be in accord with estimated use and shall not exceed the capability of the resource.

Along the Lake front, there is Webster Park. Its Master Plan calls for increased recreational opportunities for boating and fishing. The Plan is described in detail in Section V and balances public access and protection of natural resources.

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

1. The existing access from adjacent or proximate public lands or facilities to public water-related recreation resources and facilities shall not be reduced, nor shall the possibility of increasing access to the future from the adjacent or proximate lands or facilities to public water-related recreation resources and facilities be eliminated, unless in the latter case,

estimates of future use of these resources and facilities are too low to justify maintaining or providing increased public access or unless such actions are found to be necessary or beneficial by the public body having jurisdiction over such access as the result of a reasonable justification of the need to meet systematic objectives.

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

- a. Access - the ability and right of the public to reach and use public coastal lands and waters.
 - b. Public lands or facilities - lands or facilities held by State or local government in fee simple or less-than-fee simple ownership and to which the public has access or could have access, including underwater lands and the foreshore.
 - c. A reduction in the existing level of public access includes, but is not limited to the following:
 - (1) The number of parking spaces at a public water-related recreation resource or facility is significantly reduced.
 - (2) Pedestrian access is diminished or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities.
 - d. An elimination of the possibility of increasing public access in the future includes, but is not limited to the following:
 - (1) Construction of public facilities which physically prevent the provision, except at great expense, of convenient public access to public water-related recreation resources and facilities.
 - (2) Sale, lease, or other transfer of public lands that could provide public access to a public water-related recreation resource or facility.
 - (3) Construction of private facilities which physically prevent the provision of convenient public access to public water-related recreation resources or facilities from public lands and facilities.
2. Any proposed project to increase public access to public water-related recreation resources and facilities shall be analyzed according to the following factors:
- a. The level of access to be provided should be in accord with estimated public use. If not, the proposed level of access to be provided shall be deemed inconsistent with the policy.

- b. The level of access to be provided shall not cause a degree of use which would exceed the physical capability of the resource or facility. If this were determined to be the case, the proposed level of access to be provided shall be deemed inconsistent with the policy.
3. Federal and State agencies will not undertake or fund any project which increases access to a water-related resource or facility that is not open to all members of the public.

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

EXPLANATION OF POLICY

Policy 19 outlines the intent to increase public access through improvement of lands already in public ownership. Additionally, any land currently held or acquired later by the public shall remain in public ownership.

Insofar as it is feasible, methods for providing access to publicly owned foreshore, particularly that which receives priority in the State's Coastal Management Program, will be implemented. These include: trail systems, the provision of access across transportation facilities to the coast, and the promotion of mixed and multi-use development. No action will be taken to improve public access which endangers a unique coastal feature of the waterfront area.

The following guidelines will be used in determining the consistency of an action with these policy statements.

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

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

- a) (See Policy 19 for definitions of "access" and "public lands or facilities").
- b) A reduction in the existing or anticipated level of public access includes, but is not limited, to the following:

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

5. Proposals for increased public access to coastal lands and waters shall be analyzed according to the following factors:
 - (a) The level of access to be provided should be in accord with estimated public use. If not, the proposed level of access to be provided shall be deemed inconsistent with the policy.
 - (b) The level of access to be provided shall not cause a degree of use which would exceed the physical capability of the resource. If this were determined to be the case, the proposed level of access to be provided shall be deemed inconsistent with the policy.
6. No existing accessways shall be impeded by an action, nor shall the opportunity for future expansion of public access to nearby publicly held lands be foreclosed. Examples of such actions might include exclusive easements, temporary use permits, transportation facilities, or private development which effectively blocks currently available pedestrian access.
7. The planned public access will not have a detrimental impact on the coastal land. All such public lands shall remain in public ownership and the existing level of access will be retained and improved.

All such public lands shall remain in public ownership and the existing level of access will be retained and improved.

See Policy 19.

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

EXPLANATION OF POLICY

Just as water-related private and mixed use development is recommended in prior policies, recreational uses which are water-dependent or which are enhanced by a coastal location and which increase the general public's access to the coast shall receive priority.

The recent opening of Irondequoit Bay to Lake Ontario will increase the demand for boating in the Bay. The number of boats of all types that will eventually use the Bay could be as high as 2,000 compared to approximately 500 currently using the Bay. This increased demand is expected to bring about redevelopment of existing marinas and construction of new marinas in addition to boat launching and mooring facilities planned by the County.

Water-related recreation includes such obviously water-dependent activities as boating, swimming, and fishing as well as certain activities which are enhanced by a coastal location and increased the general public's access to the coast such as pedestrian and bicycle trails, picnic areas, scenic overlooks and passive recreation areas that take advantage of coastal scenery.

Provided the development of water-related recreation is consistent with the preservation and enhancement of such important coastal resources as fish and wildlife habitats, aesthetically significant areas, historic and cultural resources, agriculture and significant mineral and fossil deposits, and provided demand exists, water-related recreational development is to be encouraged and shall have a higher priority than any non-coastal dependent development. In addition, water-dependent recreation uses shall have a higher priority over water-enhanced recreation uses. Determining a priority among coastal dependent uses will require a case by case review.

The land use analysis provided in Section II and prior policy statements provide the identification of sites for the expansion of water-dependent recreational activity. The Sandbar and Nine Mile Point are particularly suited for boating facilities and the Village wellfield offers an opportunity for a walking trail. The marking of the Denonville Indian Trail, which follows the Bay, as a pedestrian is being explored by the Monroe County Planning Department.

Potential development occurring at a variety of sites along the Bay, such as the Sandbar and Nine Mile Point, will be expected to accommodate water-dependent and water-enhanced recreation along the shoreline as opposed to other uses.

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

POLICY 22A PRIVATE DEVELOPMENT ACTIONS WILL BE REVIEWED FOR THEIR ACCOMMODATION OF WATERFRONT FEATURES, SUCH AS BOAT MOORINGS AND DOCKINGS, RECREATION EASEMENTS, WATERFRONT WALKS AND BICYCLE PATHS.

POLICY 22B: PRIVATE DEVELOPMENT ACTIONS WILL BE REVIEWED FOR THEIR ACCOMMODATION OF WATERFRONT FEATURES: E.G., RESTAURANTS WITH VISUAL AND SHOREZONE ACCESS, RESIDENTIAL DEVELOPMENT WITH BOAT MOORINGS AND RECREATION EASEMENTS, WATERFRONT WALK AND BICYCLEWAYS.

EXPLANATION OF POLICY

Many public and private developments present practical opportunities for providing recreation facilities as an additional use of the site or facility. Both public and private actions shall, to the fullest extent possible, be water-related and/or enhanced by a waterfront location and, to the fullest extent possible, shall integrate some form of water-related recreation use within the design of the project.

The types of development that have the capacity to provide waterfront recreational use and that are also appropriate for the waterfront include, but are not limited to:

- nature preserves
- parks
- roadways
- shopping facilities
- restaurants
- marinas

The cost of construction of recreation uses, if it does not require substantial additional expense (two percent of the total project cost), can be borne by the construction sponsor. Each case, using the two percent formula as a guide and taking into consideration the level of public access to the recreational facilities, will be reviewed on an individual basis.

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

Appropriate recreation uses which do not require any substantial additional construction shall be provided at the expense of the project sponsor provided the cost does not exceed 2% of total project cost.

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

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

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

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

EXPLANATION OF POLICY

Webster's waterfront district has several sites of local historical significance, including sections of the Denonville Trail used in 1687 by the Marquis de Denonville to claim land held by the Iroquois Indians; recreation areas dating back to the 1800's, including Glen Edith, Oklahoma Beach and the former Cottrell Hotel; Shipbuilder's Creek, the site of boat construction for the War of 1812; and Nine Mile Point, once an active commercial fishing area of Lake Ontario.

A possible significant site dating from protohistoric times may be the site of a garrison constructed by the Denonville in preparation for his invasion of the Senecas in 1687. The actual location of the site, however, is uncertain, with both the Irondequoit and Webster sides of the Irondequoit Bay Sandbar candidates for possible designation as the garrison site.

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

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

There are no sites within Webster's local waterfront area on or eligible for inclusion on the Federal or State registers of historic places.

There are no other resources located in Webster local waterfront area to which this policy applies.

POLICY 24 THE STATE COASTAL POLICY REGARDING THE PROTECTION OF SCENIC RESOURCES OF STATEWIDE SIGNIFICANCE IS NOT APPLICABLE TO WEBSTER.

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

EXPLANATION OF POLICY

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

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

1. Siting and height limitations on structures to maintain the scenic quality of the shoreline and to retain views to and from the shore;
2. Clustering or orienting structures to retain views and save open space;
3. Removing deteriorated structures from the coastal landscape;
4. Maintaining, adding or selectively clearing vegetation to provide interest, encourage the presence of wildlife, blend structures into the site, maintain or create views and disguise unattractive elements.
5. Using appropriate materials, in addition to vegetation, to screen unattractive elements;
6. Using appropriate scales, forms and materials to ensure that buildings and other structures are compatible with and add interest to the landscape; and
7. Restricting signage.

POLICY 26 THE STATE COASTAL POLICY REGARDING THE CONSERVATION AND PROTECTION OF AGRICULTURAL LANDS IDENTIFIED ON THE COASTAL AREA MAP IS NOT APPLICABLE TO WEBSTER.

POLICY 27 DECISIONS ON THE SITING AND CONSTRUCTION OF MAJOR ENERGY FACILITIES IN THE COASTAL AREA WILL BE BASED ON PUBLIC ENERGY NEEDS, COMPATIBILITY OF SUCH FACILITIES WITH THE ENVIRONMENT, AND THE FACILITY'S NEED FOR A SHOREFRONT LOCATION.

EXPLANATION OF POLICY

Demand for energy in New York will increase, although at a rate lower than previously predicted. The State expects to meet these energy demands through a combination of conservation measures; traditional and alternative technologies; and use of various fuels including coal, in greater proportion.

A determination of public need for energy is the first step in the process for siting new facilities. The directives for determining this need are set forth in the New York State Energy Law. With respect to transmission lines, Article VII of the State's Public Service Law requires additional forecasts and establishes the basis for determining the compatibility of these facilities with the environment and the necessity for a shorefront location. With respect to electric generating facilities, environmental impacts associated with siting and construction will be considered by one or more State agencies or, if in existence, an energy siting board. The policies derived from these proceedings are entirely consistent with the general coastal zone policies derived from other laws, particularly the regulations promulgated pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. The Act is used for the purposes of ensuring consistency with the State Coastal Management Program and this Local Waterfront Revitalization Program.

In consultation with the Town of Webster, the Department of State will comment on State Energy Office policies and planning reports as may exist; present testimony for the record during relevant proceedings under State law; and use the State SEQR and DOS regulations to ensure that decisions on other proposed energy facilities (other than those certified under the Public Service Law) which would impact the waterfront area are made consistent with the policies and purposes of this Local Waterfront Revitalization Program.

There is an existing nuclear power plant, the Ginna Plant, in the adjacent Town of Ontario, Wayne County, located along the shores of Lake Ontario within five miles of Webster's LWRP eastern boundary.

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

EXPLANATION OF POLICY

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

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

- POLICY 29** **THE STATE COASTAL POLICY REGARDING THE DEVELOPMENT OF ENERGY RESOURCES ON THE OUTER CONTINENTAL SHELF, IN LAKE ERIE AND IN OTHER WATER BODIES IS NOT APPLICABLE TO WEBSTER.**
- POLICY 30** **MUNICIPAL, INDUSTRIAL, AND COMMERCIAL DISCHARGE OF POLLUTANTS, INCLUDING BUT NOT LIMITED TO, TOXIC AND HAZARDOUS SUBSTANCES, INTO COASTAL WATERS WILL CONFORM TO STATE AND NATIONAL WATER QUALITY STANDARDS.**
- POLICY 30A** **THE USE OF LAND WITHIN WEBSTER'S WATERFRONT REVITALIZATION AREA FOR COMMERCIAL OR MUNICIPAL PURPOSES, INCLUDING RECREATION, AND FOR ACCESSORY USES, SUCH AS PARKING AREAS, WILL COMPLY WITH STATE AND NATIONAL WATER QUALITY AND DISCHARGE STANDARDS.**
- POLICY 30B** **DEVELOPMENT ACTIONS THAT WOULD RESULT IN DEGRADATION OF WATER QUALITY ARE NOT PERMITTED.**

EXPLANATION OF POLICY

Any development within the Town's waterfront revitalization area can result in surface and groundwater pollution.

Development actions that would result in degradation of water quality will not be permitted. Regulations which will mitigate impacts of runoff from impervious surfaces will be enforced.

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

Town representatives have been participating in the Monroe County Water Quality Management Committee and its Irondequoit Bay Subcommittee, which have been studying urban run-off in Irondequoit Bay. The objective of the Committee is to devise a set of guidelines which will bring about improved water quality.

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

POLICY 31A **ANY ACTIONS THAT OCCUR ON IRONDEQUOIT BAY, LAKE ONTARIO OR ADJACENT TO OTHER CLASSIFIED STREAMS WITHIN THE WATERFRONT AREA WILL BE REVIEWED FOR THEIR IMPACT ON WATER QUALITY.**

EXPLANATION OF POLICY

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

Irondequoit Bay has been classified "B" water quality and Lake Ontario as "A" Special. The water quality classification for the Bay should be maintained. The Coordinating Committee for Irondequoit Bay is developing water quality management measures for the Bay to achieve a water quality level that is reflective of its current B classification. The intent is to achieve a quality level that will enable the widest possible recreational use while protecting important wildlife habitats.

No bodies of water within Webster's waterfront are currently classified as "limiting segments". Other major classified streams are Shipbuilder's Creek (D), Mill Creek (D), and Four Mile Creek (B).

POLICY 32 **ENCOURAGE THE USE OF ALTERNATIVE OR INNOVATIVE SANITARY WASTE SYSTEMS IN SMALL COMMUNITIES WHERE THE COSTS OF CONVENTIONAL FACILITIES ARE UNREASONABLY HIGH, GIVEN THE SIZE OF THE EXISTING TAX BASE OF THESE COMMUNITIES.**

EXPLANATION OF POLICY

All development that is contiguous to Lake Ontario or Irondequoit Bay must comply with all regulations relative to public sewers or approved alternative systems. Consideration should be given to allowing development on private sewage disposal systems where it can be demonstrated that public utilities are not economically feasible and site conditions can adequately handle private sanitary sewer construction and maintenance.

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

EXPLANATION OF POLICY

Best management practices (BMP's) include both structural and non-structural methods of preventing or mitigating pollution caused by the discharge of stormwater runoff and combined sewer overflows. Combination sewers do not exist within the jurisdictional limits of the Town of Webster. Stormwater runoff is either absorbed by subsurface soils or conducted along the surface to natural or man-made water courses. The controls for non-point source runoff are discussed in Policy 37.

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

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

EXPLANATION OF POLICY

The discharge of sewage, garbage, rubbish, and other solid and liquid materials from watercraft and marinas into the State's waters within certain distances of the Town's shoreline is regulated by Town Law in accordance with Section 130, Part (17)f, 1(d) of New York Town Law. Counties also regulate such activity under Section 46 of New York State Navigation Law. Both sets of regulations will be used to help prevent vessel pollutants from entering the water courses of the Town. The Town of Webster, along with Irondequoit and Penfield, are working cooperatively with the Regional Department of Environmental Conservation to establish optimum locations for pump-out facilities along Irondequoit Bay.

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

EXPLANATION OF POLICY

Dredging often proves to be essential for waterfront revitalization and development, maintaining navigation channels at sufficient depths, pollutant removal and meeting other coastal management

needs. Such dredging projects, however, may adversely affect water quality, fish and wildlife habitats, wetlands and other important coastal resources. 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. State dredging permits will be granted if it has been satisfactorily demonstrated that these anticipated adverse effects have been reduced to levels which satisfy dredging standard set forth in the regulations developed pursuant to Environmental Conservation Law (Articles 15, 24, 25 and 34), and are consistent with policies pertaining to the protection of coastal resources (Policies 7, 12, 15, 25, 26 and 44).

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

EXPLANATION OF POLICY

See Policy 39 for a definition of hazardous materials.

There are several State means, which follow, to implement this policy:

1. Oil Spill Prevention, Control and Compensation.
 Navigation Law (Article 12)
2. Penalties and Liabilities for Spills of Bulk Liquids.
 Environmental Conservation Law (Article 71-1941)
3. Transportation Law.
 (Article 2, Section 14-F)

These measures are considered adequate for the Town of Webster since no activities related to the shipment or substantial storage of petroleum and other hazardous materials occur within the waterfront revitalization area, or will occur in the future.

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

EXPLANATION OF POLICY

Best management practices used to reduce these sources of pollution include but are not limited to soil erosion control practices and surface drainage control techniques.

Pollutants from non-point sources of runoff are major contributors to continuing water quality problems in Irondequoit Bay and Lake Ontario. Control of non-point sources remains a critical factor in further improvement and maintenance of water quality in Irondequoit Bay and Lake Ontario.

Best Management Practices for Stormwater Runoff Management was adopted by I.B.C.C. are in effect in the Town of Webster in the areas of: construction site controls; structural runoff; pollution sources; collection and treatment of runoff; and sedimentation and erosion performance standards.

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

EXPLANATION OF POLICY

The Town's primary water source comes from the Ironde-Genesee aquifer, through wells operated by the Village of Webster and located within the waterfront revitalization area. The wells are extremely deep (300 feet ±) and constructed in such a manner as to protect the aquifer against contamination. Active wells are tested twice yearly for quality by the Monroe County Health Department and permits for additional wells are controlled through NYS DEC. All actions will be reviewed for their impact on the Ironde-Genesee aquifer.

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

EXPLANATION OF POLICY

Solid wastes include sludges from air or water pollution control facilities, demolition and construction debris, and industrial and commercial wastes. Solid waste management facilities include resource recovery facilities, sanitary landfills, and solid waste reduction facilities. These

definitions are based on the New York State Solid Waste Management Act (Environmental Conservation Law, Article 27).

Hazardous wastes are unwanted by-products of manufacturing processes and are generally characterized as being flammable, corrosive, reactive, or toxic. More specifically, hazardous waste is defined in Environmental Conservation Law (Section 27-0901[3]), as "waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may: (1) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, disposed, transported or otherwise managed." A list of hazardous wastes has been adopted by DEC (6 NYCRR Part 371).

There is currently no active transport, storage, treatment or disposal of hazardous wastes within Webster's coastal area. No activity will occur within the waterfront revitalization area which will produce such hazardous or solid wastes, as defined in the Environmental Conservation Law, Article 27.

The Webster coastal area does contain a former landfill. A portion of the landfill is also identified as a potential hazardous waste site. Future use of these sites will depend on a detailed investigation to assess the potential hazards or threats to public health.

**POLICY 40 EFFLUENT DISCHARGE FROM MAJOR STEAM ELECTRIC
GENERATING AND INDUSTRIAL FACILITIES INTO COASTAL
WATERS WILL NOT BE UNDULY INJURIOUS TO FISH AND
WILDLIFE AND SHALL CONFORM TO STATE WATER QUALITY
STANDARDS.**

EXPLANATION OF POLICY

A number of factors must be considered when reviewing a proposed site for facility construction. One of these factors is that the facility not discharge any effluent that will be unduly injurious to the propagation and protection of fish and wildlife, the industrial development of the State, the public health, and public enjoyment of the receiving waters. The effects of thermal discharges on water quality and aquatic organisms will be considered by State agencies or, if applicable, a siting board when evaluating an applicant's request to construct a new electric generating facility.

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

EXPLANATION OF POLICY

Webster's LWRP incorporates air quality policies and regulations of the State Department of Environmental Conservation. Requirements of the Clean Air Act establish the minimum standards for air quality in the coastal area. The Department of Environmental Conservation has spent

considerable resources to develop a regulatory and management program to identify and eliminate toxic discharges into the atmosphere. The State's Coastal Management Program will assist in coordinating major toxic control programming efforts in the coastal region.

At the local level, land uses within the waterfront revitalization area will be restricted to residential, recreational and marine related and/or supportive commercial, all of which are unlikely to impact upon air quality. The New York State Department of Environmental Conservation has jurisdiction over the monitoring of air quality to ensure that the provisions of the Clean Air Act are met.

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

EXPLANATION OF POLICY

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

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

EXPLANATION OF POLICY

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

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

EXPLANATION OF POLICY

Freshwater wetlands include marshes, swamps, bogs and flats supporting aquatic and semi-aquatic vegetation and other wetlands so defined in the NYS Freshwater Wetlands Act and the NYS Protection of Waters Act.

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

1. habitat for wildlife and fish;
2. erosion, flood and storm control;
3. groundwater protection;
4. recreational opportunities; and
5. educational and scientific opportunities.

The Town of Webster has several significant fish and wildlife habitats within its coastal boundaries. The habitats are, in nearly all cases, also designated as wetlands or woodlots. Irondequoit Bay has been designated a fish and wildlife habitat of statewide significance and preliminarily as a Class I Wetland (Article 24 of the Freshwater Wetlands Act of the Environmental Conservation Law.)

The sections of the Bay designated as significant wetland habitats are scattered east side coves along the Bay frontage: Helds Cove; Stony Point and south shoreline; northeast embayment; and, the site of the Webster Village Wellfield. These Bay areas are particularly unique because

they are areas with an overlap of wetland, upland and open water cover types which provide important habitat for fish and wildlife populations. Section I includes a map of these areas.

An action in and around wetlands can occur only when it has been established that such an action is the only reasonable alternative to accomplish the applicant's objectives; minimizes degradation to, or loss of, any part of the wetland; is compatible with the public health and welfare; and satisfies a compelling economic or social need.

Section 3.3

SECTION IV
PROPOSED LAND AND WATER USES
AND PROPOSED PROJECTS

A. PROPOSED LAND USE PLAN

1. Introduction

The proposed land use plan of the Town of Webster's Local Waterfront Revitalization Program (LWRP) translates the policies of the program into a cohesive and comprehensive physical plan for the Town's waterfront areas. The process used to develop the proposed land use plan consisted of an evaluation of the Town's policies for the use and protection of its waterfront resources, an assessment of the various land use needs of the Town and the consideration of development potential, and constraints of the Town's various waterfront areas. In addition, the potential impact of the proposed opening of Irondequoit Bay to Lake Ontario for unlimited boating access were also considered in the development of the land use plan.

Specifically, the steps that were utilized in developing the proposed land use plan for the Town of Webster's LWRP included an identification of generalized land use areas within the Town's LWRP boundary, the definition and description of the actual land use designations to be employed within the LWRP boundary, and the delineation of the uses on the map within the waterfront areas previously identified. Proposed waterfront land uses are consistent with the policies for use and protection of the Town's waterfront resources set forth in Section III.

2. Identification of Generalized Land Use Areas Within the Town of Webster's Local Waterfront Revitalization Boundary

As part of the development of an appropriate land use plan, the LWRP area was divided into three subsections: Bayfront, Lakefront, and Sandbar.

Three types of generalized development situations were identified within each of the three land use subsections. These development situations include:

- * Areas of existing stable uses where significant changes in the patterns of development are unlikely to occur, or vacant land where development projects are announced and proceeding through the Town review and approval process;
- * Large areas of open space or undeveloped or inappropriately developed land suitable for a variety of land uses or suitable for land-banking and/or protection until land-use demand is more clearly identified;
- * Areas of particular concern that require special protection or attention because of the unique and/or important natural or man-made resources found there.

Each generalized land use area within the Town of Webster's LWRP boundary is briefly described and evaluated below in terms of the three types of development situations previously outlined. The introductory descriptions summarize material presented in the Inventory and Analysis, 2: General Land Use and Outstanding Natural Features.

a. Bayfront

The Bayfront consists of that area of the Town of Webster located between Irondequoit Bay on the west, the Webster town line on the south, the LWRP boundary on the east, and Lake Road, excluding the Sandbar, on the north.

In general, this area consists of the shorezone or toe area immediately adjacent to the bay, a plateau to the east, and several environmentally-sensitive landforms that are located throughout the area.

Stable, residential uses dominate the plateau in the northern portion of this area. A former privately owned landfill is located in the central portion of the plateau. Some additional minor residential development, including a subdivision for single-family homes, is located in the southern portion of the plateau area. Access to the plateau is provided via Bay Road, DeWitt Road and the Route 104 Expressway.

Large areas within the bayfront subsection that may be suitable for a variety of land uses include (Inventory and Analysis, 7: Underutilized and Deteriorated Sites):

- * Stony Point Landing, located along the northeastern shore of the Bay, just west of DeWitt Road (Site No. 2);
- * An area bordered by DeWitt Road on the east, the Town landfill on the south, the Village of Webster water supply on the west and existing residential development on the north (Site No. 5);
- * The Bay Bridge/Bay Road site (Site No. 3);
- * The Bluffs Subdivision located at the intersection of Backus Road and DeWitt Road intersection (Site No. 6);
- * Willow Point, located on the site of the former Willow Point Amusement Park, between Irondequoit Bay and Bay Road, just north of the Penfield Town line (Site No. 1).

Willow Point and Stony Point Landing have been identified as particular opportunity sites in Webster's LWRP.

b. Lakefront

The Lakefront consists of that area of the Town of Webster between the Sandbar on the west, the LWRP boundary on the south, Lake Ontario on the north and the Webster town line on the east.

In general, this area consists of a shorezone immediately adjacent to Lake Ontario that includes generally rocky, narrow beaches, small bluffs and some steep slopes, as well as

relatively flat, level land or plateaus to the south and several environmentally-sensitive landforms that are located throughout the area.

Stable residential uses dominate the western portion of this area. West of Nine Mile Point, residential development is scattered and rural in character, and is primarily located on large lots immediately adjacent to the Lake Ontario shoreline. Webster Park is located in the middle of the lakefront subsection, with most of the actual parkland situated south of Lake Road.

Large areas within the lakefront subsection that may be suitable for a variety of land uses include (Inventory and Analysis, 7: Underutilized and Deteriorated Sites):

- * Nine Mile Point, located between Lake Road on the south, the Lake Ontario shoreline on the north, Phillips Road on the west and North Avenue on the east (Site No. 8); and
- * A vacant parcel of land located at the northeastern corner of the intersection of Vosburg and Baker Roads (Sites No. 8).

Both of these sites have been identified as opportunity sites within the Town's LWRP boundary.

c. Sandbar

The Sandbar (Inventory and Analysis, 7: Underutilized and Deteriorated Sites, Site No. 9), consists of that area of the Town of Webster located at the northern end of Irondequoit Bay, between the Bay and Lake Ontario, just east of the Irondequoit Bay outlet to the Lake.

This area consists of residential uses, small commercial establishments, a marina facility, vacant land, and several vacant and/or deteriorated structures. The bridge at the mouth of Irondequoit Bay, which provided access between Irondequoit and Webster, has been removed. A permit to construct a new pivot bridge in its place has been issued by the NYS Department of Environmental Conservation to the Monroe County Department of Transportation. An abandoned railroad right-of-way parallels Route 18 on a raised road bed across the Sandbar, obscuring views of the Lake to the north. The north side of the Sandbar, immediately adjacent to the lakefront, is lined with single-family development.

3. Summary and Assessment of the Project to Open Irondequoit Bay to Lake Ontario, and its Implications for the Town of Webster's LWRP Proposed Land Use Plan

The United States Army Corps of Engineers has undertaken a project to open Irondequoit Bay to Lake Ontario that would provide for unlimited boating access between the Bay and the Lake. This project consists of the removal of the Lake Road (Route 18) highway bridge, now completed, at the Bay outlet, the construction of a new channel between the Lake and the Bay, as well as the construction of associated breakwalls and fishing jetties on either side of the Lake

Ontario portion of the channel. In addition, a State marina is proposed for the northwestern corner of the Bay in the Town of Irondequoit, with access to the Lake provided via the new outlet channel.

A replacement bridge to carry Lake Road over the Bay outlet, which would continue to provide vehicular access between the Towns of Webster and Irondequoit as well as to the Sandbar itself, is to be constructed as part of the overall project. The Monroe County Department of Transportation has been issued a permit to construct a replacement bridge.

For the purposes of developing the proposed land use plan for the Town of Webster's LWRP, it is assumed that the replacement bridge will provide for essentially unlimited boating access between the Bay and the Lake.

Providing for such boating access will obviously increase the pressures for new commercial and/or marina development in many locations along the Irondequoit Bay shoreline. However, site development constraints, such as bay water depth, ease of vehicular access, amount of land available for parking, provisions for utilities and various environmental factors need to be considered before this type of development can be allowed to occur around the Bay and on the Sandbar in particular. The proposed LWRP land use plan and public and private projects for the Town's waterfront areas were developed in consideration of these anticipated impacts.

4. Assessment of Land Use Needs Within the Town of Webster's Local Waterfront Revitalization Boundary

In general, land use needs within the Town's LWRP boundary were developed in consideration of the policies outlined in Section III, as well as the specific land use conditions and features that currently exist in the area. These land use needs include the following:

- * The preservation and enhancement of various environmentally-sensitive and/or unique areas of special concern that include such land features as woodlots, floodplains and watercourses, steep slopes/bluffs, beaches, scenic vistas and fish and wildlife habitats.
- * The development of appropriate water-dependent uses within the bayfront and lakefront, which take advantage of their proximity to the water, enhance the visual and aesthetic aspects of these waterfront areas, and help provide for the general economic growth of the Town.
- * The enhancement of recreational opportunities provided by Lake Ontario and Irondequoit Bay which include fishing, boating, swimming and hiking, as well as other more passive recreational activities.
- * The enhancement of stable residential areas, and the development of new residential districts that can provide adequate vehicular and pedestrian access, utility service and other essential public services without disturbing or destroying existing environmental conditions or features.

- * The development of mixed-use areas within the waterfront revitalization area to take advantage of the proximity to the water, enhance the unique ambiance of the waterfront, provide for public access, and enhance public recreational opportunities in the area, without disturbing or destroying existing environmental features or conditions.

5. Definition and Description of Land Use Zones Proposed Within the Town of Webster's Local Waterfront Revitalization Boundary

Before developing an actual and use plan for the three waterfront areas identified within the Town of Webster's LWRP boundary, it was first necessary to generally define the land use categories to be utilized in the plan, and to briefly outline the purpose or intent of each category as it related to the LWRP policies discussed earlier and to the generalized Town land use needs summarized above.

The Town Zoning Ordinance, Irondequoit Bay Plan, Irondequoit Bay Technical Committee Report and various State coastal management documents were used to develop and define these categories and to establish their overall purpose or intent with respect to the Town's LWRP.

The land use categories used in the proposed Town of Webster LWRP land use plan are listed below. These categories were developed in order to ensure that the proposed land uses within the LWRP boundary were realistic in terms of current land use trends and projections, appropriate in relation to existing natural features and environmental constraints, concentrated development in areas with existing public infrastructure and services, minimized environmental impacts, and protected important natural and scenic resources.

- * Low-Density Residential

This land use classification is limited to residential development at a density of 1.5 to 2.4 units per acre. The purpose of this category is to preserve and enhance existing residential areas and open space within the LWRP boundary and to provide for new residential development at low densities.

- * Medium-Density Residential

This land use classification includes single-family residential development as well as a variety of multi-family residential uses, such as townhouses, and condominiums and apartments with densities not exceeding 12 units per acre. The classification is designed to be utilized in those areas within the LWRP boundary where somewhat higher-density residential development opportunities exist and can be adequately accommodated given existing access, and utility and environmental conditions. An additional purpose of this category is to take advantage of particular areas within the LWRP boundary which, because of their size, and ability to accommodate higher-density development, should be utilized for this type of land use.

* Public Land/Open Space

This land use classification includes all sites or parcels of land within the LWRP boundary which are publicly owned or proposed for public ownership, and/or will be utilized for public access to waterfront areas, public recreational activities, general open space areas or other public purposes. The intent of this land use category is to provide for public uses within the Town's waterfront areas, to enhance the quality and character of the waterfront areas through the maintenance of open space, and to ensure adequate protection of certain unique and/or environmentally sensitive areas in the waterfront zone.

* Waterfront Development

This land use classification provides for the development of a cohesive and integrated mix of appropriate water-dependent and/or recreation-oriented uses within specific areas of the waterfront. Residential, commercial and/or public open space/recreational uses could be included within such areas. The mix of uses permitted within the area is intended to take maximum advantage of the unique assets and characteristics of waterfront location as well as to allow for creativity and flexibility in project design. However, because this designation will be assigned to significant waterfront locations within the Town, strict development regulations and site design criteria will be included as a part of the overall requirements for development within the district.

6. Environmentally Sensitive Areas

Also included is an identification of environmentally sensitive areas. This identification covers unique, significant and/or environmentally-sensitive land forms or features within the LWRP boundary, including wetlands, steep slopes/bluffs, beaches, floodplains and watercourses, woodlots, scenic vistas, and fish and wildlife habitat areas. The purpose of identifying these areas is to provide for the strict and consistent regulation of development within them, in order to preserve and enhance the natural beauty of the waterfront, to discourage various environmental problems from occurring around the waterfront, and to generally protect the many natural resources found there.

Protection of wetlands within the LWRP boundary is important because these areas help reduce shoreline erosion, provide wildlife habitats and fish spawning and nursing grounds, improve water quality by acting as natural sedimentation basins, and provide general open space and passive recreational opportunities.

Protection of steep slopes bluffs within the LWRP boundary is important because these areas contain highly erodible and unstable soils. Slope disturbance contributes to water quality degradation through siltation and may also destroy attractive natural features and/or wildlife habitats.

Protection of floodplains within the LWRP boundary is important because they serve as water storage areas during periods of flooding or high water. Permitting development within floodprone areas can severely affect the flood handling capabilities of a given body of water.

Protection of woodlots within the LWRP boundary is important because these areas provide soil and slope stabilization and enhance the general aesthetic quality and natural beauty of the Town's waterfront areas. indiscriminate clearing of these areas would result in decreased slope stability and increased soil erosion and runoff, as well as the potential destruction of extensive wildlife habitat areas.

Protection of beaches within the LWRP boundary is important because these areas provide unique recreational opportunities, enhance the aesthetic quality and natural beauty of the waterfront and provide protection for steep slope areas from erosion caused by wave action.

Protection of scenic vistas throughout the Town of Webster's waterfront revitalization area is important in order to preserve and enhance the unique visual and aesthetic qualities and natural beauty of the Town's waterfront areas, and to ensure that development activity does not overshadow or dominate the natural landscape.

Protection of significant wildlife habitat within the LWRP boundary is important because these areas provide a substantial refuge for many ground animals and birds, and also provide fish spawning and feeding grounds.

7. Delineation of Proposed Land Use Zones Within the Town of Webster's Local Waterfront Revitalization Boundary

Proposed land uses within the Town's LWRP boundary are illustrated on Map 3, Proposed Land Use, and are presented below in terms of the three generalized areas outlined in Part 2 of this subsection. A variety of land uses are proposed within the various portions of the LWRP boundary based on a review of existing land use patterns and the status of existing and proposed public facilities in the area, site development potential and environmental constraints, overall Town land use trends, the policies of the Webster LWRP, and the specific purpose and intent of each land use district.

a. Bayfront

Within the Bayfront, there are several environmentally sensitive areas or unique natural resources, including:

- * Steep slopes of 15 percent or greater measured over a linear distance of 10 feet, and areas within 50 feet of these slopes;
- * Floodways, 10 year floodplains and 100 year floodplains, as designated by the Federal Insurance Administration as part of the National Flood Insurance Program;

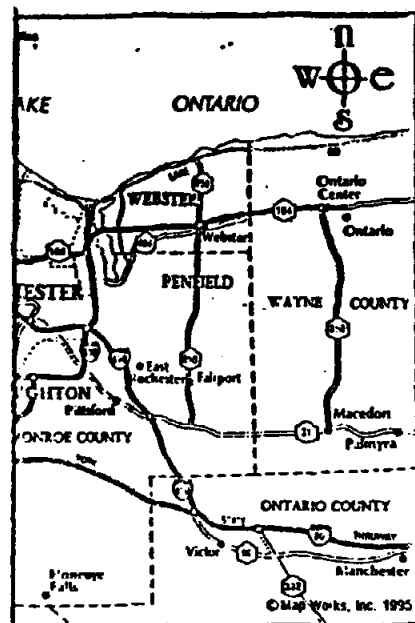
- * Natural and/or man-made streams and watercourses, and any area within 50 feet of the centerline of such streams and watercourses; wetlands designated as Class I, Class II, Class III or Class IV by the New York State Department of Conservation, including a buffer zone within 200 feet of the edge of the wetland area.
- * Woodlots that include at least five or more contiguous acres of woodlands; and
- * Major scenic vistas and significant fish and wildlife habitat areas as identified and mapped as a part of the Town's LWRP.

Development permitted as a matter of right within these areas is limited to miscellaneous activities required for the normal care and maintenance of property. All other development requires review and permit approval by the Town in accordance with strict development standards and criteria.

The sites identified in Section II, 7: Underutilized and Deteriorated Sites as underutilized and vacant will now be reviewed for land use and development potential. Three of the Bay sites have developments currently under various stages of construction. The size of the parcels, their configuration, location within the LWRP, and have access public facilities make them appropriate for development. A residential, recreational development, including townhouses and single-family residents within an overall density of 2.5 units per acre, has been proposed for Stony Point Landing. The site contains 63 acres and is located along the northern portion of Irondequoit Bay just west of DeWitt Road. The project includes 50 single-family residences and 109 townhouse units, as well as 159 boat slips located on floating docks at the bayshore. Tennis courts and a community center are also being planned for the exclusive use of project residents. The project is approximately 50% constructed.

Low-density residential is appropriate for the site. The low-density designation allows for the site to be developed without encroaching on the most sensitive environmental feature of the site, its steep slopes. There will be no construction on slopes greater than 15 percent or on transitional areas at the top of the slopes in areas of questionable soils.

A medium-density residential project (approximately 6 units per acre) has been proposed for Willow Point, which is located on 47 acres of land between Irondequoit Bay and Bay Road, just north of the Webster/Penfield Town Line. The project includes 263 residential units comprised of condominiums in one mid-rise and several low-rise townhouse structures. The site contains features similar to the Stony Point area in that it also has an extensive area of steep slopes, good access, and proximity to public sewer lines. Adjacent land uses are primarily single-family residences. The site has considerable frontage on Bay Road and is within a half mile of commercial development. Medium-density residential land use is appropriate for this area.



TOWN OF WEBSTER PROPOSED LAND USE

LOW-DENSITY RESIDENTIAL



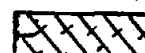
MEDIUM-DENSITY RESIDENTIAL



PUBLIC LAND/OPEN SPACE



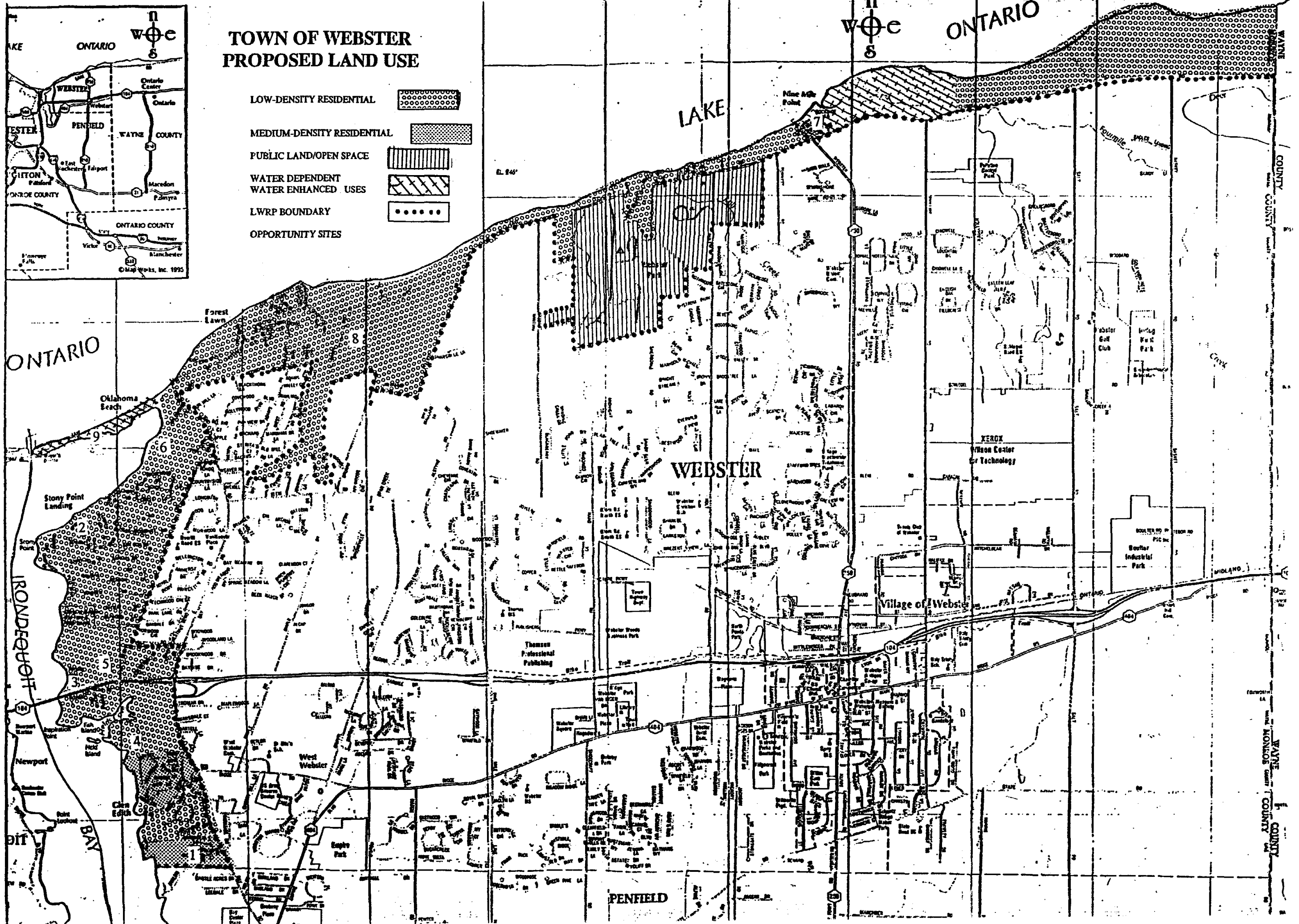
WATER DEPENDENT
WATER ENHANCED USES



LWRP BOUNDARY



OPPORTUNITY SITES



The project does not now include any shoreline development. Should it eventually propose a shoreline marina, as anticipated, such development would have to adhere to the requirements of the LWRP and other Town regulations.

Another development which most recently received Town subdivision approval and in the construction stage of Phase I is The Bluffs Subdivision which started in late summer of 1995. This development plans to utilize its bay frontage by the use of docking facilities and public access to the shoreline to the entire length of the project. Located near the intersection of DeWitt and Backus Roads is somewhat an irregular shape and contains steep slopes on three sides. This site was approved under the Cluster Development of the Town Zoning Code which provided 4.0 acres of parkland locating 48 single family units located in the plateau area outside sensitive environmental areas.

The remaining large areas of open space or undeveloped land within the bayfront that are suitable for a variety of land uses include:

- * The Damascus Temple property, located between Bay Road and Irondequoit Bay, just north of the Hillsboro Cove;
- * A large area of vacant land, bordered by DeWitt Road on the east, the former Webster Town Landfill on the south, and the Village of Webster water supply on the west;
- * A vacant parcel of land located at the southwest intersection of the Irondequoit Bay Bridge and Bay Road.

For various reasons, the development potential of these sites will not be fully realized for several years.

- * The Damascus Temple site is suited for medium-density development because of its location, size, and relatively flat topography and proximity to existing utilities. The site fronts on Bay Road and is immediately adjacent to Hillsboro Cove, which is designated for medium-density residential use. Development in the near future at the Damascus Temple site is unlikely, however, because of the nature of its present use and current ownership.
- * The site on DeWitt Road which includes the former Town landfill presents a development opportunity for low-residential and/or public use in the long term. The site, although large enough to accommodate a variety of uses, does have one major environmental constraint: it is immediately adjacent to aquifers that supply the Town's water. Development potential may, therefore, be limited.

The northern portion of the site has been subdivided into several smaller parcels, and because ownership of these parcels is in the hands of many individuals, including the Town and the County, the acquisition and assembly of the site for development would

be very costly and time consuming. Public sewer and water lines could be extended to the site.

Prior to any redevelopment, extensive testing of the landfill portion of the site would have to be conducted to determine the viability and limitations of its reuse. Should site development prove feasible over the long term, the issue of access would also need to be addressed. Current access is limited to DeWitt Road, a residential street, with modest and stable single-family residences. Depending upon the scale of development, the option of providing access through the State rest area could be explored. If development does not prove to be feasible, the area's potential as a future passive recreation site controlled by the Town or the County should be explored.

The last site for discussion is the large vacant parcel at the intersection of Bay Road and the Irondequoit Bay Bridge. Because of the site's proximity to the access ramps for Route 104, its access to Bay Road, and its extensive bay frontage at the western border, it has development opportunities for uses other than residential. As much as 75 percent of the site, however, is in steep slopes and, therefore, nondevelopable. Also, the toe land that is included in the site is part of a significant wetland habitat. Because of these environmental constraints, a land use classification has not been designated for the site. Because of the site's location, however, the Town wishes to recognize its potential so as not to foreclose the possibility of a sensitively developed commercial or residential venture. The Town's current zoning map permits single-family residential as a matter of right, with the option of establishing a planned multiple family residential district. No changes will be included in the LWRP until such time as a specific proposal is in hand. Any proposal would proceed through the Town's established procedures for development reviews and approvals.

The remaining portion of the bayfront within the Town's LWRP boundary is proposed for residential use. It is anticipated that these areas will not be subject to any foreseeable changes in market conditions or other factors which would significantly alter their character. The proposed land uses for these areas will generally follow the existing pattern of development and are therefore designated a low-density residential area as outlined earlier.

b. Lakefront

Within the Lakefront, there are several areas of particular concern that involve environmentally-sensitive zones or unique natural resources. These areas are concentrated along the shoreline in Webster Park, and in the vicinity of Shipbuilder's Creek. In each case there are overlapping woodlots, steep slopes, and/or floodplains and watercourses. The areas that are identified represent the same environmental conditions as defined for the Bayfront, i.e., steep slopes, flood-plains, floodways, woodlots, and vistas. Development criteria similar to those applied to the Bayshore are applied to the Lakefront.

Within the lakefront shoreline, there are two previously identified opportunity sites:

- * Nine Mile Point, located between Lake Road and Lake Ontario, and between Route 250 and Phillips Road; and
- * The Vosburg Road site, located in the north-eastern corner of the intersection of Vosburg and Baker Roads, just south of Lake Road.

Nine Mile Point is currently the site of a well-established restaurant/party house, a small motel facility, several cottages and single-family residences. In addition, Four Mile Creek empties into Lake Ontario along the northern edge of the site. The general terrain of the site is relatively flat and is composed of several large, vacant parcels of land. Town water service and sanitary sewers are currently available at the site. In addition to its natural beauty and lakefront location, the site has the added advantage of having direct access, via Phillips Road, to the Xerox manufacturing complex located to the south. Portions of the site area suitable for medium-density residential development.

The Nine Mile Point site provides an excellent opportunity for additional public access to Lake Ontario for boating, swimming, fishing and other recreational activities. Any site development would require a thorough review to ensure that environmentally sensitive areas are properly addressed. There is, however, the potential for creating a unique waterfront area within the Nine Mile Point site to take advantage of its proximity to Lake Ontario and Four Mile Creek, and to provide for increased water-oriented recreational opportunities.

The Waterfront Development District is proposed for this area. The designation permits a variety of water-related commercial uses, as well as low-to-medium-density residential development. Potential commercial and recreational uses for Nine Mile Point could include a boat launching facility and/or small marina, marina-related retail sales, restaurants, a boatel, and public open space. Such uses will incorporate and make provision for public access to the waterfront, whenever feasible.

The Vosburg Road site is located inland from the actual lakefront and, therefore, involves no lake or bay frontage. The southern portion of the site is relatively flat and could be developed for low-density residential use, which would be compatible with existing, surrounding land uses. The northern section of the site involves a major woodlot, with rolling terrain and mature trees, and is recognized as an environmentally sensitive area requiring protection. Based on existing land uses in the area, existing access and sewer service, as well as the nature of site development constraints and environmental considerations, the Vosburg Road property is designated low-density residential, with the possibility of cluster-type housing being developed on the site.

The Town of Webster's Master Plan calls for the long-range development of Webster Beach Park, which is located in the approximate center of the lakefront shoreline within the Town's LWRP boundary. (See Exhibits IV-1-IV-3). Short-term development plans for the park include the repair and renovation of existing parking facilities and park facilities, including

shelters, restrooms, ball fields and access roads. Facilities will be made accessible to the handicapped and additional security lighting will be put in place. No physical expansion of the park is anticipated during the short-term (5-year) park development program. Long-term development plans for Webster Beach Park include the expansion of waterfront facilities. These park improvement proposals include the construction of a 4-ramp boat launch and protective jetty, the addition of approximately 160 new parking spaces, the development of new trails, walkways and picnic shelters, improvements to the main pier, and the construction of an additional lake overlook area. The entire Webster Beach Park site, including proposed new development and/or land acquisitions, is proposed for public land/open space use.

The remaining areas of the lakefront within the Town's LWRP boundary are proposed for residential use. It is anticipated that these areas will not be subject to any foreseeable changes in market conditions or other factors which would significantly alter their character. The proposed land uses for these areas will generally follow the existing pattern of development and are therefore designated for low-density residential use.

c. Sandbar




Within the Sandbar, there are several environmentally-sensitive zones or unique natural resources. The Sandbar represents the most unique land form within the Town of Webster's LWRP boundary and provides some opportunities for redevelopment that is consistent with LWRP policies. The Sandbar's location between Lake Ontario and Irondequoit Bay and the absence of any significant steep slopes make it ideal for the development of water-related commercial and recreational facilities and for the provision of new public access to the waterfront. Such facilities could include marinas, boat-launch areas, fishing piers (already in progress as part of the Bay opening project), promenades, public open space, swimming areas, restaurants, and various other types of water-related development.

Redevelopment of the Sandbar, however, is constrained by inadequate sewer and water systems, its classification as a floodplain and structural hazard area, and the present location and the future construction of the bridge that carries Route 18 over the Irondequoit Bay outlet.

It is assumed that a crossing will be established at the Irondequoit Bay Outlet. It is critical that the Town play a major and decisive role in the planning and design of a potential crossing and the accessways to the crossing. Any crossing should be designed in such a way so as to minimize the impact on existing development and on the development potential of the Sandbar, and to further the goal of its redevelopment. Construction of a four lane road should be avoided at all costs. Consideration should be given to the relocation of route 18 as part of the design of the crossing.

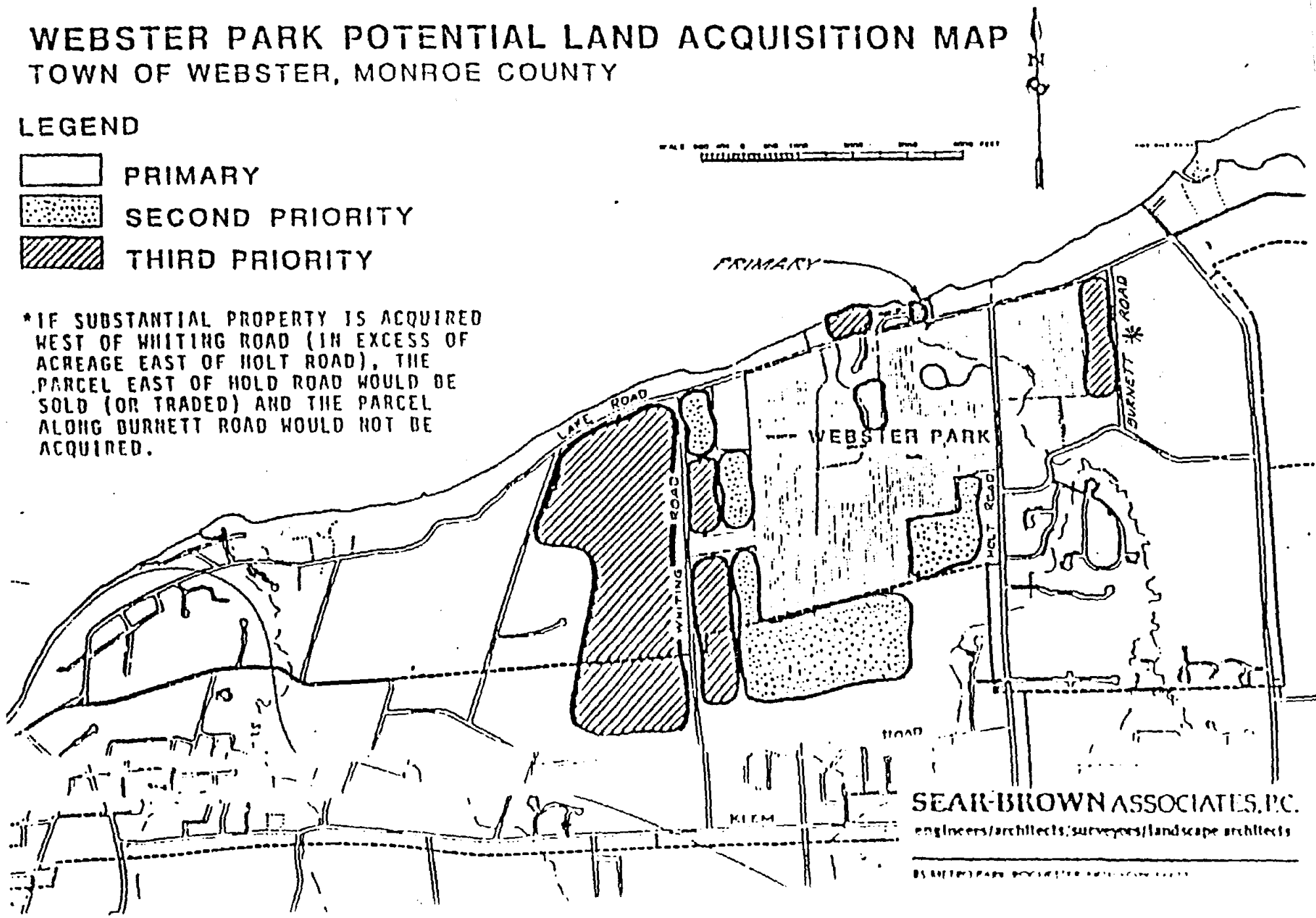
WEBSTER PARK POTENTIAL LAND ACQUISITION MAP TOWN OF WEBSTER, MONROE COUNTY

LEGEND

-  PRIMARY
-  SECOND PRIORITY
-  THIRD PRIORITY

*IF SUBSTANTIAL PROPERTY IS ACQUIRED WEST OF WHITING ROAD (IN EXCESS OF ACREAGE EAST OF HOLT ROAD), THE PARCEL EAST OF HOLT ROAD WOULD BE SOLD (OR TRADED) AND THE PARCEL ALONG BURNETT ROAD WOULD NOT BE ACQUIRED.

SCALE 0 100 200 300 400 500 600 700 800 900 FEET



SEAR-BROWN ASSOCIATES, P.C.
engineers/architects/surveyors/landscape architects

85 BULLOCK PARK BOULEVARD, MONROE, LOUISIANA 70118

The configuration of the crossing will, in large measure, determine the redevelopment options available for the Sandbar. The Sandbar is composed of numerous existing residential uses on undersized lots. Many of these uses are in need of repair. These are close to the road which has effectively cut off public views of and access to the waterfront area. Because of the large number of these uses and the small number of large parcels in single ownership within the Sandbar, acquisition for redevelopment purposes will be slow and expensive. In addition, the Town intends to continue to respect the full ownership rights of current landowner residences.

The Sandbar is a good site within the Town of Webster's LWRP boundary for improving access to both Lake Ontario and Irondequoit Bay, for developing commercial and recreational uses that can take advantage of a proximity to water, and for creating a unique "maritime" environment that will help to increase tourism in the area and attract additional economic development activities within the Town. Bay (west end) and Lake water depths in the areas of the Sandbar can accommodate additional marina facilities. Vehicular access to the Sandbar is provided via Route 18 (Lake Road). Based on this information, the entire Sandbar area is proposed for waterfront development use.

The Town feels that private economic forces will eventually result in Sandbar redevelopment and that the bridge study will provide the guidance for that development.

B. PROPOSED PUBLIC AND PRIVATE PROJECTS

As part of the development of the Town of Webster's LWRP, several public and private projects have been identified that are feasible, can be undertaken and/or completed in the near future, and appear consistent with the overall policies and purposes of the Town's LWRP. When completed, these projects will help to further enhance, upgrade and revitalize the Town's waterfront areas. These projects are as follows:

- * **Willow Point Residential Development Project:**

This is a private development project that involves the construction of 263 residential units on 47 acres of land adjacent to Irondequoit Bay. Project cost: \$30,000,000.

- * **Stony Point Landing Residential Development Project:**

This is a private development project that involves the construction of 50 single-family residences and 109 townhouses on 63 acres of land adjacent to Irondequoit Bay. Project cost: \$20,000,000.

- * **Webster Beach Park Redevelopment Project:**

This is a public redevelopment project to be undertaken within the existing Webster Beach Park by the County of Monroe, in cooperation with the Town of Webster. The project involves short-term rehabilitation of existing park facilities, as well as long-term park

improvement projects, including the construction of a boat-launch facility, a new parking areas, new trails, shelters and lake overlook, and the reconstruction of an existing pier. Project costs: \$750,000 to \$950,00 short term; \$5,500,000 to \$6,000,000 long term.

* Town of Webster Boat Launch Facility Feasibility Study:

This is a public project involving the Town of Webster and the County of Monroe which will attempt to investigate the feasibility of locating a much-needed Town boat-launch facility in various waterfront areas within the Town's LWRP boundary.

In March of 1985, the New York State Legislature set aside a special allocation of up to \$100,000 for a detailed feasibility study of the construction of a public boat-launch facility within the Town of Webster. At the time funds were set aside, it was assumed that Webster Beach Park would be the site for such a facility. Preliminary design and engineering work completed by two consultant firms indicated that project costs for the development of a boat-launch facility within the park would range from between \$1,800,000 to \$2,500,000. The major reason for these substantial costs is the fact that breakwalls and jetties are necessary as part of channel construction within Lake Ontario.

The Town of Webster, in cooperation with the County, will undertake this feasibility study using State funds already set aside or new funds to be obtained from other sources. The feasibility study will investigate other potential boat-launch locations within the Town which may be less costly to develop than the Webster Park site. The study will include a complete engineering and design investigation and cost/benefit analysis of Nine Mile Point and the Sandbar location to determine if such a facility could be developed in either one of those locations at less cost. Project cost: \$50,000 to \$100,000.

* Sandbar Projects:

(1) The New York State Department of Transportation (NYSDOT) currently owns the Penn Central Railroad right-of-way property that stretches from across the northern portion of the Sandbar, the Irondequoit Bay outlet to the mainland portion of the Town. The Town, in cooperation with Monroe County and the NYSDOT, will make every effort to maintain the right-of-way in public ownership and to develop property as a pedestrian walkway and bikepath for the use and enjoyment of all. This may require the Town and/or the County to participate in the purchase of some or all of the right-of-way land and in the development of the proposed pedestrian trail. In the interim, the State Department of Transportation should be charged with clarifying the current ownership of the R.O.W. and any encroachments which have occurred along the right-of-way. Any issues of title must be clarified by the State before transference to the Town or County occurs.

(2) The Town of Webster is investigating the feasibility of land desired for the park consisting of 6.5 acres, on a causeway about one mile long, with its widest point being 500

feet, and its height an average of 4 feet above water. If this land is available, it can be used as a boat launch, fishing and picnic area.

This is a prime location because it offers several desired recreational outlets: e.g. fishing, boating, picnicking, and a spectacular view of both the lake and the bay. In addition, with the boat launch on the bay side, it also provides a harbor of refuge and easy launch and retrieval for trailer carried boats.

In 1985, there were two bridges over the outlet to the bay, both of which had under sides about four feet above the water. Obviously they limited access to Lake Ontario. The US Army Corps of Engineers removed the bridges, opened the bay made it a harbor of refuge. Following the opening, the bay became a bonanza for the boating community. Business such as boat sales, slip rentals, tourism, derbies, regattas and lake fishing expanded. With access to the lake, a whole new industry opened and is available to anyone who has a boat and trailer.

Current plans call for contracts to design the park and write the DEIS to be let following receipt of the grant. If let out in January, they will be finished by mid March 1996, a total of two months. Attached is a map locating the site.

(3) The Town of Webster will enforce all existing building codes, zoning regulations and other Town Ordinances applicable within the Sandbar district in order to eliminate any violations that currently exist and to enhance the general aesthetic and visual quality of the area. This activity is seen as part of the Town's ongoing responsibility to eliminate any threats to public health, safety or welfare within the Town boundaries.

SECTION V
TECHNIQUES FOR IMPLEMENTING THE PROGRAM

TECHNIQUES FOR IMPLEMENTING THE PROGRAM

Section V of the Webster LWRP is organized to present a clear understanding of how each of the applicable policies, proposed uses and projects for the program will be implemented.

The section includes a map of the zoning in the waterfront revitalization area (Map 4, page V-5), a summary of the legislative techniques that will implement the policies, and a list of projects that will also assist in implementing the policies.

Separate discussions on the following issues are also presented:

1. Methodology for meeting the legal requirements for local consistency;
2. Definition of the management structure and procedures necessary to implement the LWRP at the local level; and
3. Identification of funding sources.

Much of the legislation that was enacted as part of the LWRP reflects the work of the Irondequoit Bay Coordinating Committee. The Bay Committee was created under a cooperative agreement between the County of Monroe and the Towns of Irondequoit, Penfield and Webster. The New York State Department of Environmental Conservation, although not a formal party to the agreement, was a major participant in the work of the Committee.

The purpose of the Committee was to establish uniform regulations for public and private development in the Irondequoit Bay area. The environmental objectives and development management measures identified by the Committee were translated into legislation as part of the work completed for Section V of the LWRP.

TOWN OF WEBSTER

MONROE COUNTY NEW YORK

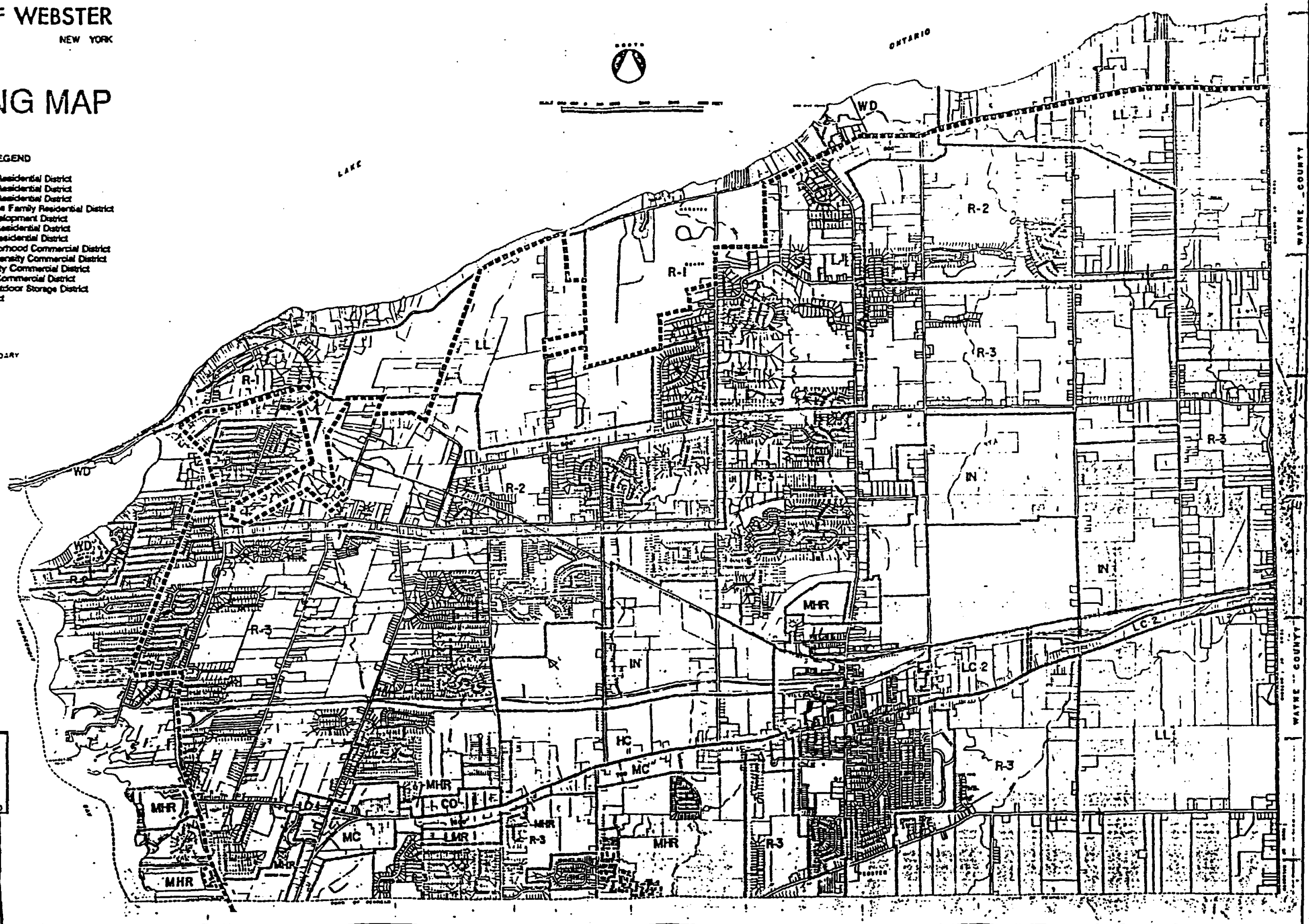
ZONING MAP

LEGEND

- R-1 • Single-Family Residential District
- R-2 • Single-Family Residential District
- R-3 • Single-Family Residential District
- LL • Large Lot Single Family Residential District
- WD • Waterfront Development District
- MHR • Medium High Residential District
- LMR • Low Medium Residential District
- LC-1 • Class I Neighborhood Commercial District
- LC-2 • Class II Low Intensity Commercial District
- HC • High Intensity Commercial District
- CO • Commercial Outdoor Storage District
- IN • Industrial District

(Revised April 1993)
(Revised April 1994)

--- L W R P BOUNDARY



TOWN OF
WEBSTER



205 ROAD,
WEBSTER, NY 14580 PHONE (716) 477-1000

LOCAL WATERFRONT
REVITALIZATION PROJECT

NY 205-24-D-22068

A. LOCAL LAWS AND REGULATIONS IMPLEMENTING THE LWRP

1. Drainage, Erosion And Sediment Control Ordinance, Chapter 104

The Drainage, Erosion and Sedimentation Control Ordinance, Chapter 104 of the Code of the Town of Webster, includes uniform erosion, sedimentation and storm water runoff control standards that are applied to all development activities within the LWRP boundary. These measures will ensure that surface and ground water runoff will be controlled as much as possible, that water quality impacts of such runoff will be reduced as much as possible, and that periodic monitoring of the water quality of public and private sector runoff discharges will be conducted to ensure compliance with State and Federal water quality standards. In addition, this ordinance contains development performance standards designed to reduce potential negative impacts of development activities on bay and lake water quality.

Chapter 104 provides for the control of site preparation and construction in order to preserve the quality of the natural environment including Lake Ontario and Irondequoit Bay, creeks, streams, ponds and other bodies of water, from the adverse impacts of site preparation and construction. A series of best management practices are referenced in the ordinance to ensure that potential negative impacts of development activities on bay and lake water quality through non-point discharge are minimized during and after project construction. The ordinance also includes provisions for the long-term maintenance of erosion protection structures within the LWRP boundary, as well as design and construction standards which will ensure erosion control.

2. Freshwater Wetlands, Chapter 130

Chapter 130 of the Code of the Town of Webster (Freshwater Wetlands) provides that the Town shall undertake and exercise its regulatory authority with regard to activities that are subject to regulation under the New York State Freshwater Wetlands Act.

3. Landfilling, Chapter 147

Chapter 147 (Landfilling) prohibits dumping of any refuse, rubbish, dirt, waste material or other objectionable substances into the streams, lakes, bays or waterways within the Town.

4. Sewers, Chapter 175

Chapter 175 (Sewers) Section 175-7 prohibits unsanitary disposal of wastes and discharge of untreated sewage.

5. Subdivision of Land, Chapter 192

Chapter 192 of the Code of the Town of Webster (Subdivision of Land) requires the use of public sewer systems for new development in the Town when such sewers are available, and

also outlines Town policies regarding standards for water lines, sewers and septic tanks constructed to service new development.

6. Water, Chapter 220

Chapter 220 of the Code of the Town of Webster (Water) outlines Town policies regarding standards for water lines constructed to service new development.

7. Zoning Ordinance, Chapter 225:

The following changes made to the Town's Zoning Ordinance implement the LWRP:

- a) The Environmental Protection Overlay District includes a uniform permit application and review procedure for development activities proposed within designated flood plain, steep slope, and woodlot areas. This detailed application and review procedure, which is contained within Chapter 225 of the Code of the Town of Webster (Zoning Ordinance), includes requirements for data submission by the applicant, Town review of this information, a public hearing process, and the grant or denial of permits. This process is to be coordinated with the appropriate state and/or federal reviews of development permit applications.

The Environmental Protection Overlay District includes specific regulations and review procedures for development proposed within 100-year flood plain areas. Development activities have to conform to the requirements of the National Flood Insurance Program. This district includes provisions for the preservation of natural flood protection features such as beaches, dunes, barrier islands and bluffs. Enlargement or re-use of pre-existing, non-conforming uses within this district are also regulated. Any buildings that receive a permit and are constructed within the 100-year flood plain are required to be flood proofed or constructed above the base flood level.

The Environmental Protection Overlay District includes specific regulations and review procedures for development proposed within designated steep slope areas. Development activities will be severely limited in these areas. Developers are required to determine the site soil conditions to ensure the stability of slopes and soils during and after construction activities. Steep slopes include all areas with a vertical slope of 15 percent or greater as well as a transition or buffer zone. Development activities will include clearing of vegetation, discharge of storm water, filling, cutting, grading and excavating. Non-structural management measures will be promoted to prevent damage to natural resources and property.

- b) The Waterfront Development District provided for in Chapter 225 of the Code of the Town of Webster Section 225-22 permits a variety of appropriate water and/or recreation-oriented uses at Nine Mile Point and the Sandbar. These uses include low and medium density residential development, yacht clubs, marinas,

hotels/boatels, restaurants, and parks/playgrounds/beaches. The regulations in this district include references to the permit review criteria to be used in reviewing certain proposed developments, as well as additional site design standards and site environmental factors to be used in reviewing all proposed development plans in the district. The district promotes aesthetic considerations within the waterfront revitalization area through the utilization of permit review criteria and site design standards by the Town Planning Board and will allow the Town to promote water-related recreational facilities within proposed developments whenever such uses are compatible with anticipated demand and the primary purpose of the development.

These permit review criteria include:

- * Access and traffic generating characteristics of the proposed use;
- * Utility service;
- * Relationship of the proposed use to existing natural features;
- * Fire protection service;
- * Relationship of the proposed use to bay water depth;
- * Relationship of the proposed use to the existing land-use and zoning pattern in the area; and
- * Relationship of the proposed use to specified site design considerations.

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

- * Subdivisions
- * Multi-family (high rise residential development)
- * Restaurants and other commercial uses
- * Yacht clubs, marinas
- * Parks
- * Hotels, boatels
- * Combination of permitted uses

Specific Waterfront Development District and Town Planning Board regulations allow for the provision and/or maintenance of adequate open space and adequate access to the shoreline, and for the maintenance of important visual/aesthetic elements within proposed developments in the waterfront revitalization area.

The Waterfront Development District includes references to permit review criteria that will be used to ensure that public services and facilities essential to new development in a particular area within the LWRP boundary (including such things as site access and site utility service) are adequate before such development is permitted. Site design standards for highway construction and general access for all proposed waterfront development within the LWRP boundary are also included in this district.

- c) Docks, berthing or moorings can be erected, located, moved or structurally altered according to the permit and review procedures provided for in Chapter 225 of the Code of the Town of Webster Article IV.

These permit review criteria include:

- * The adequacy and arrangement of dockage facilities, the location and design of such structures, control of boat traffic and overall convenience and safety in the sit;
- * The adequacy of the design elements of the plan to enhance the aesthetics aspects of the project;
- * The adequacy, location and design of accessory and service facilities for dock users;
- * The location, arrangement, size and design of lighting, signage and other incidental systems;
- * The adequacy of provisions for access to the shore zone from dockage or mooring;
- * The aesthetic and architectural qualities of the dockage, particularly building styles and construction material sued, as they relate to the unique characteristics of the surrounding natural environment; and
- * The effect upon unique natural resources, potential conflicts with other water surface uses, fish and wildlife habitat and aquatic vegetation on the site.

The permit review criteria apply to the dock plans accessory to or incidental to or included with the following uses:

- * A single-family detached dwelling, multiple-family dwelling or townhouse dwelling;
 - * Public parks, playgrounds or similar public recreational uses authorized or operated by a public agency and not operated for profit;
 - * Parks, playgrounds or other similar private recreational uses authorized or operated by homeowners associations comprised of owners of single family detached dwellings, multiple-family dwellings or townhouse dwellings and not operated for profit;
 - * Municipally owned and/or operated buildings or structures and other governmental uses and activities;
 - * Private clubs or camps, private membership clubs, lodges or fraternal organizations, neighborhood or community centers, or other similar uses;
 - * Restaurants, yacht clubs, hotels, stores, shops or other similar uses;
 - * Marinas, docking basins, boat launching ramps, mooring facilities, boat service, repair or storage facilities;
 - * Public utility buildings or structures.
- d) Chapter 225 of the Code of the Town of Webster (Zoning Ordinance) Section 225-71 prohibits dumping of waste, refuse or any other substance without approval from the Town Board.
- e) The Town Planning Board Section contains detailed site plan review procedures, permit review criteria, and additional site design standards and site environmental factors for the review of all development proposals within the waterfront revitalization area. The section contains permit review criteria that will be utilized to ensure that new development is adequately serviced by utilities and public roads. These criteria also consider the anticipated impacts of the proposed development on significant fish and wildlife habitats identified within the LWRP boundary. Projects that do not attempt to mitigate these impacts will not be granted development permits. Standards have been established (site design considerations and permit review criteria) which provide for increased public access to the shoreline as part of the development approval process and which also outline design criteria for such access. Site design considerations contained in this section outline recommended building heights, provisions for landscaping, vegetation and

screening, and criteria for the use of appropriate building scales, shapes, forms and materials.

The Town Planning Board Section contains detailed site plan review procedures for water dependent and water enhanced recreational uses proposed within the LWRP boundary. Permit review criteria that will be utilized to encourage these uses over other forms of development along the waterfront revitalization area are contained in this section. The Town Planning Board Section also contains detailed site plan review procedures, permit review criteria, and site design standards that promote the integration of waterfront features, such as boat moorings, docks, walkways and recreational easements, into new development plans, whenever possible, based on the nature of the proposed site and development, and the anticipated demand for such facilities.

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

The section also outlines a step-by-step process that will be utilized to review all development applications and to grant or deny development permits. Mandated state and/or federal reviews of proposed projects are incorporated into the local review process in this section.

B. OTHER PUBLIC AND/OR PRIVATE ACTIONS NECESSARY TO IMPLEMENT THE LWRP

In addition to the regulatory measures described in the preceding part, several other public and private actions will be necessary to assure implementation of the LWRP. These actions include:

1. Development of the Nine Mile Point site into a unique, mixed-use waterfront area that would include water-related commercial uses, low to medium density residential development, restaurants, marinas and/or boat launches.
2. Improvement and expansion by the County of public recreational facilities within Webster Park, to include acquisition of additional land for park purposes and construction of a 4-ramp boat launch, new parking areas, new trails, picnic areas and lake overlooks.
3. Investigation by the Town of the feasibility of locating a Town boat-launch facility in various waterfront areas.

4. Maintenance of the public ownership of the Conrail Railroad right-of-way located on the Sandbar, and the development by the Town or County of that right-of-way into a pedestrian walkway and/or bikepath.
5. Investigation, by the Town, of marking the Denonville Indian Trail as a pedestrian/hiking trail along Irondequoit Bay.
6. Land uses permitted within the Town's LWRP boundary are restricted to residential, recreational and marina-related commercial. All of these land uses are unlikely to significantly impact air quality within the LWRP area or the Town. The Monroe County Health Department currently monitors air quality on a periodic basis to ensure that provisions of the Federal Clean Air Act are met within the county.

C. TOWN OF WEBSTER MANAGEMENT STRUCTURE

See Exhibit V-1, page V-17, for a chart of the management structure. The Webster Town Board shall serve as the lead agency for the LWRP. The Town of Webster's Commissioner of Public Works and his/her department shall be the local administrator responsible for the overall management and coordination of the LWRP. The Commissioner shall be responsible for the following specific activities relative to implementation:

- * Coordinating the review and approval process of the legislative changes recommended as part of the LWRP;
- * Overseeing all actions required for the implementation of policies and projects of the LWRP, e.g., code enforcement activities, capital improvements programming, federal and state grant applications, and coordination of activities with other governmental and private entities;
- * Preparing the environmental assessment for actions occurring within the LWRP boundary which will determine consistency with the policies and projects of the LWRP;
- * Participating in the State or Federal consistency review process for monitoring and reviewing proposed State and Federal actions as provided for by State and Federal laws and regulations; and
- * Providing to the Town Board, Planning Board or Zoning Board of Appeals findings on the consistency of proposed actions with the policies and purposes of the LWRP.

The Town anticipates the assistance of the Monroe County Planning Office in the process of ordinance adoption and the establishment of additional review and permit requirements proposed

to implement the LWRP. It is anticipated that this will also result in additional work load for the Webster Department of Public Works and the Building Department.

In general, the Town's procedures for assuring compliance with the coastal policies of its LWRP consist of the administration and enforcement of zoning, the consistency law and other local laws applicable to its waterfront in conjunction with the environmental review procedures required by the State Environmental Quality Review Act (SEQRA). Each proposed action by the Town to directly undertake or to permit, fund or otherwise approve a project, use or activity within the waterfront area will be processed as follows:

In keeping with NYCRR Part 617.5, the Commissioner of Public Works will review each such project, use or activity in consultation with the applicant and/or other involved parties. This review will identify:

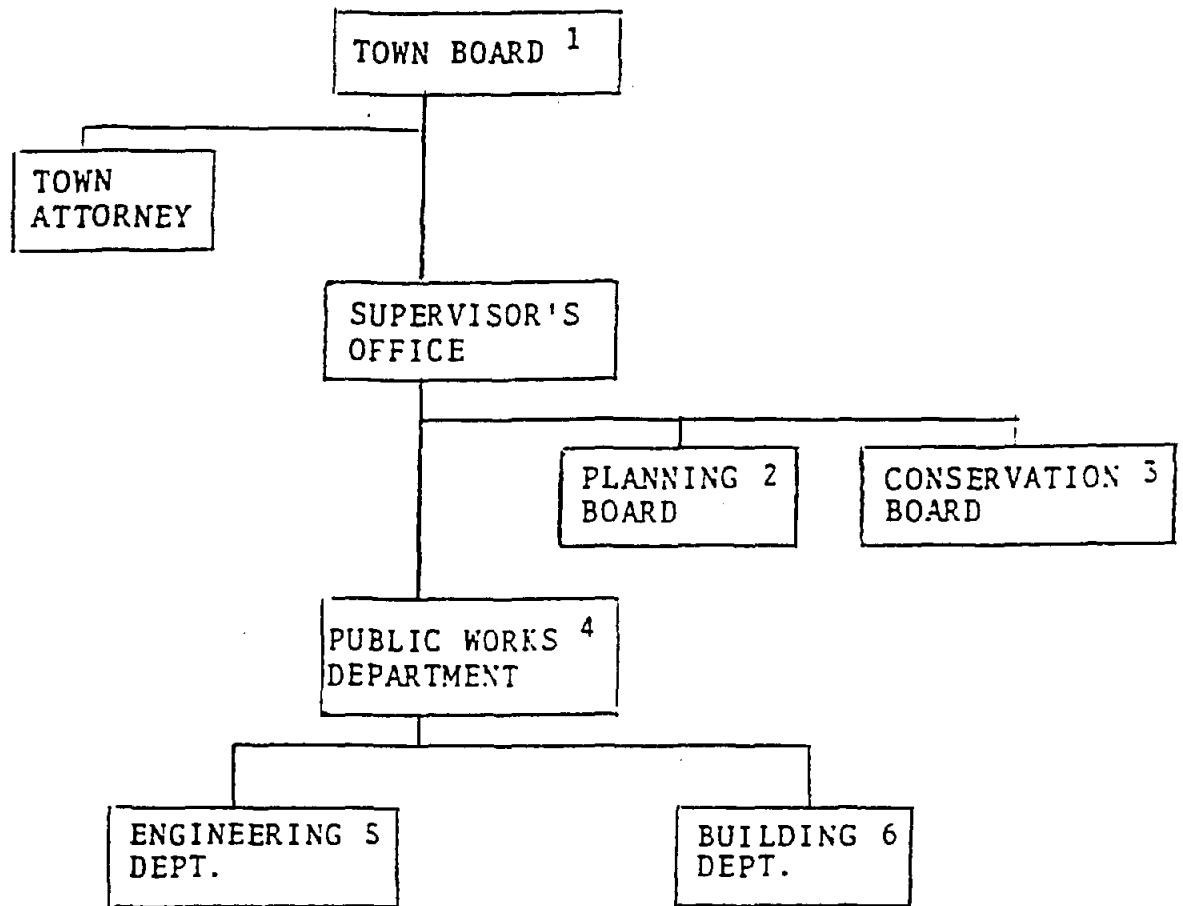
1. all Town actions required (permits, funding or approvals) and the board, department, officer or other body responsible for the actions;
2. whether the actions are Type I or Unlisted Actions and therefore subject to the provisions of SEQRA;
3. whether the actions might conflict with the LWRP; and
4. Any other agencies that are involved.

The Commissioner of Public Works will advise the applicant and/or other involved parties regarding the initial review, required forms and further procedures to be followed. In addition, the Commissioner of Public Works will provide assistance in the preparation of:

1. Town application forms;
2. Environmental Assessment Forms (EAF's) for all Type I and Unlisted Actions; and
3. Coastal Assessment Forms (CAF's) for actions subject to SEQRA involving permits, funding or approvals from State or federal agencies.

Upon receipt of completed EAF's, CAF's and, if appropriate, Town application forms, the Commissioner of Public Works will immediately initiate procedure in accordance with 6 NYCRR Parts 617.6 and 617.7. At the same time, if any actions are determined in the initial review to involve potential conflicts with the policies and purposes of the LWRP, they will be referred to the Planning Board for consistency review. Upon referral the Planning Board will, within thirty (30) days from the date of referral, prepare a written report to the lead agency rendering an opinion as to whether the proposed action is consistent with or inconsistent with one or more of the LWRP policy standards or conditions including a written elaboration of that opinion and the basis therefore. If the action is subject to site plan approval by the Planning Board, the Planning Board shall integrate the consistency review with the site plan review procedures to the maximum extent practicable, provided that the provisions of SEQRA have been satisfied before taking action on such site plans.

MANAGEMENT STRUCTURE
LOCAL WATERFRONT REVITALIZATION PROGRAM (LWRP)
TOWN OF WEBSTER



- 1 PRIMARY RESPONSIBILITY FOR ADOPTING POLICIES, LOCAL LAWS AND ORDINANCES IMPLEMENTING LWRP.
- 2 PRIMARY RESPONSIBILITY FOR REVIEW & APPROVAL OF DEVELOPMENT WITHIN THE LWRP.
- 3 REVIEW AND RECOMMENDATION ON ALL ENVIRONMENTAL PROTECTION PERMITS.
- 4 DEPARTMENT WITH PRIMARY RESPONSIBILITY FOR LWRP ADMINISTRATION.
- 5 DIVISION RESPONSIBLE FOR PLANNING BOARD AND CONSERVATION BOARD STAFF SUPPORT.
- 6 DIVISION RESPONSIBLE FOR OPERATIONS AND ENFORCEMENT.

The lead agency will make its determination of consistency based on the CAF, the recommendation of the Planning Board, and such other information as is deemed necessary in its determination. The lead agency shall have the authority, in its findings of consistency, to impose practicable and reasonable conditions on an action to ensure that it is carried out in accordance with the Waterfront Consistency Review Law.

The Town will review State and Federal actions which are proposed for the Webster waterfront area in accordance with procedures established by the New York State Department of State. These procedures are found in Appendix 1 of this section.

D. LOCAL FINANCIAL RESOURCES

Financial resources which may be needed for implementation of the LWRP would come from several sources:

1. Local (Town and County) investment, for any actual projects described in Section IV;
2. Local investment, for the general supervision and management of the program; and
3. Private investment, for development activities.

In addition to the costs associated with the management of Webster's Local Waterfront Revitalization Program and the implementation of code revisions, there are five projects which require local investment at the Town/County level. These projects are:

- * Webster Park redevelopment;
- * Bridge replacement study;
- * Purchase and development of the abandoned Hojack Line as a pedestrian walkway and bikeway;
- * Construction, upgrading, or replacement of infrastructure facilities in older waterfront neighborhoods on an as needed basis; and
- * Potential acquisition of a privately owned landfill site and conversion to a passive recreational facility.

The Webster Beach Park Redevelopment Project will be funded through the Monroe County Capital Improvements Program. Short-term improvements are expected to cost between \$750,000 and \$950,000, long-term improvements between \$5,500,000 and \$6,000,000. The Monroe County legislature authorized an expenditure of up to \$100,000 for the bridge replacement study. No funds have been specifically earmarked for the Hojack Line, pending negotiations with the New York State Department of Transportation and Department of Parks and Outdoor Recreation.

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

- * Completion of the Irondequoit Bay opening project and the construction of the jetty at the Bay opening; and
- * Boat launch feasibility study authorized by the State Legislature.

Funds for those undertakings identified as the Town and/or County's responsibility will be raised through one or more of the following financing techniques:

- * Financing projects and management with current revenues, paying cash instead of borrowing against future revenues;
- * Bond issues, including: general obligation bonds (backed by full faith and credit of the municipality); special assessment bonds (levied against owners of property directly benefitting from improvements); revenue bonds (which pledge income from a specific enterprise);
- * Short-term notes issued by local banks;
- * Revenue funds, funds accumulated in advance for construction of capital projects;
- * Lease purchase agreements enabling private companies and authorities to build and lease public works facilities from the municipality;
- * Authority and special districts created to manage facilities which are supported by user charges; and
- * State and Federal aid including: Community Development Urban County Block Grants, Federal revenue sharing, New York State Land and Water Conservation Program, New York State Neighborhood Park and Land Acquisition Program, State revenue sharing and Special Municipal Aid. In addition to the provision of local funds, the successful implementation of several of the Local Waterfront Revitalization Programs proposed projects, e.g., Stony Point, Willow Point, Nine Mile Point, will depend upon major investments on the part of the private sector as well as the Town's ability to take a strong leadership role in working with property owners and potential investors to provide an effective framework for local public/private cooperation. By so doing, the Town will encourage the types of private sector participation and investment which will be essential to the successful implementation of the residential and mixed-use developments discussed in Section IV.

E. SUMMARY OF IMPLEMENTATION OF LWRP POLICIES THROUGH LEGISLATION AND OTHER ACTIONS

POLICY 1

a. Legislation That Implements This Policy:

The following changes made to the Town's Zoning Ordinance as a result of the LWRP implement the above policy:

1. The Waterfront Development District provided for in Chapter 225 of the Code of the Town of Webster Section 225-22 permits a variety of appropriate water and/or recreation-oriented uses at Nine Mile Point and the Sandbar. These uses include low and medium density residential development, yacht clubs, marinas, hotels/boatels, restaurants, and parks/playgrounds/beaches. The regulations in this district include references to the permit review criteria to be used in reviewing certain proposed developments, as well as additional site design standards and site environmental factors to be used in reviewing all proposed development plans in the district. The district promotes aesthetic considerations within the waterfront revitalization area through the utilization of permit review criteria and site design standards by the Town Planning Board.

These permit review criteria include:

- * Access and traffic generating characteristics of the proposed use;
- * Utility service;
- * Relationship of the proposed use to existing natural features;
- * Fire protection service;
- * Relationship of the proposed use to bay water depth;
- * Relationship of the proposed use to the existing land-use and zoning pattern in the area; and
- * Relationship of the proposed use to specified site design considerations.

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

- * Subdivisions

- * Multi-family (high rise residential development)
- * Restaurants and other commercial uses
- * Yacht clubs, marinas
- * Parks
- * Hotels, boatels
- * Combination of permitted uses

2. Docks, berthing or moorings can be erected, located, moved or structurally altered according to the permit and review procedures provided for in Chapter 225 of the Code of the Town of Webster Article IV.

These permit review criteria include:

- * The adequacy and arrangement of dockage facilities, the location and design of such structures, control of boat traffic and overall convenience and safety in the sit;
- * The adequacy of the design elements of the plan to enhance the aesthetics aspects of the project;
- * The adequacy, location and design of accessory and service facilities for dock users;
- * The location, arrangement, size and design of lighting, signage and other incidental systems;
- * The adequacy of provisions for access to the shore zone from dockage or mooring;
- * The aesthetic and architectural qualities of the dockage, particularly building styles and construction material sued, as they relate to the unique characteristics of the surrounding natural environment; and
- * The effect upon unique natural resources, potential conflicts with other water surface uses, fish and wildlife habitat and aquatic vegetation on the site.

The permit review criteria apply to the dock plans accessory to or incidental to or included with the following uses:

- * A single-family detached dwelling, multiple-family dwelling or townhouse dwelling;
 - * Public parks, playgrounds or similar public recreational uses authorized or operated by a public agency and not operated for profit;
 - * Parks, playgrounds or other similar private recreational uses authorized or operated by homeowners associations comprised of owners of single family detached dwellings, multiple-family dwellings or townhouse dwellings and not operated for profit;
 - * Municipally owned and/or operated buildings or structures and other governmental uses and activities;
 - * Private clubs or camps, private membership clubs, lodges or fraternal organizations, neighborhood or community centers, or other similar uses;
 - * Restaurants, yacht clubs, hotels, stores, shops or other similar uses;
 - * Marinas, docking basins, boat launching ramps, mooring facilities, boat service, repair or storage facilities;
 - * Public utility buildings or structures.
3. The Town Planning Board Section contains detailed site plan review procedures, permit review criteria, and additional site design standards and site environmental factors for the review of all development proposals within the waterfront revitalization area.
 4. Specific Waterfront Development District and Town Planning Board regulations allow for the provision and/or maintenance of adequate open space and adequate access to the shoreline, and for the maintenance of important visual/aesthetic elements within proposed developments in the waterfront revitalization area.
- b. Additional Public And/or Private Actions That Implement This Policy:**
1. Development of the Nine Mile Point site into a unique, mixed-use waterfront area that would include water-related commercial uses, low to medium density residential development, restaurants, marinas and/or boat launches.

2. Improvement and expansion by the County of public recreational facilities within Webster Park, to include acquisition of additional land for park purposes and construction of a 4-ramp boat launch, new parking areas, new trails, picnic areas and lake overlooks.
3. Investigation by the Town of the feasibility of locating a Town boat-launch facility in various waterfront areas.
4. Maintenance of the public ownership of the Conrail Railroad right-of-way located on the Sandbar, and the development by the Town or County of that right-of-way into a pedestrian walkway and/or bikepath.

POLICY 2

a. Legislation That Implements This Policy:

See 1., 2. and 3. under A. on pages V-7, V-8 & V-9.

b. Additional Public And/or Private Actions That Implement This Policy:

See 1. - 4. under B. on page V-10.

POLICY 3: NOT APPLICABLE.

POLICY 4: NOT APPLICABLE.

POLICY 5

a. Legislation That Implements This Policy:

Two changes made to the Town's Zoning Ordinance as a result of the LWRP implement the above policy:

1. The Waterfront Development District includes references to permit review criteria that will be used to ensure that public services and facilities essential to new development in a particular area within the LWRP boundary (including such things as site access and site utility service) are adequate before such development is permitted. Site design standards for highway construction and general access for all proposed waterfront development within the LWRP boundary are also included in this district.
2. The Town Planning Board Section contains detailed site plan review procedures for all development proposals within the LWRP. The section contains permit review criteria that will be utilized to ensure that new development is adequately serviced by utilities and public roads.

Chapter 175 of the Code of the Town of Webster (Sewers), Chapter 220 of the Code of the Town of Webster (Water), and Chapter 192 of the Code of the Town of Webster (Subdivision of Land) require the use of public sewer systems for new development in the Town when such sewers are available, and also outline Town policies regarding standards for water lines, sewers and septic tanks constructed to service new development.

b. Additional Public And/or Private Actions That Implement This Policy:

None required or identified.

POLICY 6

a. Legislation That Implements This Policy:

Two changes made to the Town's Zoning Ordinance as a result of the LWRP implement the above policy:

1. The Town Planning Board Section contains detailed site plan review procedures for all development proposals within the LWRP. The section outlines a step-by-step process that will be utilized to review all development applications and to grant or deny development permits. Mandated state and/or federal reviews of proposed projects are incorporated into the local review process in this section.
2. The Environmental Protection Overlay District includes a uniform permit application and review procedure for development activities proposed within designated flood plain, steep slope, and woodlot areas. This detailed application and review procedure, which is contained within Chapter 225 of the Code of the Town of Webster (Zoning Ordinance), includes requirements for data submission by the applicant, Town review of this information, a public hearing process, and the grant or denial of permits. This process is to be coordinated with the appropriate state and/or federal reviews of development permit applications.

b. Additional Public And/or Private Actions That Implement This Policy:

None required or identified.

POLICY 7

a. Legislation That Implements This Policy:

Two changes made to the Town's Zoning Ordinance as a result of the LWRP implement the above policy:

1. The Environmental Protection Overlay District includes specific regulations and review procedures for development proposed within designated woodlot areas.

Development activities will be limited and will be subject to a permit procedure. By preserving woodlot areas within the LWRP boundary, important wildlife habitat areas will also be preserved and protected.

2. The Town Planning Board Section contains the permit review criteria that will be utilized to approve or deny development proposals for certain uses. These criteria consider the anticipated impacts of the proposed development on significant fish and wildlife habitats identified within the LWRP boundary. Projects that do not attempt to mitigate these impacts will not be granted development permits.

b. Additional Public And/or Private Actions That Implement This Policy:

None required or identified.

POLICY 8

a. Legislation That Implements This Policy:

Chapter 104 of the Code of the Town of Webster (Drainage, Erosion & Sedimentation) provides for the control of site preparation and construction in order to preserve the quality of the natural environment including Lake Ontario and Irondequoit Bay, creeks, streams, ponds and other bodies of water, from the adverse impacts of site preparation and construction. Chapter 130 of the Code of the Town of Webster (Freshwater Wetlands) provides that the Town shall undertake and exercise its regulatory authority with regard to activities that are subject to regulation under the New York State Freshwater Wetlands Act. Chapter 225 of the Code of the Town of Webster (Zoning Ordinance) Section 225-71 prohibits dumping of waste, refuse or any other substance without approval from the Town Board. Chapter 175 (Sewers) Section 175-7 prohibits unsanitary disposal of wastes and discharge of untreated sewage. In addition, those State laws listed under Policy 8 in Section III are implementation measures for this policy.

b. Additional Public And/or Private Actions That Implement This Policy:

None required or identified.

POLICY 9

a. Legislation That Implements This Policy:

The Waterfront Development District permits a variety of appropriate water and/or recreation oriented uses at Nine Mile Point and the Sandbar. These uses include yacht clubs, marinas, parks, beaches and associated facilities that permit increased access to Irondequoit Bay and Lake Ontario fish and wildlife resources. In addition, this district requires that adequate access be provided to the waterfront revitalization area within new developments and that adequate vehicular access be provided to the development site.

b. Additional Public And/or Private Actions That Implement This Policy:

See 1. and 2. under B. on page V-10.

POLICY 10: NOT APPLICABLE.

POLICY 11

a. Legislation That Implements This Policy:

The Environmental Protection Overlay District includes specific regulations and review procedures for development proposed within 100-year flood plain areas. Development activities have to conform to the requirements of the National Flood Insurance Program. Enlargement or re-use of pre-existing, non-conforming uses within this district are also regulated.

The Environmental Protection Overlay District includes specific regulations and review procedures for development proposed within designated steep slope areas. Development activities will be severely limited in these areas. Developers are required to determine the site soil conditions to ensure the stability of slopes and soils during and after construction activities. Steep slopes include all areas with a vertical slope of 15 percent or greater as well as a transition or buffer zone.

b. Additional Public And/or Private Actions That Implement Policy:

None required or identified.

POLICY 12

a. Legislation That Implements This Policy:

1. The Environmental Protection Overlay District includes specific regulations and review procedures for development proposed within designated 100-year flood plain areas. Development activities have to conform to the requirements of the National Flood Insurance Program. This district includes provisions for the preservation of natural flood protection features such as beaches, dunes, barrier islands and bluffs.

The Environmental Protection Overlay District includes specific regulations and review procedures for development proposals within designated steep slope areas. Development activities will be severely limited in these areas. Developers are required to ensure the stability of slopes and soils during and after construction activities. Steep slopes include all areas with a vertical slope of 15 percent or greater as well as a transition or buffer zone. Development activities will include

clearing of vegetation, discharge of storm water, filling, cutting, grading and excavating. Non-structural management measures will be promoted to prevent damage to natural resources and property.

2. The Drainage, Erosion, and Sedimentation Control Ordinance includes uniform erosion, sedimentation and storm water runoff control standards that will be applied to all development activities within the LWRP boundary. These measures will further ensure the stability of steep slope areas. A series of best management practices are referenced in the ordinance to ensure that potential negative impacts of development activities on bay and lake water quality through non-point discharge are minimized during and after project construction. The ordinance also includes provisions for the long-term maintenance of erosion protection structures within the LWRP boundary, as well as design and construction standards which will ensure erosion control.

b. Additional Public And/or Private Actions That Implement This Policy:

None required or identified.

POLICY 13

a. Legislation That Implements This Policy:

See 2. above.

b. Additional Public And/or Private Actions That Implement This Policy:

None required or identified.

POLICY 14

a. Legislation That Implements This Policy:

See 1. under A. on page V-14.

See 2. above.

b. Additional Public And/or Private Actions That Implement This Policy:

None required or identified.

POLICY 15

a. Legislation That Implements This Policy:

State regulations are adequate to implement the LWRP policies. The New York State Department of Environmental Conservation regulates dredging activities in shoreline and wetland areas. These regulations are comprehensive in nature and address actions according to their potential to interfere with the natural coastal processes which supply beach material, as well as their potential for increasing soil erosion and sedimentation. In addition, the Town of Webster Zoning Ordinance prohibits commercial mining and quarrying operations of any kind within the Town, thereby protecting the upland areas within the LWRP boundary.

b. Additional Public And/or Private Actions That Implement This Policy:

None required or identified.

POLICY 16

a. Legislation That Implements This Policy:

See 2. on page V-15.

b. Additional Public And/or Private Actions That Implement This Policy:

None required or identified.

POLICY 17

a. Legislation That Implements This Policy:

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

See 1. under A. on page V-14.

See 2. on page V-15.

b. Additional Public And/or Private Actions That Implement This Policy:

None required or identified.

POLICY 18

a. Legislation That Implements This Policy:

None required or identified.

b. Additional Public And/or Private Actions That Implement This Policy:

None required or identified.

POLICY 19

a. Legislation That Implements This Policy:

The Town Planning Board Section contains detailed site plan review procedures for all development proposals within the LWRP. Standards have been established within these procedures (site design considerations and permit review criteria) which provide for increased public access to the shoreline as part of the development approval process and which also outline design criteria for such access.

b. Additional Public And/or Private Actions That Implement This Policy:

See 1. - 4. under B. on pages V-10.

POLICY 20

a. Legislation That Implements This Policy:

The Town Planning Board Section contains detailed site plan review procedures for water dependent and water enhanced recreational uses proposed within the LWRP boundary. Permit review criteria that will be utilized to encourage these uses over other forms of development along the waterfront revitalization area are contained in this section.

b. Additional Public And/or Private Actions That Implement This Policy:

See 2., 3. and 4. under B. on pages V-10.

POLICY 21

a. Legislation That Implements This Policy:

See 1., 2. and 3. under A. on pages V-7, V-8 and V-9.

See A. under Policy 20.

b. Additional Public And/or Private Actions That Implement This Policy:

See 1. - 4. under B. on pages V-10.

Investigation by the Town of marking the Denonville Indian Trail as a pedestrian/hiking trail along Irondequoit Bay.

POLICY 22

a. Legislation That Implements This Policy:

1. The Waterfront Development District permits a variety of appropriate water and/or recreation-oriented uses at Nine Mile Point and the Sandbar. The regulations in this district include references to the permit review criteria and site design standards that will allow the Town to promote water-related recreational facilities within proposed developments whenever such uses are compatible with anticipated demand and the primary purpose of the development.
2. The Town Planning Board Section contains detailed site plan review procedures, permit review criteria, and site design standards that will be utilized in the review of all development proposals within the waterfront revitalization area. These criteria and standards promote the integration of waterfront features, such as boat moorings, docks, walkways and recreational easements, into new development plans, whenever possible, based on the nature of the proposed site and development, and the anticipated demand for such facilities.

b. Additional Public And/or Private Actions That Implement This Policy:

None required or identified.

POLICY 23

a. Legislation That Implements This Policy:

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

b. Additional Public And/or Private Actions That Implement This Policy:

See 1. - 2. under B. on page V-10.

Investigation by the Town of marking the Denonville Indian Trail as a pedestrian/hiking trail along Irondequoit Bay.

POLICY 24: NOT APPLICABLE.

POLICY 25

a. Legislation That Implements this Policy:

The Town Planning Board Section contains detailed site plan review procedures for all development proposals within the waterfront revitalization area, and the permit review criteria that will be utilized to approve or deny development proposals for certain uses. Site design considerations contained in this section outline recommended building heights, provisions for landscaping, vegetation and screening, and criteria for the use of appropriate building scales, shapes, forms and materials.

b. Additional Public And/or Private Actions That Implement this Policy:

None required or identified.

POLICY 26: NOT APPLICABLE.

POLICY 27

a. Legislation That Implements this Policy:

State legislation implements this policy.

b. Additional Public And/or Private Actions That Implement this Policy:

None required or identified.

POLICY 28

a. Legislation That Implements this Policy:

State legislation implements this policy.

b. Additional Public And/or Private Actions That Implement this Policy:

None required or identified.

POLICY 29: NOT APPLICABLE.

POLICY 30

a. Legislation That Implements this Policy:

1. State legislation, listed under Policy 8 in Section III, implements this policy.
2. The Town of Webster Zoning Ordinance, Chapter 225, Section 225-71, of the Code of the Town of Webster, prohibits dumping of waste, refuse or any other substance within the Town without approval from the Town Board. The Code of the town of Webster, Chapter 175 (Sewers), Section 175-7, prohibits unsanitary disposal of wastes and discharge of untreated sewage.
3. The Drainage, Erosion and Sedimentation Control Ordinance, Chapter 104 of the Code of the Town of Webster, includes uniform erosion, sedimentation and storm water runoff control standards that will be applied to all development activities within the LWRP boundary. These measures will ensure that surface and ground water runoff will be controlled as much as possible, that water quality impacts of such runoff will be reduced as much as possible, and that periodic monitoring of the water quality of public and private sector runoff discharges will be conducted to ensure compliance with State and Federal water quality standards. In addition, this ordinance contains development performance standards designed to reduce potential negative impacts of development activities on bay and lake water quality.
4. The Town Planning Board Section contains detailed site plan review procedures for all development proposals within the LWRP and contains permit review criteria that will be utilized to approve or deny development proposals for certain uses. These criteria require that the potential impacts of a proposed development on Lake Ontario and/or Irondequoit Bay water quality be considered and weighed against the feasibility of providing any mitigation measures to control such impacts. Permits will be denied for those development projects which significantly impact bay and/or lake water quality and which cannot or do not provide appropriate mitigation measures.

b. Additional Public And/or Private Actions That Implement this Policy:

1. The Monroe County Health Department can monitor discharge of effluent from sewage disposal systems of less than 1,000 gallons per day to ensure compliance with State and Federal water quality standards. The New York State Department of Environmental Conservation monitors discharge of effluent from sewage disposal systems of greater than 1,000 gallons per day to ensure compliance with State and Federal water quality standards.

2. The proposed Water Quality Management Plan for the Irondequoit Basin, which contains a two-phased strategy for improving the Basin's water quality, consists of water quality improvement techniques, an administrative leader and staff, financing methods, and intergovernmental cooperation.

POLICY 31

a. Legislation That Implements this Policy:

See 3. and 4. under A. on page V-20.

b. Additional Public And/or Private Actions That Implement this Policy:

None required or identified.

POLICY 32: NOT APPLICABLE.

POLICY 33

a. Legislation That Implements this Policy:

See 3. under A. on page V-20.

b. Additional Public And/or Private Actions That Implement this Policy:

None required or identified.

POLICY 34

a. Legislation That Implements this Policy:

1. Chapter 147 (Landfilling) prohibits dumping of any refuse, rubbish, dirt, waste material or other objectionable substances into the streams, lakes, bays or waterways within the Town. Chapter 225 (Town Zoning Ordinance), Section 225-71, prohibits dumping of waste, refuse or any other substance within the Town without approval from the Town Board. Chapter 175 (Sewers), Section 175-7, prohibits unsanitary disposal of wastes and discharge of untreated sewage.
2. The Water Surface Use Regulations Ordinance for Irondequoit Bay, which was developed by the Irondequoit Bay Coordinating Committee, addresses such issues as: the speed and operation of vessels within 300 feet of the shoreline and within 500 feet of any marinas or boat mooring areas; the reduction of anticipated conflicts between recreational uses in the near shore area; the reduction of wake effects on private property and environmentally-sensitive areas; and the prohibition of the release of waste, garbage or hazardous materials from boats operating on

Irondequoit Bay and/or Lake Ontario, in order to generally protect the public health, safety and welfare, and to preserve the natural beauty and water quality of the bay and lake areas.

b. Additional Public And/or Private Actions That Implement this Policy:

None required or identified.

POLICY 35

a. Legislation That Implements this Policy:

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

b. Additional Public And/or Private Actions That Implement this Policy:

None required or identified.

POLICY 36: NOT APPLICABLE.

POLICY 37

a. Legislation That Implements this Policy:

See 2. on page V-15.

See 3. under A. on page V-20.

b. Additional Public And/or Private Actions That Implement this Policy:

None required or identified.

POLICY 38

a. Legislation That Implements this Policy:

See 2. on page V-15.

See 3. under A. on page V-20.

b. Additional Public And/or Private Actions That Implement this Policy:

None required or identified.

POLICY 39

a. Legislation That Implements this Policy:

None required or identified.

b. Additional Public And/or Private Actions That Implement this Policy:

There is currently no storage, treatment and/or disposal of hazardous wastes within the Town's LWRP boundary. No activity will occur within this area which would produce such hazardous wastes, as defined in Article 27 of the New York State Environmental Conservation Law. The LWRP area does contain a sanitary landfill for limited private use which should continue in operation for approximately five more years. The Town will continue to utilize best management practices in the operation of the landfill to protect ground and surface water, significant fish and wildlife habitats, and recreation sites in the immediate area. Chapter 147 (Landfilling) of the Code of the Town of Webster controls, to a greater extent, the operation of the landfill.

POLICY 40: NOT APPLICABLE

POLICY 41

a. Legislation That Implements this Policy:

None required or identified.

b. Additional Public And/or Private Actions That Implement this Policy:

Land uses permitted within the Town's LWRP boundary are restricted to residential, recreational and marina-related commercial. All of these land uses are unlikely to significantly impact air quality within the LWRP area or the Town. The Monroe County Health Department currently monitors air quality on a periodic basis to ensure that provisions of the Federal Clean Air Act are met within the county.

POLICY 42

a. Legislation That Implements this Policy:

State legislation, including the Air Pollution Control Act, Environmental Conservation Law (Article 19), the Waterfront Revitalization and Coastal Resources Act, and Executive Law (Article 42), implements this policy.

b. Additional Public And/or Private Actions That Implement this Policy:

None required or identified.

POLICY 43

a. Legislation That Implements this Policy:

See A. under Policy 42 above.

b. Additional Public And/or Private Actions That Implement this Policy:

None required or identified.

POLICY 44

a. Legislation That Implements this Policy:

None required or identified.

b. Additional Public And/or Private Actions That Implement this Policy:

None required or identified.

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

State and Federal actions will affect and be affected by implementation of the 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.

The first part of this section identifies the actions and programs of State and Federal agencies which should be undertaken in a manner consistent with the LWRP. This is a generic list of actions and programs, as identified by the NYS Department of State; therefore, some of the actions and programs listed may not be relevant to this LWRP. Pursuant to the State Waterfront Revitalization and Coastal Resources Act (Executive Law, Article 42), the Secretary of State individually and separately notifies affected State agencies of those agency actions and programs which are to be undertaken in a manner consistent with approved LWRPs. Similarly, Federal agency actions and programs subject to consistency requirements are identified in the manner prescribed by the U.S. Coastal Zone Management Act and its implementing regulations. The lists of State and Federal actions and programs included herein are informational only and do not represent or substitute for the required identification and notification procedures. The current official lists of actions subject to State and Federal consistency requirements may be obtained from the NYS Department of State.

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 can not 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

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 ALCOHOL ABUSE

- 1.00 Facilities, construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:

- 2.01 Letter Approval for Certificate of Need
- 2.02 Operating Certificate (Alcoholism Facility)
- 2.03 Operating Certificate (Community Residence)
- 2.04 Operating Certificate (Outpatient Facility)
- 2.05 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

NEW YORK STATE BRIDGE AUTHORITY

- 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.

DEPARTMENT OF COMMERCE

- 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.

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.

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-Repacker of Drugs and/or Devices
- 2.08 Storekeeper's Certificate

EMPIRE STATE 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.

ENERGY PLANNING BOARD AND ENERGY OFFICE

- 1.00 Preparation and revision of the State Energy Master Plan.

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 Funding assistance for issuance of permits and other regulatory activities (New York City only).
- 6.00 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.
- 7.00 Marine Finfish and Shellfish Programs.
- 8.00 New York Harbor Drift Removal Project.
- 9.00 Permit and approval programs:

Air Resources

- 9.01 Certificate of Approval for Air Pollution Episode Action Plan
- 9.02 Certificate of Compliance for Tax Relief - Air Pollution Control Facility
- 9.03 Certificate to Operate: Stationary Combustion Installation; Incinerator; Process, Exhaust or Ventilation System
- 9.04 Permit for Burial of Radioactive Material
- 9.05 Permit for Discharge of Radioactive Material to Sanitary Sewer

- 9.06 Permit for Restricted Burning
- 9.07 Permit to Construct: a Stationary Combustion Installation; Incinerator; Indirect Source of Air Contamination; Process, Exhaust or Ventilation System

Construction Management

- 9.08 Approval of Plans and Specifications for Wastewater Treatment Facilities

Fish and Wildlife

- 9.09 Certificate to Possess and Sell Hatchery Trout in New York State
- 9.10 Commercial Inland Fisheries Licenses
- 9.11 Fishing Preserve License
- 9.12 Fur Breeder's License
- 9.13 Game Dealer's License
- 9.14 Licenses to Breed Domestic Game Animals
- 9.15 License to Possess and Sell Live Game
- 9.16 Permit to Import, Transport and/or Export under Section 184.1 (11-0511)
- 9.17 Permit to Raise and Sell Trout
- 9.18 Private Bass Hatchery Permit
- 9.19 Shooting Preserve Licenses
- 9.20 Taxidermy License

Lands and Forest

- 9.21 Certificate of Environmental Safety (Liquid Natural Gas and Liquid Petroleum Gas)
- 9.22 Floating Object Permit
- 9.23 Marine Regatta Permit
- 9.24 Mining Permit
- 9.25 Navigation Aid Permit
- 9.26 Permit to Plug and Abandon (a non-commercial, oil, gas or solution mining well)
- 9.27 Permit to Use Chemicals for the Control or Elimination of Aquatic Insects
- 9.28 Permit to Use Chemicals for the Control or Elimination of Aquatic Vegetation
- 9.29 Permit to Use Chemicals for the Control or Extermination of Undesirable Fish
- 9.30 Underground Storage Permit (Gas)
- 9.31 Well Drilling Permit (Oil, Gas, and Solution Salt Mining)

Marine Resources

- 9.32 Digger's Permit (Shellfish)
- 9.33 License of Menhaden Fishing Vessel
- 9.34 License for Non-Resident Food Fishing Vessel
- 9.35 Non-Resident Lobster Permit
- 9.36 Marine Hatchery and/or Off-Bottom Culture Shellfish Permits
- 9.37 Permits to Take Blue-Claw Crabs
- 9.38 Permit to Use Pond or Trap Net
- 9.39 Resident Commercial Lobster Permit
- 9.40 Shellfish Bed Permit
- 9.41 Shellfish Shipper's Permits
- 9.42 Special Permit to Take Surf Clams from Waters other than the Atlantic Ocean

Regulatory Affairs

- 9.43 Approval - Drainage Improvement District
- 9.44 Approval - Water (Diversion for) Power
- 9.45 Approval of Well System and Permit to Operate
- 9.46 Permit - Article 15, (Protection of Water) - Dam
- 9.47 Permit - Article 15, (Protection of Water) - Dock, Pier or Wharf
- 9.48 Permit - Article 15, (Protection of Water) - Dredge or Deposit Material in a Waterway
- 9.49 Permit - Article 15, (Protection of Water) - Stream Bed or Bank Disturbances
- 9.50 Permit - Article 15, Title 15 (Water Supply)
- 9.51 Permit - Article 24, (Freshwater Wetlands)
- 9.52 Permit - Article 25, (Tidal Wetlands)
- 9.53 River Improvement District Approvals
- 9.54 River Regulatory District Approvals
- 9.55 Well Drilling Certificate of Registration

Solid Wastes

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

Water Resources

- 9.58 Approval of Plans for Wastewater Disposal Systems
- 9.59 Certificate of Approval of Realty Subdivision Plans
- 9.60 Certificate of Compliance (Industrial Wastewater Treatment Facility)

- 9.61 Letters of Certification for Major Onshore Petroleum Facility Oil Spill Prevention and Control Plan
- 9.62 Permit - Article 36, (Construction in Flood Hazard Areas)
- 9.63 Permit for State Agency Activities for Development in Coastal Erosion Hazards Areas
- 9.64 Permit for State Agency Activities for Development in Coastal Erosion Hazards Areas
- 9.65 State Pollutant Discharge Elimination System (SPDES) Permit
- 9.66 401 Water Quality Certification
- 10.00 Preparation and revision of Air Pollution State Implementation Plan.
- 11.00 Preparation and revision of Continuous Executive Program Plan.
- 12.00 Preparation and revision of Statewide Environmental Plan.
- 13.00 Protection of Natural and Man-made Beauty Program.
- 14.00 Urban Fisheries Program.
- 15.00 Urban Forestry Program.
- 16.00 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 and grants of easement of land under water, 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.

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.
- 1 0.00 Urban Cultural Parks Program.

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 SOCIAL 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 STATE

- 1.00 Appalachian Regional Development Program.
- 2.00 Coastal Management Program.
- 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.

DIVISION OF 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)

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) Barge Canal
 - (e) 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
- 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 Permits for Use and Occupancy of N.Y. State Canal Lands (except Regional Permits [Snow Dumping])
- 4.10 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.

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 USACE 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.

INTERSTATE COMMERCE COMMISSION

- 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.

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.

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 Intermodal Transportation
- 11.509 Development and Promotion of Domestic Waterborne Transport Systems

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

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

GENERAL SERVICES ADMINISTRATION

- 39.002 Disposal of Federal Surplus Real Property

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)

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

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)

* 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 TOWN OF WEBSTER'S LWRP

Most of the objectives and projects incorporated into Webster's LWRP Waterfront Program can be implemented through local actions as described in Section V. The primary local action was the adoption of extensive changes to the Town's Ordinances and Zoning Map to encourage appropriate waterfront development and to protect the sensitive environmental features of the shoreline.

There are, however, some specific objectives of the LWRP where federal or state assistance is necessary.

1. State Actions

a. New York State Department of Transportation

- Section V of the LWRP includes the proposal that the Penn Central Railroad right-of-way property now owned by the NYSDOT and located on the Sandbar remain in public ownership for development as a pedestrian trail. The Town of Webster has taken the position that it is the state's responsibility to clarify the current ownership of the R.O.W. and any encroachments which have occurred along the right-of-way. Any issues of title or claims for reimbursement for improvements made to the lands by adjacent property owners must be clarified by the State before the transference of the land to the Town or County.
- If the decision is made by the County that a crossing should be installed across the Irondequoit Bay Outlet, there must be provision of sufficient State funding to construct the crossing in such a manner so as to permit the unimpeded passage of pleasure craft between Lake Ontario and Irondequoit Bay.

b. Department of Environmental Conservation

- Implementation and administration of Article 24 of the State's Environmental Conservation Law for Webster's wetlands areas.
- Final mapping, adoption and implementation of the State's Section 505 Coastal Erosion Hazard Areas legislation.

c. Office of Parks, Recreation and Historic Preservation

- Provision of funding assistance to Monroe County for the planning, development, construction, major renovation or expansion of improvements to Webster Park, including a public boat launch facility within the Park or at some other suitable location. The State Legislature allocated funds in the spring of 1985 to assist in the financing of a feasibility study for the ramp. The funds have not been released.
- Provision of funding assistance to connect the Conrail Railroad right-of-way on the sandbar to a pedestrian/bicycle path.

d. Department of State

- Provision of funds to the Town of Webster with which to implement portions of its LWRP including, but not limited to, the development and adoption of water surface use regulations, and funds for planning, engineering and construction related to a boat launch facility.

- Provision of funds to the Town of Webster to develop an administrative permit system for docks, wharves, and piers.

e. **State Office of General Services**

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

2. **Federal Actions**

Department of Defense, Army Corps of Engineers

- Once the Irondequoit Bay opening project has been completed, the maintenance of navigation elements of the project, e.g., channel dredging and jetties.