

SECTION V Techniques for local implementation of the program

A. Local Laws and Regulations Necessary to Implement the LWRP

1. Zoning Law (Chapter 125)

Local laws and regulations are the basic means for enforcing the provisions of the LWRP. They help to ensure that nothing will occur to prevent the long-term advantageous use of the waterfront or to frustrate or circumvent the achievement of any of the policies or purposes of the LWRP. The primary means for implementing Hamlin's LWRP is the Town's Zoning Law (Chapter 125). This law, adopted in 1991, is based on the LWRP and a comprehensive plan completed in 1987 and updated in 1997. Some revisions to Chapter 125 have been made since 1991. The following is a brief description of the Zoning Law and how it will achieve the LWRP objectives and policies.

a. Description

1. Six zoning classifications, shown on [Map 9 -Zoning](#), are presented in the waterfront areas:
 - (a) SR (Shoreline Residential) - This designation applies to all residential development north of the Lake Ontario State Parkway and to an area on the east side of Sandy Creek. Uses permitted as of right are limited to single family homes and accessory buildings. Any other uses not specifically listed would require prior approvals. Accessory structures, with the exception of flood and erosion prevention structures, will not be allowed in the waterside.
 - (b) R-VL (Residential-Very Low Density) - This designation applies to the entire waterfront area south of the Lake Ontario State Parkway, except for an area north of Moscow Road in the vicinity of the parkway interchange leading to Hamlin Beach State Park, and for an area along Sandy Creek between Lake Road East Fork and most of Westphal Road. Uses permitted as of right are single family homes, public parks, playgrounds and similar forms of public recreation, farms, greenhouses, plant nurseries, dairy operations, and similar forms of agriculture, plus accessory uses. Uses requiring site plan approval include: places of worship, public education institutions, and government buildings. Uses requiring a special permit include: private clubs, private education institutions, hospitals, homes for senior citizens, cemeteries, commercial greenhouses, plant nurseries or similar forms of commercial agriculture, public utility buildings, and bed and breakfast operations.

- (c) CNB (Commercial Neighborhood Business) - This designation applies to a ten (10) acre parcel North of Moscow Road near the intersection of Moscow Road and Priem Road and another small parcel on the Northeast corner formed by the intersection of Route 19 and North Hamlin Road.
- (d) R/CW (Residential/Commercial Waterfront Development) - This designation applies to uses located on the west side of Sandy Creek. Uses permitted as of right are single family homes and accessory buildings. Water-dependent or enhanced uses, plus any accessory uses, are allowed subject to a special use permit. These uses include yacht clubs, marinas and repair facilities. Additional regulations for uses in this district require such things as preservation of natural vegetation, landscaping and buffering of parking areas, minimum disturbance of land, minimum dredging, protection of wetlands, and prevention of stormwater runoff.
- (e) WR\OS (Waterfront Recreation and Open Space) - This designation applies to uses located intermittently along the Lake Ontario shoreline. It is intended to encourage waterfront recreation and also protect important natural resource areas. Uses permitted as of right are: scenic viewing areas, picnic areas, boardwalks, bandstands, fishing piers and other fishing access facilities, and beaches, plus accessory uses. Uses requiring a special permit include: boat launches, overnight accommodations, charter services, water-related clubs, nature trails and interpretive centers. Additional regulations are the same as those for the R/CW district.
- (f) C/O (Conservation Overlay) - The purpose of this designation is to provide special controls to guide development within major stream corridors and all State and federally-designated wetlands in the Town. The boundaries of the C/O district are along Sandy, Yanty, Brush and Cowsucker Creeks 100 feet from each bank, or to the landward boundary of the 100-year flood zone, whichever is greater. The boundary also extends along Lake Ontario shoreline, 100 feet from the high waterline or the landward boundary of the 100-year flood zone, whichever is greater. Finally, it includes the around all remaining wetlands, waterbodies and streams as shown on the official Town of Hamlin wetland map as well as two hundred feet (200ft.) from created wetlands and waterbodies having a size greater than two acres.

Only water-dependent uses, fishing access parking areas or bridges are allowed within the buffer. A Conservation Development Permit is required for such activities as: construction of new buildings; filling, cutting or excavation either on land or within a water-course; removal of vegetation ; stormwater discharge systems; outside storage; road, trail and bridge construction; and boat launching sites and fishing access parking areas. Additional regulations are intended to prevent disruption and pollution of fish and wildlife habitats, wetlands and coastal waters (see

Policy 44 for specific wetlands standards). They also meant to protect and enhance scenic quality along wetlands and water courses.

2. Setbacks

Setbacks from the shoreline vary. In the SR district they are 35 feet plus any additional setbacks required pursuant to the Coastal Erosion Hazard Areas Act (CEHA). In the R/CW they are 100 feet, while in the WR/OS they are 50 feet plus the same CEHA requirements as in the SR District. Because of coastal erosion hazard areas, DEC permits will be required for waterfront construction in much of the Hamlin coastal area. The Town Zoning Board of Appeals may grant variances for setbacks at its discretion in built-up areas where these required setbacks are unfeasible, but they may not override DEC requirements. DEC permits should be submitted to the Town before action on final site plan approval. Side and rear yards should be regulated as in other zoning districts.

3. Lot Area and Coverage Requirements

Current conditions in much of the waterfront (failing septic systems and wells, high water table, shallow soils, shoreline erosion and flooding) indicate the need for large lot sizes or cluster development for uses other than low intensity recreation. However, much of the property along the lake is already subdivided into small lots with single family houses. Pending the outcome of sewer and water studies, lot area and coverage requirements will continue to reflect current conditions, i.e., lot area no smaller than two acre and coverage no more than 30 percent. Maximum building heights are 35 to 40 feet depending on the district. (To further protect the Town's surface and ground waters, County Health Department approval of sewage and water systems is required prior to the Town's accepting any applications for final site plan approval or building permits.)

4. Dock Standards

Construction, alteration or replacement of all piers, docks and wharves on Sandy Creek will require a dock permit and must be accomplished according to specific dock standards. (See LWRP Policy 2 for these standards.)

5. Site Plan Approval

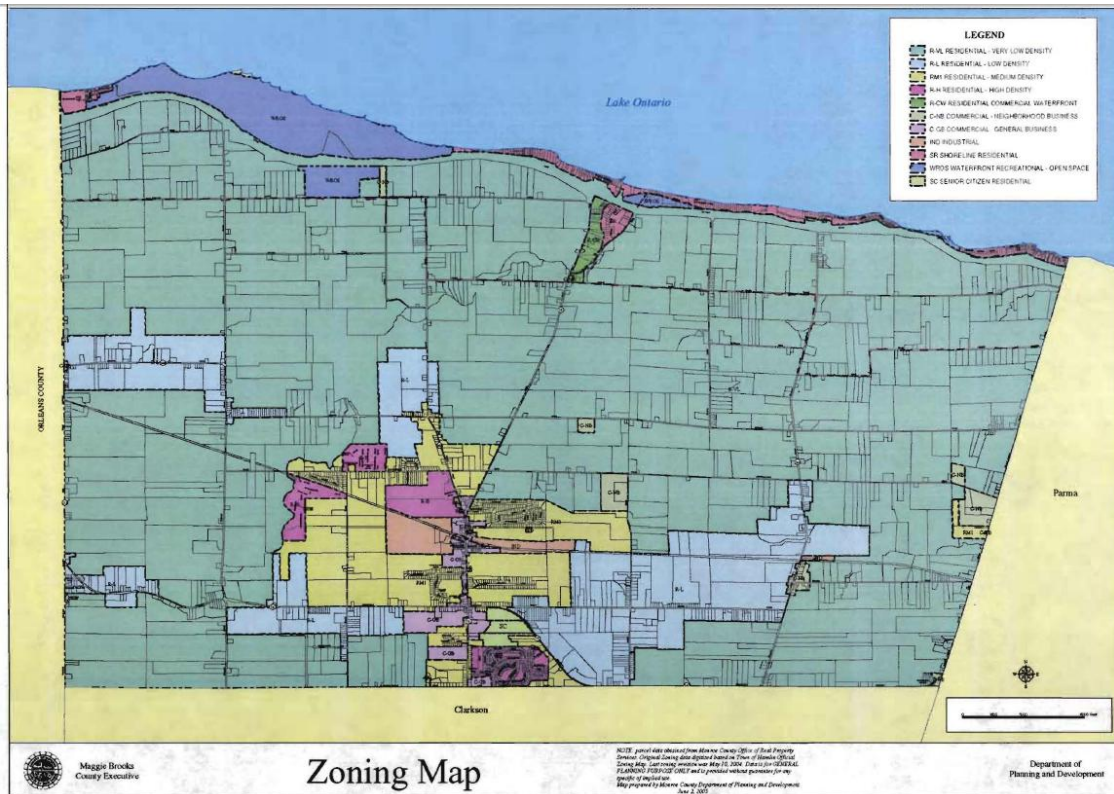
All development (including building additions) in the Town requires site plan approval. Existing procedures take into account flooding and erosion.

6. Clustering

The Planning Board is empowered to modify provisions of the Town's Zoning Law, as prescribed in Section 281 of NYS Town Law, to promote the most appropriate use of land and to preserve the natural and scenic qualities of open lands.

b. LWRP Implementation

The Zoning law allocates uses throughout the Town's coastal area such that some areas are retained essentially as open space where certain agricultural and recreational uses are to be continued. Other areas are identified as suitable for more intensive water-related development. Standards applicable to various districts and uses are intended to protect fish and wildlife habitats, scenic resources and water resources, and to prevent flooding and erosion damage caused by inappropriate construction practices, including those associated with upland grading and dredging.



2. Flood Regulations (Chapter 58)

a. Description

The Town Building Code contains regulations governing construction in flood prone areas as identified on federal flood insurance rate maps. The Code has been amended to require finish floor elevations to be at or above 100-year flood elevations as shown on federal flood insurance maps. This requirement applies to all structures except accessory buildings, docks, hoists, swimming pools and open seasonal such as picnic shelters. (See Policy 11 for standards.)

b. LWRP Implementation

These regulations primarily implement Policy 11 (Prevention of damage due to flooding) by specifying how new development is to be anchored and constructed.

3. Coastal Erosion Hazard Area Law (Chapter 121)

a. Description

This law governs development in the Town's coastal erosion hazard areas identified by the Department of Environmental Conservation (DEC) pursuant to Article 34 of the Environmental Conservation Law. The Local Law specifies activities within these areas which are: strictly prohibited, allowed upon issuance of a Coastal Erosion Management Permit, and allowed as of right. In adopting this local law, the Town assumed responsibility for administering the erosion program which would otherwise be the responsibility of DEC. The Town Zoning Board of Appeals serves as the Coastal Erosion Hazard Board of Review.

b. LWRP Implementation

This law implements Policies 11-17 by limiting development where structural hazard areas and eroding bluffs and beaches exist. It also sets forth standards for construction of erosion protection structures.

4. Consistency Review Law (Chapter 125)

a. Description

This law, contained in Appendix A, requires all Town agencies to undertake their actions (direct, funding, permit approval) in a manner consistent with the LWRP (see Management Structure below for a description of the responsibilities by key Town officials and agencies.)

b. LWRP Implementation

This law ensures that the Town furthers all LWRP policies in the course of day to day decision-making.

B. Other Public Actions Necessary to Implement the LWRP

The Town, through its boards and committees:

1. Work with the NYS Department of State, the NYS Department of Environmental Conservation, Monroe County, Orleans County and other municipalities to develop a stream corridor management strategy for Sandy Creek.
2. Incorporate into the LWRP recommendations from the water quality management plan for the Lake Ontario West Basin (part of the Rochester Embayment Remedial Action Plan).
3. Secure funds, hire a consultant, and manage three studies concerning infrastructure needs and constraints affecting the Hamlin LWRP area. These studies concern, in order of priority: (1) drainage, (2) wastewater, (3) water distribution.
4. Undertake the study of small wetlands and wetlands access as described in Section IV.

5. Appoint a special committee to carry out the study of "paper" street access points throughout the LWRP area.
6. Secure funds for a design study to ultimately develop a scenic viewing area on Cowsucker Creek.
7. Provide information to the public concerning DEC and Corps of Engineers procedures and requirements. The building inspector has this information on file and will make it available to the public.

C. Management Structure Necessary to Implement the LWRP

The Town Supervisor will be responsible for overall administration of the LWRP. As spelled out in the Consistency Review Law, the Planning Board is the lead agency responsible for ensuring that development actions are undertaken in a manner consistent with the LWRP. The Planning Board will be assisted in these duties by the Waterfront Advisory Committee and other local committees and Town staff as needed. The following individuals and boards will fulfill the specific responsibilities listed below.

1. Supervisor - The Town Supervisor will be responsible for the coordination of all parties involved in the implementation of the LWRP.
2. Building Inspector - The Building Inspector will be responsible for enforcing the Consistency Review Law on a day-to-day basis. No work or activity on a project may begin until the Building Inspector receives a written consistency determination (contained in Appendix E) from the Planning Board. If an action is not being performed in accordance with the consistency law or the consistency determination, the Building Inspector may issue a stop work order.
3. Planning Board and Waterfront Advisory Committee - For any Type I or Unlisted action (as defined in SEQRA regulations) which a Town agency approves, funds or directly undertakes, the Planning Board will make a determination as to whether or not the action will be consistent with the LWRP policies. A primary tool for making this determination is the Coastal Assessment Form (CAF) (contained in Appendix A), which must be completed by every private applicant or public agency planning to undertake an action in the Town's coastal area. This form must be forwarded to the Planning Board which in turn will send it to the Waterfront Advisory Committee (WAC) for recommendations on the action. In the case of actions for which the Planning Board is responsible, e.g., site plan approvals and issuance of special permits, private applicants will ordinarily complete the CAF and provide it to the Planning Board. Upon receipt of the WAC's written recommendations, the Planning Boards will make its consistency determination. This determination may contain some conditions.
4. Other Town Agencies - When other Town agencies are responsible for given actions, they must forward the necessary information, including a Coastal Assessment Form, to the Planning Board within a specified time frame so that the Planning Board may make its consistency determination.

D. Financial Resources Necessary to Implement the LWRP

Funds from local tax revenues will be available to administer the LWRP. A large share of the funds needed to implement the projects contained in Section IV will come from in-kind services of various boards and committees with the Town of Hamlin, with the balance coming from outside sources. The County of Monroe will assist the Town with funding applications.

1. Administration of the LWRP - 100%
2. Public Implementation Actions - 100%
3. Proposed Projects
 - a. Drainage Study - 50%
 - b. Wastewater Study - 50%
 - c. Water Distribution Study 50%
 - d. Small Wetlands Study - 100%
 - e. Wetlands Study - 50%
 - f. Incorporation of the RAP recommendations on water quality into the LWRP - 100%
 - g. Troutburg - 50%
 - h. Scenic Viewing Area - 50%
 - i. Street End Access - 50%
 - j. Public Information - 100%

E. Review of Proposed State and Federal Actions

The Town will review State and Federal actions which are proposed for the Hamlin coastal area in accordance with procedures established by the New York State Department of State. These procedures are found in Appendix B.