

## 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: Hells 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