

Town of Huron Local Waterfront Revitalization Program

Adopted:

Town of Huron, Town Board, April 18, 2016

Approved:

New York State Secretary of State, Rossana Rosado, May 15, 2017

Concurred:

U.S. Office for Coastal Management, October 11, 2017

This Local Waterfront Revitalization Program (LWRP) has been prepared and approved in accordance with provisions of the Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Executive Law, Article 42) and its implementing Regulations (19 NYCRR 601). Federal concurrence on the incorporation of this Local Waterfront Revitalization Program into the New York State Coastal Management Program as a routine program change has been obtained in accordance with provisions of the U.S. Coastal Zone Management Act of 1972 (P.L. 92-583), as amended, and its implementing regulations (15 CFR 923). The preparation of this program was financially aided by a federal grant from the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Management, under the Coastal Zone Management Act of 1972, as amended. [Federal Grant No. NA-12-NOS-4190139.] The New York State Coastal Management Program and the preparation of Local Waterfront Revitalization Programs are administered by the New York State Department of State, Office of Planning, Development & Community Infrastructure, 99 Washington Avenue, Suite 1010, Albany, New York 12231-0001.

Received

SEPT 25 2017

NYSDOES
Planning & Development



U.S. DEPARTMENT OF COMMERCE
NATIONAL SYSTEMS AND TECHNOLOGICAL SERVICE
OFFICE FOR Coastal Management
1600 Independence Avenue, NW
Washington, DC 20590-1224
202-344-2200

Sally Crowell, AICP
Acting Division Director
Office of Planning and Development
New York Department of State
One Commerce Plaza
95 Washington Avenue
Albany, NY 12231-0001

SEPT 11 2017

Re: NY Crowell

Thank you for the New York Department of State's June 14, 2017, letter (June 21, 2017) request for approval of the incorporation of the Town of Fannin Local Watershed Revitalization Plan (LWRP) into the New York Coastal Management Program. You requested that the changes described be incorporated as routine program changes (RPC's) pursuant to Coastal Zone Management Act (CZMA) regulations at 16 C.F.R. part 923, subpart 11, and the National Oceanic and Atmospheric Administration's (NOAA's) Office for Coastal Management's Program Change Guidance (July 1999).

Based on our review of your submission, we concur with the qualifications stated below, that the changes are RPC's. We approve the incorporation of the Town of Fannin LWRP including the enforceable policies that thereon is qualified as part of the New York Coastal Management Program. Federal Consistency will apply to the approved changes to enforceable policies only after public notice of this approval is published pursuant to 16 C.F.R. § 923.81(b)(6)(i), of the Office for Coastal Management's *Addendum to the June 1999 Program Change Guidance* (November 2015). Please include in the public notice notice of changes and qualifications provided in this letter, and send a copy of the notice to the Office for Coastal Management.

CHANGES APPROVED

Revised description of State law for Regulation of the program for zone	State law regulation	Date adopted by State	Date incorporated in State
ADDED: Town of Fannin LWRP. The enforceable policies of the LWRP shall apply to the program as authorized by the CZMA and the National Oceanic and Atmospheric Administration's Section III.	Amended 1975 Executive Law	1-10-2017	09-15-2017

QUALIFICATIONS

As a standard qualification applying to all approved enforceable policies, states may not incorporate enforceable policies by reference. If an approved enforceable policy refers to another state's regulation, policy, standard, guidance, or other such requirement or document, the referenced policy itself must be submitted to and approved by the Office for Coastal Management as an enforceable policy in order to be applied under the federal consistency review provisions of the CZMA. Therefore, no referenced policy in these approved enforceable policies may be applied for federal consistency unless that policy has been separately approved by the Office for Coastal Management.

For CZMA review purposes, the enforceable policies of the LWRP are only those enumerated field-based policy and sub-policy statements within Section III. The explanatory text may not be used as a basis for issuing an objection under the state's CZMA authority.

As is the case for New York Coastal Management Program LWRP, the Town of Huron certifies in Section VI a Plan of Federal Actions and Policy and Priority to Offer LWRP Implementation. This finding is not applicable for CZMA review purposes.

PUBLIC AND FEDERAL AGENCY COMMENTS

The Office for Coastal Management received no comments on this RPC submission.

Thank you for your cooperation in this review. Please contact Mary Kehoe at 240-533-0782, if you have any questions.

Sincerely,



Leslie Gere, Chief
Stewardship Division

STATE OF NEW YORK
DEPARTMENT OF STATE
ONE UNION SQUARE
NEW YORK, NEW YORK 10036
Tel: (212) 312-1234
Fax: (212) 312-1234

ANDREW M. CUOMO
GOVERNOR
ELECTORAL DISTRICT
2019-2022

May 13, 2017

Honorable Susan Crane
Supervisor
Town of Ulster
10880 Lummisville Road
Watkins, NY 12480

Dear Supervisor Crane:

I am pleased to inform you that I have approved the Town of Ulster's Wetland Delineation Program (WDRP), pursuant to the Wetlands Rehabilitation of Coastal Areas and Inland Waterways Act.

Everyone who participated in the preparation of the WDRP is to be commended for developing such a comprehensive management program that promotes the balanced preservation, enhancement, and utilization of valuable natural resources along Lake George, Saugus Bay, Fort Bay and Port Bay. Congratulations on a job well done.

I am notifying all State Agencies that I have approved the Town of Ulster WDRP and advising them that agency action decisions may be undertaken only upon the express consent, to the maximum extent possible, with the WDRP.

The approved Town of Ulster WDRP will be available on the website of the Department of State, at <http://www.dos.ny.gov/development/land/landuse/landuse.html>

If you have any inquiries, please call, at Ulster Township, the WDRP Coordinator within the Office of Planning and Development, at (1212) 475-2701.

Sincerely,



Andrew M. Cuomo
Governor
Secretary of State



Department
of State

RESOLUTION #44-2015

Town of Huron Local Waterfront Revitalization Program

On motion of Councilmember Bulsch, seconded by Councilmember Teeple the following resolution was ADOPTED-AYES 3 NAYES 1, Supervisor Crane voted NAY.

("Town of Huron Local Waterfront Revitalization Program (LWRP) Consistency Review Law")

WHEREAS, the Town of Huron ("Town") caused to be prepared a Local Waterfront Revitalization Program ("Huron LWRP") in cooperation with the New York State Department of State, pursuant to Article 42 of the Executive Law; and

WHEREAS, the Town caused a full Environmental Assessment Form ("EAF") for the Huron LWRP, including the "Town of Huron Local Waterfront Revitalization Program (LWRP) Consistency Review Law" ("Local Law"), to be prepared by Stuart I. Brown Associates, Inc., to evaluate the significance of the potential environmental impact of the Huron LWRP pursuant to the State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, the Town accepted the EAF, determined that the Huron LWRP, including the Local Law, was a Type I action under SEQRA, and declared itself lead agency by resolution on August 15, 2013; and

WHEREAS, the Town issued a Negative Declaration under SEQRA for the Huron LWRP and the Local Law, and accepted the draft Huron LWRP by resolution on August 15, 2013; and

WHEREAS, the draft Huron LWRP, including the Local Law, and the EAF, were circulated by the Department of State to appropriate local, county, state and federal agencies in accordance with the requirements of Executive Law, Article 42, and comments resulting from this review were appropriately considered and addressed; and

WHEREAS, Notice of a Public Hearing on the proposed Local Law, then known as Local Law No. 4 of 2015, was published in the Times of Wayne County on October 18, 2015 and the Town Clerk also caused a copy of that Notice to be posted on the sign board of the Town maintained pursuant to Town Law §30(6) on October 18, 2015; and

WHEREAS, a public hearing was duly held on the proposed Local Law on November 16, 2015 at 7:30 PM before the Town Board at the Huron Town Hall, and all persons desiring to speak were heard; and

WHEREAS, following the public hearing, revisions were made to the LWRP in response to public comments;

WHEREAS, Notice of a Public Hearing on the proposed Local Law, now Local Law No. 1 of 2016, was published in the Times of Wayne County on April 3, 2016 and the Town Clerk also caused a copy of that Notice to be posted on the sign board of the Town maintained pursuant to Town Law §30(6) on April 3, 2016; and

WHEREAS, a second public hearing was duly held on the proposed Local Law on April 18, 2016 at 7:30 PM before the Town Board at the Huron Town Hall, and all persons desiring to speak were heard; and

WHEREAS, the proposed Local Law has been on the desks of all Town Board members since April 3, 2016; and

NOW, THEREFORE, BE IT RESOLVED, that the Huron LWRP as revised and the Local Law will have beneficial impacts on the natural and man-made environment, and social and economic conditions of the Town; and it is further

RESOLVED, that the Town finds and determines, based on the entire record of the environmental review process, including all relevant State and Town Laws and records of Town bodies, as well as all correspondence received regarding the local coastal management planning process, that the Huron LWRP and the Local Law are necessary to:

- Ensure that a comprehensive local coastal program and consistent set of policies is adopted to guide use and development in the waterfront area and to protect the quality of the Town's environment;
- Provide a comprehensive planning vision and sound basis for waterfront revitalization, development, promotion of certain uses, and protection of social, economic, natural, and scenic resources;
- Establish the basis to obtain funding for further coastal planning from federal, State, and other sources and to assure those federal, State, and other resources that the Huron LWRP is consistent with State and Federal programs; and
- Guarantee that local residents, through local government, will continue to have control over actions in their community; and it is further

RESOLVED, that the Town determines and decides that the adoption of the Huron LWRP and the enactment of the Local Law will have significantly beneficial impacts upon the coastal environment and generally upon the Town and will enhance and protect the health and welfare of the residents of the Town and thus should be adopted; and it is further

RESOLVED, that the Huron LWRP is hereby adopted and that the Town Supervisor is authorized to submit the Huron LWRP to the New York State Secretary of State for approval, pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act, and it is further

RESOLVED, that, pursuant to the Municipal Home Rule Law, proposed Local Law No. 1 of 2016 is hereby enacted, and shall be filed with the Secretary of State.

STATE OF NEW YORK COUNTY OF WAYNE
TOWN OF TIRON TOWN BOARD

In the Matter of Adoption of LWRP

To the Town of Huron, Wayne County

CERTIFICATE
OF TOWN CLERK

CERTIFICATION OF TOWN CLERK

STATE OF NEW YORK
COUNTY OF WAYNE) ss:

TAMMY VIZZOSE, Town Clerk of the Town of Huron, Wayne County, New York,
DOES HEREBY CERTIFY that she has compared the attached Order duly adopted by the Town
Board of the Town of Huron on the 18th day of April, 2016 with the original Order now on file in
her office and she certifies that it is a correct and true copy of the Order.

Dated: December 28, 2016


TAMMY A VIZZOSE, RMC
Huron Town Clerk

ACKNOWLEDGEMENTS

The development of this LWRP was made possible through the efforts of the following:

Laurie Crane, Town Supervisor

Town of Huron Waterfront Advisory Committee

Danny Drechsler

David Hoey

Scott Marshall

Dave McDowell

Dave Scudder

Jeff Simonet

Alan Traister

David Usiatynski

Shelley Usiatynski

Stuart I. Brown Associates, Project Consultant

Project Manager: Barbara Johnston, AICP¹, Senior Planner

and technical assistance from the New York State Department of State

The Town of Huron Local Waterfront Revitalization Program was prepared with funding provided by the New York State Department of State under Title 11 of the Environmental Protection Fund.

¹ American Institute of Certified Planners

GLOSSARY

CEHA	NYS Coastal Erosion Hazard Area
CMP	NYS Coastal Management Program
DEC	NYS Department of Environmental Conservation
DOS	NYS Department of State
ECL	NYS Environmental Conservation Law
EPA	U.S. Environmental Protection Agency
EPF	Environmental Protection Fund Local Waterfront Revitalization Program (grants)
FEMA	U.S. Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
LWRP	Local Waterfront Revitalization Program
NDZ	Vessel Waste No Discharge Zone
NFIP	National Flood Insurance Program
NYCRR	New York Code of Rules and Regulations
NYS	New York State
OGS	NYS Office of General Services
OPRHP	NYS Office of Parks, Recreation and Historic Preservation
SCFWH	NYS Significant Coastal Fish and Wildlife Habitat
SEQR	State Environmental Quality Review
SPDES	State Pollution Discharge Elimination System
TMDL	Total Maximum Daily Load
USACE	U.S. Army Corps of Engineers
WCWSA	Wayne County Water and Sewer Authority
WMA	Wildlife Management Area
WRA	Huron's Waterfront Revitalization Area

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INTRODUCTION

The Local Waterfront Revitalization Program (LWRP) is an extension of the New York State's Coastal Management Program² (CMP) that reflects and addresses local issues and opportunities within the designated local Waterfront Revitalization Area (WRA). An LWRP includes a detailed description of the condition of the WRA, policies to guide development within WRA, proposed regulations supporting land and water uses within WRA, proposed projects that will protect and enhance the uses within WRA and opportunities for public and private investment in the area.

This Huron LWRP was created to reflect current local conditions and shoreline characteristics and the Town's Master Plan. The Town of Huron considers the waterfront to be its most important natural and cultural resource. The surface waters within WRA provide ample opportunity for boating, fishing, and other passive recreational activities, as well as a setting for waterfront residential neighborhoods of seasonal and year-round homes. Great Sodus Bay (or Sodus Bay) is a large inlet of Lake Ontario which provides a wide variety of the water-dependent activities for residents and tourists and safe harbor to those needing a retreat from the lake's waters. Port Bay, located in the eastern portion of the Town, and East Bay, in the central portion of the Town, offer recreational boating and waterfront access.

The Town of Huron is located on the southern shore of Lake Ontario, in the northern portion of Wayne County, New York. The Town encompasses 39.5 square miles of land generally rural in character. It is situated west of the Town of Wolcott, east of the Town of Sodus, and north of the Town of Rose. The Town's shoreline along Lake Ontario stretches for approximately 6.5 miles. Within the Western New York region, Huron is situated approximately 35 miles east of the Rochester metropolitan area and 40 miles west of Syracuse.

This LWRP expands the inland side of the coastal area of the state to include land acquired recently for preservation by The Nature Conservancy. Section II includes an inventory and analysis of existing conditions and resources in the waterfront area. The policies contained in Section III of this LWRP support the inventory and are focused on waterfront revitalization, making beneficial use of waterfront lands, enhancing tourism and protecting community character and important natural and cultural resources. The policies are further supported by land and water use and implementation proposals outlined in Sections IV and V. The sum of the information contained in the LWRP comprises a program that guides the revitalization of the Huron waterfront.

² http://www.dos.ny.gov/opd/programs/pdfs/NY_CMP.pdf

SECTION I – TOWN OF HURON WATERFRONT REVITALIZATION AREA BOUNDARY

The boundary of the Town of Huron Waterfront Revitalization Area (WRA), which is the study area of the Town of Huron LWRP, expands the landside of the State's coastal boundary by incorporating recently acquired land for preservation located south and west of Shaker Tract Road. The waterside of the State's coastal boundary is not modified by the boundary of the Huron WRA. The State's coastal boundary established in 1972 is illustrated in Map 1A. The land and water areas within the Town of Huron LWRP and the landside boundary of the State's costal area, as modified by Huron LWRP, are described below and illustrated in Map 1B.

Landside Boundary of Huron WRA

Beginning at a point, approximately 750 feet north of Mary Drive, where the Town's municipal boundary intersects the shoreline of Sodus Bay, the boundary of the Town of Huron Waterfront Revitalization Area (Huron WRA) proceeds south along the Town of Huron boundary with the Town of Sodus, to a point approximately 1,630 feet north of the intersection of the town boundary with the centerline of Ridge Road (CR 143);

1. then, turns east, crosses Third Creek, and continues to a point 100 feet east of the centerline of Third Creek, a tributary to Sodus Bay;
2. then, proceeds northwesterly, easterly and northerly along a path parallel to and 100 feet east of the centerline of Third Creek for a distance of approximately 4,230 feet;
3. then, turns east and continues along the centerline of a private road located in the southern portion of the parcel owned by the Nature Conservancy (tax parcel #72117-00-091717);
4. then, proceeds easterly along said private road to the intersection with the centerline of Shaker Tract Road;
5. then, turns southerly and continues along the centerline of Shaker Tract Road to its intersection with the centerline of Ridge Road (CR 143);
6. then, turns northeasterly and continues along the centerline of Ridge Road (CR 143) to its intersection with the western side of the Sodus Access Trail and the western boundary of the NYSDEC's Lake Shore Marshes WMA (Sodus Bay Unit);
7. then, turns southerly and follows the western boundary of the NYSDEC's Lake Shore Marshes WMA (Sodus Bay Unit) to the intersection with the centerline of Ridge Road East (NYS Route 104);
8. then, proceeds easterly along the centerline of Ridge Road East (NYS Route 104) to the intersection with the boundary of the southern tip of the Lake Shore Marshes Significant Coastal Fish and Wildlife Habitat (SCFWH);
9. then, continues southeasterly and northeasterly along the boundary of the southern tip of the Lake Shore Marsh SCFWH to the intersection with the centerline of Ridge Road East (NYS Route 104) and the southern boundary of the Lake Shore Marshes WMA (Sodus Bay Unit);

10. then, proceeds northwesterly, easterly and northerly along the boundary of the Lake Shore Marshes WMA (Sodus Bay Unit) to the intersection with the centerline of Lake Bluff Road (CR 254);
11. then, continues northwesterly along the centerline of Lake Bluff Road (CR 154) to a point where the boundary of the Lake Shore Marshes WMA (Sodus Bay Unit) turns west, approximately 2527 feet north of the intersection of the centerlines of Ridge Road East (NYS Route 104) and Lake Bluff Road (CR 254);
12. then, continues easterly and northerly along the eastern boundary of the Lake Shore Marshes WMA (Sodus Bay Unit) to the intersection with the centerline of Ridge Road (CR 143), approximately 1140 feet east of the Sodus Bay bridge and 820 feet west of the intersection of Ridge Road (CR 143) with Resort Road;
13. then, proceeds southeasterly along the centerline of Ridge Road (CR 143) to the intersection with the centerline of Lake Bluff Road (where CR 254 becomes CR 154);
14. then, continues northwesterly along the centerline of Lake Bluff Road (CR 154) to the intersection with the centerline of Lummisville Road (CR 155);
15. then, turns west and proceeds along the centerline of Lummisville Road (CR 155) to its intersection with the eastern side of Sloop Landing Road;
16. then, turns north along the eastern side of Sloop Landing Road to the intersection with the centerline of Lake Bluff Road (CR 154);
17. then, turns easterly and proceeds along the centerline of Lake Bluff Road (CR 154) to its intersection with the centerline of Garner Road;
18. then, northerly along the centerline of Garner Road to the intersection with the southern boundary of Chimney Bluffs State Park land;
19. then, turns east and proceeds in a straight line across a field to the intersection with the western boundary of the Lake Shore Marshes WMA (East Bay Unit);
20. then, continues south, east, south, and east along the boundary of Lake Shore Marshes WMA (East Bay Unit) to the intersection with the centerline of East Bay Road;
21. then, turns northerly and continues along the centerline of East Bay Road to the boundary of NYS Lake Shore Marshes WMA (East bay Unit);
22. then, turns east, southerly, easterly and northerly following the boundary of the Lake Shore Marshes WMA (East Bay Unit) and the boundary of the Lake Shore Marshes SCFWH to the intersection with Slaght Road;
23. then, proceeds along Slaght Road and the boundary of the Lake Shore Marshes WMA (East Bay Unit);
24. then, continues northwesterly, southeasterly, northeasterly, southeasterly and easterly along the boundary of the Lake Shore Marshes (East Bay Unit) and the Lake Shore Marshes SCFWH, west and south of Mudge Creek, to the intersection with the eastern side of North Huron Road, approximately 70 feet north of the intersection of Slaght Road and North Huron Road (CR 156)
25. then, turns northerly and continues along the eastern side of North Huron Road (CR 156) to the intersection with the southern side of Wright Road;

26. then, turns easterly and proceeds along the southern side of Wright Road, past the intersection with Maple View Hights and Dutch Street;
27. then, continues easterly to the intersection with the western boundary of the Port Bay Unit of Lake Shore Marshes WMA;
28. then, continues to follow the boundary of the Lake Shore Marshes WMA (Port Bay Unit) and the Lake Shore Marshes SCFWH past the intersection with Clapper Road, to the intersection with the western side of West Port Bay Road (CR 160);
29. then, turns southeasterly and continues along the western side of West Port Bay Road (CR 160) to the intersection with the boundary of the towns of Huron and Wolcott;
30. then, proceeds northerly along the Town of Huron eastern boundary with the Town of Wolcott to the intersection with the Lake Ontario shoreline;
31. then, continues westerly along the Lake Ontario shoreline, (along the barrier beach that separates Port Bay from Lake Ontario, the barrier beach that encloses East Bay, and along the northern edge of Crescent Beach) to a point on the north side of Crescent Beach at the intersection of the municipal boundaries of the towns of Huron and Sodus with the Lake Ontario shoreline;
32. then, continues southerly along the municipal boundary to the intersection with the south side of Crescent Beach and the Sodus Bay shoreline;
33. then, continues easterly, southerly, westerly and northerly along the Sodus Bay shoreline to the point of beginning, the intersection of the Town of Huron municipal boundary with the Sodus Bay shoreline approximately 750 feet north of Mary Drive.

The landside boundary includes the entirety of Newark Island, LeRoy Island and Eagle Island.

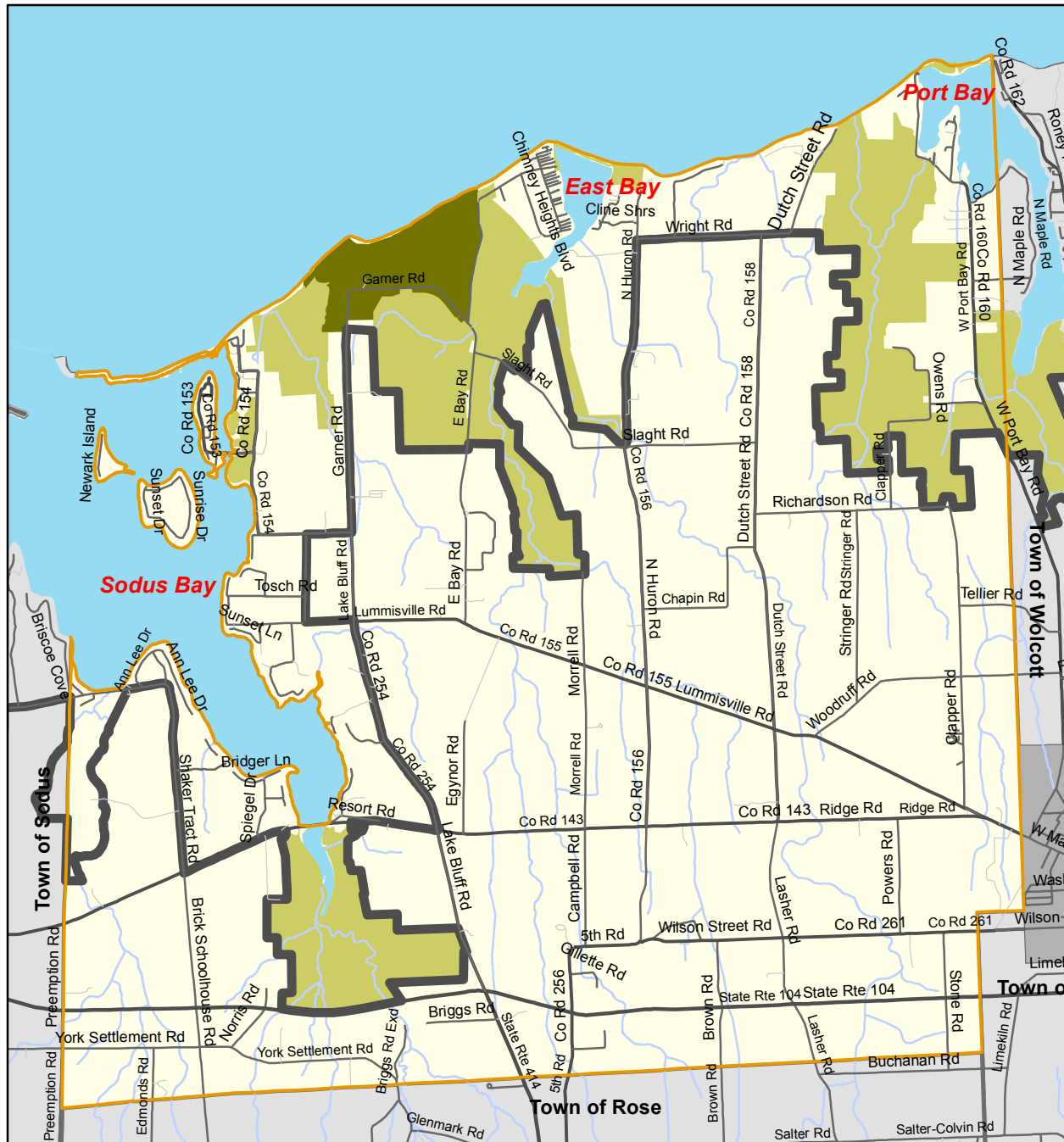
Waterside Boundary of Huron WRA

The waterside of the New York State coastal boundary is not modified by the Huron WRA.

Pursuant to Part 46a of the NYS Navigation Law and Section 922 of Article 42 of the Executive Law, the waterside area of Huron WRA includes a 1500'-wide strip along the town's Sodus Bay shoreline, the navigable portions of Mudge Creek, the entirety of East Bay, and that portion of Port Bay that is located within the corporate limits of the Town of Huron. The waterside area and boundary of Huron WRA are illustrated in Map 1B.

Pursuant to the same statutes, the Town prepared a Harbor Management Plan (HMP) to address the level of competing surface water uses within the 1500'-wide strip of water along the town's Sodus Bay shoreline. Map 1C illustrates the boundary of the Huron HMP included in Section IV of the LWRP.

Town of Huron Local Waterfront Revitalization Program



- Coastal Boundary Established in 1972
- Chimney Bluffs State Park
- Lake Shore Marshes WMA

- Huron Town Boundary
- Village of Wolcott
- Neighboring Towns

0 0.5 1 2 Miles

DATA SOURCES:

Coastal boundary from shapefile CoastalBoundaryComplied_NAD83_polyline, dated 4/11/2006

Lake Shore Marshes WMA from StateRecreation.shp created in 2004 from ALIS

Chimney Bluffs State Park from OPRHP, oprhp10.shp



The map displays the town of Sodus, New York, with its boundary marked by a red line. The town's area is filled with a blue diagonal hatching pattern. The water area, including Sodus Bay and the Sodus Bay Waterfront, is shaded light blue. The Sodus Bay Marina is located on the eastern shore of the bay. Surrounding roads are labeled, including Greig St, Co Rd 154, Co Rd 155, Co Rd 143, Ridge Rd, Brick Schoolhouse Rd, Preemption Rd, Thomion Point Rd, Sodus Bay, Sunrise Dr, Passee Rd, Tosch Rd, Lake Bluff Rd, Anchors Way, Resort Rd, Shaker Tract Rd, Burnside Dr, and Sodus Bay. The map also shows the Sodus Bay Waterfront and the Sodus Bay Marina.





10

Neighboring Towns



0 0.25 0.5 1 Miles

SECTION II - INVENTORY AND ANALYSIS OF EXISTING CONDITIONS

2.1. Summary of Issues and Opportunities in the Waterfront Revitalization Area

Land areas within the Town of Huron Waterfront Revitalization Area (WRA) include residential neighborhoods, protected natural areas, and several waterfront businesses. The Huron Local Waterfront Revitalization Program (LWRP) is intended to support and enhance each of these uses and to maintain an appropriate balance among them.

Most of the land located directly along the bays and along a portion of the Lake Ontario waterfront is developed with seasonal cottages and year-round residences. These residences contribute a significant percentage of the Town's population and tax base. Residential property owners and transient renters enjoy boating, fishing, nature observation and views of the waterfront. Nearly all of the waterfront residences have individual docks for private boats. The LWRP advances the Town's efforts to protect and enhance these residential neighborhoods.

Large areas along the waterfront and upland are protected natural areas. These include large portions of the NYS Lake Shore Marshes Wildlife Management Area³, Chimney Bluffs State Park, and a preserve owned and managed by The Nature Conservancy. These areas are open to the public for passive recreation uses such as nature observation and hiking. In addition, the Lake Shore Marshes Wildlife Management Areas (WMA) accommodates fishing, hunting, and small boats such as canoes and kayaks. Some upland areas also include agricultural lands and wooded areas. The LWRP promotes the protection of the Town's natural resources and the enhancement and diversification of recreational uses within the waterfront.

Certain areas along the waterfront are occupied by water-dependent and water-enhanced businesses such as private marinas and restaurants. The marinas and waterside restaurants are among the few locations that allow visitors to view and be near the water. Commercial marinas give access to the bays for boating, fishing, and other activities to anyone interested in boating. The revenue generated from these businesses and their customers contribute to the local economy and provide revenue to local governments in the form of sales and property taxes. Many people are introduced to Huron's waterfront by using the services of these businesses, and sometimes, because they enjoyed the water-related activities and scenic views of the bays, they subsequently purchase property along the waterfront. The LWRP supports the reinvestment in and revitalization of the underutilized existing commercial areas.

Objectives of the LWRP

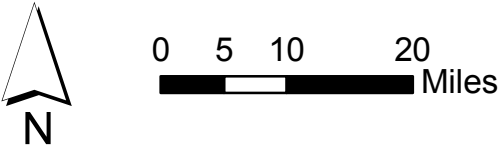
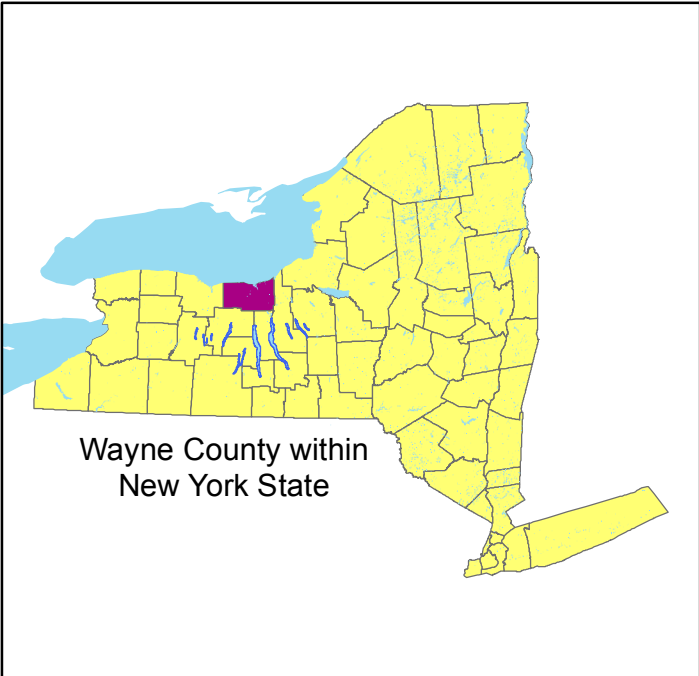
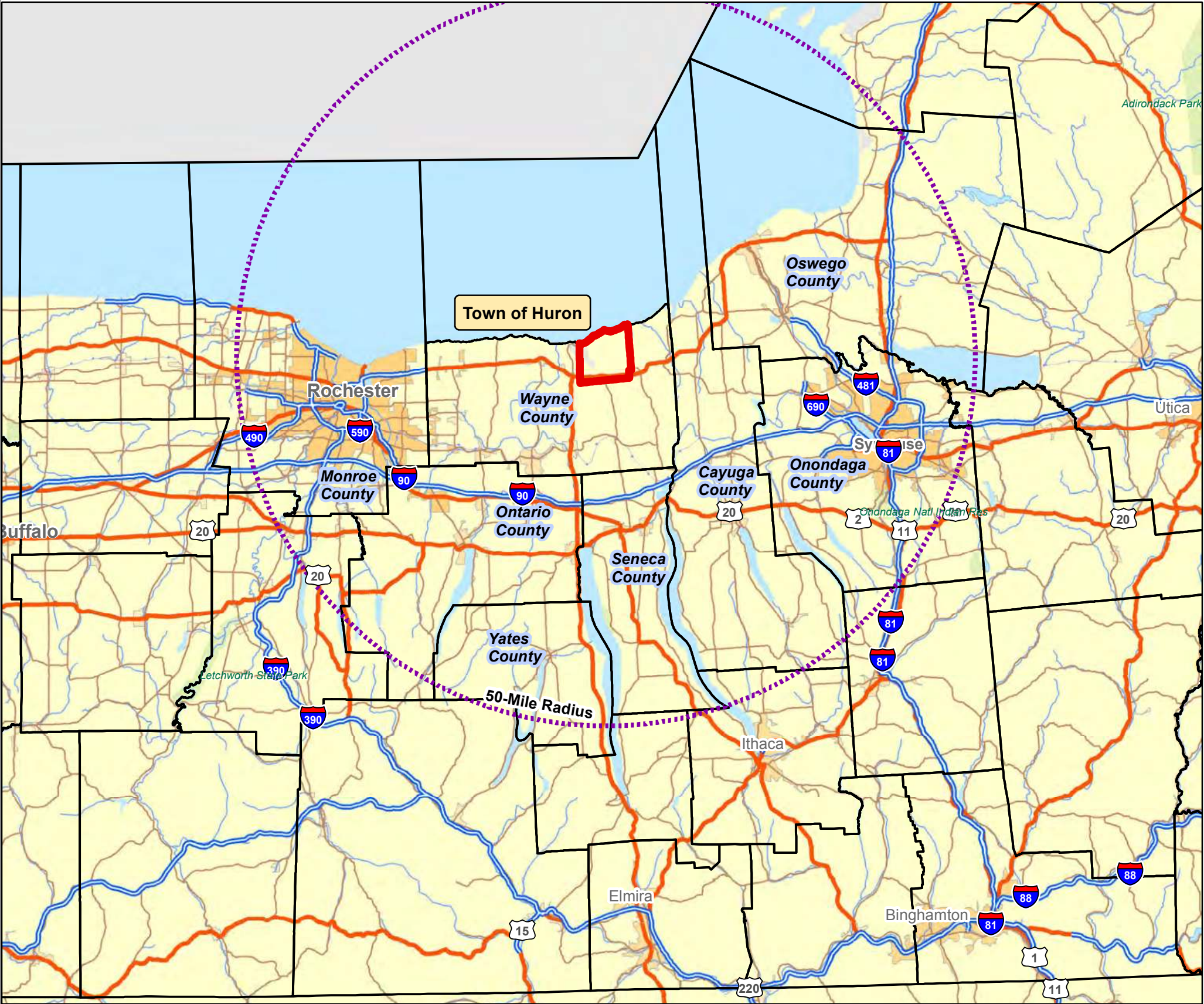
The key priorities of the Town with regard to its waterfront are to:

- Protect and improve the water quality of the bays.
- Manage or reduce the impact of aquatic weeds on recreational boating.

³ <http://www.dec.ny.gov/outdoor/24441.html>

Town of Huron Local
Waterfront Revitalization Plan

Regional Setting



- Protect and enhance the scenic value of the waterfront.
- Maintain or enhance the current quality of life in waterfront residential neighborhoods, which is characterized by generally quiet settings with views and access to water.
- Support and enhance water-dependent businesses in suitable areas in order to increase tourism-based economic development.
- Maintain, increase, and enhance access to the waterfront at the existing public sites owned by government entities, and at privately owned areas, through public/private partnerships.

These objectives will be achieved through the projects proposed in Section IV and the current and proposed local regulations described in Section V of this LWRP.

2.2. Regional Setting, Historic Context and Community Characteristics

Location

The Town of Huron is located in Wayne County⁴, New York, as shown in Map 2-Regional Setting. Its western border is approximately 35 miles east of the city of Rochester; its eastern border is approximately 40 miles west of the City of Syracuse. Huron covers approximately 21,800 acres of land, and is bordered on the east by the Town of Wolcott, on the south by the Town of Rose, and on the west by the Town of Sodus.

The Huron WRA encompasses 10,347 acres of landside, based on GIS data. Three embayment areas punctuate the 6.5 miles of Lake Ontario shoreline that forms the northern border of the Town of Huron. Sodus Bay borders the western boundary of Huron. East Bay is part of the northern side of the town and covers approximately 160 acres.

Port Bay extends into the town from the northeast corner and 48% of it is part of the Town of Huron; the remainder is within the Town of Wolcott. East Bay extends into Huron from the north, and its portion within the town's limits encompasses approximately 160 acres of water surface.

Outside of the three bays, the Huron waterfront borders directly on Lake Ontario.

Government

The Town of Huron is governed by four elected Town Board members and an elected Supervisor, who also serves on the Wayne County Board of Supervisors. Town Departments include the Town Clerk; Highway; Assessor; Building, Zoning and Code Enforcement; Historian; and Animal Control.

2.3. Overview of Planning Efforts and Interested Organizations

Local Plans

The *Town of Huron Master Plan*⁵ was updated by the town in 2012. The updated comprehensive Master Plan includes goals and recommendations addressing waterfront land uses, public access to the

⁴ <http://www.co.wayne.ny.us/>

⁵ <http://townofhuron.org/content/Generic/View/25>

waterfront, and the protection of water quality, historic resources, and scenic views that have been incorporated into the LWRP. Excerpts from this plan are included in Appendix E.

Regional Plans

The *Sodus Bay Waterfront Initiative*⁶ was prepared by the SUNY ESF Council for Community Design Research for the Towns of Sodus and Huron and the Village of Sodus Point in December, 2001. This document includes a vision statement and goals relating to stewardship of natural resources, management of land and water activities, public access to the waterfront and management of land use.

The *Regional Dredging Management Plan*⁷ for Lake Ontario was first produced in 2000 through a collaborative effort involving the Towns of Greece, Town of Sand Creek, Village of Sodus Point, City of Oswego, and Monroe, Oswego and Wayne Counties. The update to this plan, completed in December 2014, involved the collaboration of Niagara, Orleans, Oswego, Monroe, and Wayne Counties. The initial planning effort was undertaken to address problems with shoaling and sedimentation that occurs in the embayment areas along Lake Ontario and within each municipality. The original version of the plan describes each embayment, boater improvements within each, and details the dredging requirements for each.

The *Great Sodus Embayment Resource Preservation and Watershed Enhancement Plan*⁸ - was prepared for the Wayne County Soil & Water Conservation District in 2007. The extensive scientific documentation in the Plan confirms that, although Sodus Bay is an exceptional aquatic resource that provides a variety of water-based recreational opportunities, the declining water quality of the Bay threatens its ability to support a healthy aquatic habitat as well as recreational opportunities. The Plan notes that the natural process of eutrophication in Sodus Bay has been accelerated by land use development and other human activities and that the symptoms of eutrophication, including algae blooms and the dense growth of invasive aquatic weeds, impair uses and endangers the Bay's ecology. The Plan documents both internal and external sources of eutrophication and evaluates alternative measures to address them. It also presents several options for the control of aquatic weeds.

The *Wayne County Embayment Watershed Preservation and Enhancement Plan*⁹ (2005) -assesses the ecological conditions of East Bay, Port Bay, and Blind Sodus Bay in Wayne County. The objectives of the project were to evaluate water quality issues, to develop technically sound management and restoration recommendations. The Plan presents realistically achievable management and restoration measures for the three bays and their respective watersheds. The recommendations include conservation, protection, mitigation and restoration measures that address the interaction of watershed influences and water quality. In 2011, Wayne County prepared the Total Maximum Daily Load (TMDL) for Phosphorus in Port Bay, a report assessing the TMDLs for all pollutants violating or causing violation of applicable water quality standards for Port Bay. Excerpts of the TDML¹⁰ report are included in Appendix E.

The *Great Sodus Bay Harbor Management Plan*¹¹ was developed in 2008 by the communities with access to the water of Great Sodus Bay and the Wayne County Planning Department, with funding from the NYS Department of State. This plan includes an inventory and analysis of the water-uses within the entire Great Sodus Bay, the results and interpretation of water-use surveys conducted in 2004 and 2005,

⁶ <http://web.co.wayne.ny.us/wayne-county-planning-department/>

⁷ <http://web.co.wayne.ny.us/wayne-county-planning-department/>

⁸ <http://saveoursodus.com/>

⁹ http://wolcottny.org/Wayne_County_Embayments_Report.pdf

¹⁰ http://www.dec.ny.gov/docs/water_pdf/tmdlptbayfinal11.pdf

¹¹ <http://web.co.wayne.ny.us/wayne-county-planning-department>

and a series of recommendations meant to guide local efforts to improve the management of the water-uses within the bay. Relevant results and analyses of the surveys and the recommendations of the plan are integrated in Section II, IV, and V of the LWRP. Relevant maps and graphics from the Great Sodus Bay Harbor Management Plan are included in Appendix E.

The *Village of Sodus Point Local Waterfront Revitalization Plan*¹² was originally approved by the NYS Department of State in 2008 and subsequently amended in 2012 to incorporate a harbor management plan for a portion of Sodus Bay and reflect the recommendations of the Sodus Bay Waterfront Initiative.

The *Wayne County 2000 Tourism Master Plan*¹³ was developed by the Wayne County Office of Tourism to provide strategies for encouraging greater levels of tourism in Wayne County.

The *Wayne County Recreationways Master Plan*¹⁴ (prepared in 2001 and updated in 2012) was prepared to set forth strategies for improving recreational opportunities within the communities of Wayne County. The Plan recommends a trailhead to be developed along Route 104 just south of the WRA and the hamlet of Resort.

The *Sanitary Sewer Feasibility Study for the Wayne County Four Bays Area*¹⁵ was completed by the Wayne County Water & Sewer Authority in 2007 to determine the feasibility and cost of extending public sanitary sewers to the areas adjoining Sodus Bay, East Bay, Port Bay and Blind Sodus Bay and to identify potential future service areas.

The *Wayne County Agriculture and Farmland Protection Plan*¹⁶ (AFPP) documents the significance of agriculture to the local and regional economy, as Wayne County is the fifth-ranked agricultural county in New York State, with 938 farms covering 168,000 acres (45% of the county's land area) and generating a gross-farm income of \$168 million in 2007. Also, it notes that Wayne County consistently ranks among the top-three apple producing counties in the nation, with approximately 140 apple farms on 17,800 acres. This plan was adopted by the Wayne County Agriculture Development Board in 1997 and updated in 2011.

The *Finger Lakes Region Strategic Plan*¹⁷, was completed in 2011 by the Finger Lakes Regional Economic Development Council (FLREDC) to guide the economic revitalization of the region. The plan encourages municipalities to enhance their local appeal and quality of life and to attract new businesses and the associated workforce, and provides a number of strategies to increase the number of visitors to the area:

- invest in the development, promotion, and preservation of cultural, artistic, and historic assets;
- develop, network, and promote the region's growing wine, culinary, agricultural, and food micro-enterprises;
- strengthen and support the development of the Finger Lakes' diverse water resources and recreational tourism opportunities, allowing greater access and promoting year-round use.

¹² <http://www.soduspoint.info/local-waterfront-revitalization-program>

¹³ <http://www.waynecountytourism.com/>

¹⁴ <http://web.co.wayne.ny.us/wp-content/uploads/Planning/Master%20Plan/WC-Parks-and-Recreationways-Plan.pdf>

¹⁵ <http://townofhuron.org/content/Generic/View/27>

¹⁶ <http://www.wedcny.com/Ag.html>

¹⁷ <http://sustainable-fingerlakes.org/wp-content/uploads/2013/01/FLRSP-Final-Plan.pdf>

Organizations Interested in Local Waterfront Resources and Planning

Save Our Sodus¹⁸ (SOS) is a non-profit group that is dedicated to improving, protecting, and preserving the water quality of Sodus Bay and the Sodus Bay watershed. Its over 600 members include local residents, vacationers, property owners, businesses, farmers, boaters, fisherman, sports people and many others who recognize the importance of preserving the bay's natural beauty and usability.

Great Sodus Bay Association¹⁹ (GSBA) acts as a Chamber of Commerce and Merchant Association, and addresses the opportunities and expectations of the Sodus Bay community and its residents.

Wayne County Water Quality Coordinating Committee²⁰ is an informal public committee dealing with water quality issues. In Wayne County, the Water Quality Coordinating Committee and the Soil & Water Conservation District coordinate testing of private groundwater wells for total coliform, e-coli bacteria, and a standardized plate count of bacteria.

Lake Bluff Cottagers' Association is a homeowners' association dealing with shoreline stabilization and other issues along Sodus Bay and Lake Ontario.

Wayne County East Bay Improvement Association²¹ is a nonprofit organization founded in 2009 to protect the environmental, recreational and scenic quality of East Bay.

Port Bay Improvement Association²² is a nonprofit organization responsible for overseeing and funding, with members' dues, contributions, and donations; the dredging of the channel connecting the bay with Lake Ontario

Eagle Island Homeowners Association protects the interests of all property owners of Eagle Island and handles issues related to neighborhood functions and waterfront access to Sodus Bay.

Shaker Heights Property Owners Association protects the interests of all property owners of Shaker Heights Tract and finds solutions for their mutual concerns.

Crescent Beach Property Owners Association is the homeowners' association for the Crescent Beach area and deals with shoreline erosion problems and other issues of concern to its members.

Sodus Bay Improvement Association is a membership organization that manages weed harvesting in Sodus Bay in cooperation with the Wayne County Soil & Water Conservation District.

Wayne County Soil & Water Conservation District²³ (SWCD) offers education and technical assistance to manage and conserve soils, water and natural resources of Wayne County;

¹⁸ <http://www.saveoursodus.com/about-save-our-sodus/>

¹⁹ <http://greatsodusbay.org/>

²⁰ <http://www.agriculture.ny.gov/SoilWater/cwqcc/index.html>

²¹ <http://eastbayny.org/>

²² <http://portbayny.org/new/>

²³ <http://www.waynecountynysoilandwater.org/>

2.4. Demographics and Economic Considerations

Population and Household Characteristics

Based on statistics from the 2010 Census²⁴, the total population of the Town of Huron in 2010 was 2,118. This represents a decline of 82 residents since the 2000 Census.

A total of 394 Town residents (18.6%) were age 65 or older, and 430 (20.3%) were younger than 18. The median age of Huron residents in 2010 was 46.4 years, which is 12% higher than the median for Wayne County of 41.6 years.

Income and Employment

Of the 1744 Huron residents over 16 years old, 903 were employed at the time of the 2010 Census. Approximately 31.5% of employed residents worked in management, business, science, or arts occupations, 24% worked in production, transportation, or material moving occupations, while 18.1% worked in sales and office occupations.

Through most of Huron's history, the economic base of the Town has been agriculture and agricultural processing. Although most of the land area in Huron is devoted to agriculture, only 144 (9.5%) of the labor force was employed in agriculture or forestry at the time of the 2000 Census. A total of 192 (12.6%) were employed in manufacturing and 221 (14.5%) in educational, health or social services.

Most of Huron's year-round residents are employed in businesses outside of the Town. According to the 2000 Census, only 204 (19.8%) of the 1,030 employed Huron residents worked in the Town. A total of 518 (50.3%) worked elsewhere in Wayne County and 308 (29.9%) worked outside of Wayne County. More than one-half (50.6%) of the Town's employed residents spent more than 30 minutes each way commuting to their place of employment.

Housing

At the time of the 2010 Census there were a total of 1,617 housing units²⁵ in the Town, of which 855 were occupied year-round. Of the occupied units, 702 (82%) were owner-occupied and 153 were renter occupied. A total of 85 housing units were vacant. A total of 677 housing units were classified as seasonal, comprising 42% of all housing units in the Town.

Tourism

The main tourist areas within the Huron WRA are Sodus Bay, Chimney Bluffs State Park, Lake Shore Marshes State WMA, and Port Bay, which provide visitors with activities such as boating, fishing, birding, hunting, hiking and bicycling. Fishing tournaments draw thousands of visitors to the area annually. The Wayne County Office of Tourism²⁶ promotes tourism in the Town of Huron.

The Town's agricultural landscapes contribute to the rural and scenic quality of the WRA.

Sodus Bay is the largest bay on the south shore of Lake Ontario and is Wayne County's most popular spot for boating and fishing. Its shoreline is in the towns of Sodus and Huron and the village of Sodus Point. The Bay hosts three islands, including two that are accessible only by boat. Public access to the

²⁴ US Census Bureau, American FactFinder

²⁵ US Census Bureau, American FactFinder

²⁶ <http://www.waynecountytourism.com/>

Bay is provided at Harriman Park on Route 14 and at the Sodus Point Beach Park, both in the Village of Sodus Point. Fishing tournaments draw thousands of visitors to the area annually.

The proximity of the Seaway Trail to the Huron's WRA increases the number of visitors to the area. The Seaway Trail is a 518 mile scenic driving route that follows the shores of Lake Erie, the Niagara River, Lake Ontario, and the St. Lawrence River, and overlaps with Ridge Road in the Town.

Another tourist attraction that impacts the number of visitors in the Town of Huron is the Montezuma Audubon Center (MAC) located the Town of Savannah along NYS Route 89, approximately 8 ½ miles southeast of Huron. This Center is a state-owned facility nationally recognized for its information on birds and wildlife habitat and attracts visitors from around the world to the area.

Accommodations for tourists include Oak Park Inn, Bonnie Castle Bed & Breakfast, the Lake Bluff Campground and seasonal rentals along the Bays and Lake Ontario.

The Wayne County Office of Tourism²⁷ promotes tourism in the Town of Huron.

2.5. Land Use

The land area within Huron WRA consists of approximately 10,020 acres, based on the available GIS data. Land uses within the Huron WRA consist of residential uses, parkland, agricultural uses and a few scattered commercial businesses, as depicted on Map 3, Map 4 and Map 5. Within Huron, land use is regulated by the Zoning Law²⁸, the Land Development Regulations²⁹ and Public Works Requirements, and the Building Law³⁰.

The Land Development Regulations and Public Works Requirements were adopted in 2005 to replace the Subdivision Regulations adopted in 1969. These regulations apply to all developments requiring subdivision plat or site plan approval, and all improvements to be offered for dedication within the Town of Huron. No tract may be subdivided, and no land requiring site plan approval under Town Zoning Law section 44.0 may be developed or changed in use, unless final approval is granted under these regulations (and any other applicable laws and regulations are complied with). Further, no improvements may be accepted by the Town without compliance with these regulations.

The Building Law was originally adopted in 1985, and last amended in 2011 in order to implement the New York State Uniform Fire Prevention and Building Code and other standards in the Town. The law requires a building permit for new construction, followed by inspections by the Building Inspector and then a certificate of occupancy, and also prescribes for enforcement.

The following table summarizes the use of parcels within the Waterfront Revitalization Area. Parcel sizes are based on calculations from the GIS parcel mapping. Much of the land located directly along Sodus Bay, East Bay, and Port Bay has been developed with residences. Privately owned residential land in relatively large lots encompasses 592 acres within the WRA. Privately-owned vacant land comprises 1,050 acres. Large residential lots occupy 660 acres. Some of the land coded as residential or vacant is utilized for agriculture.

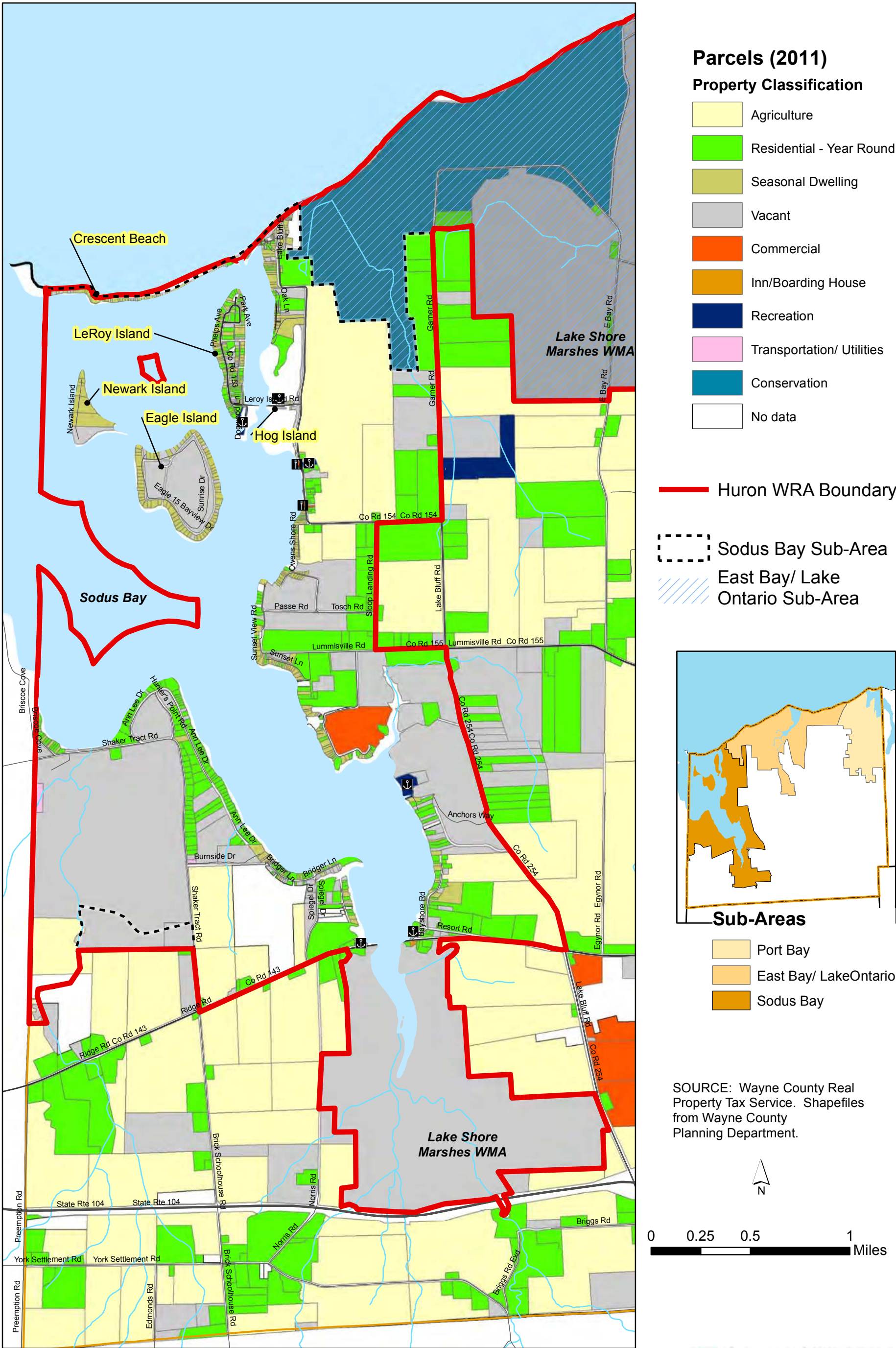
²⁷ <http://www.waynecountytourism.com/>

²⁸ <http://townofhuron.org/content/Laws>

²⁹ <http://townofhuron.org/content/Laws/View/53>

³⁰ <http://townofhuron.org/content/Laws/View/44>

Land Use by Tax Parcel - Sodus Bay Sub-Area



Town of Huron Local Waterfront Revitalization Program

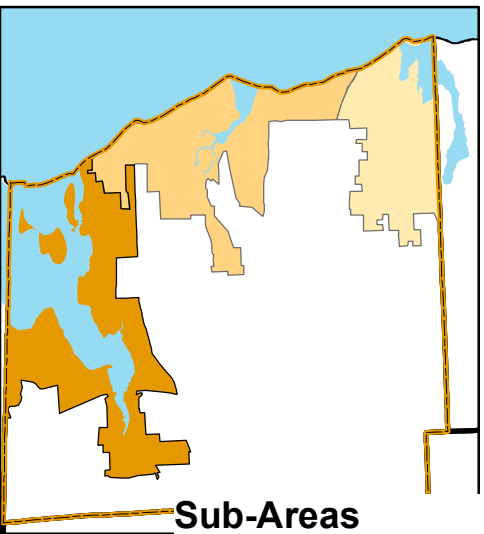
Land Use by Tax Parcel - Lake Ontario/ East Bay Sub-Area

Parcels (2011)

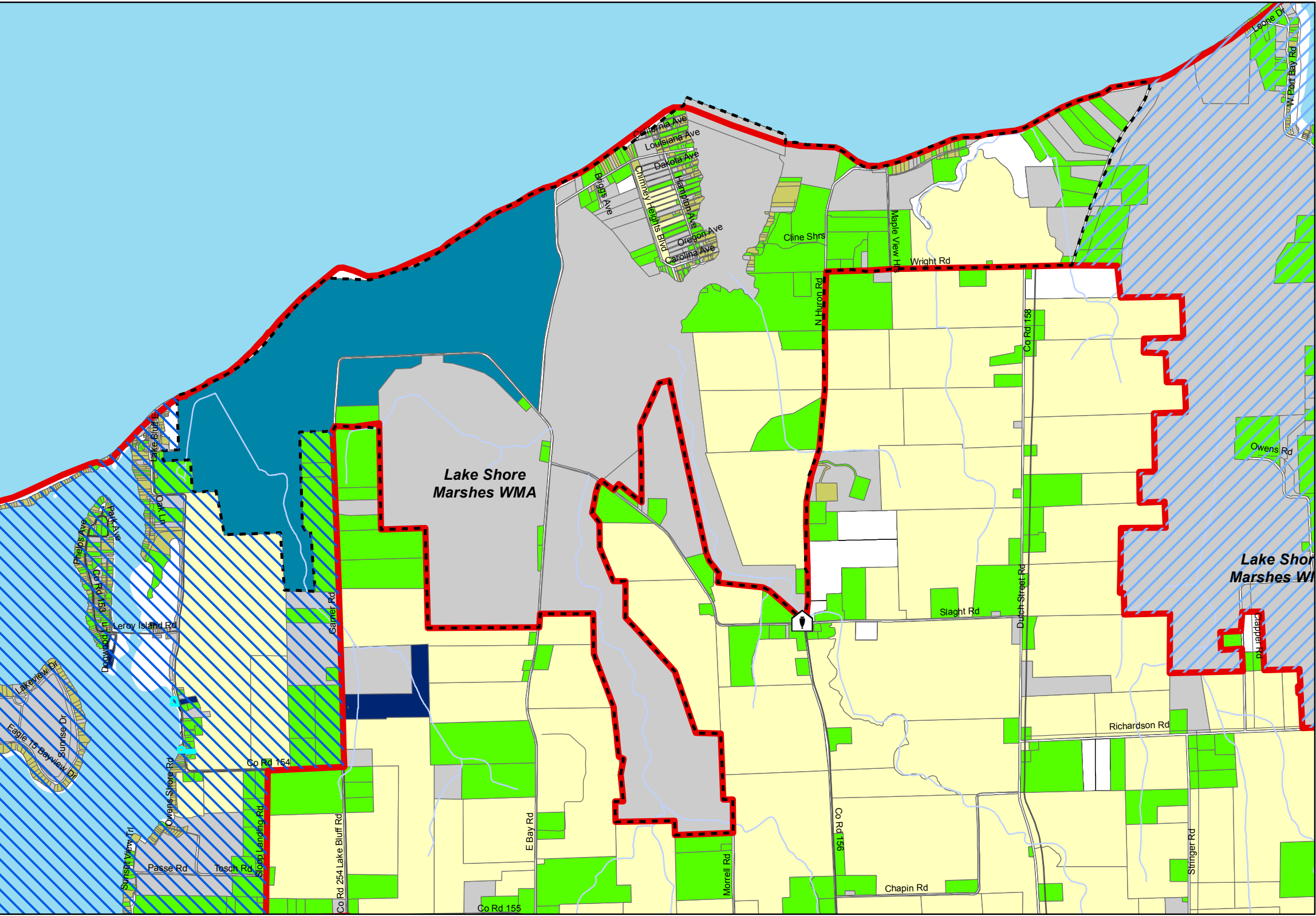
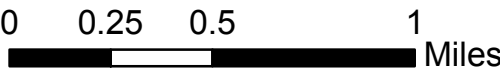
Property Classification

- Agriculture
- Residential - Year Round
- Seasonal Dwelling
- Vacant
- Commercial
- Recreation
- Conservation

- Huron WRA Boundary
- Town of Huron
- East Bay Lake Ontario Sub-Area
- Port Bay Sub-Area
- Sodus Bay Sub-Area



- Port Bay
- East Bay/ LakeOntario
- Sodus Bay



SOURCE: Wayne County Real Property Tax Service.
Shapefiles from Wayne County Planning Department.
Waterfront Area boundary by Stuart I. Brown Associates and
NYS Department of State, Division of Coastal Resources

This map illustrates the Lake Shore Marshes Wildlife Management Area (WMA). The area is characterized by a large central grey region representing the marshes, surrounded by various land parcels in green, yellow, and grey. A prominent red dashed line outlines a specific boundary within the marshes. Several roads are labeled, including Wright Rd, Slaght Rd, Dutch Street Rd, Co Rd 158, Co Rd 160, Co Rd 162, and various private roads like Maple View Hts, Cline Shrs, and Owens Rd. Water bodies are shown in light blue, and a small boat is visible in the upper right. The map also shows a network of roads along the eastern edge, including E Port Bay Rd, Ronel Rd, Robin Rd, Martin Rd, Jay Rd, N Maple Rd, Woodruff Rd, and Cardinal Rd.

Parcels (2011) Property Classification

-



	# Parcels	Acres (Calculated)	Percent of Total WRA
Residential			
Year-round	493	1,188	15.4
Seasonal	532	211	2.7
Manufactured Home	25	68	0.9
Agricultural	18	1,060	13.7
Conservation/	12	4,583	59.4
Recreation	NA	NA	NA
Business	13	87	1.1
Utilities	2	5	0.1
Vacant	364	514	6.7
Total		7,717	

Conservation and recreation land uses are comprised primarily of the State-owned park and wildlife management areas within the town. These areas cover approximately 3,750, or 16% of the town. Much of these areas include freshwater wetlands and embayment areas in addition to dry land.

Land use trends in recent years in the Town of Huron are characterized by low to moderate growth in residential and small-scale commercial development.

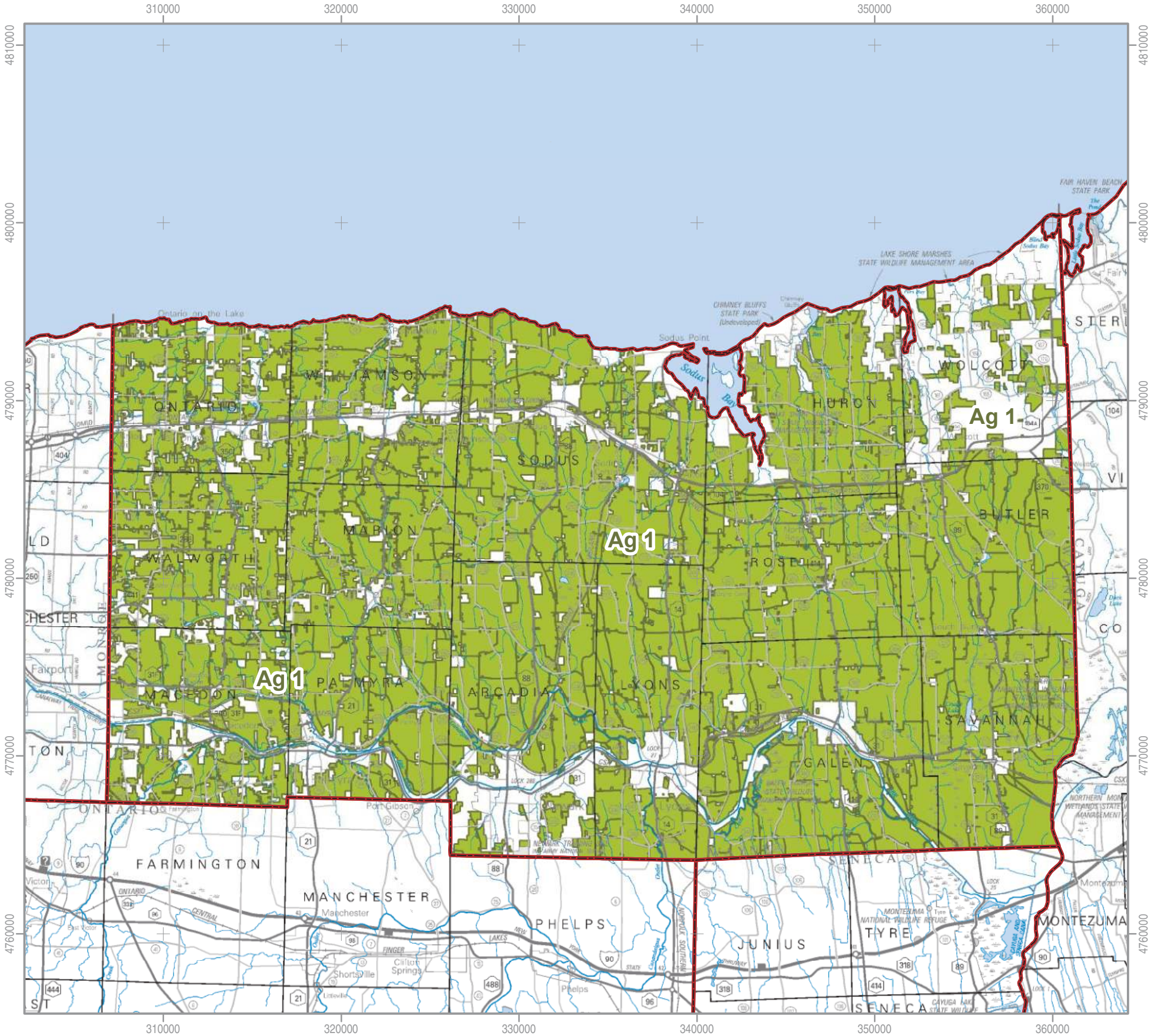
A potential issue related to residential development in the future may be the redevelopment of the existing residential properties along certain parts of the lake shore areas as the traditionally seasonal nature of the lakeshore communities begin to evolve into year-round communities. Moreover many of the existing homes are relatively old and undersized. This combined with rising land values has resulted in redevelopment of such properties in similar communities in other areas of New York and elsewhere in the country. Often the newer homes are much larger than the existing and cover larger percentages of the lot. They can both substantially alter the historic character of the community as well as block historic viewsheds.

Another potential issue is the need to manage future new residential development in a manner that protects the agricultural resources of the community. There may be a need to provide for adequate buffer areas between residential development and agricultural operations.

Agriculture and Farming

Approximately 1,060 acres within the WRA are agricultural parcels, comprising 13.7% of the total land area. Wayne County Agricultural District 1 Map illustrates the agricultural districts, as defined under article 25-AA of the Agricultural and Markets Law. Agricultural uses include mostly crop farming and orchards. The definition of agricultural lands is included in Section III. As mentioned at the beginning of Section II of the LWRP, Wayne County developed an Agricultural and Farmland Protection Plan³¹ to provide recommendations for the preservation of both the business of farming and farmland in the county.

³¹<http://web.co.wayne.ny.us/wayne-county-planning-department/>



KEY

Ag. District 1

DISTRICT CERTIFICATION and TOWNS

DISTRICT 1

CERTIFIED 9/30/2008

Arcadia	Lyons	Palmyra	Walworth
Butler	Macedon	Rose	Williamson
Galen	Marion	Savannah	Wolcott
Huron	Ontario	Sodus	

MAP SOURCE INFORMATION

Map created at Cornell IRIS (Institute for Resource Information Sciences) <<http://iris.css.cornell.edu>> for the NYS Department of Agriculture and Markets

Base Map: state250_bw.tif 1998
Scale: 1:250,000; County boundaries imported from the file nyshore.e00 from the NYSGIS Clearinghouse website: <<http://www.nysgis.state.ny.us>>

Agricultural Districts boundary data is available at CUGIR (Cornell University Geospatial Information Repository) website: <<http://cugir.mannlib.cornell.edu>>

Contains data copyrighted by the NYS Office of Cyber Security

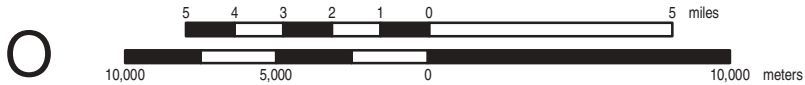
DISCLAIMER

This is a general reference to Agricultural District boundaries; not a legal substitute for actual tax parcel information.

Boundaries as certified prior to January 2011

Open Enrollment Annual Additions through 2009 are included in this data. Newer additions are not. Check with county agencies to confirm the status of individual parcels.

MAP PROJECTION
UTM Zone 18, NAD83 meters



2.6. Land Ownership

The Waterfront Revitalization Area includes a total of 4,129 acres of State-owned park and conservation land. These include portions of the Lake Shore Marshes WMA³², managed by the Department of Environmental Conservation (DEC) Region 8, at East Bay (1,283 acres), southeast of Port Bay (1,343 acres), and south of Sodus Bay (706 acres), as well as Chimney Bluffs State Park (662 acres) managed by OPRHP³³, which abuts Lake Ontario east of Sodus Bay. State-owned land encompasses 52% of the WRA's land area. A total of 546 acres south of Sodus Bay are owned and protected by The Nature Conservancy. The sand and gravel barrier beaches at the mouths of East Bay and Port Bay are part of the Lake Shore Marshes WMA.



The Town of Huron owns a 0.4-acre parcel along the Lake Ontario shoreline at the north terminus of North Huron Road. As depicted in the figure above, this land has eroded to the point that there is little land area left. The locations of public and conservation lands are depicted in Map 7.

The Wayne County Sewer & Water Authority³⁴ owns two parcels of land within the eastern side of Huron WRA that are used for water distribution facilities. The remainder of the WRA is privately owned.

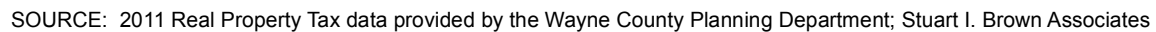
2.7. Underutilized Sites and Structures

Outside of the Wildlife Management Areas (WMA) and State Park, most of the waterfront is developed with single-family residences and seasonal cottages. Many of the existing seasonal cottages are small and relatively old. In some areas, particularly those served by public water, seasonal cottages are being replaced with larger year-round dwellings. The following areas, while not underutilized, contribute to wildlife habitat and ecological functions but may have the potential for additional recreational or other use:

³² Department of Environmental Conservation website, Area of Lake Shore Marshes, West map

³³ <http://nysparks.com/parks/43/details.aspx>

³⁴ <http://wcwsa.org/>



-

Along Sodus Bay

- Bay bridge – east and west ends
- Hog Island at LeRoy Island bridge
- Lake Shore Marshes Wildlife Management Area
- Crescent Beach

Along East Bay/ Lake Ontario

- Chimney Bluffs State Park
- Lake Shore Marshes Wildlife Management Area

Along Port Bay

- Lake Shore Marshes Wildlife Management Area

2.8. Zoning

In 1973, the Town of Huron adopted its first zoning law as authorized by NYS Town Law §264. The zoning law regulates and restricts the use of lands within the town, the height, number of stories and size of buildings and other structures, the percentage of occupancy of lots and parcels of land that may be occupied, and the density of development.

The Town of Huron Zoning Law³⁵ establishes specific zoning districts and sets forth specific uses permitted in each district, as well as dimensional and other standards. The Zoning Law has been amended and updated on a number of occasions since its original adoption.

The Town of Huron Zoning Law divides the Town of Huron into eight (8) zoning districts. Zoning within WRA includes three residential categories (R1A-Rural Residence District, R15000-Medium Density Residential and RES-Resort), one Agriculture District (A5A), one Land Conservation District (LC), and a potential Planned Development Districts (PD).

Existing zoning districts within the WRA are depicted in Map 6. Uses within each district are further broken down into uses permitted by right and uses permitted upon the granting of a Special Permit from the Board of Appeals, as provided by Section 43.0 of the Zoning Law, or with Site Plan Approval by the Planning Board as provided for in Section 44.0. The Schedule of Regulations set forth in Section 42.0 list the uses permitted in each district and is included in Appendix B.

The A5A-Agriculture District permits a wide range of land uses, including agriculture, residences, manufactured home parks, industry, junkyards, quarries and sand and gravel pits. This district covers 75% of the entire Town of Huron and 28% of the waterfront area.

The RES-Resort District is designed to accommodate both the commercial and the non-commercial water- and land-based residential and recreational activities associated with a resort area. In addition to seasonal and year-round dwellings, the RES district permits: hotels, motels, tourist homes and boarding homes; restaurants, bars and taverns; small-to medium scale retail sales establishments; golf courses; camping and campground; and marinas and marine services, including boat storage. This district encompasses a total of 25% of the Waterfront Area, including much of the shoreline of Sodus Bay, East Bay and Port Bay as well as much of the Lake Ontario shoreline east of Chimney Bluff State Park.

The R1A-Rural Residence District permits residential and agricultural uses, and also land uses traditionally considered relatively compatible with residential such as churches, parks, playgrounds,

³⁵ <http://townofhuron.org/content/Laws/View/41:field=documents;/content/Documents/File/38.pdf>

schools, nursery schools, golf courses and home offices. In addition the zoning district permits a variety of other land uses including retail & wholesale commercial; professional offices; medical & dental clinics; campgrounds; clubhouses; child & adult care facilities; circuses, fairs & carnivals; and boat storage.

This District comprises approximately 10% of the WRA, including:

- approximately 298 acres east of Sodus Bay, bounded by Lummisville Road on the north and Lake Bluff Road on the east.
- Approximately 108 acres west of East Bay, along Chimney Heights Blvd., Carolina Ave. and the west side of Hampton Ave. south of East Bay Road
- Approximately 452 acres along the east and west sides of West Port Bay Road, south of Port Bay.

The R-15,000 - Medium Density Residential district permits residential development, limited agriculture (no animal husbandry) and uses traditionally considered compatible with residential such as churches, parks, playgrounds, golf courses and home offices. Approximately 4% of the Waterfront Area, consisting of approximately 208 acres on the west side of Sodus Bay, is within the R-15,000 zoning district.

The LC-Land Conservation District includes approximately 3,614 acres within the Waterfront Area land owned by the State of New York within Chimney Bluff State Park and the Lake Shore Marshes Wildlife Management Areas. Although the State is exempt from local zoning regulations, future owners would be limited to using the land "...for public use, including lands left in a natural state, landscaped areas, ball fields, and other areas set aside for recreational uses."

The Town of Huron Zoning Law provides for the establishment of Planned Development Districts (PD) within the town. The Planned Development District is a floating zone that can be applied by the Town Board to land of 50 acres or more where diverse uses are brought together on a single parcel of land as part of a unified plan of development. Land and buildings may be used for any purpose to the extent permitted elsewhere in the Zoning Law, subject to whatever requirements may be imposed. The Zoning Map does not show any areas designated as Planned Development Districts because the Town Board has not yet designated any.

The Town's HB - Highway Business zoning district and M-Industry Zoning District, which permit more intensive business and industrial uses, are located outside of the Waterfront area.

2.9. Water Uses

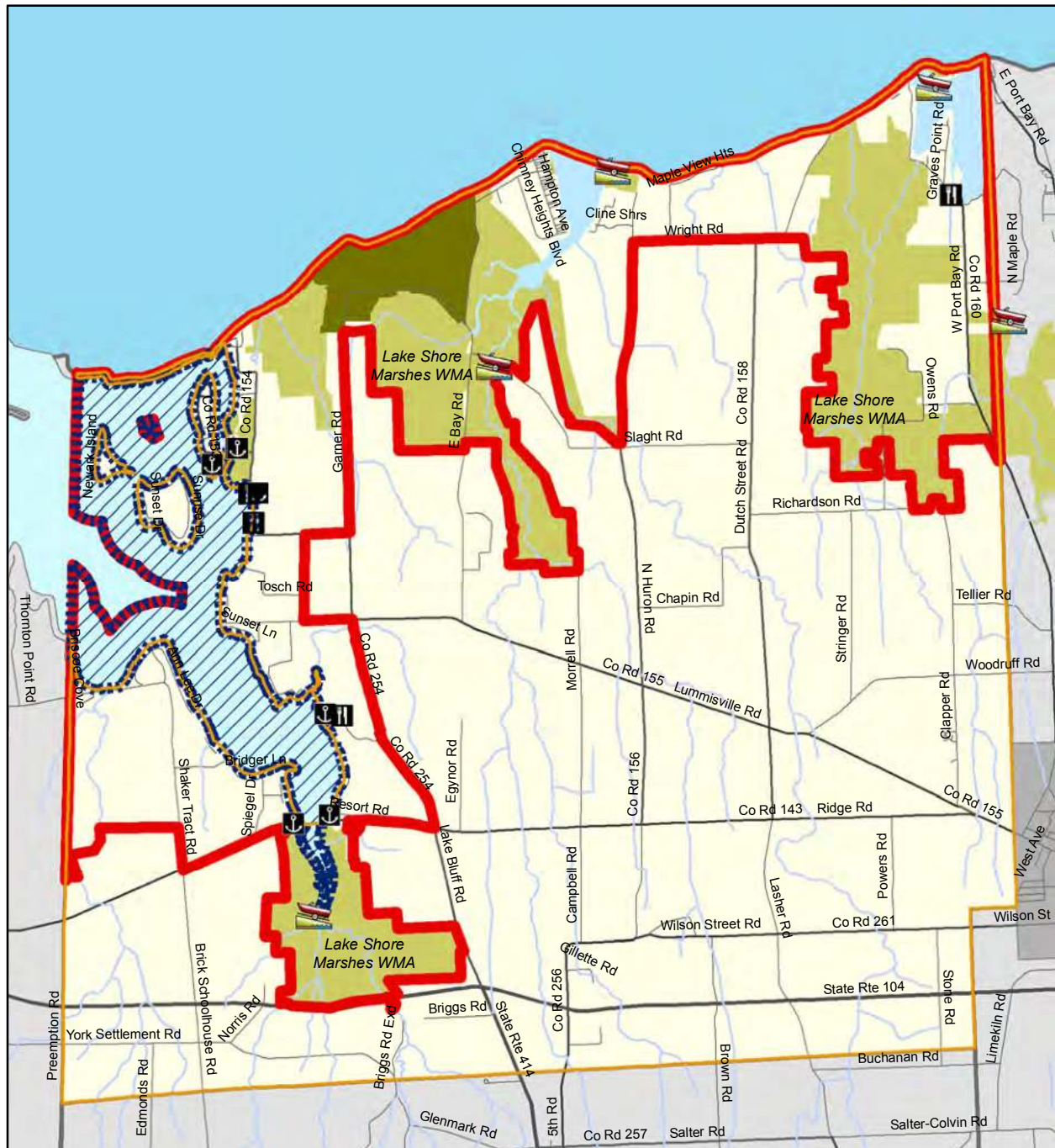
Water dependent uses are businesses that are located directly on the waterfront and depend on water access for their business, such as marinas, charter fishing operations and boat launching facilities. Water-enhanced uses in the Town of Huron include shops, restaurants, and open space areas. Map 8 depicts the location of the water-dependent and water-enhanced uses within the WRA.

Boat Launches

The Huron WRA contains four (4) public boat launches, all operated by the NYS Department of Environmental Conservation. Two of the public boat launches are located on the west side of Port Bay. One is located at the northern tip of the bay adjoining the outlet to Lake Ontario and the other is located near the southern end of Port Bay. Both have concrete boat ramps. The public boat launch at the

Town of Huron Local Waterfront Revitalization Program

Water-Dependent & Water-Enhanced Uses



-  BoatLaunch
-  Restaurant
-  Marina
-  Lake Shore Marshes WMA
-  Chimney Bluffs State Park
-  HMP Boundary
-  WRA Boundary

January 2016



0 0.5 1 2 Miles

SOURCE:

County and Town Boundaries and Roads: US Census TIGER/Line 2010 shapefile database.

WRA Boundaries: Stuart I. Brown Associates and NYS Department of State

2011 Real Property Tax data provided by the Wayne County Planning Department; Stuart I. Brown Associates

southern end of Port Bay is actually located just inside the Town of Wolcott, but the entire access road is located within the Town of Huron.

The other two public boat launches are located near East Bay. One is located at the northern terminus of North Huron Road a short distance east of East Bay and provides a car-top boat launch for launching boats directly into Lake Ontario. The other boat launch, comprised of a gravel ramp, is located along Slaght Road where it crosses Mudge Creek. Both of these sites provide public access for fishing as well. A couple of sites used informally for launching boats are located within the Huron WRA. One site is located along the western shore of Sodus Bay, approximately 3/5 mile south of Ridge Road within the Lake Shore Marshes WMA. Access to this site is from Ridge Road immediately west of the Bay Bridge. The other site is located at the eastern end of Bridger Lane where the road terminates at the Port Bay shoreline.

Marinas and Boater Services

Sodus Bay

Although much of the boating activity in Sodus Bay is oriented around Sodus Point, nearly one-half of the seasonal and more than one-half of the transient boat slips are supplied by marinas along the east shore of Sodus Bay within the Huron WRA. Based on the findings of the water-use surveys conducted in 2004-2005, the 522 seasonal boat slips and 173 transient slips at facilities in the Town of Huron represented 43% of all the seasonal slips and 56% of all the transient slips along Sodus Bay. Excerpts of the documents including the results of the surveys and NOAA's nautical maps for Sodus Point and Port Bay are included in Appendix E of the LWRP.

The following private boat marinas are located within the Huron WRA. These marinas provide dockage, boat launching, and various additional boater services.

Oak Park Resort Marina, located on the eastern shore of Sodus Bay near its southern end, offers a wide array of boater services including fuel (gasoline and diesel), electrical hookups, pump out service, restrooms and shower facilities, laundry facilities, and transient boater dockage, in addition to its 90 boat slips.

Restaurant at Oak Park Resort Marina



The Oak Park Resort Marina also contains a small inn for lodging, the Waypoint restaurant, a swimming pool, picnic area, playground, and basketball and shuffleboard courts. It also has a boat launch.

Fowler's Marina is located near the southern tip of LeRoy Island. The focus of the marina is on boat sales and marine repair service. In addition, the marina sells fuel (gasoline only) and offers pump out services, transient boater dockage, and winter boat storage. The marina does not offer a boat launching ramp.

Fowler's Marina



Fowler's Marina aerial view



Island View Marina is located on the eastern shore of Sodus Bay opposite Eagle Island. Services are limited to providing 86 slips for dockage and the outdoor storage of boats and trailers. The Marina contains no buildings. The facility was formerly used as overflow boat dockage from the Fowler's Marina.

Island View Marina



Connelly's Cove offers limited dockage that supports the restaurant, but no other boater services.

Connelly's Cove



Bay Bridge Sport Shop is located along Old Ridge Road, offers seasonal and transient boat slips, boat rentals, and purchase of bait and other boater supplies.

Bay Bridge Sport Shop



Skipper's Landing and Restaurant is located along the eastern shore of Sodus Bay opposite Eagle Island. The dock contains 19 slips. The marina is essentially provided to support the restaurant by providing direct boater access. Although electrical service is provided to the slips, no other boater services or amenities are provided.

Skippers Landing and Restaurant



Le Roy Island Bait and Rentals (Island Cove Marina) is located along LeRoy Island Road on the eastern shore of Sodus Bay opposite LeRoy Island.

Davenport and Son Boat Livery and Marina is located along Resort Road on the eastern shore of Sodus Bay near the east end of the Bay Bridge. Apart from dockage the only other service the Marina offers is electrical hookups for boaters.

Davenport and Son Boat Livery and Marina



Eight on-water locations along Sodus Bay offer various boater services, including the purchase of gas and diesel, pump-outs, public toilets, marine repairs, and ship's stores. In addition, there are four locations with bait and tackle shops and four locations with boat rentals. The level of support services within the entire Sodus Bay is considered to be very good when compared with other water bodies in central and western New York. The level of marine-related services is indicative of the popularity of the port with fishermen and recreational boaters.

A service that is currently lacking along Sodus Bay is dry rack storage for vessels.

The following table lists the marinas and other water dependent businesses within the Huron WRA, along with their location and the number of seasonal and transient slips provided.

Name	Location	Seasonal Slips	Transient Slips
Bay Bridge Sport Shop	Old Ridge Rd.	60	3
Connelly's Cove	Lake Bluff Rd.		30
Island Cove Marina and Leroy Island Bait Shop and Rentals	Leroy Island Rd.	Under construction	
Davenports Boat Livery & Marina	Resort Rd.	30	10
Fowlers Marina	LeRoy Island Rd.	100	
Island View Marina	Lake Bluff Rd.	80	34
Oak Park Marina	Catchpole Shore Rd.	232	
Skipper's Landing	Lake Bluff Rd.	20	20
Totals – Sodus Bay, Town of Huron		522	97
Total – Sodus Bay (based on 2005 inventory)		1,208	173

The table below lists the services and amenities available at each of the water-dependent businesses along Sodus Bay within the Huron WRA. There are no commercial marinas or boater services along East Bay.

Name	Gas	Diesel	Pump-out	Toilet	Public Ramp	Private Ramp	Marine Repairs	Ship's Store	Bait & Tackle	Boat Rental	Public Restaurant
Bay Bridge Sport Shop	X	X			1				X	X	
Connelly's Cove				X							X
Island Cove Marina and Leroy Island Bait Shop and Rentals									X	X	
Davenports Boat Livery & Marina	X			X					X	X	
Fowlers Marina	X		X	X	1		X	X			
Island View Marina											
Oak Park Marina	X		X	X				X			X
Skipper's Landing				X							X

Bayfront Bar & Grill, Marina and Gas Station is the only marina located on the western shore of Port Bay, in the Town of Huron. This marina provides approximately twelve slips for dockage, a concrete ramp boat launch, and fuel (gasoline) sales.

Former Pier One restaurant and adjoining boat launch



The only **boater service business** identified in the Port Bay area is Toadz Bait, which sells tackle, bait and other fishing supplies from a small shop at 8333 West Port Bay Road.

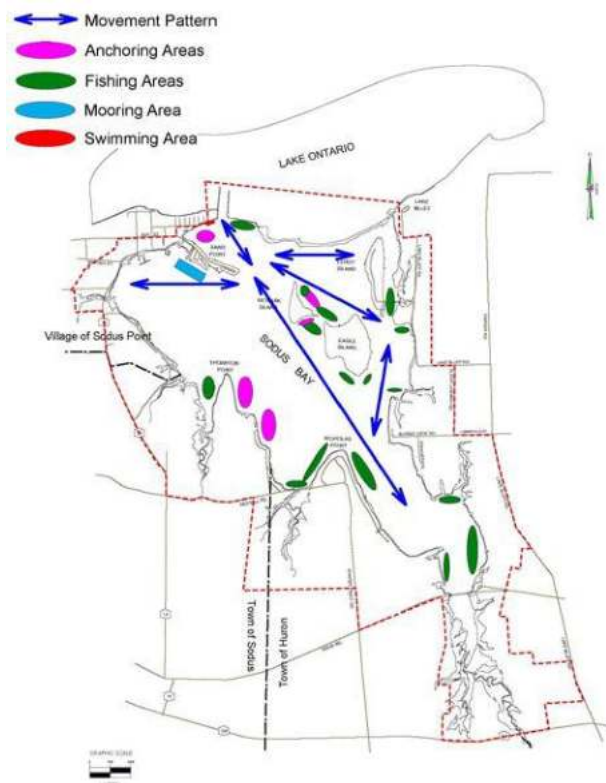
Boating

Sodus Bay

The following data is also based on results of the surveys conducted in 2004 and 2005. In the study area for surveys, docks were defined as structures extending out over the water with the ability to be used for the berthing of vessels; no distinction was made for the shape or configuration of the dock.

The vessel count excluded very small boats, such as canoes, kayaks and windsurfers, as these are often stored in enclosed spaces, garages or sheds and an accurate count could not be obtained. Jet skis, however, were included as vessels as were small fishing and row boats if located in the water or on the shoreline.

As illustrated in the map below, and in Appendix E, the primary vessel movement pathways converge at a point located just east of the eastern terminus of Sand Point, west of the Huron Town boundary and outside of the Huron WRA. Here, vessels of widely varying speeds encounter each other with cross traffic coming into the primary north-south movement from three different directions. A designated “no-wake” zone with a 5 mile per hour (mph) speed limit is located north and west of this location.



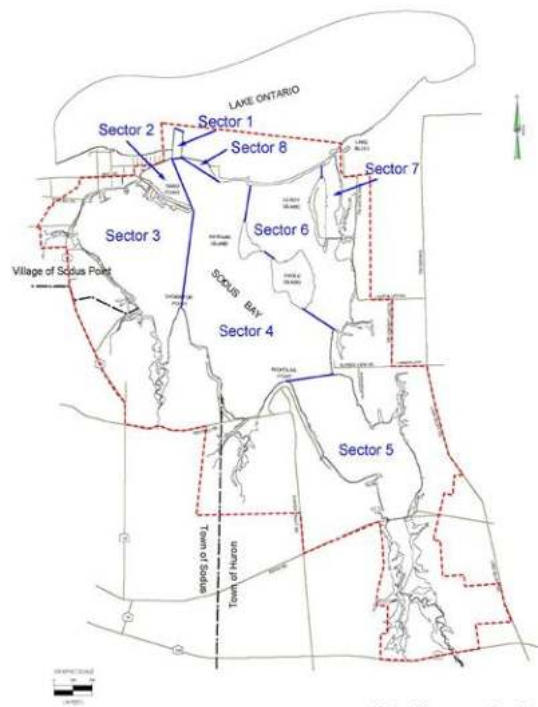
The most heavily used anchoring area on Sodus Bay is a shallow area with a sand bottom located just south and west of the Channel entering from the Lake, near the Village of Sodus Point outside of the Huron WRA. Over 100 vessels have been observed anchored in this small area on peak weekend afternoons.

Within the Huron WRA, the anchoring areas near Newark Island are in deeper water and are utilized by larger vessels for protected anchorage. These areas are frequently utilized for overnight stays by transient vessels.

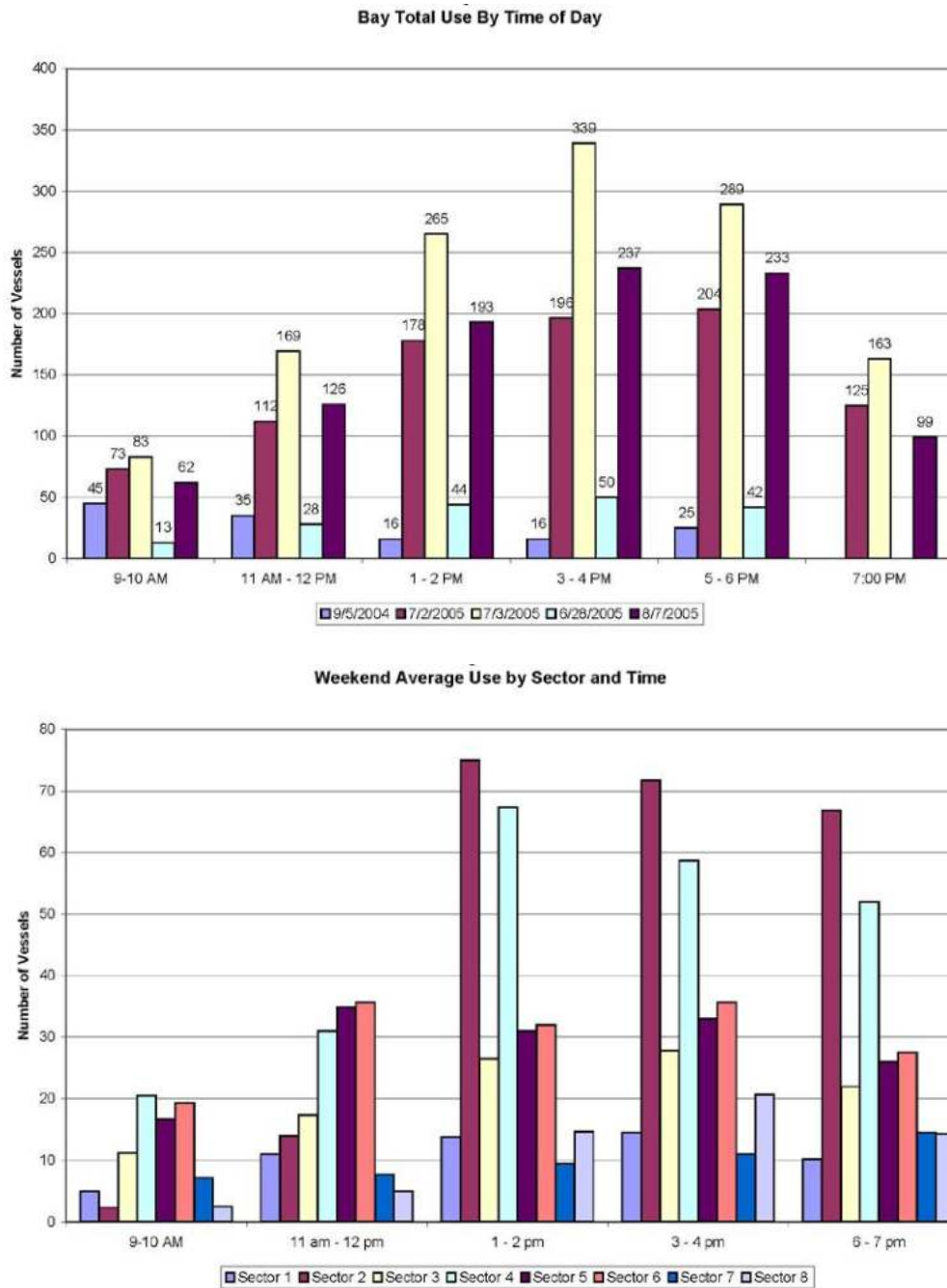
Several of the most popular fishing areas within Sodus Bay are located within the Huron WRA, as shown in the adjacent map, and Appendix E. Fishing occurs in other areas as well, but these generally shallow, near shore zones were almost always occupied by generally small fishing vessels. Sodus Bay is also occasionally used for sail boat racing organized by the Sodus Bay Yacht Club, based in the Village of Sodus Point. When in the Bay, the course is usually established in the area well south of Sand Point to Thornton Point, in waters outside of the Huron WRA. In this area, the racing does not interfere with any primary traffic movements. However, as is common with sail racing, the actual event course is established on the day of the race based upon weather conditions, and some races intended to run on the Lake may be moved into the Bay, and vice-versa, depending upon the wind conditions forecast. On at least one occasion, a sail race course was observed to be set up so boats had to traverse east almost to Newark Island. Routes established farther east may traverse a primary fairway for Sodus Bay vessel movements.

During the summers of 2004 and 2005, direct boating traffic surveys were conducted in eight sectors of Sodus Bay, as illustrated in the map below, and Appendix E. The sectors were divided as follows:

- Sector 1: The Channel connecting the Bay to Lake Ontario.
- Sector 2: Area bounded by a line from the east end of Sand Point to the inland terminus of the Channel west jetty.
- Sector 3: Area bounded by a line from the east end of Sand Point to Thornton Point.
- Sector 4: Central portion of the Bay west of the Islands and north of Nicholas Point.
- Sector 5: Southern section of the Bay from Nicholas Point to the Bay Bridge.
- Sector 6: Area bounded by Newark and Eagle Islands on the west, Crescent Beach on the north and LeRoy Island on the east.
- Sector 7: Narrow area between LeRoy Island and the mainland to the east, north of the LeRoy Island Road bridge.
- Sector 8: Area bounded by a line from the inland terminus of the Channel east jetty and the southeastern terminus of Charles Point.



Of the sectors illustrated above, sectors 4, 5, 6 and 7 are either partially or completely within the boundaries of the Town of Huron WRA. As illustrated in the graphics below, the afternoon boat traffic within Sector 4 is nearly as high as the heaviest usage located in Sector 2, north of Sand Point and adjoining the Village of Sodus Point.



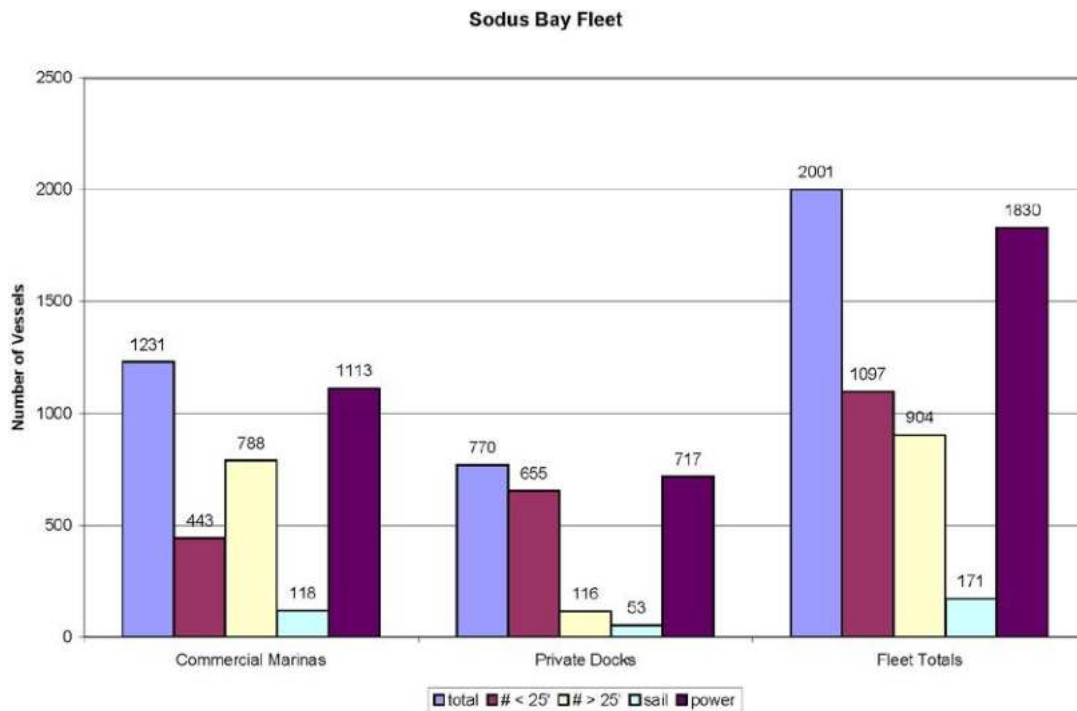
Based on a comparison of vessel counts and standards for the amount of water surface area required for various vessel use activities, the total vessel usage was well within the capacity of the Bay during weekdays, even on a hot summer day. On weekends, vessel usage in most of the Bay area was generally within capacity under both average and peak weekend use, with two exceptions. On weekends, boat traffic in the Channel to Lake Ontario (Sector 1) exceeded the theoretical capacity for some hours. However, since the vessels generally move through the channel in only two directions, in or out of the Bay, and generally segregate by traveling on the right in each direction, the Channel does not experience delays or significant congestion that might affect safety. In the narrow area between LeRoy Island and

the mainland to the east, vessel usage exceeded capacity throughout the day on weekends except for during the earliest morning measurement period. This is due to the fact that this area is small and narrow combined with the relatively high traffic utilizing it at relatively high speeds.

Based on the inventory of docking and vessels conducted in the summer of 2004 and 2005, there are 512 individual residences along Sodus Bay in the Town of Huron, with 504 docks. This residential base provides berthing for 486 vessels, including 37 on individual moorings. A total of 42 boathouses of various forms were found and 17 locations had swim platforms located in the water. Residences along Sodus Bay in the Town of Huron WRA comprise a majority (67%) of the total along Sodus Bay.

Location	Homes	Docks	Vessels	Boathouses	Moorings	Swim Platforms
Town of Huron	512	504	486	42	37	17
Sodus Bay Totals	765	749	761	71	53	22

Based on the inventory of docking and vessels conducted in the summer of 2004 and 2005, there are approximately 522 seasonal and 97 transient slips at commercial docking facilities along Sodus Bay within the Town of Huron WRA. The Sodus Bay fleet make-up is based upon the observation that approximately 85% of vessels berthed at private docks are small and that most are power boats except those moored off the shoreline. This was combined with direct observations of the fleet make-up at each of the commercial marinas to arrive at an overall resident fleet make-up. It is noted that for purposes of this inventory, jet skis are considered small power vessels. The Sodus Bay resident fleet make-up is also illustrated in the following table, with a break down by size, type of power and whether based in a commercial marina or privately docked.



Housed At	total	< 25'	> 25'	sail	power
Commercial Marinas	1231	443	788	118	1113
Private Docks	770	655	116	53	717
Fleet Totals	2001	1097	904	171	1830

As noted, the Sodus Bay resident vessel fleet is almost evenly divided between large and small vessels and is primarily made up of power boats. This is not unexpected given the ability to access Lake Ontario from the Sodus Bay.

East Bay and Mudge Creek

As East Bay is relatively small and shallow, the types of boats commonly used are smaller than those on Sodus Bay. Among respondents to a survey of landowners who reside or own property along East Bay, 76% utilize motor boats under 20 feet in length, 12% utilize motor boats 20 or more feet in length, 20% utilize sailboats and 60% utilize canoes or kayaks.

Mudge Creek is a local favorite kayak and canoe route that is rich with local flora and fauna. It is a small creek that runs low at times and is best used by small boats. The creek is located in northern Huron and is a tributary to East Bay. Access to the creek is via car-top launch on Bay Road near the turn to Chimney Bluffs or via a New York State ramp on Slaughter Road. There are no commercial boat slips on East Bay. A review of 2009 aerial photographs counted 36 permanent docks along East Bay. Most of the remaining 57 parcels located directly on East Bay likely have temporary docks that are installed during the boating season.

Port Bay

Among respondents to a survey of landowners who reside or own property along Port Bay, 54% utilize motor boats under 20 feet in length, 49% utilize motor boats 20 or more feet in length, 3% utilize sailboats and 38% utilize canoes or kayaks.

The number of commercial boat slips on Port Bay was estimated at 42 in the Regional Dredging Management Plan. This plan was completed in 2000 by communities located along the western shore of Lake Ontario. The December 2014 update to the Regional Dredging Management Plan³⁶ shows a total of 382 boat slips located in the entire Port Bay, in 2013. A review of aerial photographs from 2009 counted 157 permanent docks within the Huron WRA. As there are 157 parcels located directly on Port Bay, several parcels have more than one dock. Others likely have temporary docks that are installed during the boating season.

Charter Boat Services

Several charter boat services operate within the Town of Huron WRA. Those based on Le Roy Island include:

- Blackjaw Bandit Sportsfishing
- Predator Charters
- Ridgerunner Charters
- Silver Hook Charters.

These businesses and others cater to the sports fishing market drawn annually to Lake Ontario.

³⁶ <http://web.co.wayne.ny.us/wayne-county-planning-department/planning-projects/>

Swimming and Diving

There are no formal swimming areas in the eastern part of Sodus Bay, within the Huron WRA; the only marked and guarded swimming area in Sodus Bay is at the Wayne County Park in the Village of Sodus Point. Most of the swimming off anchored boats occurs near the sand bar north of Sand Point and west of Charles Point, within the jurisdiction of the Town of Sodus or the Village of Sodus Point.

Other areas utilized for swimming are located along the shoreline near docks and privately owned swim platforms. These areas are within 100 feet of the shore and, therefore, within the no-wake zone established under State Law. The New York State Boater's Guide indicates that in New York State, vessel speed is generally limited to 5 mph when within 100 feet of the shore, a dock, pier, raft, float, or anchored boat. When no speed limit is posted, vessels must always be operated in such a fashion so as not to endanger others. A vessel must be able to stop within a distance appropriate to the prevailing conditions. A vessel operator is responsible for any damage caused by the vessel's wake. Under no circumstances should a vessel approach within 100 feet of any craft or object displaying flag that indicates the presence of divers in the water ³⁷. Given the adequate open areas available in the bays, conflicts between boaters and swimmers near the shoreline have not been reported as significant.

There are no designated diving areas within any of the three bays within Huron WRA, and there does not appear to be any demand for such areas.

Fishing

All of the waters within the Huron WRA are utilized heavily for fishing. This section addresses fishing activities from boats, including access points and on-water locations. Access to fishing from points along the shore are described below in Public Access and Recreation portion of Section II.

According to the NYS Department of Environmental Conservation (DEC), fish species in Sodus Bay include Longnose Gar, Bowfin, Northern Pike, Chain Pickerel, Channel Catfish, Brown Bullhead, White Perch, Rock Bass, Pumpkinseed, Bluegill, Smallmouth Bass, Largemouth Bass, Black Crappie, Walleye, Yellow Perch. Fingerling walleye are stocked biannually³⁸. Public fishing access is provided at the Bay Bridge on Ridge Road at the extreme south end of Sodus Bay. This bridge was reconstructed over the fall/winter/spring of 2004–2005 and now has a protected pedestrian walkway on its north side that is utilized for fishing. Limited parking is available for such use along the roadway shoulders at both ends of the bridge.

Another public access point is provided at the Leroy Island Bridge in the northeast portion of the Bay, which has a small NYS DEC parking area on the adjacent Hog Island. This Hog Island location, as well as nearby areas along Lake Bluff Road, are heavily utilized for winter ice fishing access.

Public access for launching small boats is also provided in the NYS DEC Lake Shore Marshes Wildlife Management Area located south and just west of the Bay Bridge. This is a very large wetland/upland complex extending south to Route 104. It has a significant area of shallow open water associated with Sodus Creek and the wetland complex that surrounds it. An unimproved dirt access drive connects to the south frontage of Ridge Road just west of the Bay Bridge. At the end of the dirt drive is a small, unimproved parking area and a short trail leading to the Creek shoreline. This can presently be utilized for the car top launch of canoes and kayaks. With its unimproved status, and the lack of signage indicating a possible access point, this area is lightly utilized at present.

³⁷<http://www.nxtbook.com/nxtbooks/nysparks/boatersguide2015/#/40>

³⁸<http://www.dec.ny.gov/outdoor/88424.html>

According to the NYS DEC, fish species in Port Bay include Bowfin, Northern Pike, Channel Catfish, Brown Bullhead, Rock Bass, Pumpkinseed, Bluegill, Smallmouth Bass, Largemouth Bass, Black Crappie, Walleye, and Yellow Perch³⁹.

The NYS DEC operates a concrete ramp with parking for 28 cars/trailers at the south end of the bay on West Port Bay Road. Although the access point on West Port Bay Road is located in the Town of Wolcott, the access road to it is in the Town of Huron. In addition, the NYS DEC operates a concrete ramp with parking for 35 cars/trailers at the north end of the bay at the end of West Port Bay Road.

The NYS Freshwater Fishing Regulation Guide indicates that it is illegal to fish for, or possess fish that are officially listed by DEC as endangered (such as silver chub, bluebreast darter, deepwater sculpin, gilt darter, pugnose shiner, round whitefish, shortnose sturgeon, Atlantic sturgeon and spoonhead sculpin) or threatened (such as eastern sand darter, lake chubsucker, lake sturgeon, longear sunfish, mooneye, gravel chub, banded sunfish, longhead darter, swamp darter, spotted darter and mud sunfish)⁴⁰.

Winter Uses

Winter use of the bays is a growing and seasonally important element. The period of winter use varies from year to year in response to weather conditions, but generally extends three months from late December through the end of March.

Current winter use is dominated by ice fishing in Sodus Bay. The ice fishing is supported by the growing use of all-terrain vehicles (ATV's) and snowmobiles. With use of these vehicles, the ice fishermen are able to bring more equipment onto the ice, including portable shelters, extending the time they can spend during a single visit.

Other current and potential future winter uses include cross-country skiing, snowmobiling (without fishing), ice skating, ice sailing, ice motorcycle racing, and snowshoeing.

A survey of winter usage, conducted during 2004-2005 season, included observations regarding where access to the ice is gained, the number of vehicles present and the locations where they are parked, as well as the support facilities present at all access points and parking areas such as restrooms and trash receptacles. The survey consisted of direct counts of the number of fishermen, vehicles on the ice, support structures (ice shelters) and other users over the entire Bay.

The following table contains the counts taken, listed by location of occurrence. The surveyed winter uses are well distributed over the entire surface of Sodus Bay with the exception of the area north of Sand Point where the ice was not smooth and stable, thought to be due to wave action and resulting forces from Lake Ontario.

Location	Fishermen	Vehicles ATV/Snowmobile	Shelters
Northwest – south of Sand Spit and east of Harriman Park to Thornton Point and Newark Island	112	17	30
Central - Saw Mill Cove to Thornton Point and Eagle Island	76	11	28

³⁹ <http://www.dec.ny.gov/outdoor/88435.html>

⁴⁰ <http://www.dec.ny.gov/outdoor/7917.html#View>

Location	Fishermen	Vehicles ATV/Snowmobile	Shelters
South – to Nicholas Point from Bay Bridge	37	5	12
East - from Lake Bluff Rd. to Eagle Island	89	11	17
North from LeRoy Island Bridge	23	2	6
West from LeRoy Island To Newark Island	29	4	4
Totals	366	50	97

Only ice fishing, and vehicle and individual movements in support of ice fishing, were observed on the ice during the weekend survey. Primary access points to the ice were observed at several locations, generally where direct access could be obtained from public spaces or rights-of-way and where at least some parking is available.

The following table lists the primary access points within the Huron WRA and details the number of vehicles, and the number of those vehicles with trailers, observed within formal parking lots and along roadways. Only the parking lots located in the Village of Sodus Point have portable restrooms and garbage receptacles available.

Location	Vehicles	# w. Trailer
Red Mill Road at Saw Mill Cove	81	15
Speigel Drive Right-of-Way	not counted	not counted
Bay Bridge Marina	18	3
Davenport's Parking Lot	not counted	not counted
Lake Bluff Road	22	5
Skipper's Landing Parking Lot	14	3
Connelly's Cove Parking Lot	24	
Eagle Island Parking Lot	8	
Hog Island on LeRoy Island Road	11	4
LeRoy Island on Road	7	2
Total in Parking Lots	139	12
Total on Roads	98	26
Total	237	38

Additional access points to Sodus Bay are located in the Village of Sodus Point, outside the Huron WRA. During field observation at both the Saw Mill Cove and Hog Island access points, small parking lots were filled and additional vehicles were parked on the roadways. Approximately 18 of the 81 vehicles at Saw Mill Cove and 5 of the 11 vehicles at Hog Island were parked within the designated parking areas. In addition, the parking areas at these locations are not designed to handle vehicles with trailers, a growing trend for winter use.

In terms of support facilities for winter use along Sodus Bay, the Bay Bridge Sport shop was open and could accept some trash. However, none of the other areas within the Huron WRA utilized for winter access of the bay provided restrooms or other support services.

Water-use Issues in Sodus Bay

Based on the surveys conducted in 2004-2005 for the water uses within Sodus Bay, the following conclusions were reached:

- Currently, no vessel congestion or significant conflict problems are occurring on weekdays
- Currently, bay-wide access to the water for boat launches and fishing is adequate to meet weekday use demand even during peak summer weekday periods.
- Summer weekend, during under-peak conditions, congestion is evident in the narrow portion of the Bay between LeRoy Island and the mainland shoreline.
- Further growth in traffic may result in some areas reaching capacity.
- There is an obvious conflict point for vessel traffic located just east of Sand Point. At this location vessels of varying speeds intersect cross-traffic from several directions in a relatively small area.
- Present bay-wide launch capacity and support parking are inadequate to meet the demand during under peak conditions.
- Winter use of Sodus Bay is popular. A survey conducted in 2005 observed that over 350 fishermen utilized the ice on an afternoon with sunny skies, light wind and temperatures in the upper 20s. Adequate parking and support services for winter use are available at two locations in the Village of Sodus Point. Other access points, especially at Saw Mill Cove and the Lake Bluff Road/LeRoy Island areas, are inadequate to meet the peak parking demands and offer no services to support the winter use. In some areas, individuals utilize private property to gain access to the ice.

Hospitality Industry

Water-enhanced businesses are those that are located along the waterfront and enhanced by their waterfront location. These include lodging as well as several restaurants located along Sodus Bay.

- Waypoint Inn and Restaurant
- Bonnie Castle Bed and Breakfast
- Connelly's Cove Restaurant
- The "R" Bar
- Skipper's Landing

In addition, several of the marinas also operate complementary water-enhanced businesses, primarily restaurants, in conjunction with their water dependent uses.

2.10. Underwater Land Ownership

Public Trust Doctrine

The Public Trust Doctrine provides that title to tidal and freshwaters, the lands beneath, as well as the living resources inhabiting these waters within a State is a title held by the State in trust for the benefit

of the public, and establishes the right of the public to use and enjoy these trust waters, lands and resources for a variety of wide recognized public uses⁴¹.

In New York State, the public trust doctrine has been used as a mechanism to guarantee the public's right to use the shoreline, as a tool in determining the public's right to use the water, and as a limitation on the state's ability to convey underwater lands.

The foreshore and underwater lands of the coast are used for recreation, boating, fishing, swimming, and visual enjoyment. The use of trust lands by the public generates billions of dollars for the State economy. These areas provide habitat and breeding areas that should be protected for the public's health and enjoyment and for their economic potential. Private actions that interfere with these activities sometimes diminish the public's use and enjoyment of these commercially and recreational productive areas.

Historically, State underwater land grants were issued for the express purpose of either commerce or beneficial enjoyment. Grants issued for commerce were given to shorefront businesses for more restricted activities and were usually written with conditions. If the conditions were not followed, the State could bring an action to declare the grant void and thereby recover ownership, per Section 78 of the Public Lands Law. Beneficial enjoyment grants were given to shorefront property owners without restriction and provided more complete title to the underwater lands. In either case, the grantee was given full ownership rights to the bottom lands. Grants for commerce were issued in the early part of the 1800's and then the issuance of grants for beneficial enjoyment became more commonplace. Around 1890, the State began to restrict the grants issued for beneficial enjoyment.

Existing State grants, easements and leases to upland owners for use of public trust lands do not necessarily extinguish the public's rights to use these resources. Remaining public rights depend on the specific grant, easement, or lease and in some cases require judicial interpretations. The courts have held that where some types of grants have been made by the State without any express reservation of the public rights, the public trust and accompanying public rights are extinguished, although the State may still regulate such lands under its police power and may authorize local governments to do so as well. The courts have also held that some grants may be invalid if the grant is not in the public interest.

In 1992, the legislature codified in part the public trust in underwater lands. The legislature found that regulation of projects and structures, which are proposed to be constructed in or over State-owned underwater lands, was necessary to responsibly manage the State's proprietary interests in trust lands and to restrict alienation into private ownership of public trust lands owned by the State. The intent of the act was also to ensure that waterfront owner's reasonable exercise of riparian rights and access to navigable waters did not adversely affect the public's rights. The legislature stated that use of trust lands is to be consistent with the public interest in reasonable use and responsible management of waterways for the purposes of navigation, commerce, fishing, bathing, recreation, environmental and aesthetic protection, and access to the navigable waters and lands underwater of the State.

Title to the bed of numerous bodies of water is held in trust for the people of the State of New York under the jurisdiction and administration of the Office of General Services⁴². Structures, including fill,

⁴¹ *Putting the Public trust Doctrine to Work: The Application of the Public trust Doctrine to the Management of Lands, Waters and Living Resources of the Coastal States*; prepared by David C. Slade, published in 1990.

⁴² <http://codes.findlaw.com/ny/public-lands-law/> - Public Lands, Article 2: Office of General Services

located in, on, or above state-owned lands under water are regulated under the Public Lands Law and may require authorization from the State⁴³.

Before considering any development activity or land purchases in the waterfront area, prospective developers and owners should confirm the ownership of the adjacent underwater lands with the New York State Office of General Services (OGS) office in Albany. OGS maintains a series of "Water Grant Index maps" that identify lands within State ownership as well as grants, easements and leases previously issued by the State to various public and private areas. OGS also investigates encroachments on littoral rights (the right of an upland owner to access the navigable waters of the lake) and make sure there is no interference with navigable channels.

The OGS reviews NYSDEC and Army Corps of Engineers (USACE) comments for proposed projects that affect State-owned bottom lands to ensure that the benefits of the public will not be deprived and that the environment will not be adversely impacted. Under Section 404 of the Clean Water Act, the USACE regulates physical disturbance below the ordinary high water mark when adjacent wetlands are absent and to the limits of the adjacent wetlands when those are present⁴⁴.

Grants and Leases

The Office of General Services (OGS) is the agency responsible for issuing grants⁴⁵, leases and easements for placement of structures on and over State-owned underwater lands⁴⁶ within Huron WRA. Docks along some creek corridors, where bottom lands are privately owned, are regulated by the Town and the NYSDEC. However, docks are not commonly constructed in these areas.

The construction of any commercial dock or any private, non-commercial dock along the lake shore that exceeds 4,000 square feet in area (including the perimeter area) would require the granting of an interest (a grant or easement) from the OGS. Non-commercial structures less than 4,000 square feet in size (as measured from the outermost perimeter and including the surface area of the water contained within), less than 15 feet in height and having a capacity of five or



Sodus Bay Underwater Lands Map (Source: NYS OGS)

⁴³ <http://www.ogs.ny.gov/BU/RE/LM/EGLP.asp>

⁴⁴ http://www.usace.army.mil/Portals/2/docs/civilworks/RGLS/rgl05-05.pdf?sm_aui=ivVrSjsjnvDQP2Vj - Ordinary High Water Mark Identification

⁴⁵ <http://codes.findlaw.com/ny/public-lands-law/pbl-sect-75.html> - N.Y. PBL. LAW § 75: Grants of land under water

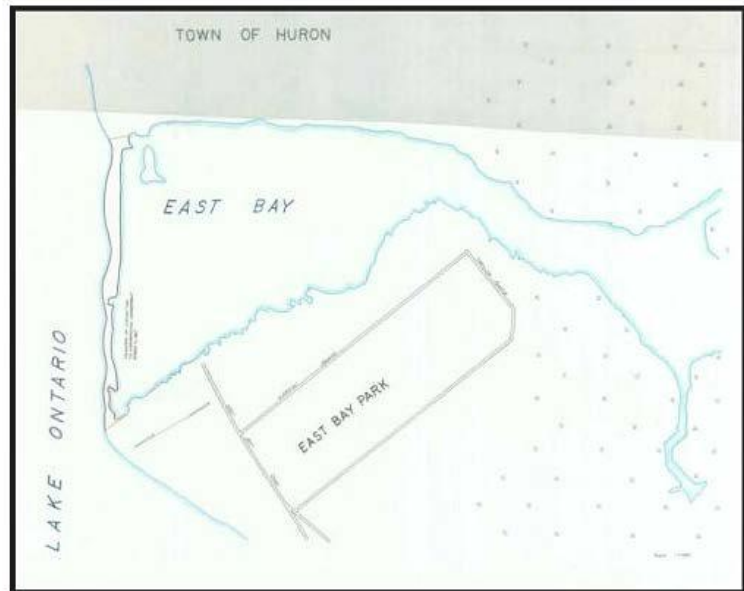
⁴⁶ <http://www.ogs.ny.gov/aboutOgs/regulations/statutes/chapter2.html>

fewer boats, do not need an interest but would still require the acquisition of permits from DEC (Article 15 of the Environmental Conservation Law) and the U.S. Army Corps of Engineers (Clean Water Act).

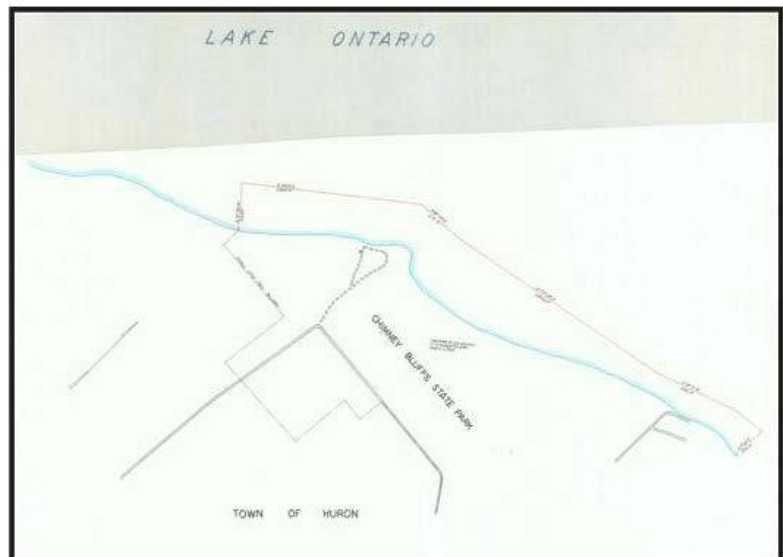
Lands within the Town of Huron WRA below the mean low water elevation of 243.3 feet (IGLD-85)⁴⁷ are held in public trust by the New York State. Ownership and jurisdiction of Lake Ontario and all submerged lands, including the subsurface lying under the lake within the territorial limits of New York State, is held by the State of New York, unless ownership has been granted to any other person or entity.

The beds of the Great Lakes are authorized for private ownership only for special purposes. The boundary between the submerged lands held by the State in trust for the public and the privately owned adjacent upland is delineated by the low water mark.

According to the records of the New York State Office of General⁴⁸ (OGS) there are two easements within Huron WRA, both located in the southeastern side of Sodus Bay. One easement is located on the southeastern side of Eagle Island, and it was granted in 1989 to a private owner for a period of 25 years. The second easement is located midway between the LeRoy Island and the main land, under LeRoy Road bridge, and it was granted to Wayne County in 2008. Also according to the OGS records, the jurisdiction of the underwater lands shown on the maps below was transferred from OGS to DEC.



East Bay Underwater Lands Map (Source: NYS OGS)



Lake Ontario Underwater Lands Map (Source: NYS OGS)

⁴⁷ The mean low water elevation in Lake Ontario is recognized as 243.3 feet, International Great Lakes Datum 1985.

⁴⁸ <http://ogs.ny.gov/BU/RE/LM/EGLP.asp>

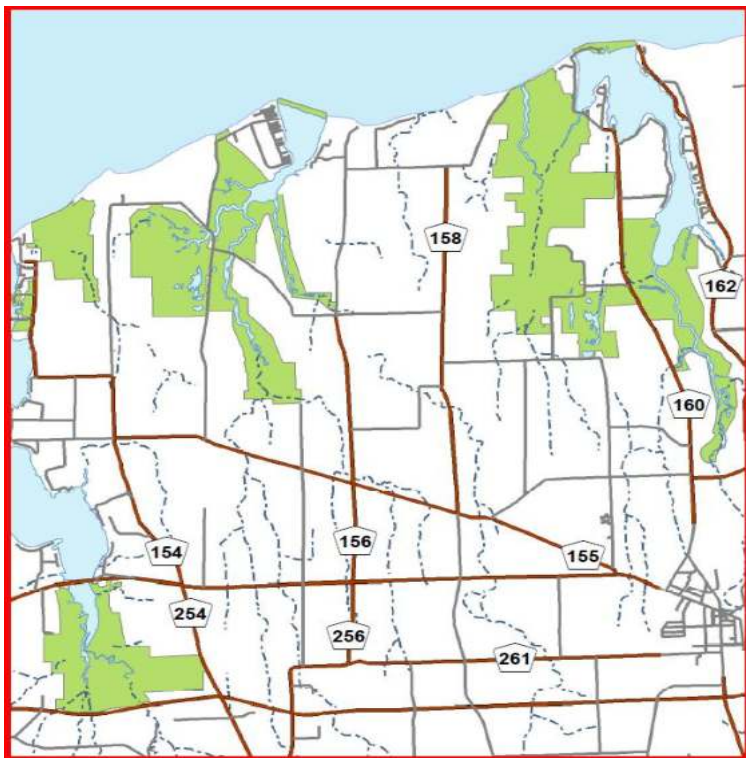
2.11. Public Access and Recreation

Parks

Chimney Bluffs State Park is located along the Lake Ontario shoreline between Sodus and East Bays. The park contains limited amenities which include trails for hiking, cross-country skiing, and snowmobiling, limited picnic facilities, restroom facilities and parking lots. The park also provides access to Lake Ontario for fishing. Improvements to the park were made more than a decade ago. A master plan for Chimney Bluffs State Park⁴⁹ has not been developed and improvements to the park are not scheduled. Discussions with the regional NYS OPRHP headquarters revealed that it is highly unlikely that any improvements will be made to Chimney Bluffs State Park within the foreseeable future. No other public parks are located within Huron's WRA.

Lakeshore Marshes Wildlife Management Area

The Lake Shores Marshes WMA⁵⁰ is a large wetland/upland complex that includes more than 6,000 acres of wetlands in several different locations. These areas offer residents and visitors a chance to experience the region's unique combination of lake, bay and marsh environments. These areas are open to the public for hunting, nature observation, birding and hiking.



Several management units of the Lake Shore Marshes WMA are located within the Town of Huron, shown in green on the map on this page. The sand bars separating East Bay and Port Bay waters from Lake Ontario are part of the Lake Shore Marshes WMA, managed by DEC Region 8.

Access to the South Sodus Bay Unit, located south and west of the Bay Bridge, is provided through a dirt road off Ridge Road, just west of the Bay Bridge. At the end of the dirt road is a small parking area from which a short trail is leading to the Creek's shoreline. This area can presently be utilized for car-top launch of canoes and kayaks. With its unimproved status, and the lack of signage indicating a possible access point, this area is lightly utilized at present.

⁴⁹ http://www.nxtbook.com/nxtbooks/nysparks/ny_campingguide2014/

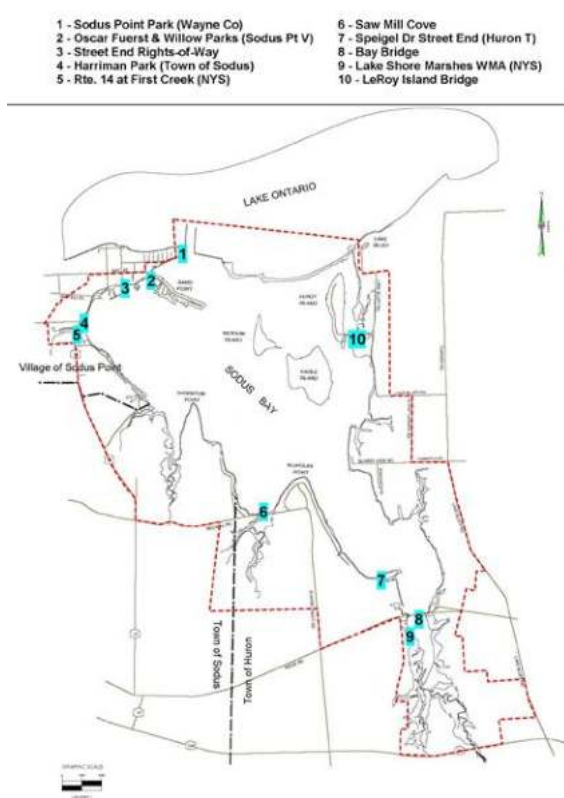
⁵⁰ <http://www.spatialwebhost.com/slimflex/index.html#>

Fishing Access Sites

In addition to the fishing access sites within the Lake Shore Marshes WMA, public fishing access to Sodus Bay is provided at the Bay Bridge on Ridge Road, located at the extreme south end of Sodus Bay, and at the Leroy Island Bridge in the northeast portion of Sodus Bay.

When the Bay Bridge on Ridge Road Bridge was reconstructed over the fall/winter/spring of 2004 and 2005, a protected pedestrian walkway was installed on its north side that is now utilized for fishing. Limited parking is available along the roadway shoulders at both ends of the bridge. Additional parking is available at the Bay Bridge Bait Shop on the west end of the bridge, but is generally restricted to customers of the bait shop and associated marina/boat launch.

The public fishing access site at the Leroy Island Bridge features a small NYS DEC parking area on the adjacent Hog Island. This Hog Island location, as well as nearby areas along Lake Bluff Road, are heavily utilized for winter ice fishing access⁵¹. Such use is further described in a later section.



Private Camps and Retreats

Lake Bluff Campground, the only campground within the Huron WRA, is privately owned and open to the public. Lake Bluff Campground provides water, sewage and electric hookups for campers. The campground is set up primarily to accommodate RVs and pull-behind camping trailers. The camping facility also contains a miniature golf course, recreation hall, swimming pool, fishing bond, and small retail store for use by guests.

Informal Public Waterfront Access

In addition to the publicly accessible areas that provide access to the shoreline of Sodus Bay and are regularly utilized for that purpose, informal access points include those at Saw Mill Cove and Spiegel Drive. These are used to the extent feasible within the confines of the space and access available. All public water access points are indicated on the adjacent figure, and in Appendix E.

Saw Mill Cove is located east of Thornton Point and west of Nicholas Point and Shaker Heights, where Third Creek enters the Bay. Red Mill Road separates the Bay waters from a large wetland to the south. Although this area is not officially designated for Bay access, a small parking area is maintained on the south side of the road with unmarked space available for approximately 15 vehicles. The site is utilized in the spring, summer and fall for shoreline fishing access and, to a much more limited extent, car top launching of canoes and kayaks. In the winter, the site provides access for ice fishing with both

⁵¹ NYS Freshwater Fishing Regulation Guide

pedestrian and ATV/snowmobile access to the Bay ice cover. Informal trail access to the wetland area to the south and Third Creek is available through lands maintained by The Nature Conservancy.

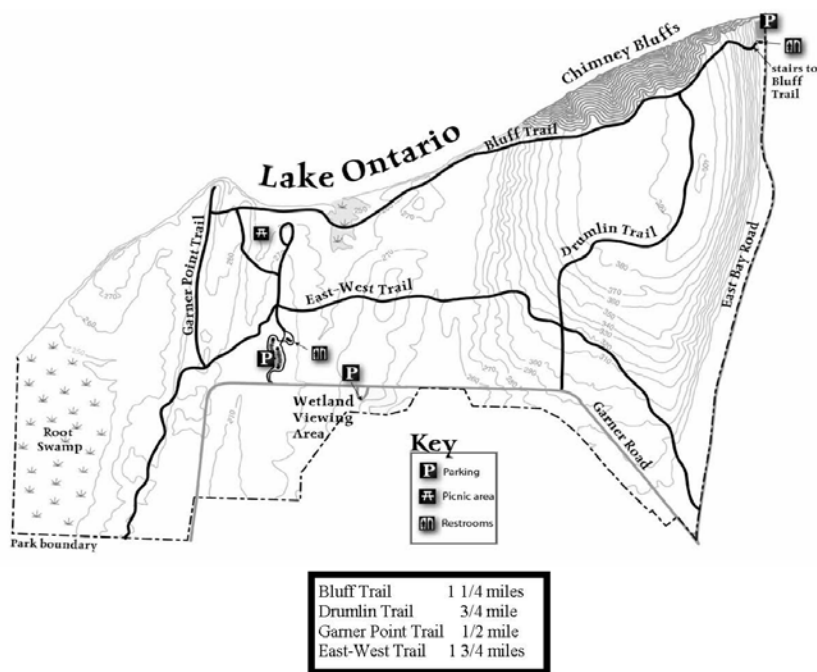
No support facilities for Bay use, such as restrooms or trash receptacles, are provided. While recognized as an important access point to the Bay in the 2001 Sodus Point Waterfront Initiative, no conceptual designs for improvements related to Bay access or use were developed. Instead, it was noted that there is limited right-of-way available for public improvements at this location.

Another informal access point is located at the end of Spiegel Drive in the Town of Huron. The Spiegel Drive right-of-way is unimproved and provides no support facilities. A limited area is available for parking and the opening to the Bay shoreline is large enough for both pedestrian and snowmobile/ATV access.

Hiking, Snowmobile, and Biking Trails

Hiking trails⁵² within the Huron WRA are located within Chimney Bluffs State Park, within the NYS DEC's Lake Shore Marshes WMA, and informally within lands owned by The Nature Conservancy. At Chimney Bluffs State Park, the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) has constructed hiking trails, restroom facilities and a picnic area in the park to allow visitors to experience spectacular views of Lake Ontario and the park's bluffs⁵³. Appendix C includes additional information on Chimney Bluffs State Park.

Chimney Bluffs State Park Trail Map⁵⁴



⁵² New York State Lands Interactive Mapper (SLIM)

⁵³ Wayne County Recreationway Plan, 2012

⁵⁴ <http://nysparks.com/parks/43/details.aspx> - Chimney Bluffs State Park

Located at the end of Dutch Street within the Lakeshore Marshes State WMA, a trail of five miles crosses the site of the former Whistlewood Girl Scout Camp. The trail is maintained by the Town of Huron with the aid of Trail Works, Inc., a not for profit organization founded in 1997. The members of this organization are a group of dedicated trail users interested in coordinating the development and maintenance of high-quality, year-round, multi-use trails, and educating the public about trails and their location in New York. Trail Works plans a variety of events to reach out to local communities, to introduce them to outdoor recreation and to develop the appreciation for the need for trails and access to nature areas.

Chimney Bluffs State Park Trails

Lake Shore Marshes Wildlife Management Area



Other trails on DEC land can be accessed from a small parking area on Route 104 just west of the Town of Wolcott. These are also suitable for snowshoeing and cross country skiing.

The Nature Conservancy land along Third Creek, south of Sodus Bay



In addition, the land recently acquired by The Nature Conservancy along Third Creek, south of Sodus Bay, is open for hiking, snowshoeing and cross country skiing.

Snowmobile Trails are identified each winter. The Snowmobile Trail Map⁵⁵ below depicts the trails alignment from 2011-2012 when designated snowmobile trail were located along Lake Bluff Road and East Bay Road, and within portions of the Lake Shore Marshes Wildlife Management Area southwest of East Bay. Snowmobile trails are largely on private property and are maintained by local snowmobile clubs.



Bicycle routes, as depicted in the Bicycle Route Map, Wayne County Tourism⁵⁶ promotes bicycle touring within the Waterfront Area in Huron. A copy of the brochure is included in Appendix C.



⁵⁵ <http://www.waynecountytourism.com/snowmobile-information>

⁵⁶ <http://www.waynecountytourism.com/hiking-biking>

2.12. Scenic Resources

The scenic views of the lake, bays, and bluffs contribute greatly to the waterfront area's attraction to visitors and value to residents. Responders to the 2004-2005 public survey noted views of sunsets from the eastern shores of Sodus Bay, East Bay and Port Bay as well as views of Chimney Bluffs, Lake Bluff and other geological formations along the waterfront; the Sodus Point Lighthouse, and Crescent Beach.

Sodus Bay

Saw Mill Cove is a location where the road right-of-way for Shaker Tract runs along the Bay shoreline. A small parking area is available on the south side of the road. Views from the northern shoulder of the road look north up the Bay with the Village, sand and gravel barrier beach of Crescent Beach and Charles Point and the wooded Newark and Eagle Islands visible across the expanse of water surface. From the south side of the road, a portion of the large wetland complex located along Third Creek is visible.

View toward the north from Shaker Tract Road View of wetlands south of Shaker Tract Road



Shaker Heights is a developed area on a prominent ridge culminating in Nicholas Point on the Bay. Shaker Tract Road runs along the top of the ridge line and offers intermittent views of the southern portion of the Bay between the developed lots and home sites. There are no formal parking or sitting areas along the ridge. This road fronts entirely on private property and there has been no demand or opportunity to provide public parking or sitting areas along its frontage.

View from the stub end of Spiegel Drive toward the north



View toward the north from Shaker Tract Road of the Sodus Point Lighthouse and Charles Point



The **Bay Bridge** crosses the extreme southern end of the Bay at Ridge Road. Small parking areas are available at both ends of the bridge and a protected pedestrian way is located along the northern side of the bridge. Views from the bridge are expansive to both the south and north. To the south, Sodus Creek

is visible between extensive flats occupied by wetlands and bordered by woods. Views to the north include the southern portion of Bay surface water to approximately Willigs Point and the several marinas in this area.

View toward the south from the Bay Bridge



View toward the north from the Bay Bridge



View toward the northwest from the east side of the Bay Bridge



Lake Bluff Road - Between Ridge Road and Lummisville Road, a section of Lake Bluff Road offers elevated views of the southern portion of the Bay with Shaker Heights in the background. Further north, this road travels along the Bay shoreline east of Eagle Island with open views from the western shoulder in many areas. Views from this area include the water areas between Eagle Island and the mainland, the open water to the south, and the Crescent Beach barrier beach as seen through a narrow gap.

View toward the west from Lake Bluff Road/ Anchor's Way



Hog Island and the LeRoy Island Bridge – From the small parking area at Hog Island, pedestrians can access the bridge to LeRoy Island and adjacent shoreline areas. Views from here include the open water area separating LeRoy Island from the mainland, the open water areas of the Bay to the south, and the large wetland area located both north and south of Hog Island.

View toward the north from LeRoy Island Bridge View toward the south from LeRoy Island Bridge



**View toward the southwest from Lake Bluff Road
(south of western side of LeRoy Island Bridge)**



Lake Ontario/ East Bay/ Port Bay

Other scenic views within the Huron waterfront are depicted on the following pages:

View of Lake Ontario from the terminus of East Bay Road



A small park west of East Bay



Lake Shore Marshes at East Bay



Lake Shore Mashes at Port Bay



Views of Lake Ontario and Port Bay from the northern terminus of Port Bay Road





2.13. Water Quality and Water Levels

The Town of Huron shoreline includes a portion of Lake Ontario as well as all or part of three important bays along Lake Ontario: Sodus Bay, East Bay and Port Bay.

Discharges of sewage from boats can contain harmful levels of pathogens and chemicals, which have a negative impact on water quality, pose a risk to people's health and impair marine life. In 2011, the New York State portion of Lake Ontario was designated as a Vessel Waste No Discharge Zone⁵⁷ (NDZ). An NDZ is an area where boats are completely banned from discharging sewage into the water. Within the Lake Ontario NDZ boaters must dispose of their sewage at one of the 37 pump-out stations currently available in the region.

Water Quality Classifications and Priority Waterbodies List

The assessment of water quality in Sodus Bay, East Bay and Port Bay is based on several sources:

- NYS DEC stream classifications
- NYS DEC Priority Waterbodies List (PWL)
- CSLAP
- Several studies conducted during the past several years.

Fish consumption in Lake Ontario is known to be stressed by existing priority organics and pesticides. Fish consumption is restricted as a result of a health advisory for Lake Ontario that extends to tributaries up to the first impassable barrier, an area which includes the three Bays.

NYS Waterbody Classification

Waterbodies in New York State are identified by an index number for each segment and a letter classification that denotes their best uses⁵⁸. Class A waters are designated as a source of water supply for drinking, culinary or food processing purposes, primary and secondary contact recreation (swimming etc.), and fishing. The highest use assigned to Class B waters is contact recreation. The highest use assigned to Class C waters is fisheries and non-contact recreation. All waters designated as Class A, B or C should also be suitable for fish, shellfish, and wildlife propagation and survival. Those waterbodies that are suitable for trout habitat include a (T) following the letter classification.

⁵⁷ <http://www.dec.ny.gov/chemical/73875.html>

⁵⁸ <http://www.dec.ny.gov/chemical/23853.html>

Lake Ontario is designated as Class A along the entire Town of Huron shoreline. The following table summarizes the NYSDEC catalog number and stream classification for the other waterbodies within the Huron WRA⁵⁹.

Name of Waterbody	NYSDEC Water Index No.	Classification	Notes
Port Bay and Outlet	Ont. 80 and P89	B	Tributaries of Port Bay are Class C
Wolcott Creek	Ont. 80-P 89-1 portion	C	Enters Port Bay from south, 2.3 miles from Lake Ontario shore
Beaver Creek and East Bay	Ont. 82 as described and P93	B	Mouth to Tributary 1, 1.0 miles from shoreline. Tributary 1 to source of Beaver Creek is Class C
Mudge Creek	Ont. 82-2, as described, including P94	C	Mudge Creek enters East Bay 1.3 miles northwest of North Huron. An upstream portion of Mudge Creek is Class C (T).
Un-named Tributary of Lake Ontario (Root Swamp)	Ont. 83 and Tribs	C	Enters Lake Ontario through Root Swamp
Sodus Bay	Ont. 84 P96	B	Body of Water adjacent to the Towns of Huron and Sodus. Tributaries are generally Class C.
Sodus Creek	Ont. 84 P-96-4 as described	C & C(T)	Enters south end of Sodus Bay

Pursuant to the Federal Clean Water Act, which requires states to periodically assess and report on the quality of waters in their state, the NYSDEC Division of Water periodically publishes the “Waterbody Inventory/Priority Waterbodies List,” which is used as a base resource for NYSDEC Division of Water program management. The information in this list is based on monitoring and drawn from other programs and sources that characterize general water quality, the degree to which water uses are supported, and progress toward the identification of quality problems and improvements. The list includes an assessment of water quality for waterbodies under six categories, which include:

- Waters with No Known Impacts – waterbody segments where monitoring data and information indicate no use restrictions or other water quality impacts or issues.
- Threatened Waterbody Segments – waterbody segments for which uses are not restricted and no water quality problems exist, but where specific land use or other changes in the surrounding watershed are known or strongly suspected of threatening water quality; or waterbodies where the support of a specific and/or distinctive use makes the waterbody susceptible to water quality threats.
- Waters with Minor Impacts – waterbody segments where less severe water quality impacts are apparent, but uses are still considered fully supported (these waters correspond with waters that are listed as having “stressed” uses).
- Waterbodies with Impacts Needing Verification – these are segments that are thought to have water quality problems or impacts, but where there is insufficient or indefinite documentation. These segments require additional monitoring to determine whether uses should be restricted.

⁵⁹ <http://www.waynecountynysoilandwater.org/wp-content/uploads/2015-Wayne-County-Water-Quality-Strategy.pdf>

- Impaired Segments – these are waterbodies with well documented water quality problems that result in precluded or impaired uses.
- Unassessed Waterbodies – waterbody segments where there is insufficient water quality information available to assess the support of designated uses.

“Impaired segments,” “Waters with Minor Impacts” and “Threatened Waterbodies” segments are the focus of remedial/corrective and resource protection activities by the NYSDEC⁶⁰. Under Section 303(d) of the Federal Clean Water Act states must consider the development of a Total Maximum Daily Load (TMDL) or other strategy to reduce the input of the specific pollutant(s) that restrict waterbody uses, in order to restore and protect such uses.

The following Water Quality Assessment table outlines the use impairments, types of pollutants and sources for each listed waterbody located within the Huron WRA.

Water Body	Impaired Use	Severity	Type of Pollutant	Causes/Source	Category
Sodus Bay	Public Bathing	Stressed	algal/weed growth; priority organics (pcbs, dioxin; pesticides (mirex); problem species (Eurasian milfoil)	habitat modification; contaminated sediment, agriculture	Minor Impacts
	Fish Consumption	Stressed			
	Recreation	Stressed			
East Bay	Fish Consumption	Stressed	priority organics, pesticides	contamination of lake sediments	Minor Impacts
Mudge Creek	Aquatic Life	Stressed	Possibly nutrient	possibly agriculture (chicken manure)	Impaired Segment
	Aesthetics	Threatened			
Port Bay	Public Bathing	Stressed	algal/weed growth, nutrients (phosphorus); pathogens, d.o./oxygen demand, priority organics, pesticides	agriculture; on-site/septic systems, other source (migratory fish species), contaminated sediment	Impaired Segment
	Fish Consumption	Stressed			
	Recreation	Impaired			

Sodus Bay

Sodus Bay is listed by the New York State Department of Environmental Conservation (NYSDEC) as a Class B, stressed, priority waterbody. The best usage of Class B waters are primary and secondary contact recreation and fishing. Class B waters should also be suitable for fish propagation and survival. Recreational uses in Sodus Bay are thought to experience minor impacts/threats due to invasive and other aquatic weed growth. Fish consumption is also restricted as a result of a health advisory for Lake Ontario that extends to tributaries up to the first impassable barrier.

Sodus Bay has been sampled as part of the NYSDEC Citizen Statewide Lake Assessment Program (CSLAP) beginning in 1988 through 1991 and again from 2001 continuing through the present. An Interpretive Summary report of the findings of this sampling was published in 2006. These data indicate that the bay is culturally eutrophic, often experiencing algal blooms, extensive macrophytic weed growth, and anoxic

⁶⁰ http://www.dec.ny.gov/docs/water_pdf/pwllont07.pdf

conditions in its deeper waters. Based upon the water quality measurements made to date, the Bay waters have been classified as “stressed” with respect to use impairments for bathing, aesthetics and boating. A stressed water body is defined as one in which degradation is occasionally evident and the intended uses are intermittently or marginally restricted. Clearly, the macrophytic weed growth and algal blooms intermittently impact swimming, boating use and aesthetics. In addition, the anoxic condition that develops in the deep waters of the Bay during some summer periods affect fish propagation and survival. An analysis of water quality trends in the Bay over the past decade indicates that this condition is stable, not improving or getting worse.

In addition to the collection of water quality sampling data, the CSLAP program also evaluates public perception of the bay and its uses. This assessment indicates recreational suitability of the bay to be generally favorable ("excellent" to "slightly impacted") although the bay itself is most often described as "not quite crystal clear." The recreational assessment is mostly consistent with bay conditions but slightly lower than for other similar lakes/bays. The relatively lower perception of the bay is likely related to the assessments of aquatic plant growth, which have noted that aquatic plants regularly grow to the surface. Since 1990 when aquatic plants were dominated by native species, invasive exotic plants (i.e., Eurasian water milfoil) have been found in the lake, and have increased in density and coverage since their introduction. Perhaps not coincidentally, "excessive weed growth" has been more frequently cited as impacting water quality and recreational uses⁶¹.

Port Bay

Public bathing and recreational uses in Port Bay are thought to be impaired by elevated nutrient loadings and resulting algal blooms as well as excessive aquatic weed growth. The nutrient loads are thought to be the result of urban/stormwater runoff, residential development, agricultural activities and other nonpoint sources in the watershed. Fish consumption is also restricted as a result of a health advisory for Lake Ontario that extends to tributaries up to the first impassable barrier.

Agricultural activity including manure spreading from poultry farms and other operations, in the basin is one suspected source of nutrient loadings. Nutrient loadings from the Wolcott Waste Water Treatment Plant are also a suspected source. Failing and/or inadequate onsite septic systems, as well as other sanitary discharges, from shoreline residences are possible sources of nutrients and pathogens⁶².

Port Bay was sampled as part of the NYSDEC Citizen Statewide Lake Assessment Program (CSLAP) in 1990, 1991, and 2009. At that time, sampling supported the assessment that the uses are impaired in the bay. In 2011, Port Bay was listed on the Lake Ontario Basin Impaired/Polluted Waters List (WI/PWL ID 0302-0012). Based on this listing, a TMDL for phosphorus was developed for the bay to address the impairment. The TMDL target is a numeric endpoint specified to represent the level of acceptable water quality that is to be achieved by implementing the TMDL. The water quality of the bay is influenced by runoff events from the drainage basin, point source discharges, and loading from nearby residential septic systems. In response to precipitation, nutrients, such as phosphorus – naturally found in New York soils – drain into the bay from the surrounding drainage basin by way of streams, overland flow, and subsurface flow. Nutrients are then deposited and stored in the bay bottom sediments. Phosphorus is often the limiting nutrient in temperate lakes and ponds and can be thought of as a fertilizer; a primary food for plants, including algae⁶³. Excerpts from the report on the Total Maximum Daily Load (TMDL) for Phosphorus in Port Bay are included in Appendix E.

⁶¹ http://www.dec.ny.gov/docs/water_pdf/pwllont07.pdf

⁶² <http://www.waynecountynysoilandwater.org/>

⁶³ http://www.dec.ny.gov/docs/water_pdf/tmdlptbayfinal11.pdf

Currently, the towns of Huron and Wolcott are working together to develop a public sewer system⁶⁴ for homes located around Port Bay, to eliminate the phosphorus leaked from septic systems into Port Bay. The further implementation of the plan also calls for the collection of additional monitoring data to determine the effectiveness of nutrient reduction management practices. Port Bay was delisted in 2012.

Lake Ontario

The Final New York State 2014 Section 303(d) List of Impaired/TMDL Waters⁶⁵ suggests that the suspected impairments are confirmed and that the Lake Ontario waters along the Wayne County shoreline require the development of a Total Maximum Daily Load (TDML) or other strategy to attain water quality standards.

East Bay

As a Class B waterbody, East Bay is suitable for contact recreation and fishing. However, fish consumption is considered stressed due to contaminated lake sediments. East Bay is also affected by the prevalence of invasive, exotic macrophytes, namely Eurasian water milfoil (*Myriophyllum spicatum*). However, in 2014, USEPA requested that Sodus Bay (0302-0020) and East Bay (0302-0011) be added to the Section 303(d) List.

Aquatic Weeds and Algal Blooms

The proliferation of aquatic weeds is increasingly detrimental to recreational boating in Sodus Bay, East Bay and Port Bay. Mechanical harvesting and programs to combat invasive species have not reduced the impact of weeds on boating and quality of life for waterfront residences. Abundant aquatic weeds could be seen in the picture depicting the waterfront at Sodus Avenue, during the summer of 2012.

Macrophytes, or as they are more commonly termed, “aquatic weeds” are an integral component in the functioning of any freshwater lentic ecosystem. Macrophytes occur in three general forms: Submerged, floating, or emergent. Submerged macrophytes are what most people commonly refer to as “aquatic weeds” and are the forms of macrophytes that exhibit dense, prolific growth throughout the expansive shallow water areas of each of the three Bays.



⁶⁴ http://townofhuron.org/content/Generic/View/27?_sm_au_=IVV5SVPSDNFRH0VN - Town of Huron Sewer District No. 1

⁶⁵ http://www.dec.ny.gov/docs/water_pdf/303dlistfinal2014.pdf

In freshwater ecosystems, macrophytes provide crucial habitat for the feeding, breeding, and hiding of littoral (near shore) fish and for pelagic (open water) fish feeding in shallow waters. In addition to essential fish habitat, macrophytes provide habitat for numerous other animals including waterfowl, songbirds, amphibians, reptiles, and mammals. When present in abundance macrophytes have been shown to be important regulators of dissolved oxygen concentrations and factor heavily in the cycling of nutrients (Kalff 2002).

Although macrophytes are essential to a properly functioning ecosystem, problems arise when the community structure and overall abundance of submerged plants make dramatic shifts. Changes in community structure, most notably through the introduction of exotic invasive plants species, drastically changes the overall functioning of that littoral zone ecosystem. In Sodus Bay, East Bay and Port Bay, the establishment of non-native species, specifically, Eurasian water milfoil (*Myriophyllum spicatum*), Curly leaf pondweed (*Potamogeton crispus*), and more recently water chestnut (*Trapa natans*) has drastically changed the community composition and therefore the overall macrophyte abundance. These aggressive growing, non-native species have no natural inhibitions as to the density of their growth. They are not appropriate food sources for waterfowl, they can grow earlier and faster than any surrounding weeds, and they have an ample supply of nutrients with ever expanding littoral zone.

Through competitive advantage, invasive species often crowd out other beneficial native macrophytes thereby creating dense monocultures wherever appropriate resources (sediments, nutrients, and light) are adequately available. While there are a large number of different plant species within each of the Bays, the total plant biomass, the amount of plant matter contained within the Bays, is largely accounted for by only a few of those species.

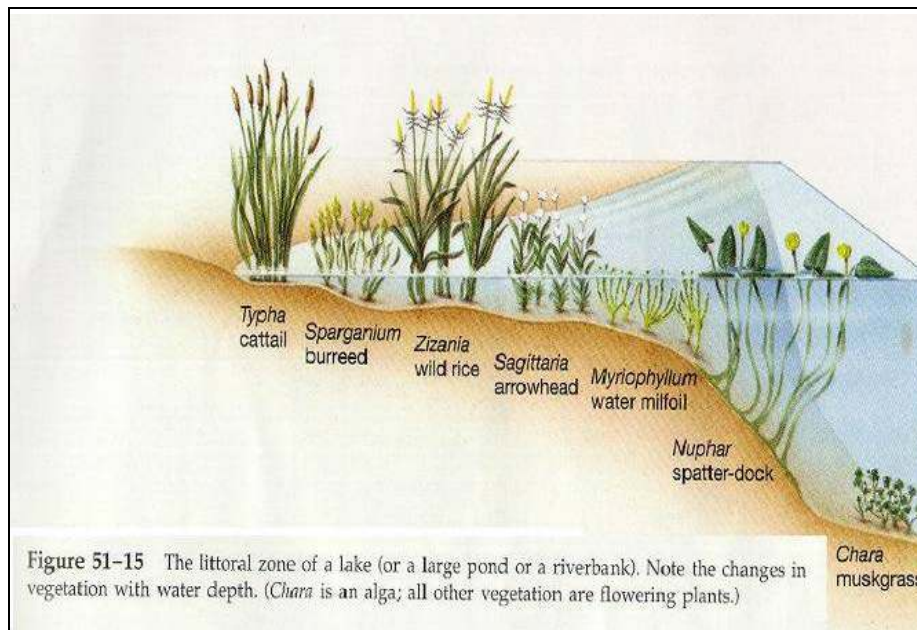
Based on the findings of numerous studies, excessive nutrient loading, for the most part phosphorus, is considered the primary cause of excessive aquatic weed growth within the Bays. Other factors include an expansive littoral (shallow water) zone, high nutrient concentrations, and prevalence of invasive weed species.

The cutting of forests and transitioning of land to agriculture has increased stormwater runoff volume and velocity as well as the amount of sediment carried into the Bays through erosion. Associated with these sediments are ample nutrients such as nitrogen and phosphorus, as well as higher water temperatures. The increased sediment and nutrient load to each bay has been cumulating over a few hundreds of years and has finally reached the point where there is excessive nutrient rich sediments and excessive nutrient concentrations that have both expanded the littoral zone of each Bay and provided the fuel for excessive plant and algal growth.

Large areas of shallow water provide ample light and appropriate sediment composition necessary to support weed growth. Very little weed growth occurs beyond this littoral zone due to reduced light availability and increased water pressure. The extent of these relatively shallow portions of each Bay has expanded over time due to increased sedimentation.

As documented throughout the Great Sodus Embayment Resource Preservation and Watershed Enhancement Plan, the challenges involved with addressing the Bay's expanding aquatic weed problem in the Bays are complex. In addition to controlling internal and external phosphorus loading and managing the influx of other sources of nonpoint source pollution, the control of invasive weed growth will require the concerted and integrated implementation of mechanical, chemical and homeowner based weed management techniques.

Littoral Distribution of Macrophytes



Algal Blooms

There were reports of outbreaks of blue-green green algae during 2011 in areas of Sodus Bay. Studies conducted in August 2011 of samples taken from the Bonnie Castle area found high toxin content. The test results of the samples reported levels exceeding that generally considered safe for recreational contact and well above the level considered safe for drinking water. While the toxin content value found in 2012 was well below the levels reported from the blooms occurring in 2011, it remains a serious recurring problem. Results of Sodus Bay Blue-green Algae Samples Collected on June 11, 2013 showed minimal blue-green algae toxicity (<0.1). Results of Sodus Bay Blue-green Algae Samples collected on July 2, 2014 showed similar low levels⁶⁶.

Blue-green algae, technically known as cyanobacteria, are microscopic organisms that are naturally present in lakes and streams. Some blue-green algae produce toxins that could pose a health risk to people and animals when they are exposed to them in large enough quantities. Health effects could occur when surface scums or water containing high levels of blue-green algal toxins are swallowed, through contact with the skin or when airborne droplets containing toxins are inhaled while swimming, bathing or showering. Consuming water containing high levels of blue-green algal toxins has been associated with effects on the liver and on the nervous system in laboratory animals, pets, livestock and people. Livestock and pet deaths have occurred when animals consumed very large amounts of accumulated algal scum from along shorelines. Direct contact or breathing airborne droplets containing high levels of blue-green algal toxins during swimming or showering can cause irritation of the skin, eyes, nose and throat and inflammation in the respiratory tract.

Recreational contact, such as swimming, and household contact, such as bathing or showering, with water not visibly affected by a blue-green algae bloom is not expected to cause health effects. However, some individuals could be especially sensitive to even low levels of algal toxins and might experience mild symptoms such as skin, eye or throat irritation or allergic reactions.

⁶⁶ <http://saveoursodus.com/state-of-the-bay-reports/>

Stormwater Runoff and Nonpoint Discharges

Nonpoint-source pollution includes run-off from impervious surfaces such as roads and other generalized areas including farms, fields, and sloped waterfront areas. Sources of nonpoint source pollution include nutrients from agricultural land and fertilized lawns, failing or poorly functioning septic systems, and sediment from eroded stream banks and roadside ditches.

Stormwater run-off into the Bays, and into the streams that flow into the Bays, affect the water quality of the Bays. Sodus Bay is primarily fed by Sodus Creek; East Bay is primarily fed by Mudge Creek and Port Bay is primarily fed by Wolcott Creek and also Beaver Creek. Root Swamp and Brush Marsh are fed by un-named tributaries.

Phosphorus has been determined to be the key limiting nutrient for Sodus Bay. Studies have shown that the primary source of phosphorus is the input received from its tributaries. Of the tributaries, the east branch of Sodus Creek (Glenmark Creek) has been found to be the major contributor. During the dryer months when runoff and stream flow is minimal, the release of phosphorus from bay sediments during anoxic conditions can be the dominant source of nutrients. Other suspected sources of nutrients include failed or inadequate septic systems. Although contamination by illegal discharge of sewage from boats is a possible source of nutrients, it has not been determined that boating use is a significant contributor of pollution to the Bay.

In its natural state Port Bay was well vegetated from the upland forests through a transition zone of emergent vegetation all the way to the bay's shore. In addition to providing habitat for wildlife, the natural vegetation would attenuate sediment and nutrient loads before they entered the bay. With increased settlement of this area much of that buffer vegetation was converted to manicured lawns right up the water's edge. With the change in the vegetation of shoreline areas to lawns, the amount of sediment and nutrients entering the Bays has increased. The planting of low growing buffer vegetation as an alternative to grass lawns would help to reduce shoreline erosion, increase sediment and nutrient capture, and restore wildlife habitat while still offering good views of the water from residents' homes. This would also benefit the fisheries of Port Bay as it would provide the proper littoral habitat for the many juvenile and young-of-year classes of fish that depend on this zone for protection from predators and for the abundant invertebrate food sources that thrive in this zone.

The predominant agricultural land use of the uplands adjacent to the bays is that of orchard land, a nutrient contributor to the bay's water. These orchard lands are located on various upland sites throughout the watershed and are often very close to tributaries. Controlling the nutrient load derived from these sites will likely provide a significant improvement in the water quality of receiving tributaries and Sodus Bay, Port Bay and East Bay.

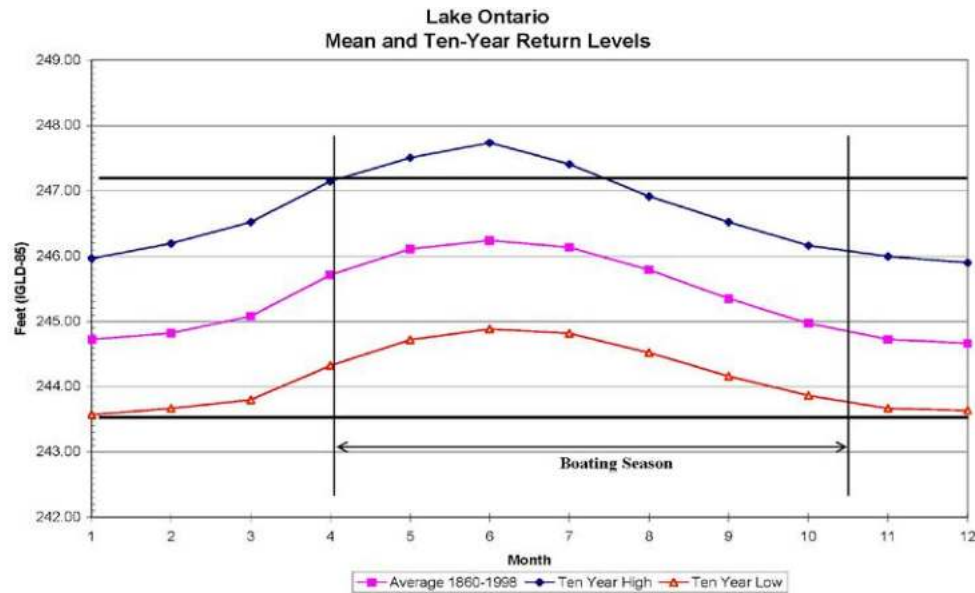
Surface and Groundwater Supplies

Public water service is provided in a portion of the Huron Waterfront Revitalization area by the Wayne County Water and Sewer Authority (WCWSA), which is also responsible for operating maintaining the water supply and distribution infrastructure. Outside of the WRA, residents and businesses rely on groundwater supplied by individual on-site wells.

Lake Ontario Water Levels

An analysis of the historic water level variations recorded on Lake Ontario between 1860 and 1998 documents the impact of the water level fluctuations on water depths in the Bays. The analysis was based on monthly average water level data from the Oswego, NY gauge. Based upon this 139 year record, three levels were calculated for each month of the year; the average and the extreme lows and

highs, with a return period of approximately ten years, are illustrated below and in Appendix E of the LWRP.



The average peak high and low levels have a probability of approximately 10% of occurring or being exceeded, on either the high or low end, for that month in any one year.

The management of the outflow from Lake Ontario also affects lake levels and generally decreases the natural range of fluctuation. Policies regarding outflows are established by the International Joint Commission⁶⁷ and revised policies are currently under consideration. *Scientific studies reveal that the Commission's 1956 Orders of Approval and regulation of the flows through the power project following Plan 1958D with deviations, have harmed ecosystem health primarily by substantially degrading 26,000 hectares (64,000 acres) of shoreline wetlands*⁶⁸. Consequently, the Commission is considering water levels that would balance upstream and downstream uses and minimize possible damage to shoreline protection structures while reversing some of the harm done in the last 60 years to the shoreline wetlands. However, an increase in the range of fluctuations in the lake water levels and heavy seasonal precipitations might produce floods in certain parts of the Huron WRA. To increase awareness about possible flooding that could occur for a larger range of water levels and during extreme weather events, the Town of Huron and Wayne County are proposing to conduct a flood resiliency study to research different scenarios that might burden those properties located close to the shoreline.

Navigation, Water Depths, Dredging and Vessels Discharge

Water depths for boating use are determined by the difference in elevation between the bottom of the waterbody and its surface. The elevation of water surface and the bottom of the waterbody are generally measured and displayed relative to a fixed plane or datum. The datum used for the Great Lakes is the mean sea level as measured at Rimouski, Quebec, termed the International Great Lakes Datum 1985 (IGLD-85).

⁶⁷ <http://www.ijc.org/en/>

⁶⁸ http://www.ijc.org/files/tiny_mce/uploaded/LOSLR/IJC_LOSR_EN_Web.pdf

The water depth needs for recreational boating activities will vary with the type of use and the size of vessel. Assuming that the nominal recreational boating season runs from approximately mid-April through the end of October in western New York, the minimum water level during the boating season is expected to occur during the fall months of September and October.

Recommendations regarding design depths for boating activities based upon safe vessel operation have been summarized in a 1994 American Society of Civil Engineers' guidebook to a fixed plane or datum. The datum used for the Great Lakes is the mean sea level as measured at Rimouski, Quebec, termed the International Great Lakes Datum 1985 (IGLD-85).

In general, power boats up to approximately 25 feet in length will draw approximately 18 to 24 inches of water. Larger power boats (up to 42 feet in length, which is the maximum expected, with some exceptions, to utilize Sodus Bay for docking) will draw from 30 to 36 inches of water. The minimum safety clearance - the depth below the bottom of the deepest draft vessel - as recommended by the USACE is 2 feet for soft bottoms (sand and mud) and 3 feet for hard bottoms.

In addition, props should be more than 12 inches from the bottom in order to protect water quality. Depending on the engine power of the boat, the depth of the water and the type of bottom sediments present, turbulence from motor props will cause a re-suspension of bottom sediments when water depths are less than 30 inches or when the prop is within 12 inches of the bottom. This can result in increased turbidity and the re-suspension of pollutant-laden sediments. In addition, rooted aquatic vegetation will not develop in heavily used boat channels if props are within 12 inches of the bottom.

Safe and environmentally sound recreational boating requires a minimum water depth of 3 feet for power vessels up to approximately 25 feet in length and a minimum of 4 feet for larger recreational power boats. Fixed keel sailboats, on the other hand, will require a minimum of approximately 8.0 feet for sailing and 6.5 feet for sailboat docking and mooring. Vessels launched via trailer on a daily basis are assumed to be no longer than 25 feet; larger vessels are generally launched via hoist on a seasonal basis and stored in water during the boating season.

In light of the above minimum recommended depths, the expected seasonal and long term water level variations, and based upon annual average and extreme (ten year return period) water levels, the minimum bottom elevations for various use activities should be as presented in the table below.

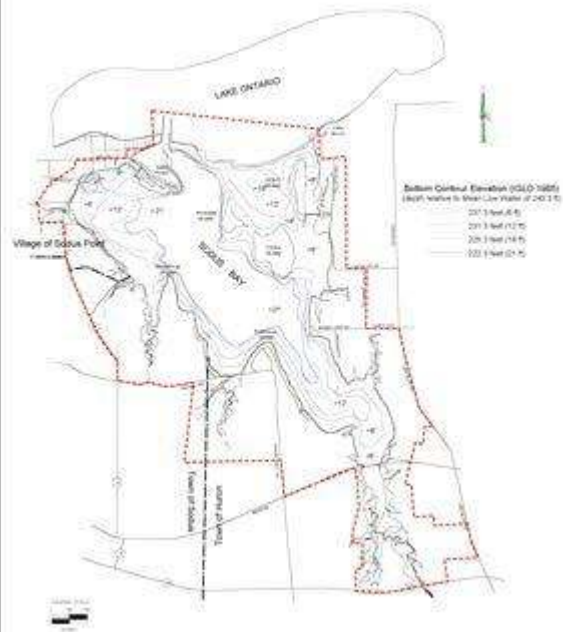
Navigation depths are also affected by the water surface elevation. In Sodus Bay, Port Bay and East Bay, the water surface levels vary directly with that of Lake Ontario and are subject to short term, seasonal and long-term variations. The average depth is 243.3 feet above sea level and the base flood elevation is 251 feet above sea level.

Type of Vessel/Facility	Minimum Water Depth (feet)	Required Bottom Elevation (Annual Average Water Level Basis)	Required Bottom Elevation (Ten Year Extreme Water Level Basis)
Power Boats up to 25 ft and Launch Facilities	3.0	241.9 (IGLD-85)	240.8 (IGLD-85)
Larger Power Boats	4.0	240.9 (IGLD-85)	239.8 (IGLD-85)
Fixed Keel Sailboat Docking	6.5	238.4 (IGLD-85)	237.4 (IGLD-85)
Fixed Keel Sailboat Use	8.0	236.9 (IGLD-85)	235.9 (IGLD-85)

Short term changes in water surface levels of 0.5 to 1.0 feet, over a period of hours or day, result from meteorological changes in winds and barometric pressure which can physically tilt the surface of the lake. Seasonal precipitation and temperature changes generally lead to the highest water levels in June and the lowest in December, with a variation of approximately 1.5 feet. Finally, the lake water level varies over a long term (10-20 years), due to persistent drought or over average precipitation conditions across the entire Great Lakes basin. The magnitude of the variation due to long-term impacts can be 4 to 6 feet. Because of their magnitude and the persistence of the variations, the seasonal and long term fluctuations are the most important in terms of vessel use and the consequent need for dredging.

Sodus Bay

The Sodus Bay Channel provides access to Sodus Bay from Lake Ontario. Maintenance of this navigation channel is critical to the functioning of the Bay as a port. Although constructed originally by the USACE as a Federal navigation project, the ACOE no longer maintains navigation channels regularly unless they are used for commercial shipping purposes. Thus, the only channels in the vicinity of Sodus Bay that are regularly maintained by the Corps of Engineers at present are the Genesee River in Monroe County and the Oswego River in Oswego County. All other Federal navigation projects, including the Sodus Bay Channel, are only dredged when a problem with water depth occurs or is imminent and where sufficient political pressure can be brought to find funding for the maintenance. Based on the Regional Dredging Management Plan, Sodus Bay is suitable for hydraulic or mechanical dredging or a combination of both. Combining both types of dredging would allow for the beneficial use of the



sands in the outer portions of the channel through discharge to adjacent littoral areas or beaches while providing for more efficient mechanical dredging and open lake disposal of the silt/clay and organic sediments found in the inner harbors. The Sodus Bay Channel was last dredged in 2004. The material previously dredged from the channel by the Corps of Engineers was disposed of at open lake sites located off shore from the bay.

As documented by the Regional Dredging Management Plan⁶⁹, proper functioning of this Channel requires regular maintenance dredging approximately once every five years. More frequent dredging of the Channel may be required if larger vessels, such as research or tour boats, begin to access the Bay. The Regional Dredging Management Plan estimates that 15,000 cubic yards would be removed every five years.

The bottom elevation contours of Sodus Bay, relative to IGLD-85, are illustrated below; a larger map is included in Appendix E.

A deep basin runs down the center of Sodus Bay in a northwest to southeast direction from the Channel connecting the bay with Lake Ontario, to a location opposite Willigs Point, approximately four thousand feet north of the Bay Bridge. Assuming a low water elevation of 243.3 feet (IGLD-85) for Lake Ontario, this basin has a depth in excess of 20 feet throughout with a maximum depth in excess of forty feet.

⁶⁹ <http://web.co.wayne.ny.us/wayne-county-planning-department/planning-projects/>

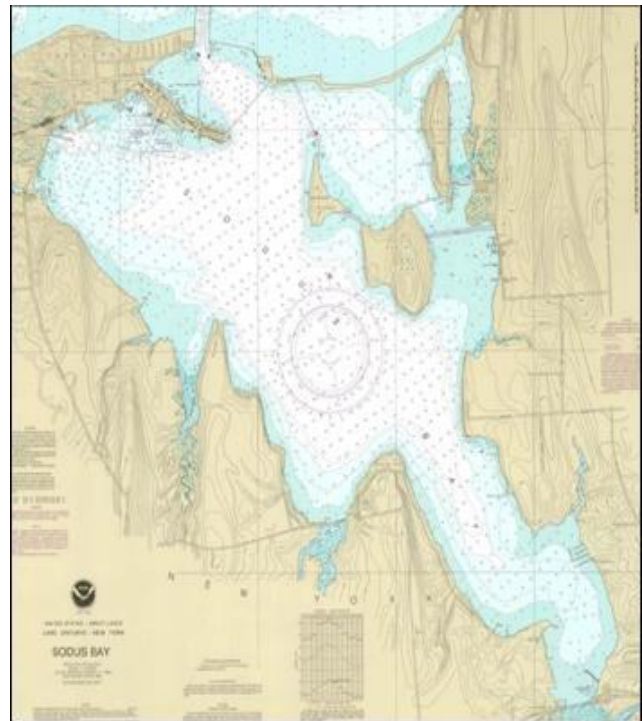
Shallower water occurs along the entire periphery of the Bay, including in the large area between Eagle and LeRoy Islands and the eastern shoreline of the Bay.

A comparison of the bottom elevations recommended for various uses with actual bottom elevations in Sodus Bay leads to the following conclusions:

- The deep central basin of Sodus Bay and the dredged Channel to Lake Ontario are well suited for use by all vessels.
- It is imperative that the Channel be maintained through regular dredging to provide access to the Bay for all resident vessels, for visitors and for vessels seeking a harbor of refuge. No funding mechanism is in place to assure this occurs.
- In terms of water depths, the area south of Sand Point (near the Village of Sodus Point and outside the Huron WRA) has the most potential for the economic expansion of Sodus Bay as a port serving the recreational and commercial fleet of the Great Lakes.

Along the southern and eastern Bay shorelines, several properties with active or former commercial marinas, such as the site of the former Gilligan's restaurant near the Bay Bridge, have sufficient inland space to support commercial marine operations. However, the water depths leading to these sites and those close to the shoreline docking area are not suitable for such operations without extensive initial and regular maintenance dredging. Without such dredging, these areas will not be able to operate successfully, even if only small power boats are housed in them, during periods of low Lake Ontario water levels.

The Wayne County Water Quality Coordinating Committee is currently preparing new, more detailed bathymetric mapping for Sodus Bay. The most recent soundings and charts provided by the National Oceanic and Atmospheric Administration (NOAA) is included.



East Bay

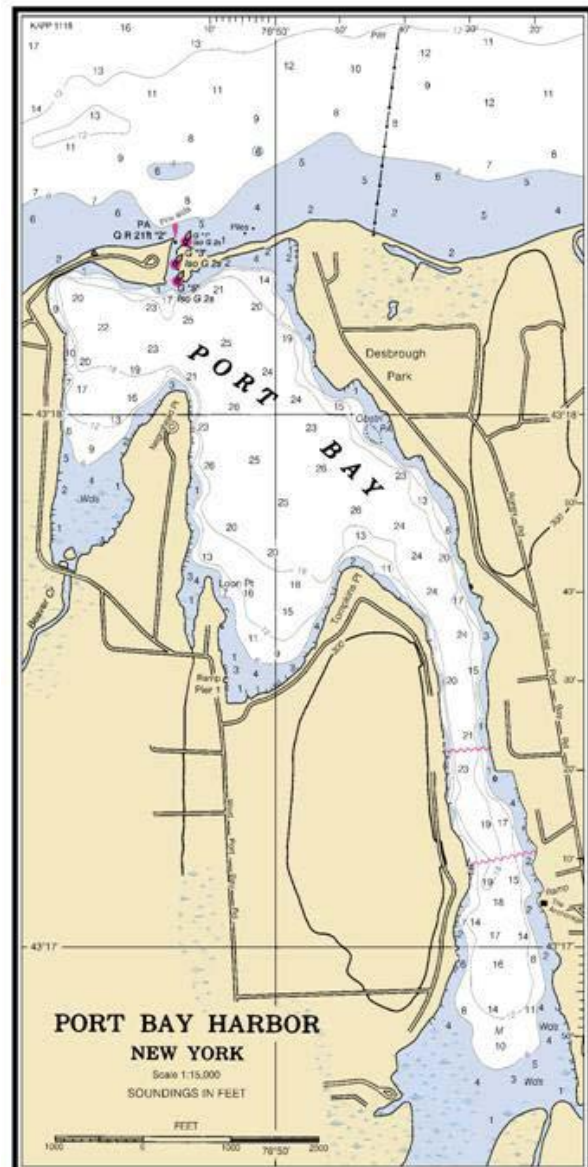
East Bay is the shallowest of the three embayment areas within Huron, with depths of less than ten feet. East Bay is connected to Lake Ontario intermittently, by a small inlet. The Wayne County East Bay Association, a private association funded by voluntary dues paid by property owners, clears the channel each May and refills it in September. The dredged materials are stored next to the channel during the summer months, and placed back in the channel at the end of the boating season. According to the Regional Dredging Management Study the channel is 50 feet wide and 120 feet long, and has a depth of four feet. Approximately 500 cubic yards of material are cleared out in May and filled back in September. There are two public boat launches along East Bay, both maintained by NYS Department of Environmental Conservation. One is located on the west side of North Huron Road near the channel at Lake Ontario and the other is located on Slaughter Road.

Port Bay

The water depth of Port Bay at various locations is depicted in the Port Bay Harbor figure. The main navigation channel to Lake Ontario cuts through the sand and gravel barrier beach separating the bay from the lake. The barrier beach is part of the Lakeshore Marshes Management Area under the jurisdiction and management of the DEC Region 8.

In 1995, with the intent of improving the environmental quality of those natural resources and to reduce state expenses, legislation established the Adopt A Natural Resource Stewardship Program (Section 9-0113, ECL⁷⁰). This program authorizes DEC to foster public participation to complete work that helps preserve, maintain, and enhance natural resources at minimum cost to the state. The Port Bay Improvement Association (PBIA), an organization supported by voluntary dues payments by property owners and businesses, manages periodic dredging to maintain the channel in cooperation with DEC. In 2008, as part of the Adopt a Natural Resource Stewardship Program, the PBIA entered into a 20-year agreement with DEC to be allowed to continue to annually dredge the Port Bay navigation channel. Under this agreement, DEC Region 8 revises the dredging plan, issues the State permits, and contacts the Army Corps of Engineers to obtain the federal permits that allow the Association to do the dredging.

For the past several years, the dredging has been done by a construction firm contracted by the PBIA using earth-moving equipment. Approximately 1,500 cubic yards of dredged materials (mostly coarse sand and gravel sediments with some larger stones) are removed each year. The suitable material is then redistributed along the east side shoreline, replenishing it. The PBIA continues to investigate ways to protect from erosion the portions of the barrier beach adjacent to the channel and support future dredging operations executed from the shore.



⁷⁰ <http://www.dec.ny.gov/regulations/2568.html>

2.14. Natural Resources

Topography

The Town of Huron is situated within the Erie-Ontario lowlands physiographic region. Wayne County is in the northern segment of this region that extends from the Lake Ontario shoreline to the Montezuma marsh.

Topography in the Town of Huron is dominated by north-south-oriented glacial drumlins separated by low-lying areas occupied by swamps, wetlands, and bays. The drumlins generally rise up to an elevation of about 400 feet above sea level. The elevation of the shoreline within the Town of Huron is approximately 250 feet above sea level. Narrow spits of land are found across most of the openings of Sodus Bay, East Bay and Port Bay. Topography and elevations are depicted in Map 9 and Map 10.

The most significant physiographic feature along the coastline is Chimney Bluffs. Chimney Bluffs is the result of erosion of a drumlin on the shoreline of Lake Ontario and includes a series of eroded cliffs, pinnacles, and spires. The shoreline bluffs offer dramatic scenery and are the primary feature of Chimney Bluffs State Park.

A narrow beach, consisting of various grades of sand and stone, is found along most of the coastline. Adjacent to the beach are bluffs, low-lying residential or agricultural areas, or coastal swamps, notably Root Swamp and Brush Marsh. Away from the shoreline, low-lying areas are cut by streams and drainage ways.

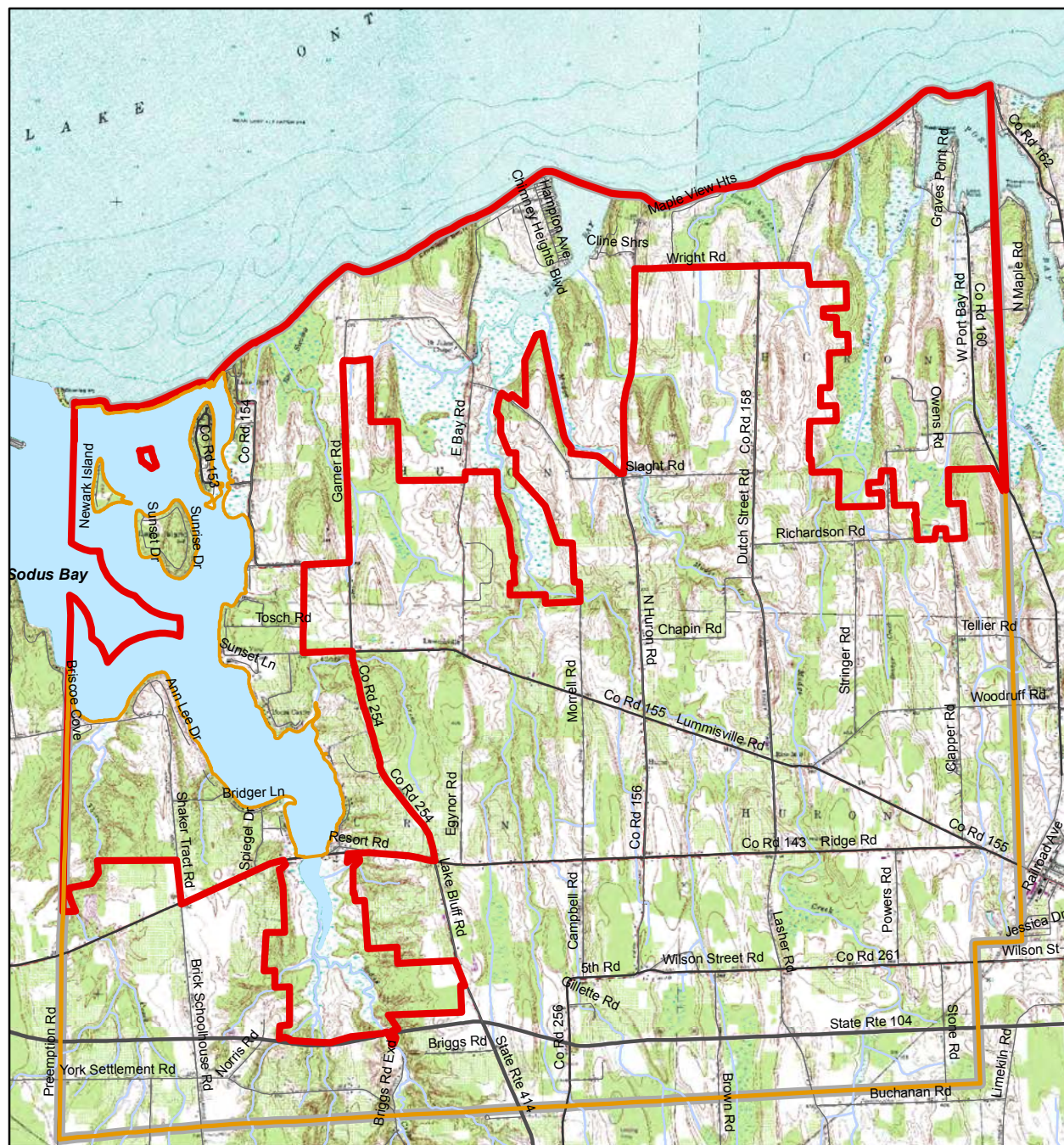
Soils

The Waterfront Revitalization Area of the Town of Huron lies within two broad soil associations as defined in the Soil Survey of Wayne County, prepared by the USDA Soil Conservation Service. These are the Williamson-Elnora-Collamer Soil Association, which includes Sodus Bay and surroundings, and the Sodus-Williamson Soil Association, which includes the East Bay and Port Bay area. The Soil Characteristics are detailed in the next table.

Soil Type	Permeability (in/hr)	Flooding Frequency	Depth to Water Table	Depth to Bedrock	Suitability for building (Limitations)	NYS Soil Group
Williamson Ira	0.6 – 2.0	None	1.5 to 2.0	> 60	Severe	3,4,5
	0.6 – 2.0	None	1.5 to 2.0	> 60	Moderate to Severe	4 & 6
Sodus	0.6 – 2.0	None	2.0 to 3.0	> 60	Generally Moderate	4,6,7
Colonie & Dunkirk	6.0 – 20 or 0.6 to 2.0	None	> 6.0	> 60	Severe	8
Dunkirk	0.6 – 2.0	None	> 6.0	> 60	Moderate to Severe	2,5,6
Collamer	0.6 – 2.0	None	1.5 to 2.0	> 60	Severe	3

The Williamson-Elnora-Collamer Soil Association generally consists of deep, moderately well- drained, medium textured and coarse textured soils on lake plains. Water movement through Williamson and Collamer soils is generally moderate, and both soils may have a perched or high water table in the spring

Topography



— Huron WRA Boundary

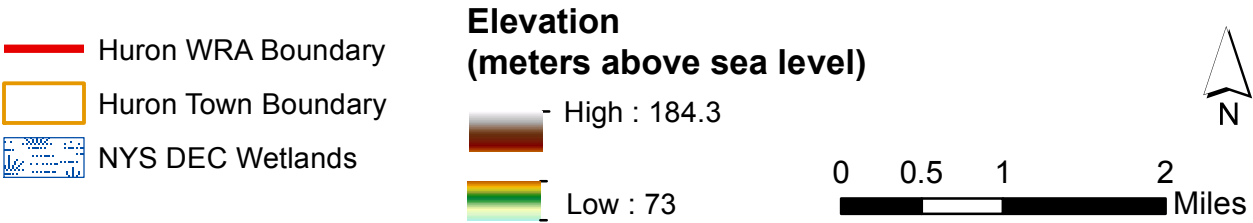
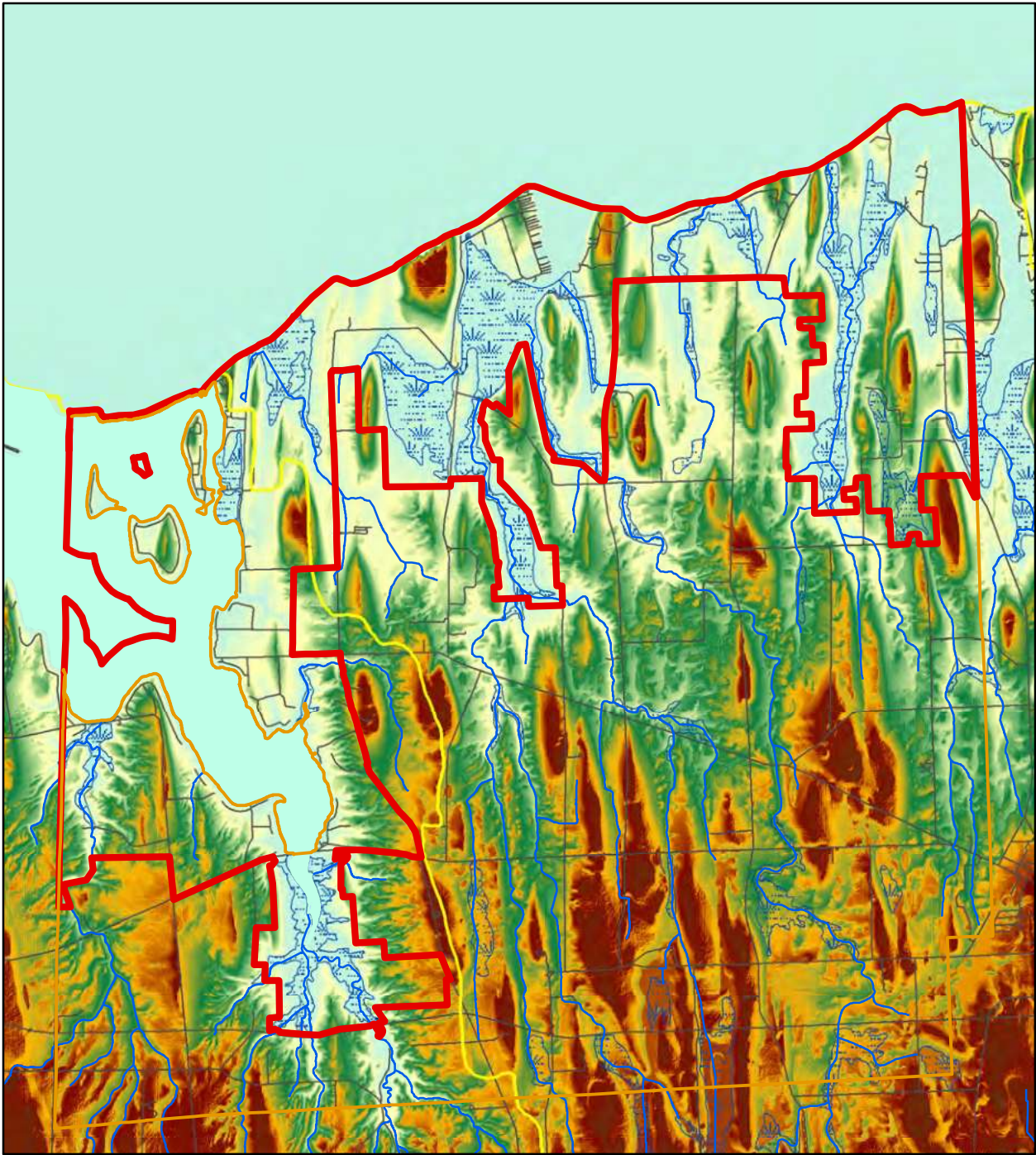
 Huron Town Boundary



A horizontal scale bar with a black background and white markings. The markings are labeled 0, 0.5, 1, and 2. The word "Miles" is written in black text at the right end of the bar.

SOURCE: USGS Topographic maps:
Sodus Point, North Wolcott, Wolcott, and Rose Quadrangles

Town of Huron Local Waterfront Revitalization Program
Relief Map (Elevations)



SOURCE: Digital Elevation Model
provided by United States Geological Survey (USGS)

and during wetter periods. Water movement is moderately rapid through Elnora soils. Along the lakeshore, this unit is well suited to growing crops, especially fruits, vegetables and orchard crops. The primary limitations for community development in the Williamson-Elnora-Collamer Association soil includes temporary seasonal wetness, slow water movement through the fragipan or the substratum, and a severe erosion hazard in more sloping areas.

The Sodus-Williamson Soil Association is found on glacial till plains and lake plain fringe areas. This Association generally consists of deep, well-drained and moderately well-drained soils which are moderately coarse or medium textured. Both Sodus and Williamson soils have a dense fragipan in the lower part of the sub-soil that restricts water movement and results in a perched water table for brief periods in the spring. This unit is mainly used for crops, especially fruits and orchard crops along the lake. Areas containing minor soil types, which are wetter or steeper, are wooded or used for pasture. The primary limitations for community development in the Sodus-Williamson Association include temporary seasonal wetness, slow water movement through the fragipan, slope (in certain areas), gravel fragments and susceptibility to erosion. Analysis of soil mapping reveals that Williamson silt loam (Wn) is by far the predominant soil type found throughout the Waterfront Revitalization area of the Town of Huron. This soil is generally found on level areas with slopes varying between 2 percent and 12 percent and is moderately well drained.

Ira gravelly fine sandy loam (Ir) and Sodus gravelly fine sandy loam (Sd) are commonly associated with drumlin features in the area, with Ira soils primarily located on the nearly level drumlin tops and Sodus soils along the side slopes. Soils classified as “Steep” (SSE) are also indicated along drumlin side slopes. Ira soils are moderately well drained and are most commonly associated with slopes of 3 to 8 percent in the study area. Sodus soils are indicated to be well-drained and range anywhere from 3 to 25 percent slope in the study area, depending upon the location and steepness of the drumlin.

Colonie and Dunkirk Soils (CTE) are common along stream cuts of tributaries to the larger bays and marshes in the study area. These well-drained soils are associated with slopes varying between 15 and 45 percent. Other common soils types indicated in the area include Beaches (Be) and Fresh Water Marsh (Fw).

Dunkirk silt loam (Dk) and Collamer silt loam (Cr) are also present in the Waterfront Revitalization area but occur less frequently than soil types listed above. Dunkirk soils are more common around Beaver Creek and in the areas surrounding Brush Marsh and Root Swamp. Collamer soils are found especially south of Sodus Bay, around East Bay and south of Brush Marsh. Selected soil characteristics for the predominant soil types are presented in the Table below.

Unique Natural Features

Sodus Bay has several unique and/or distinguishing features. A barrier beach that is approximately 7,500 foot long, known as Crescent Beach, separates Sodus Bay from Lake Ontario. Over most of its length, the barrier beach is less than five feet above the lake’s mean high water elevation and its width rarely exceeds 50 – 75 feet. It is developed in a single row of residential lots with frontage on both the Lake and Bay shorelines. The far western end of the barrier beach, located in the Town of Sodus, is an elevated promontory named Charles Point. The point where Crescent Beach attaches to the mainland is very steep and narrow. As there is no roadway access to Crescent Beach, residents and visitors must utilize boats to access individual docks.

Three large islands are part of the Town of Huron and located within Sodus Bay: LeRoy, Eagle and Newark Islands. LeRoy Island can be accessed via a small bridge leading to the island from Lake Bluff Road on the eastern shoreline of the Bay. Both Eagle and Newark Islands can only be accessed only via

boat and contain no internal roadways for vehicles. These three islands, especially the two with water access only, provide unique settings for seasonal cottages/homes similar to those found in the Thousand Islands area of the St. Lawrence River and not found anywhere else on the US Lake Ontario Shoreline.

Finally, the Lake Ontario waterfront includes unique eroding high bluff shorelines. The most extensive and unique of these features are found at the Chimney Bluffs State Park, located less than three miles east of the Sodus Bay outlet Channel. This State Park, and its associated undeveloped shoreline, adds to the appeal of Huron's waterfront as a recreational resource.

Streams and Flooding

Streams and watersheds in the Huron WRA are depicted in Map 11. All of the surface water in the Huron WRA drains into one of the three bays or directly into Lake Ontario.

Several flood hazard areas are located within the Huron WRA, according to the Flood Insurance Rate Map for the Town of Huron. Sodus Bay, East Bay, Port Bay, Root Swamp and Brush Marsh are all included in the 100 year floodplain. Creeks and wetland areas feeding into these waterbodies and Beaver Creek are also designated as flood hazard areas, as illustrated on Map 12. In addition, the entire Lake Ontario shoreline is within a 100-year floodplain area, with the exception of the lake frontage along Chimney Bluffs State Park.

The flood hazard area elevation, as indicated in the FEMA Flood Insurance Rate Maps, is 250 feet above sea level along Sodus Bay, East Bay and Port Bay and 251 feet above sea level along the Lake Ontario shoreline outside of the Bays.

Erosion and Natural Protective Features







Much of the Town of Huron's Lake Ontario shoreline is subject to erosion resulting from high lake levels, wind-generated wave action, ice and rain. Each of the bays is protected by a low sandy spit which stretches across much of the opening. These spits are subject to erosion forces and shifting sands. Bluff areas along the shoreline are also subject to erosion.

Coastal erosion hazard areas are indicated along the Town of Huron shoreline on Coastal Erosion Hazard Area (CEHA) maps prepared by NYSDEC in 1988, and depicted in Map 13. Areas along the shoreline considered structural hazard areas are shown. Generally, mapping shows the structural hazard area as a relatively narrow band along the shore, except within Chimney Bluffs State Park. Crescent Beach along Sodus Bay is categorized as a Natural Protective Feature and is also outside of the structural hazard area. The mapping indicates an erosion rate between one and two feet per year along most of the coastline and four to five feet per year at Chimney Bluffs. Actions that are proposed within a CEHA are subject to review and approval by the NYSDEC in accordance with Article 34 of the New York State Environmental Conservation Law. The Town of Huron is one of the 42 communities that has been certified by the DEC commissioner to assume the responsibility and authority to implement and administer the coastal erosion management program within its jurisdiction, pursuant to Article 34 of the New York State Environmental Conservation Law, the Coastal Erosion Hazard Areas Act⁷¹. The local Building Department⁷² should be contacted to determine if an activity requires a Coastal Erosion Management Permit.


⁷¹ <http://www.dec.ny.gov/lands/86552.html> - Certified CEHA Communities

⁷² <http://townofhuron.org/content/PermitsFormsLicenses> - Building Permit



-  Mudge Creek and Tributaries
-  Sodus Creek and Tributaries
-  Sodus Bay and Tributaries
-  Minor Tributaries to Lake Ontario
-  Beaver Creek and Tributaries
-  Wolcott Creek and Tributaries

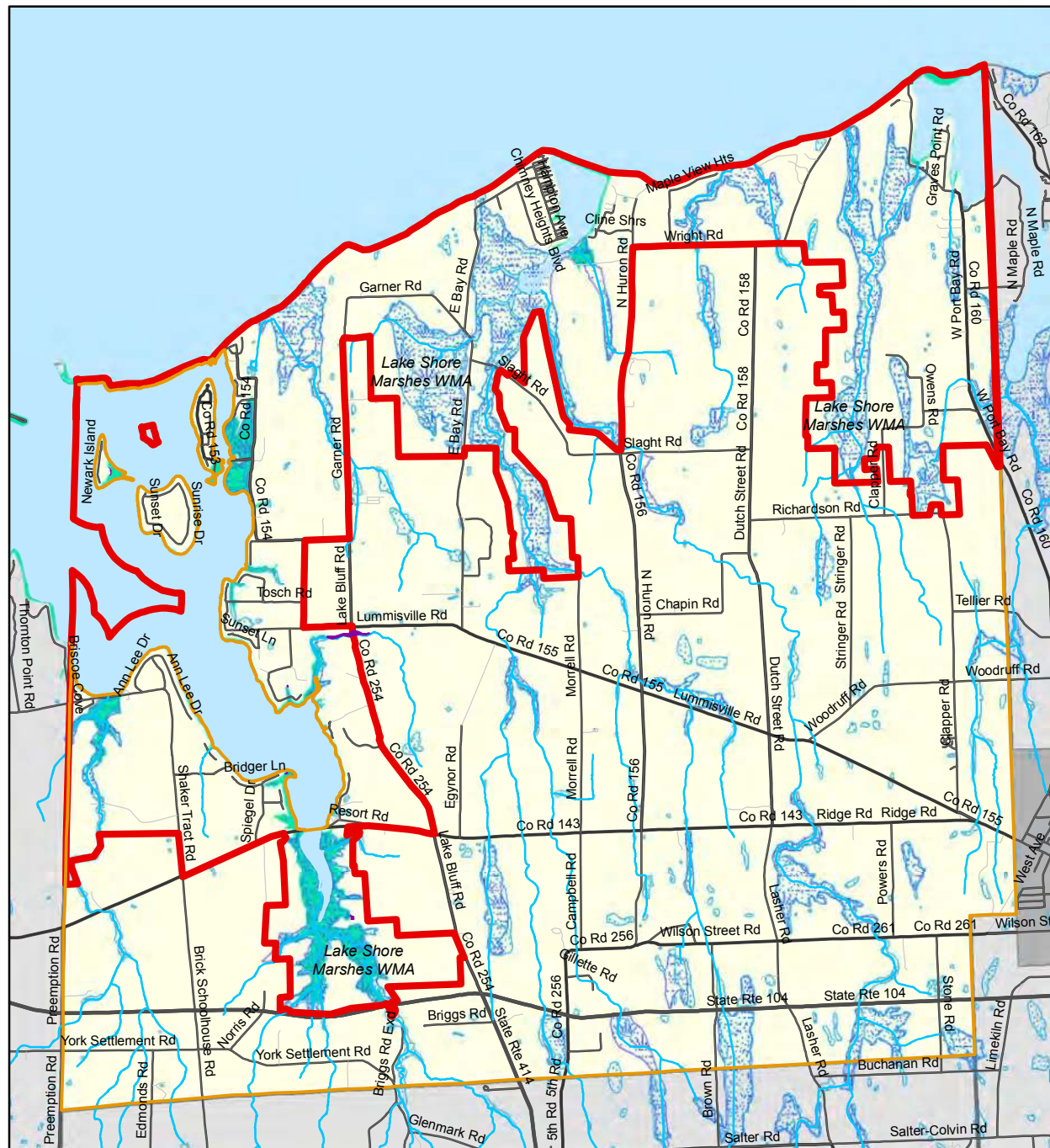
- Huron WRA Boundary
 Huron Town Boundary









Stuart I. Brown
Associates, Inc.
A LaBella Company

Town of Huron Local Waterfront Revitalization Program

Floodzones and Wetlands



-  100-year Floodplain
  Huron WRA Boundary
-  500-yr Floodplain
  Huron Town Boundary
- streams
-  Federal Wetlands
-  NYS Wetlands

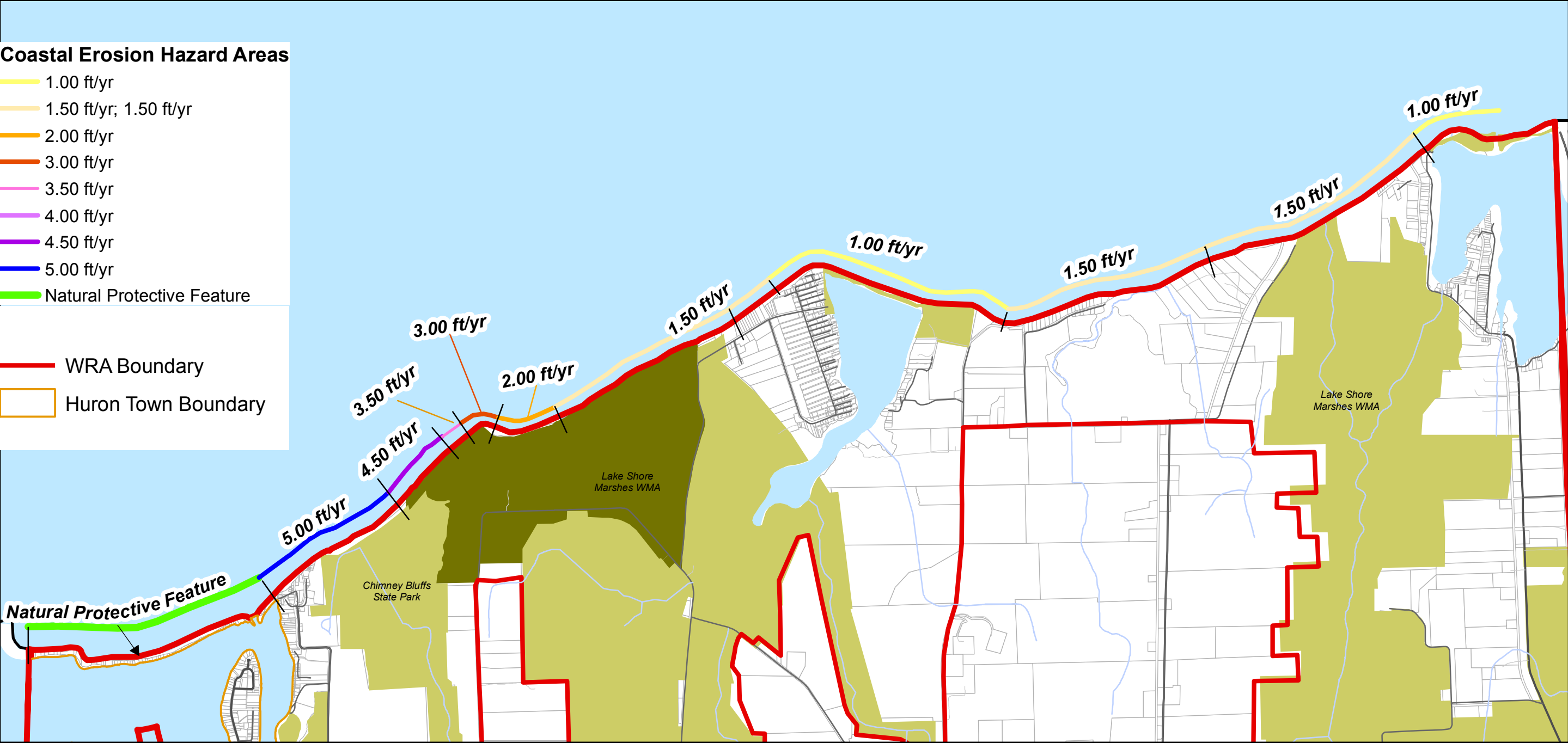


0 0.5 1 2 Miles

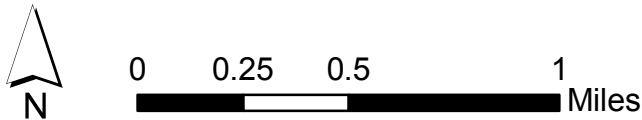
SOURCE: NYSDEC Classified Waterbodies: NYSGIS Clearinghouse database.
NYSDEC Wetlands: CUGIR shapefile database.
Federal Wetlands from the National Wetlands Inventory via US Fish and Wildlife Services online database.
Parcel shapefile (2011) provided by Wayne County Planning Department.
County and Town Boundaries and Roads obtained from US Census TIGER/Line 2010 shapefile database.

Town of Huron Local Waterfront Revitalization Program

Coastal Erosion Hazard Areas



SOURCE: NYS Department of Environmental Conservation
Coastal Erosion Management Program



Erosion and shoreline protection issues have been given increasing emphasis as climate changes occur and sea levels rise. According to the Northeast Climate Impacts Assessment conducted in 2007 by the Union of Concerned Scientists, as seas rise:

- Beaches and bluffs will suffer increased erosion, while the risk of severe flooding and storm damage will increase.
- Low-lying areas will be inundated, with potential for saltwater to infiltrate into surface waters and aquifers.
- Sewage and septic systems, as well as transportation infrastructure, are at risk from flooding and erosion.

Shoreline Protection

Individual landowners have installed protective features to protect property from erosion along the shores of Lake Ontario as well as along the bays.

Wetlands

The Huron WRA includes several areas of wetlands, as shown on Map 12. State-designated wetlands and their classification are presented in the State Designated Wetlands table.

Wetland ID	Class	Wetland ID	Class
Wetland RO-26	2	Wetland NW-2	3
Wetland SP-5	2	Wetland NW-3	3
Wetland RO-28	2	Wetland WO-1	3
Wetland SP-1, Root Swamp	1	Wetland NW-4	3
Wetland RO-29, South of Sodus Bay	1	Wetland NW-5	
Associated with Beaver Creek	1		
Wetland SP-2, South of East Bay	1	Wetland NW-6	2
Wetland RO-3	3	Wetland NW-7	2
NW-1, Brush Marsh	2	Wetland NW-8, South of Port Bay	1
Wetland SP-3	3		

Federally designated wetlands generally align with the State-designated wetlands within WRA, as illustrated on Map 12. Most of the wetlands in the Federal system are classified as Freshwater Emergent or Freshwater Forested/Shrub wetlands.

Habitats

Based upon the information provided in the Significant Coastal Fish & Wildlife Habitat Rating Forms, no State-listed endangered, threatened or special concern species reside in the State designated Sodus Bay, East Bay or Port Bay Significant Coastal Fish and Wildlife Habitat (SCFWH) areas. Three species of Special Concern, including the Black Tern, the Least Bittern, and the Sedge Wren, are possible but not confirmed residents of the Lake Shore Marshes.

Federally listed endangered and threatened species indicated for Wayne County on the U.S. Fish and Wildlife Service (USFWS) website included the following:

- Bog Turtle: preferred habitat is sedge dominated wet meadow or open calcareous bogs.

- Bald Eagle: favored habitat is large trees or structures near aquatic areas.
- Eastern prairie fringed orchid: found in wet prairie habitat. This species is listed as a “historic” record and as “possibly extirpated” in New York State.
- Indiana Bat: known to winter in caves/mines within six counties in New York State and roosts under tree bark at other times of the year.

Review of the Natural Heritage Program databases and other information available through the NYSDEC Division of Fish, Wildlife and Marine Resources indicated no records of endangered, threatened or species of special concern within the Huron WRA. There is one plant that is noted in the State’s records, the Wafer Ash, but the last known finding of this plant was in 1934. There are two State designated SCFWH found in this area.

The Town of Huron’s WRA includes four SCFWHs designated by the NYS Department of State as part of New York State’s Coastal Management Program (CMP). These four SCFWH areas include: the Lake Shore Marshes, Sodus Bay, East Bay, and Port Bay. The table below summarizes the SCFWH Rating Form for each of these areas. Appendix D of the LWRP includes the formal description of each of the State designated habitats within Huron.

	Lake Shore Marshes	Sodus Bay	East Bay	Port Bay
Ecosystem Rarity	64	20	12	16
Species Vulnerability	16	0	0	0
Human Use	9	18	4	9
Population Level	9	9	0	9
Replaceability	1.2-Irreplaceable	1.2-Irreplaceable	1.2-Irreplaceable	1.2-Irreplaceable
Significance Value (overall)	118	56	19	41

Lake Shore Marshes

The NYS Lakeshore Marshes Wildlife Management Area consists of ten relatively discreet units each encompassing a sizeable coastal wetland area. Eight of the ten units are located primarily within the Town of Huron, including South Sodus Bay (225 acres), Hog Island (50 acres), Root Swamp (160 acres), East Bay (730 acres), Brush Marsh (80 acres), Beaver Creek (350 acres), Cottrell Marsh (75 acres) and Port Bay (430 acres). The various units are generally dominated by emergent wetland vegetation but areas of shrub-scrub and forested wetland also occur. The importance of the Lake Shore Marshes Wildlife Management Area is that it encompasses some of the largest, undeveloped coastal wetlands in the Great Lakes Plain region. The relatively large size, ecological diversity and lack of human disturbance in its units are important contributors to the fish and wildlife values of the area.

Lake Shore Marshes is known to be a very productive nesting area for waterfowl and other marsh birds, including blue heron, green-backed heron, American bittern, mallard, wood duck, sora, common moorhen, black tern, common snipe, marsh wren, common yellowthroat, red-winged blackbird, and swamp sparrow. Least bittern and sedge wren have also been observed but breeding has not been confirmed. Waterfowl also use the area for feeding and resting during spring and fall migrations. Other wildlife species supported by the Lake Shore Marshes include muskrat, beaver, raccoon, mink, wood-cock, ring-necked pheasant, deer, gray squirrel, snapping turtle, painted turtle, northern water snake, bullfrog and northern leopard frog. Lake Shore Marshes is a productive fish spawning and nursery area, supporting concentrations of various warm water species including northern pike, brown bullhead, rock bass, blue gill, pumpkinseed, white crappie, and largemouth bass.

Sodus Bay

Sodus Bay, one of the largest sheltered bays on Lake Ontario with extensive littoral areas, is considered to have outstanding habitat values for resident and Lake Ontario based fisheries resources. The dense beds of aquatic vegetation, high water quality, sandy substrates, and freshwater tributaries create highly favorable conditions for spawning and nursery use. In addition to the species listed above for Lake Shore Marshes, Sodus Bay is a major spawning and nursery area for yellow perch. Concentrations of white sucker, smallmouth bass and various salmonid species occur in Sodus Bay prior to and after spawning runs in the major tributaries.

East Bay

East Bay is one of the least disturbed of several large, sheltered coastal bay ecosystems on Lake Ontario. As human disturbance of the bay has not been severe, it provides high quality habitat for many fish and wildlife species. The dense beds of aquatic vegetation, high quality water, sandy substrates and freshwater tributaries create highly favorable conditions for spawning and nursery use. East Bay supports many of the same warm-water fish species listed for the other Significant Fish and Wildlife Habitats in the area. Wetland areas, within and bordering East Bay, contributes significantly to the productive fisheries. In addition, concentrations of various waterfowl species, as well as loons, grebes, gulls, and terns, may occur in East Bay during spring and fall migrations.

Port Bay

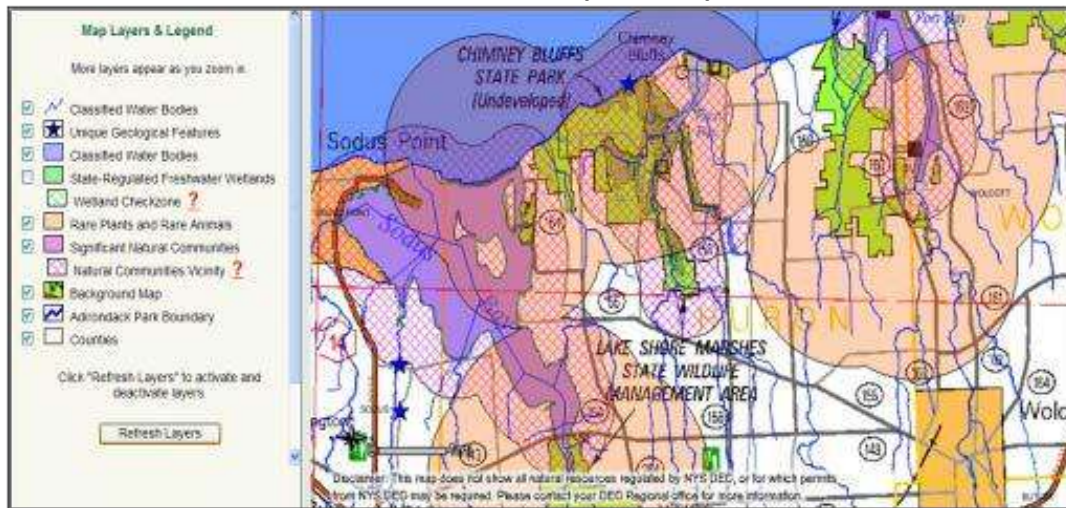
Port Bay is a large, shallow, sheltered bay on Lake Ontario. Although human activities have resulted in considerable habitat disturbance, information prepared by NYSDOS reports that the Bay still serves as a very productive area for many fish and wildlife species. The dense beds of aquatic vegetation, high water quality, sandy substrates, and freshwater tributaries create highly favorable conditions for spawning and nursery use. In addition to the species listed above for Lake Shore Marshes, white perch and yellow perch are found in Port Bay and the Bay is a major concentration area for yellow perch in Lake Ontario. Concentrations of white sucker, smallmouth bass and various salmonid species occur in Port Bay prior to and after spawning runs in Wolcott Creek.

Natural Heritage Program

Additional information on Information on protected species and their habitat is available on the DEC's website through the Environmental Resource Mapper⁷³ and the Nature Explorer web applications, which maintain information compiled through the Natural Heritage Program of the Department of Environmental Conservation (DEC), a database on documented occurrences of protected species in New York.

As illustrated, the Environmental Resource Mapper highlights areas of concern around documented locations of protected species but does not give the specific location or the identity of the species. The species and locations reported by New York Nature Explorer to be located within the Town of Huron are not a definitive statement about the presence or absence of all plants and animals, including rare or state-listed species, and of all significant natural communities. Not all of New York State has been surveyed, and the information reported by New York Nature Explorer is not a substitute for on-site surveys that may be warranted or required.

⁷³ <http://www.dec.ny.gov/imsmaps/>

New York Nature Explorer Map⁷⁴

Environmental Hazards and Constraints

There are no known hazardous waste sites within the Waterfront Revitalization area of the Town of Huron. Except for a brief period when the eastern shore of Sodus Bay was a significant shipping port, the waterfront has not been used for industrial or intensive commercial uses. It has historically been used for recreation, residential and conservation uses.

2.15. Climate Change and Extreme Weather Events

In 2007, an act of the NYS Legislature created the New York State Sea Level Rise Task Force, chaired by the NYSDEC Commissioner. While the geographic scope of the task force report included the five boroughs of New York City and the counties of Westchester, Nassau and Suffolk some of the report's findings, as replicated below, are relevant to these coastal areas:

- Natural shoreline features, such as wetlands, aquatic vegetation, dunes and barrier beaches, currently provide large-scale services, such as flood protection, storm buffering, fisheries habitat, recreational facilities and water filtration, at almost no cost. These services would be prohibitively expensive to replicate with human-built systems. New York is losing tidal marshes at a rapid pace and with them the natural infrastructure that protects the shore from floods, wave attack and erosion.
- Current investment and land-use planning practices by both New York State and local governments are encouraging development in areas at high risk of coastal flooding and erosion.
- Over the long term, cumulative environmental and economic costs associated with structural protection measures, such as seawalls, dikes, and beach nourishment, may be more expensive and less effective than non-structural measures, such as elevation of at-risk structures and planned relocation away from the coastal shoreline, especially in less urbanized areas. Solutions for urban areas, however, may require a mixed approach of structural and non-structural solutions.

⁷⁴ <http://www.dec.ny.gov/natureexplorer/app/location/town>

- Existing maps of New York State’s coast that identify communities, habitats and infrastructure at greatest risk of flooding and erosion are inaccurate, out of date, not detailed enough for planning and regulatory purposes and fail to incorporate historic and projected sea level rise.
- There are low-cost, high-benefit actions that can be taken now to reduce vulnerability along New York State’s coastline.

In 2009, Governor Paterson issued the Executive Order 24⁷⁵ to formally establish a State goal of reducing the greenhouse gases emissions 80 percent below 1990 levels by 2050, and named the Climate Action Council (CAC) to determine how to meet the goal. The Council was also tasked with developing a plan to increase New York’s resiliency to a rapidly changing climate. In 2010, the CAC released an Interim Report that had been prepared with assistance from the New York State Energy Research and Development Authority (NYSERDA), the Department of Environmental Conservation (DEC), and other CAC member-agency staff, the Center for Climate Strategies (CCS) and other stakeholders. A New York State greenhouse gas emissions inventory and forecast was also prepared.

In 2011, the ClimAID Integrated Assessment for Effective Climate Change Adaptation in New York State was completed. The ClimAID⁷⁶ assessment provides information on climate change impacts and adaptation for eight sectors in New York State: water resources, coastal zones, ecosystems, agriculture, energy, transportation, telecommunications, and public health. Observed climate trends and future climate projections were developed for seven regions across the state. The geographic regions are grouped together based on a variety of factors, including type of climate and ecosystems, watersheds, and dominant types of agricultural and economic activities. The Town of Huron is included in Region 1, Western New York and the Great Lakes Plain. Within each of the sectors, climate risks, vulnerabilities, and adaptation strategies are identified. Integrating themes across all of the sectors are equity and environmental justice and economics. The ClimAID report was updated in 2014 to include new information generated by higher spatial resolution and more diverse climate model types.

In September 2014, the New York State Governor signed the Community Risk and Resiliency Act. This statute requires certain state programs responsible for permitting, facility siting and funding to take into account the likelihood and possible impacts of storm surges, sea-level rise or flooding. 2.16. Cultural and Historic Resources

Historic Context

Before the area that is now the Town of Huron was settled by Europeans, the Cayuga tribe of the Iroquois Six Nations utilized the land for hunting and fishing. The area was forested with beech, birch, hickory, chestnut, elm, maple and oak, with some soft woods on the lower lands.

In the 1783 Treaty of Hartford, which resolved conflicting claims of ownership by Massachusetts and New York, Massachusetts retained the rights to all land west of a “Pre-Emption Line” that would be delineated between the Pennsylvania border and Lake Ontario. This line was initially located three miles west of Sodus Bay. In 1788, Massachusetts sold about 6 million acres to Oliver Phelps and Nathaniel Gorham. After Phelps and Gorham transferred 1.25 million acres to Robert Morris, Morris sold this land to an association led by Sir William Pultney, who had the Pre-Emption line re-surveyed to end at Sodus Bay.

⁷⁵ <http://www.dec.ny.gov/energy/80930.html>

⁷⁶ <http://www.nyserderda.ny.gov/Publications/Research-and-Development/Environmental/EMEP-Publications/Response-to-Climate-Change-in-New-York.aspx>

The eastern part of Wayne County was included in the 1.5 million acre Military Tract, which resulted from New York State's settlement of Indian claims to land east of the Preemption Line⁷⁷ (also spelled Pre-Emption). In 1795, Capt. Charles Williamson, the founder of Sodus Point, obtained a patent from the Pultney estate for land in eastern Wayne County, including the present Town of Huron. The patent did not include any lands under the waters of Lake Ontario or Sodus Bay. These lands remained in the jurisdiction of the State.

In 1826, the Town of Huron separated from the Town of Wolcott along with the Towns of Butler and Rose. Originally called Port Bay, the Town was renamed the Town of Huron in 1834 in honor of the Huron Indian tribe⁷⁸.

Sodus Bay

Early industry along Sodus Bay was driven by the presence of water. Commercial fishing, ice harvesting, boat building and repair, and the import and export of goods by ship made the Bay a busy Great Lakes port. In the surrounding areas land was cleared for farming with sawmills and grist mills established on many of the entering streams. The open waters of the Bay allowed easy transport of lumber and grain.

The first settlement along the Sodus Bay waterfront was located at the southern end of the Bay, in an area that became known as Glasgow or "Floating Bridge" and is now known as Resort. Port Glasgow or Sloop Landing was an important shipping port during the early 1800s. One of the main products shipped from this Port was the lumber that was cleared from the dense forest in the area and processed at the saw mills that were established along the rivers. The Erie Canal, and subsequently the railroads, supplanted Lake Ontario as the primary shipping route between the East Coast and the Midwestern United States. The first roads in Huron connected Glasgow to the Savannah salt works (by 1808), to the Village of Wolcott (by 1810) and to the Village of Clyde. The first bridge across the southern part of Sodus Bay was constructed in the early 1820s. Ferry service was established at this site in 1837. The existing Bay Bridge that carries Ridge Road across Sodus Bay was constructed in 2005, replacing a bridge that was constructed in 1919. As a key port on the US-Canadian border, Sodus Bay played an important role in the War of 1812. When British ships anchored in the Bay and began to ransack the village for supplies, the Village of Sodus Point was nearly burned to the ground. Residents rallied to the defense and two Sodus Point men lost their lives in the ensuing skirmish. Another attack occurred on June 19, 1813.

In 1872, the first railroad and coal trestle was built connecting Sodus Bay to the coal mines in Pennsylvania. From then to 1967, millions of tons of coal were transported through the Sodus Point Coal Trestle. To accommodate the ships, the Bay and the Channel to Lake Ontario were regularly dredged. With the closing of the coal trestle and a nearby brewery/malt house, the economy of the area became more dependent upon recreational boating, fishing, vacation homes and tourism. Following the demise of the shipping industry, the scenic and relatively cool climate of the Sodus Bay waterfront attracted the developers of summer resorts. By 1895, there were two hotels in Port Glasgow (Resort), two in Lake Bluff, and one on LeRoy Island. Bonnicastle also had several cottages and tourist accommodations. During the late 1800s and early 1900s, steamships provided passenger services on the bay with docks at Lake Bluff, Bonnicastle, Resort and all of the islands.

Between 1826 and 1837, a colony of the United Society of Believers in Christ's Second Coming (Shakers), occupied 1,300 acres in the Towns of Huron and Sodus at the south end of Sodus Bay. The Shaker community at Sodus Bay engaged in craft production and agriculture and functioned as a communal

⁷⁷ http://en.wikipedia.org/wiki/Preemption_Line

⁷⁸ <http://townofhuron.org/content/History>

society. When the proposed Canal threatened their land, the Shakers sold their holdings and relocated the community to Groveland, NY. A portion of the former Shaker community is listed in the National Register of Historic Properties and is currently occupied by Cracker Box Palace at Alasa Farms, an animal sanctuary located in the Town of Sodus. Ann Lee Drive in the Town of Huron is named after the founder of the Shakers.

East Bay

About 1809 Elihu Spencer settled along the creek in the area now known as North Huron and established the Town's first grist mill and a saw mill. By 1895, several mills were operating along Mudge Creek just south of the head of East Bay and the community of North Huron, as it was known, had 75 residents.

Port Bay

The shores of Port Bay were initially developed with summer cottages during the late 1800s and early 1900s. Notable resorts and hotels included Russell's Island Resort, the Desborough Park Hotel and the Loon Point Hotel. The Loon Point Hotel was destroyed by fire in 1948.

Photo of Loon Point Hotel

(from the Port Bay Improvement Association newsletter, March 2005)



Historic Structures

The Town of Huron Historian and the Wayne County Historian list three historic buildings of note within Huron. None of these are listed on the State or National Registers of Historic Places.

Dayton Mills Schoolhouse – This former District No. 6 one-room school house was built after the Civil War, circa 1871. It is located at the corner of Huron Road and Slaght Road, south of East Bay and at the corner of the designated Waterfront Revitalization Area.



The other historic buildings in the Town of Huron are located outside of the Waterfront Area.



Huron Grange - The Huron Grange was organized in 1874 and the building erected in 1884. It is located on North Huron Road, between Ridge and Lummisville Roads. It is the home of the first Juvenile Grange in New York State.



Old Town Hall – The Old Town Hall is also located on North Huron Road, between Ridge and Lummisville Roads. The building dates to circa 1849 and contains many original furnishings including kerosene lamps. Town business was conducted in the Old Town Hall until 1979, when another Town Hall was built.

Although not in the Town of Huron, Alasa Farms is a significant historic property immediately adjacent to the Town boundary, south of Sodus Bay (in the Town of Sodus). Alasa Farms contains the remnants of the historic Shaker Community, who settled on a 1,331 acre site within the Town of Sodus and the Town of Huron between 1826 and 1838. The Shakers (United Society of Believers in Christ's Second Coming) were an egalitarian society who established themselves as a hardworking, self-sufficient, honest and celibate people. The Shakers moved to Groveland in Livingston County in 1839 due to the threat of a north-south canal, proposed between Galen and Sodus Bay, which would be routed through their property. Shaker dwellings from the time period still exist at Alasa Farms.

Historic Underwater Sites or Structures

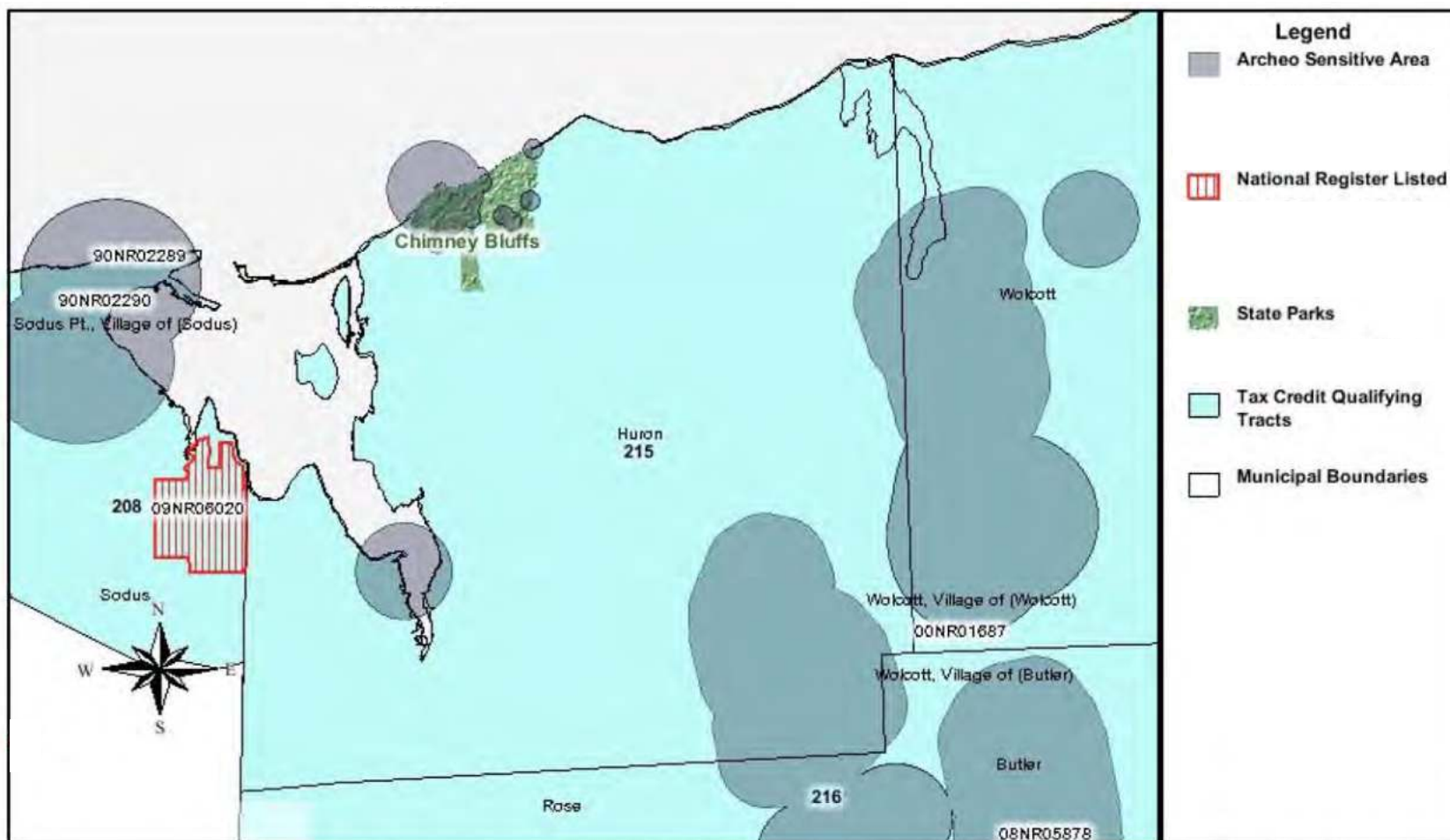
The Great Lakes are historic shipping routes and the site of many shipwrecks. The locations of known shipwrecks along the 518-mile coastal region of the St. Lawrence River, Lake Ontario, Niagara River and Lake Erie in New York and Pennsylvania were documented in a project sponsored the NY Sea Grant "2007 Shipwrecks of the Great Lakes Seaway Trail Project." No historic ship wrecks have been reported to be present in Sodus Bay or within the adjacent near shore areas of Lake Ontario. However, as depicted in the map below, several known shipwrecks are located in the waters of Lake Ontario adjoining the Town of Huron east of Sodus Bay.



Archaeological Resources

According to the NYS Parks, Recreation and Historic Preservation website, archeologically sensitive areas are found at the south end of Sodus Bay, within Chimney Bluffs State Park, and on the Town's eastern border south of Port Bay (See Map 14). An additional area of archeological sensitivity is found in the southeast corner of the Town near the Village of Wolcott; however, this portion of the Town is not included within the Waterfront Revitalization area.

Historic Sites and Archeologically Sensitive Areas



November 30, 2011

Disclaimer: This map was prepared by the New York State Parks, Recreation and Historic Preservation National Register Listing Internet Application. The information was compiled using the most current data available. It is deemed accurate, but is not guaranteed.

The population of native peoples in the Great Lakes area is estimated to have been between 60,000 and 117,000 in the 16th century, when Europeans began their search for a passage to the Orient through the Great Lakes. The native people occupied widely scattered villages and grew corn, squash, beans and tobacco. They moved once or twice in a generation, when the resources in an area became exhausted.

2.17. Infrastructure and Public Services

Public Water Supply

The Town of Huron has created several Water Districts to provide public water service to residents. Property owners within each district are assessed a benefit fee which funds the cost of maintaining the facilities within the district as well as to pay down bonds that were used to finance construction. The water districts obtain their water supply from the Wayne County Water and Sewer Authority⁷⁹ (WCWSA), which is also responsible for operating and maintaining the water supply and distribution infrastructure.

Sodus Bay

A 12-inch diameter water main is located the full length of Ridge Road which transects the WRA near the southern end of Sodus Bay. An 8-inch water main located along Shaker Tract Road, which skirts the western boundary of the WRA, provides water service to properties along the east and west shoreline of the southern end of Sodus Bay, including Bayshore Road, Ann Lee Drive and Spiegel Drive and Shaker Tract Road. An extension of the water distribution system along Ridge Road and up Lake Bluff Road to the Bayshore Road area was constructed in 2012. These new water mains serve properties on LeRoy Island and the eastern shoreline of Sodus Bay. A private water supply system is owned and operated by the residents of Eagle Island. The supply is derived from the Bay via an intake located on the north side of the Island. The water is treated at the intake and distributed to the Island residents via a private piping system.

Port Bay

A water main along West Port Bay Road from the Huron-Wolcott town line north to Lake Ontario, installed in late 2011, serves properties along the western shore of Port Bay and along Leone Drive and Woodtract, Maple, Tomkins Point, Graves and Point and Roads.

Remainder of WRA

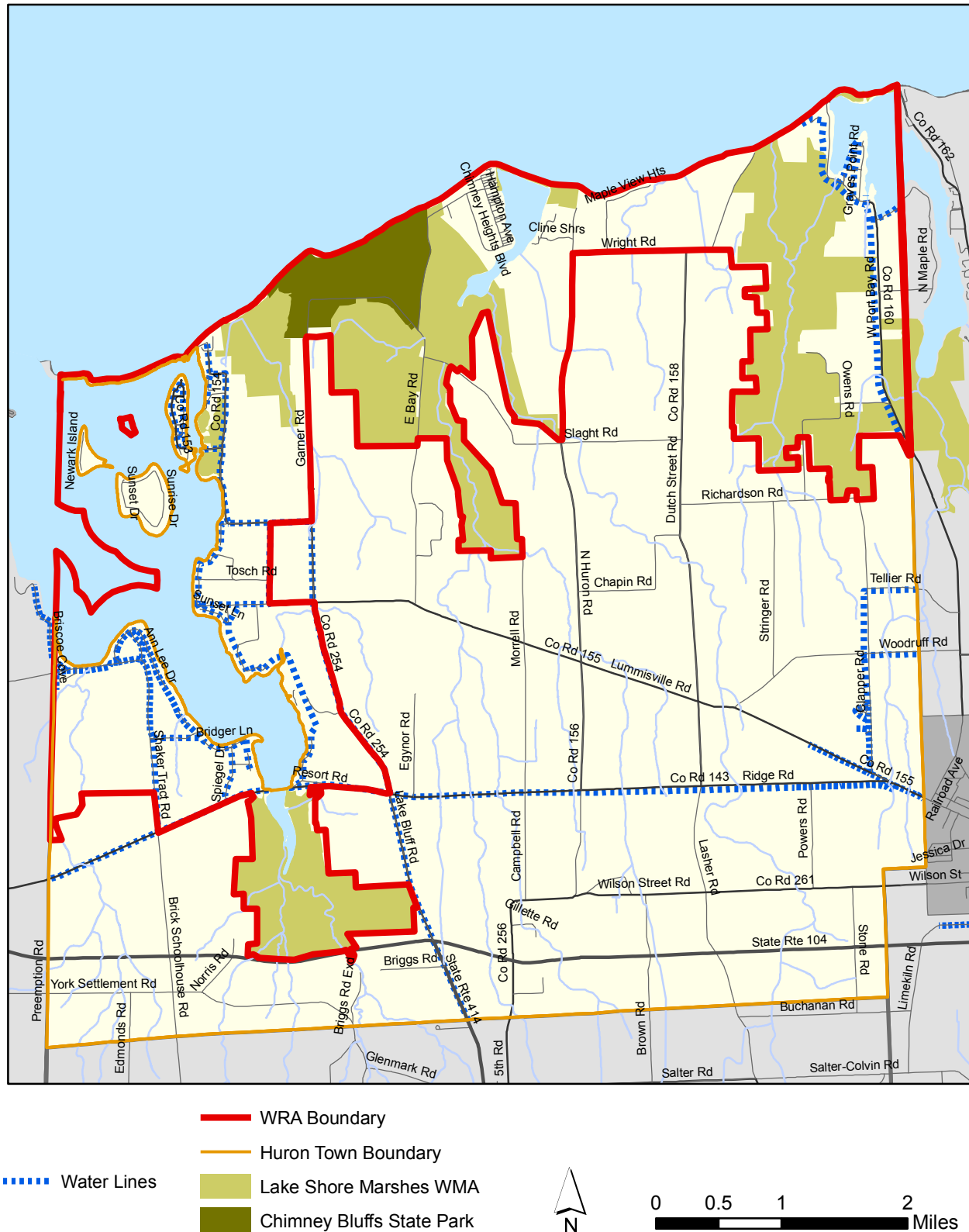
Most of the land area in the Town of Huron WRA The remainder of developed properties within the Huron's WRA must rely on private on-site wells to supply their water needs.

Wastewater Management

There are no existing wastewater collection systems or public sanitary sewer service within the Huron WRA. The entire Town is without sanitary sewer service except for a small, residential subdivision located on Hope Circle off of Clapper Road in the southwest quadrant of the Town. The wastewater from this subdivision is conveyed to the Village of Wolcott for treatment and disposal. With the exception of this small area, all of the developed properties within the Town of Huron utilize private, on-site septic systems for their sewage disposal.

⁷⁹ <http://wcwsa.org/>

Town of Huron Local Waterfront Revitalization Program Water Service Areas



SOURCE: Wayne County Water & Sewer Authority; Town of Huron

A public sewer system has been proposed to serve properties along Port Bay in the Towns of Huron and Wolcott. The Wayne County Water & Sewer Authority is currently working with the Towns of Huron and Wolcott to identify and obtain financial assistance for the extension of sewers along Port Bay.

Septic systems must be designed and installed in accordance with NYS regulations. In addition, the Town of Huron has a local law that requires periodic inspection of septic systems.

Providing water sanitary sewage collection and treatment has been identified as a priority for the Sodus Bay and Port Bay shoreline. Shoreline areas are difficult to service with individual wells and septic systems due to both the low-lying, wet nature of the locations and the density of the shoreline development. This is especially true for the Crescent Beach area of the Town, which is built on sandy soils that are just above the mean high water line of Lake Ontario.

Stormwater Management

Stormwater runoff from construction activities that disturb more than one acre of land must obtain a SPDES General Permit from the NYS Department of Environmental Conservation. The Town Planning Board addresses stormwater management as part of the site plan review of certain development projects.

Solid Waste Management

Solid waste⁸⁰ is collected and disposed of by private waste haulers under contract with individual property owners. Wayne County requires solid waste haulers to obtain a license. Residents and businesses within Wayne County are required to separate recyclables. The term “solid waste” means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under section 1342 of title 33, or source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954, as amended⁸¹ Environmental Hazards and Constraints

There are no known hazardous waste sites within the Huron WRA. Except for a brief period when the eastern shore of Sodus Bay was a significant shipping port, the waterfront has not been used for industrial or intensive commercial uses. It has historically been used for recreation, residential and conservation uses. Hazardous wastes are those materials defined under ECL-27-0901 and NYCRR 371. Substances hazardous to the environment are defined under NY ECL-37-01001. Toxic pollutants are defined under ECL-17-0105.

Transportation System

Highway access to the Huron Waterfront Revitalization area is provided nearly exclusively by a network of two-lane secondary County and Town roadways. Several of these roadways connect to NYS Route 104 which skirts the southern boundary of the Waterfront Revitalization area in the vicinity of Sodus Bay. NYS Route 104 runs in an east-west direction parallel to the Ontario shoreline and connects Huron to the Rochester metropolitan area approximately 40 miles to the west. The segment of Route 104 that

⁸⁰ <http://www.dos.ny.gov/info/nycrr.html> - Solid wastes definition in NY ECL-27-0701 and 6 NYCRR 360-1.2.

⁸¹ <http://www.nyenvlaw.com/wp-content/uploads/2015/05/Chapter-6-Solid-Waste-Regulation.pdf> - Solid Waste Regulations, by Knauf Shaw LLP

passes through the Town of Huron is comprised of two lanes, but the highway widens to four lanes a few miles west of the Town of Huron.

Nearly all of the other roads that pass through or provide access to the Waterfront Revitalization area are secondary Town and County roadways, some of which simply terminate at the Lake shore.

The Wayne Area Transportation Service (WATS), a subsidiary of the Rochester Genesee Regional Transportation Authority (RGRTA) provides public bus service in Wayne County during weekdays. Bus routes are configured to form large loops with the routes linking the most significant population centers within Wayne County. WATS buses travel clockwise and counter clockwise around the loops.

The northern leg of each loop follows Ridge Road (a/k/a County Road 143) traverses the Huron WRA at the southern tip of Sodus Bay. Although the buses have specified stops, passengers may flag buses anywhere along the bus routes. WATS also provides demand- responsive bus service weekdays throughout Wayne County including the Huron WRA for senior citizens and persons with disabilities. Demand-responsive service must be scheduled in advance. Bus fare for the fixed-route service is \$1.00 for adults and \$0.50 for seniors and children each way. Bus fare for the demand-responsive service is \$1.50 each way.

Utilities

Other utility services available in the waterfront area include electric, telephone and natural gas. Cable and satellite television and internet service is also provided by private carriers.

Emergency Services

Fire protection and EMS service are provided by the North Rose and Wolcott Fire Departments.

SECTION III - WATERFRONT REVITALIZATION POLICIES

Introduction

The Town of Huron Local Waterfront Revitalization Program (LWRP) policies presented in this section place the policies of the New York State Coastal Management Program (CMP) within the economic, environmental, and cultural characteristics of Huron's waterfront (Huron WRA). They represent a balance between economic development and preservation that will permit beneficial use of and prevent adverse effects on the local waterfront which is part of the State's coastal resources. The LWRP policies and sub-policies presented in this chapter, and collectively referred to as "policies", represent the enforceable policies of the New York State Coastal Management Program for the waterfront area subject to this LWRP. The policies are comprehensive and reflect the community's concerns; and they will be enforced through use of State laws and authorities, and local laws and regulations. The policies are the basis for Federal and State consistency determinations for activities affecting the waterfront area. While the policies are enforceable as a matter of state and local law however, for reviews conducted under the federal Coastal Zone Management Act, the explanatory text for each policy is for explanatory purposes only. Definitions of some of the terms used in the policies appear at the end of the chapter.

The policies are organized under four headings: developed waterfront policies; natural waterfront policies; public waterfront policies; and working waterfront policies. The word "waterfront" refers to the study area of this LWRP, the area within the Town of Huron that is part of the State's coastal area.

Developed Waterfront Policies

Policy 1 Foster a pattern of development in the waterfront area that enhances community character, preserves open space, makes efficient use of infrastructure, makes beneficial use of a waterfront location and minimizes adverse effects of development.

- 1.1** Concentrate development and redevelopment in the currently developed areas.
- 1.2** Ensure that waterfront development and land uses take full advantage of their unique waterfront location
- 1.3** Protect stable residential areas
- 1.4** Maintain and enhance natural areas, recreational land, open space, and agricultural lands.
- 1.5** Minimize adverse impacts of new development and redevelopment

Explanation of Policy 1

This policy is intended to foster a pattern of development that will enhance existing waterfront residential neighborhoods and waterfront businesses while protecting existing natural areas, agricultural lands and rural residences. This policy also encourages appropriate infrastructure improvements that

will enhance existing residential neighborhoods and support the expansion of commercial or tourism related water-dependent and water-enhanced uses along the waterfront in appropriate locations. Such infrastructure development will also help to protect water quality, and avoid impacts on existing local agricultural lands and natural resources.

These neighborhoods accommodate a significant percentage of the Town's population, contribute significantly to the Town's property tax base, and are essential to the overall character community and economic functioning of the area. Many of the residences are occupied by transient visitors. Residential property owners, renters and transient visitors enjoy boating, fishing, nature observation and views of the waterfront from these homes and cottages and associated private docks. The protection and enhancement of these residential neighborhoods is a Town priority.

Large areas along the waterfront are protected natural areas, including the New York State Lake Marshes Wildlife Management Area, Chimney Bluffs State Park and a nature preserved owned by The Nature Conservancy. These areas are open to the public for passive recreation use such as nature observation and hiking. In addition, the Lake Shores Marshes WMA accommodates fishing, hunting and small boats such as canoes and kayaks.

Inland areas within the WRA are in agricultural use. Agriculture and related businesses are a vital component of the regional economy and the farmland within the WRA contributes to the scenic beauty of the countryside.

Certain areas along the waterfront are occupied by water-dependent and water-enhanced businesses such as marinas and restaurants. The revenue generated from these businesses and their customers contributes to the local economy and provides revenue to local government in the form of sales and property taxes. Commercial marinas allow boat owners to utilize the bays for boating, fishing, and other activities. In addition, the marinas and waterside restaurants are among the few locations that allow visitors to view and be near the water. Many people are introduced to Huron's waterfront by frequenting these businesses.

Several of the existing commercial areas within the WRA are underutilized and present opportunities for additional tourist-oriented and water-dependent commercial development or redevelopment. Along Sodus Bay, these include the areas east and west of the Bay Bridge, Hog Island/LeRoy Island Bridge and the sites of existing marinas and waterfront restaurants.

The following principles will support the objective of enhancing existing developed areas and encourage new development while protecting and enhancing existing natural resources within the Huron WRA:

- Ensure that future private and public actions are compatible with the character of existing seasonal and year-round residential neighborhoods.
- Protect existing upland agricultural and rural residential uses and local character.
- Focus public investment and assistance in suitable waterfront redevelopment areas.
- Locate new development where infrastructure (such as sewer lines, water lines, roads etc.) is adequate or can be sustainably upgraded to support new and compatible development without affecting current agricultural lands and uses.
- Estimate in advance the cost for building and maintaining new infrastructure as well as its possible impact on the town's economics and future land uses.
- Strengthen the economic viability of Huron by encouraging additional tourist-related water-dependent and water-related development in suitable areas of the waterfront.

- Provide support and/or incentives to existing businesses to help them realize sustainable development opportunities dependent on waterfront location.
- Increase and improve public access to water and open spaces.
- Preserve and enhance the waterfront's scenic resources and open space.
- Maintain and improve water quality and the ecological integrity of the bays.

In addition, the following planning principles will guide the revitalization of the Huron WRA:

- scale development to be appropriate to the setting, including the site's infrastructure availability and capacity;
- design development to highlight community identity and existing resources, such as local history and important natural and man-made features;
- design the waterfront as a focus for activity that draws people to the area;
- provide and improve linkages between the waterfront and upland portions of the community, and use appropriate directional signage;
- develop a regional network of linkages and destinations in partnership with neighboring communities;
- balance community and regional needs and market demands when making development choices, to avoid duplication;
- recognize environmental constraints, such as shoreline erosion, that are risk factors for development and apply development review regulations and environmental review procedures to achieve sustainable development;
- devise ways to blend environmental preservation into site design to minimize the impact of the development on the existing or future natural resources; and
- recognize the physical constraints of certain man-made features that possess important cultural and historic value and apply existing environmental review procedures to protect these features or minimize the impact of new development on them.

Explanation of Policy 1.1

The following guidelines will implement this policy:

- Encourage new development that enhances the existing seasonal and year-round residential neighborhoods and revitalize underutilized areas suitable for water-dependent tourism-oriented businesses.
- Support the investment of public and private capital in drinking water and sewer infrastructure that would enhance residential neighborhoods and support the expansion of commercial or tourism related water-dependent and water-enhanced uses within the WRA. The extension of water infrastructure will eliminate the need for on-site water supply. By replacing individual septic systems, public sewer infrastructure would help to protect water quality by reducing inputs of nutrients from inadequate septic systems into the Lake and its Bays. The extent and capacity of the water and sewer infrastructure will be limited to the needs of the existing residential and business areas of Huron, and it will not encourage new development that could impact existing local agricultural lands and natural resources.

Explanation of Policy 1.2

The following guidelines will implement this policy:

- Encourage water-dependent uses, as a priority over other uses, where they relate to the unique character and resources of the waterfront area and are appropriate for the location. Water- dependent uses are defined as activities that require a location in, on, over or adjacent to a water body because such activity requires direct access to that water body, and which involves as an integral part of such activity the use of the water.
- Encourage water-enhanced uses where they are compatible with surrounding development and are designed to make beneficial use of their location along the shoreline without displacing or interfering with water-dependent uses or threatening the ecological integrity of the bays or of Lake Ontario.
- Support private development projects that include public access provisions through site design, easements, or other means.
- Encourage water-dependent uses and water-enhanced uses that are sited and designed to:
 - attract people to or near the waterfront and provide opportunities for access;
 - provide public views to or from the water;
 - link the waterfront to adjoining business districts and landmarks;
 - minimize consumption of waterfront land; and
 - not cause significant adverse impacts to community character and surrounding land and water resources.
- Discourage waterfront uses that could:
 - result in unnecessary and avoidable loss of significant waterfront resources;
 - ignore the waterfront setting as indicated by design or orientation; and
 - have no economic benefit linked to its waterfront location.
- In the planning and review of future waterfront development, recognize the unique qualities of the waterfront by:
 - using building and site design to make beneficial use of the waterfront/shoreline location and associated waterfront resources;
 - limiting development to areas with minimal or no environmental constraints and minimizing the conversion of agricultural lands to non-agricultural uses;
 - incorporating features into waterfront designs that increase visual and physical access to the water;
 - attracting people to the waterfront by focusing on recreational uses and development of new public spaces;
 - reinforcing community identity by highlighting local history and important natural and man-made features;
 - ensuring that design and siting of uses and structures complements the surrounding community and landscape, particularly the central business district;
 - using indigenous plants as components of landscape design to improve habitat and water quality, and to lessen water demands; and
 - using appropriate signage and other amenities to promote tourist activities and ensure better wayfinding along the waterfront.

Explanation of Policy 1.3

The following guidelines will implement this policy:

- Ensure that new development located in or adjacent to existing residential areas is compatible with existing neighborhood character.
- Retain existing informal public access points that are significant to a residential area.
- Foster opportunities to provide new public access points for the community.
- Avoid new non-residential uses in stable residential areas when the use, its size and scale would significantly impair neighborhood character.
- Ensure that new construction, redevelopment, and screening, such as fences and landscaping, do not reduce or eliminate vistas that connect people to the waterfront or views that add to the local character.
- Limit commercial development in residential areas to small-scale businesses such as bed-and- breakfast inns or home-based businesses, subject to suitable site design standards.

Explanation of Policy 1.4

The following guidelines will implement this policy:

- Continue to support the preservation of the Chimney Bluffs State Park, Lake Shore Marshes Wildlife Management Area, coastal bay ecosystems and the State designated Significant Coastal Fish and Wildlife Habitats (SCFWH) within Huron: East Bay, Port Bay, Lake Shore Marshes, and Sodus Bay. These areas provide scenic and recreational benefits while supporting habitats for fish and wildlife, providing flood control benefits, filtering runoff and recharging ground water as well as economic, environmental, and aesthetic values associated with its open space, recreation, and natural areas.
- Ensure that the location, scale, and uses of new development will not deteriorate water quality, fragment or impair existing habitats, alter natural protective features, or impact the natural processes of erosion and accretion at that location. Any such alterations could increase erosion rates at that location or somewhere else along the shore and increase risk to flooding and damage by coastal storms.
- Support the continued use of high quality farmland for agricultural production. The efficient use of the agricultural lands within Huron and its waterfront are essential to the local economy.

Explanation of Policy 1.5

The following strategies will minimize the potential adverse land use, environmental and economic impacts that could result from proposed development:

- Enforce all local regulations, including zoning, stormwater management, coastal erosion control, property maintenance, docks and moorings etc.
- Locate future development in areas that can be most efficiently served by public infrastructure and in such a way that community character, environmental quality, open space and natural resources are preserved and water-dependent uses are not displaced.
- Identify, evaluate, and mitigate potential adverse impacts of development proposals on existing development, physical environments, and local economy.

- Establish and enforce land use regulations and site design standards for parking, landscaping, outdoor lighting and buffering of adjacent residential properties. Such design standards should include:
 - Design guidelines that can ensure that the development is done in a manner that architecturally fits with the current styles of the town;
 - Strict definition of the types of retail or service establishments that would be allowed.
 - Standards for landscape plantings within the public right-of-way, including spacing, types and sizes of trees and shrubs;
 - Standards for outdoor lighting that include requirements high-cut-off fixtures to eliminate glare, the casting of excess light into the atmosphere and prevention of light trespass onto adjoining properties.

Policy 2 Preserve historic resources in the waterfront area.

2.1 Maximize preservation and retention of historic resources

2.2 Protect and preserve archaeological resources.

2.3 Protect and enhance resources that are significant to the coastal culture.

Explanation of Policy 2

The intent of this policy is to preserve the historical and archaeological resources of the waterfront area, which provide tangible links to the past development of the community and connect to past generations and events. They are intended to protect the historic character and encourage the restoration of buildings that have historic significance to the Town of Huron.

Huron's history is closely tied to its waterfront. Historic and archeological resources along the waterfront are related to Native American communities, the early use of Sodus Bay for shipping, the steamboat era and the development of summer resorts, and the former Shaker Colony in land adjoining the Huron WRA. The Town's Native American sites, farmsteads and outbuildings, resorts, shipwrecks, former hotels and waterfront homes are important components of the Town's distinctive identity and heritage.

Although the Town of Huron has no structures or districts listed on the State or National Registers of Historic Places, the Town of Huron Historian and the Wayne County Historian have identified one building of note at the edge of the WRA – the Dayton Mills Schoolhouse on Slaght Road.

The New York State Office of Parks, Recreation, and Historic Preservation (OPRHP) has identified certain areas of Huron's waterfront, including the areas at the southern end of Sodus Bay and around Chimney Bluffs, as areas of archeological sensitivity. NY State Environmental Quality Review (SEQR) requires any public agency that is undertaking or approving an action that may affect sensitive archeological resources to consult with the State Historic Preservation Officer (SHPO) to determine whether significant archeological resources are present at the site and to identify measures that are necessary to preserve or avoid damage to these resources. All practicable means shall be used to preserve significant archeological resources.

Explanation of Policy 2.1

An environmental review process has to be undertaken to thoroughly evaluate the potential impacts of proposed new development or redevelopment on historic resources within the WRA. In addition, the Town will promote the following strategies:

- Utilize all practical means to preserve identified resources and mitigate or avoid potential adverse impacts.
- Apply the following process to protect historic materials and features:
 - Evaluate the physical condition of important materials and features;
 - Stabilize materials and features to prevent further deterioration;
 - Protect important materials and features from inadvertent or deliberate removal or damage; and
 - Ensure the protection of historic elements through a program of non-intrusive maintenance of important materials and features.
- Repair historic materials and features using recognized preservation methods when physical condition warrants such repair.
- Foster uses that maximize retention of the historic character of a resource and minimize alterations so as to preserve and retain the character of the structure.
 - Alterations should not obscure, destroy or radically change character defining spaces, materials, features or finishes in order to reduce adverse impacts to the resource.
 - Alterations may include selective removal of features that are not historic elements of the resource and its setting and that detract from the overall historic character of the resource.
 - Minimize potential negative impacts on the historic character of the resource due to necessary updates to systems in order to meet health and safety code requirements or to conserve energy.
 - In constructing new additions, use appropriate design and construction to minimize adverse impacts to historic character and allow for the visual compatibility of the new and old sections of structure.
- Minimize the loss of historic resources or the historic character of the area when it is not possible to completely preserve the resource.
- Historic structures should be relocated only when the resources cannot be preserved in place.
- Demolition of a resource should only be allowed where alternatives for retention are not feasible.
- Avoid potential adverse impacts of development and redevelopment on adjacent or nearby historic resources.
 - Ensure that development is compatible with the historic character of the affected resource.
 - Design new development to a size, scale, proportion, mass and with a spatial relationship that is compatible with the historic resource.
 - Design new development using materials, features, forms, details, textures and colors compatible with similar features of the historic resource.

- Limit adverse cumulative impacts on historic resources.
 - Minimize the potential adverse cumulative impact on an historic resource, which is a member of a group of related resources that may be adversely impacted by the loss or diminution of any one of the members of the group.
 - Minimize the potential cumulative impacts of a series of otherwise minor interventions on an historic resource.
 - Minimize potential cumulative impacts from development adjacent to the historic resource.
- Relocate historic structures only when the resources cannot be preserved in their original location; allow demolition of historic structures only where alternatives for retention are not feasible.

Explanation of Policy 2.2

The potential impacts to archaeological resources in the WRA are evaluated through the environmental review process. Also, where archeological resources are located, minimize potential adverse impacts by redesigning projects and reducing direct impacts on the resource where feasible, or by recovering artifacts prior to construction and thoroughly documenting the site. The following procedures should be followed to protect archeological resources:

- When an action is proposed on an archaeological site, fossil bed, or in an area identified for potential archaeological investigation, conduct a cultural resource investigation. This investigation includes a site survey to determine the presence or absence of cultural resources in the area impacted by the project.
- If cultural resources are discovered as a result of the initial survey, conduct a detailed evaluation to determine the resource's archaeological significance. If the project would impact a significant archaeological resource, minimize potential adverse impacts by:
 - redesigning the project
 - reducing direct impacts on the resource, and
 - recovering data prior to construction
- Any object of archaeological or paleontological interest located on or under lands owned by the State of New York may not be disturbed or appropriated for private use.
- With respect to activities that involve excavation, public agencies and utilities should contact the New York State Office of Parks, Recreation and Historic Preservation to determine appropriate protective measures for archaeological resources.

Explanation of Policy 2.3

Protect historic shipwrecks and prevent unauthorized collection of artifacts from them.

Policy 3 Enhance visual quality and protect scenic resources throughout the waterfront area.

3.1 Protect, preserve, and improve visual quality throughout the waterfront area.

Explanation of Policy 3

The intent of this policy is to protect and enhance visual quality and protect recognized scenic resources of the waterfront area.

Huron does not have formally recognized scenic resources. However, a number of elements combine to create Huron's unique visual character. They include the views to and from the Chimney Bluffs, Sodus Point Lighthouse, the bays and Lake Ontario, the views to and from the streams and marshes of the Wildlife Management Areas, and the open expanses of farmland.

Explanation of Policy 3.1

The following guidelines will implement this policy:

- Site structures and limit height to preserve views.
- Prohibit the introduction of features that are discordant with the scenic elements of the Town.
- Preserve and enhance significant scenic vistas and views of water-dependent areas.
- Enforce local implementation of Section 302: Exterior Property Areas of the Property Maintenance Code of New York State⁸², to assist in upgrading roadside views and scenic areas. Section 302 of this law is included in Appendix B.
- Restore deteriorated and remove degraded visual elements, and screen activities and views which detract from visual quality.
- Apply design guidelines to ensure that new structures are built with the proper scale, siting, forms, colors and materials, and that they are compatible with and add interest to the existing scenic elements.
- Maintain or add vegetation, except to preserve views at street ends or along right-of-ways.

Natural Waterfront Policies

Policy 4 **Minimize loss of life, structures, and natural resources from flooding and erosion.**

- 4.1** **Minimize losses of human life and structures from flooding and erosion hazard areas.**
- 4.2** **Preserve and restore natural protective features.**
- 4.3** **Protect public lands and public trust lands and use of these lands when undertaking all erosion or flood control projects.**
- 4.4** **Manage navigation infrastructure to limit adverse impacts on coastal processes.**
- 4.5** **Ensure that expenditure of public funds for flooding and erosion control projects results in a public benefit.**

Explanation of Policy 4

This policy seeks to protect life, structures, and natural resources from flooding and erosion hazards throughout Huron's waterfront. The policy reflects state flooding and erosion regulations and describes appropriate measures for the reduction of hazards and the protection of resources.

The Flood Insurance Rate Map for the Town of Huron identifies Sodus Bay, East Bay, Port Bay, Root Swamp and Brush Marsh, as 100-year floodplain areas. In addition, as illustrated on [Map 10](#), the entire

⁸² 2010 Property Maintenance Code of New York State, Chapter 3, SECTION 302 EXTERIOR PROPERTY AREAS

Lake Ontario shoreline is within a 100-year floodplain area, with the exception of the lake frontage along Chimney Bluffs State Park. The implementation of this policy is supported by the provisions of Town of Huron Coastal Erosion Hazard Area Law⁸³.

Much of the Town of Huron lakeshore is subject to erosion resulting from high lake levels, wind-generated wave action, ice and rain. Each of the bays is protected by a low sandy spit which stretches across much of the opening. These spits are subject to erosion forces and shifting sands. Bluff areas along the shoreline are also subject to erosion. Coastal Erosion Hazard Areas are indicated along the Town of Huron shoreline on mapping prepared by NYSDEC in 1988. Any building in the designated structural hazard area will require coordination with NYSDEC to determine if a coastal erosion permit is necessary.

In response to existing or perceived erosion and flood hazards, many landowners have constructed erosion protection structures. While some erosion control structures are necessary to protect development, there are many erosion control structures located along the shore that are not necessary for erosion protection or may cause erosion. Erosion protection structures often contribute to erosion both on and off the site due to poor design and siting and lack of down drift remediation. Increased erosion, aesthetic impairments, loss of public recreational resources, loss of habitats, and water quality degradation can result from erosion protection structures. The cumulative impact of these structures can be large. Before a permit is granted to allow construction of erosion protection structures, the purpose, function, impact, and alternatives to a structure need to be carefully evaluated to determine that the structures are necessary and to avoid adverse impacts.

Although some sections of the shoreline have been heavily fortified, significant stretches of the waterfront remain in a natural state. The natural shoreline has an inherent natural, social, and economic value that should be respected to ensure continuing benefits to the State and the region.

Consequently, those portions of the shoreline that are not fortified should generally remain in a natural condition to respond to coastal processes. Hardened portions of the shoreline should be returned to their natural condition where feasible. Development and redevelopment in hazard areas needs to be managed in ways that reduce exposure to coastal hazards. Hardening of the shoreline is to be avoided except when alternative means, such as soft engineering alternatives, are not effective. Beach nourishment, vegetation, offshore bar building, or inlet sand bypassing are preferred approaches to control erosion because of fewer environmental impacts than hard structures. Hard structures may be more practical to protect principal structures or areas of extensive public investment.

Barrier landforms that protect significant public investment or natural resources should be maintained. Soft structural protection methods are to be used in harmony with natural coastal processes. Barrier beach landforms should be maintained by using clean, compatible dredged material, when feasible, for beach nourishment, offshore bar building, or marsh creation projects.

To enhance the public understanding and forbearance of natural coastal processes and their importance in protecting the ecological integrity of an area, install interpretive materials in key locations of the waterfront.

Explanation of Policy 4.1

To implement this policy, use the following management measures, which are presented in order of priority:

- Avoid development other than water-dependent uses in coastal hazard areas;

⁸³ <http://townofhuron.org/content/Laws/View/46> - Huron Coastal Erosion Hazard Area Law

- Avoid locating public infrastructure near hazards and protective features.
- Avoid new structures or reconstructing structures damaged by 50% or more of their value in areas that are exposed to hazards unless:
 - The structure requires a use on the waterfront
 - The new development would be located in an area of substantial public investment
 - The new structure is necessary for shoreline development that concentrates water-dependent uses and would not impair natural resources
- Locate or move development and structures as far away from hazards as practical; prohibit development in natural protective feature areas (bluffs, sand and gravel barriers, on shoreline, and wetlands); maximize distance from Coastal Erosion Hazard Areas; ensure sufficient lot depth to allow relocation of structures and maintenance of setbacks over a 30-year period;
- Use vegetative non-structural measures which have a reasonable probability of managing flooding and erosion based on shoreline characteristics including exposure, geometry, and sediment composition;
- Enhance existing natural protective features and processes, and use non-structural measures which have a reasonable probability of managing erosion;
- Use hard structural erosion protection measures for control of erosion only where the above measures are not sufficient to protect the principal use, or the use is water-dependent or reinforces the role of a maritime center or a waterfront redevelopment area; and
- Mitigate the impacts of erosion control structures. Manage development in floodplains outside of coastal hazard areas so as to avoid adverse environmental effects, to minimize the need for structural flood protection measures, and to meet Federal flood insurance program standards.

Explanation of Policy 4.2

Natural protective features include beaches, dunes, shoals, bars, spits, barrier islands, bluffs, and wetlands, including associated natural vegetation. To solve erosion issues, identify and use the following most appropriate strategies:

- Preserve, enhance and restore existing natural protective features by the use of non-structural measures that are appropriate to manage erosion problems. Natural protective features include beaches, dunes, shoals, bars, spits, barrier islands, bluffs, and wetlands; and associated natural vegetation.
- Prevent development in natural protective features, as specifically described below and in the 6 NYCRR Part 505.8 Restrictions on regulated activities within natural protective feature areas, and reflected in the Town of Huron Coastal Erosion Hazard Area Law included in Appendix B:

(a) Nearshore areas.

The following restrictions and requirements apply to regulated activities in nearshore areas:

- (1) Excavating, grading, mining or dredging which diminishes the erosion protection afforded by nearshore areas is prohibited. However, coastal erosion management

permits for dredging may be issued for constructing or maintaining navigation channels, bypassing sand around natural and man-made obstructions, or artificial beach nourishment.

- (2) All development is prohibited in nearshore areas unless specifically allowed by this subdivision.
- (3) The normal maintenance of structures may be undertaken without a coastal erosion management permit.
- (4) Clean sand, or gravel of an equivalent or slightly larger grain size, is the only material which may be deposited within nearshore areas. Any deposition will require a coastal erosion management permit.
- (5) A coastal erosion management permit is required for new construction, modification or restoration of docks, piers, wharves, groins, jetties, seawalls, bulkheads, breakwaters, revetments and artificial beach nourishment. Docks, piers, wharves or structures built on floats, columns, open timber, piles or similar open-work supports having a top surface area of 200 square feet or less, or docks, piers, wharves or other structures built on floats and removed in the fall of each year, are expected from this permit requirement.

(b) Beaches.

The following restrictions and requirements apply to regulated activities on beaches:

- (1) Excavating, grading or mining which diminishes the erosion protection afforded by beaches is prohibited.
- (2) All development is prohibited on beaches unless specifically allowed by this subdivision.
- (3) The normal maintenance of structures may be undertaken without a coastal erosion management permit.
- (4) The restoration of existing structures that are damaged or destroyed by events not related to coastal flooding and erosion may be undertaken without a coastal erosion management permit.
- (5) Non-major additions to existing structures may be allowed on beaches pursuant to a coastal erosion management permit.
- (6) The following restrictions apply to the use of motor vehicles on beaches:
 - (i) Motor vehicles must operate seaward of the upper debris lines at all times. On those beaches where no debris line exists, motor vehicles must operate seaward of the toe of the primary dune; and
 - (ii) Motor vehicles must not travel on vegetation.
- (7) A coastal erosion management permit for deposition of material on beaches will be issued only for expansion or stabilization of beaches; clean sand, or gravel of an equivalent or slightly larger grain size, must be used.
- (8) Beach grooming or clean-up operations do not require a coastal erosion management permit.

- (9) A coastal erosion management permit is required for new construction, modification or restoration of docks, piers, wharves, boardwalks, groins, jetties, seawalls, bulkheads, breakwaters, revetments, and artificial beach nourishment. Docks, piers, wharves or structures built on floats, columns, open timber, piles or similar open-work supports having a top surface area of 200 square feet or less, or docks, piers, wharves or other structures built on floats and removed in the fall of each year, are excepted from this permit requirement.
- (10) Active bird nesting and breeding areas must not be disturbed unless such disturbance is pursuant to a specific wildlife management activity approved in writing by DEC.

(c) Bluffs.

The following restrictions and requirements apply to regulate activities on bluffs. Bluff means any bank or cliff with a precipitous or steeply sloped face adjoining a beach or a body of water. The seaward limit of a bluff is the landward limit of its seaward natural protective feature. Where no beach is present the seaward limit of a bluff is mean low water. The landward limit is 25 feet landward of the bluff's receding edge, or in those cases where there is no discernible line of active erosion to identify the receding edge, 25 feet landward of the point of inflection on the top of the bluff. The point of inflection is that point along the top of the bluff where the trend of the land slope changes to begin its descent to the shoreline⁸⁴.

- (1) Excavating, grading or mining of bluffs is prohibited, except where:
 - (i) the minor alteration of a bluff is done in accordance with conditions stated in a coastal erosion management permit issued for the construction of an erosion protection structure; or
 - (ii) a bluff cut is made in a direction perpendicular to the shoreline to provide shoreline access. The ramp slope of bluff cuts must not be steeper than 1:6 and the side slopes must not be steeper than 1:3, if not terraced or otherwise structurally stabilized. Side slopes and other disturbed nonroadway areas must be stabilized with vegetation or other approved physical means, and completed roadways must be stabilized and drainage provided for, all in accordance with terms and conditions of a coastal erosion management permit.
- (2) Vehicular traffic is prohibited on bluffs.
- (3) All development is prohibited on bluffs unless specifically allowed by this subdivision.
- (4) The normal maintenance of structures may be undertaken without a coastal erosion management permit.
- (5) The restoration of existing structures that are damaged or destroyed by events not related to coastal flooding and erosion may be undertaken without a coastal erosion management permit.

⁸⁴ 6 CRR-NY 505.2, Coastal Erosion Management

- (6) Nonmajor additions to existing structures may be allowed on bluffs pursuant to a coastal erosion management permit.
- (7) A coastal erosion management permit is required for new construction, modification or restoration of erosion protection structures, walkways or stairways. Elevated walkways or stairways constructed solely for pedestrian use and built by or for an individual property owner for the limited purpose of providing noncommercial access to the beach are excepted from this permit requirement.
- (8) Active bird nesting and breeding areas must not be disturbed unless such disturbance is pursuant to a specific wildlife management activity approved in writing by the department.
- (9) Any grading, excavating, or other soil disturbance conducted on a bluff must not direct surface water runoff over a bluff face.

(d) Primary dunes.

The following restrictions and requirements apply to regulated activities on primary dunes. Primary dune means the most seaward major dune where there are two or more parallel dune lines within a coastal area. Where there is only one dune present, it is the primary dune. Occasionally one or more relatively small dune forms exist seaward of the primary dune. For the purposes of this Part, such forms will be considered to be part of the primary dune. The seaward limit of a primary dune is the landward limit of its fronting beach. The landward limit of a primary dune is 25 feet landward of its landward toe⁸⁵.

- (1) Excavating, grading or mining of primary dunes is prohibited.
- (2) Vehicular traffic is prohibited on primary dunes, except in those areas designated by the department for dune crossing.
- (3) Nonmajor additions to existing structures are allowed on primary dunes pursuant to a coastal erosion management permit and subject to permit conditions concerning the location, design and potential impacts of the structure on the primary dune.
- (4) Foot traffic which causes sufficient damage to primary dunes to diminish the erosion protection afforded by them is prohibited. Pedestrian passage across primary dunes must utilize elevated walkways and stairways, or other specially designed dune-crossing structures approved by the department.
- (5) All development is prohibited on primary dunes unless specifically allowed by this subdivision.
- (6) The normal maintenance of structures may be undertaken without a coastal erosion management permit.
- (7) The restoration of existing structures that are damaged or destroyed by events not related to coastal flooding and erosion may be undertaken without a coastal erosion management permit.

⁸⁵ 6 CRR-NY 505.2, Coastal Erosion Management

- (8) A coastal erosion management permit is required for new construction, modification or restoration of stone revetments or other erosion-protection structures compatible with primary dunes. Such erosion-protection structures will only be allowed at the seaward toe of primary dunes and must not interfere with the exchange of sand between primary dunes and their fronting beaches.
- (9) A coastal erosion management permit is required for new construction, modification or restoration of elevated walkways or stairways. Elevated walkways or stairways constructed solely for pedestrian use and built by or for an individual property owner for the limited purpose of providing noncommercial access to the beach are excepted from this permit requirement.
- (10) Clean sand obtained from excavation, dredging or beach grading may be deposited on a primary dune, or on an area formerly a primary dune, to increase its size or restore it. Such deposition must be vegetatively stabilized using native species tolerant to water spray and sand burial, e.g., American beach grass. Such deposition requires a coastal erosion management permit.
- (11) Vegetative planting and sand fencing, to stabilize or entrap sand in order to maintain or increase the height and width of dunes, does not require a coastal erosion management permit. Vegetative plantings must be of native species tolerant to salt spray and sand burial, e.g., American beach grass.
- (12) Active bird nesting and breeding areas must not be disturbed unless such disturbance is pursuant to a specific wildlife management activity approved in writing by DEC.

(e) Secondary dunes.

The following restrictions and requirements apply to regulated activities in areas identified on coastal erosion hazard area maps as secondary dunes:

- (1) Secondary dunes must not be excavated, graded or mined such that the erosion protection afforded by them is diminished.
- (2) Clean sand obtained from excavation, dredging, or beach grading may be deposited on a secondary dune, or an area formerly a secondary dune, to increase its size or restore it. Such deposition must be vegetatively stabilized using native species tolerant to salt spray and sand burial, e.g., American beach grass. Such deposition requires a coastal erosion management permit.
- (3) The normal maintenance of structures may be undertaken without a coastal erosion management permit.
- (4) The construction, modification, or restoration of a structure, or major addition to an existing structure, requires a coastal erosion management permit. Permit requirements include:
 - (i) a new structure, or the restoration of or major addition to an existing structure, must be built on adequately anchored pilings such that at least three feet of open space exists between the lowest, horizontal structural members, e.g., floor joists, and the surface of the secondary dune; and

- (ii) the space below the lowest horizontal structural members must be left open and free of obstructions.
- (5) Exceptions.
 - (i) The provision contained in paragraph (4) of this subdivision that requires obtaining a coastal erosion management permit for the construction, modification, or restoration of a structure or major addition to an existing structure, does not apply to elevated walkways or stairways constructed solely for pedestrian use and built by or for an individual property owner for the limited purpose of providing noncommercial access to the beach.
 - (ii) The restoration of existing structures that are damaged or destroyed by events not related to coastal flooding and erosion may be undertaken without a coastal erosion management permit.
- (6) Nonmajor additions to existing structures are allowed on secondary dunes pursuant to a coastal erosion management permit.
- (7) Vegetative planting and sand fencing, to stabilize or entrap sand to maintain or increase the height and width of dunes, does not require a coastal erosion management permit. Vegetative plantings must be of native species tolerant to salt spray and sand burial, such as American beach grass.
- Maximize the protective capabilities of natural protective features by:
 - avoiding alteration or interference with shorelines in a natural condition
 - enhancing existing natural protective features
 - restoring impaired natural protective features
 - using practical vegetative approaches to stabilize natural shoreline features
 - managing activities to minimize interference with, limit damage to, or reverse damage which has diminished the protective capacities of the natural shoreline
 - providing relevant signage or other educational or interpretive material to increase public awareness of the importance of natural protective features
- Minimize interference with natural coastal processes by:
 - providing for natural supply and movement of unconsolidated materials and for water and wind transport
 - avoiding intrusion of structures into coastal waters and interference with coastal processes.
 - mitigating any unavoidable intrusion or interference. Limited interference with coastal processes may be allowed where the principal purpose of the structure is necessary to:
 - simulate natural processes where existing structures have altered the coast, or
 - provide necessary public benefits for flooding and erosion protection, or
 - provide for the efficient operation of water-dependent uses

Explanation of Policy 4.3

Apply the following strategies to protect and improve access to the Huron WRA's public waterfront:

- Retain ownership of public trust lands which have become upland areas due to fill or accretion resulting from erosion control projects.

- Avoid losses or likely losses of public trust lands or use of these lands, including public access along the shore, which can be reasonably attributed to or anticipated to result from erosion protection structures.
- Mitigate unavoidable impacts on adjacent property, natural coastal processes and natural resources, and on public trust lands and their use.

Explanation of Policy 4.4

- Manage navigation infrastructure to limit adverse impacts on coastal processes:
 - Use dredging setbacks from established channel edges
 - Locate channels away from erodible features
 - Prevent adverse alteration of basin hydrology
 - Include by-passing methods to maintain navigability and reduce frequency of dredging.
- Use clean dredged material as beach nourishment whenever the grain size of the dredged material is the same size or slightly larger than the grain size of the potential recipient beach.
- Manage stabilized inlets to limit adverse impacts on coastal processes.
 - Include sand bypassing at all engineered or stabilized inlets which interrupt littoral processes.
 - Manage deltas to simulate natural processes.
 - Avoid extending jetties when it will increase disruption of coastal processes.

Explanation of Policy 4.5

Give priority in expenditure of public funds to actions which: protect public health and safety; mitigate flooding and erosion problems caused by previous human intervention; protect areas of intensive development; and protect substantial public investment in land, infrastructure, and facilities.

Limit expenditure of public funds to those circumstances where public benefits exceed public cost. Prohibit expenditure of public funds for the exclusive purpose of protecting private development, except where actions are undertaken by an erosion protection district.

Policy 5 **Protect and improve water quality and supply in the waterfront area.**

- 5.1** **Prohibit direct or indirect point source discharges which would cause or contribute to contravention of water quality standards.**
- 5.2** **Manage land use activities and use best management practices to minimize nonpoint pollution of waterfront areas.**
- 5.3** **Protect and enhance the quality of waterfront waters.**
- 5.4** **Limit the potential for adverse impacts of watershed development on water quality and quantity.**
- 5.5** **Protect and restore the quality and quantity of potable water.**

Explanation of Policy 5

The presence of pollutants in a waterbody impacts the water's ability to deliver ecological, recreational, educational, and economic services. The purpose of this policy is to protect the quality and quantity of water in the waterfront area of the Town of Huron.

Huron's waterfront is particularly affected by nonpoint source pollution in the form of nutrients, sediment, and bacterial contamination from agricultural fields, fertilized lawns, roadside ditches, septic systems, construction sites and eroded stream banks and other sources. Maintaining the water quality of Sodus Bay, East Bay, and Port Bay, as well as Lake Ontario and groundwater supplies, are of great concern to local residents, visitors and property owners because their health and wealth depends on the quality of water they use for drinking and for recreational activities. Consideration must be given to providing and maintaining an adequate supply of safe drinking, recreational, and natural habitat resources in the region.

Existing laws and programs that help to minimize nonpoint source pollution include:

- Huron Septic Law⁸⁶, which requires periodic inspections of individual septic systems to ensure that they are designed and installed according to specified standards;
- educational and technical assistance coordinated by the Wayne County Soil & Water Conservation District, which addresses agricultural runoff as well as stormwater management from residences and other developed areas; and
- mechanical harvesting of aquatic weeds that removes large quantities of nutrients that are stored in the plant biomass.

The issue of water quality in Sodus Bay, East Bay and Port Bay continues to be a matter of great concern. Reports of outbreaks of toxic blue-green algae⁸⁷ in Sodus Bay are becoming a recurring problem. The algae make unsafe any contact with the water, and minimize the range of recreational activities in the bay.

Water quality protection and improvement is very important for the cultural and economic future of the town, and involves a combination of managing new and remediating existing sources of pollution. In some areas with existing water quality impairments, more aggressive remediation measures will be needed. The Town of Huron continues to work with surrounding municipalities, Wayne County, State and Federal agencies and not-for-profit entities to maintain and improve water quality.

⁸⁶ <http://townofhuron.org/content/Laws/View/66> - Huron Septic Law

⁸⁷ <http://www.health.ny.gov/environmental/water/drinking/bluegreenalgae.pdf>

Explanation of Policy 5.1

Point source pollution is discharged through a pipe or some other discrete source from municipal water-treatment plants, factories, confined animal feedlots, or combined sewers. There are currently no point source discharges into waterbodies within the Huron WRA.

All of the developed properties within the waterfront area of the Town of Huron utilize private on-site septic systems for their sewage disposal. Potential future wastewater collection within the Huron WRA will transport sanitary waste to existing treatment facilities outside the Town that have available treatment capacity.

Explanation of Policy 5.2

Polluted runoff from the land is called nonpoint source pollution. Best management practices (BMPs) are individual practices that are designed and used to prevent or reduce pollution generated at and/or delivered from a source to a waterbody. The best management practices are subjective and the appropriateness of certain practices varies with site characteristics, design standards, operational conditions, and maintenance programs.

- Encourage best management practices (BMPs) to control the delivery of nonpoint source pollutants to water bodies in the following three ways:
 - source reduction by minimizing pollutants available in the first place, which could be achieved by :
 - reducing the use of substances/materials that have the potential to increase the number of pollutants, such as road de-icing substances, plant nutrients/fertilizers, insecticides, and herbicides;
 - monitoring outdoor or uncontained storage of possible pollutants, such as industrial waste, agricultural waste, flammable substances etc.;
 - controlling erosion to reduce sediments in runoff, by maintaining and restoring the vegetation along the shore and balancing scenic views with erosion control measures such as planting groups of more than four trees along the shore;
 - monitoring private on-site septic systems and avoiding septic system failure;
 - minimizing agricultural runoff;
 - fencing the areas where livestock could be;
 - controlling development and build-up areas;
 - planning and managing construction sites where activities cause erosion and sedimentation;
 - preventing changes to stream flows, groundwater recharge, and runoff patterns after development;
 - conserving stream corridors and wetlands;
 - prohibiting discharges of litter or refuse into the water;
 - implementing pollution prevention and education programs.
 - slow down and decrease the transport of pollutants by reducing the quantity and speed of water transported and by retaining pollutants, which could be achieved by:
 - using vegetative buffers to retain and filter the sediments and nutrients from stormwater runoff from agricultural lands
 - using vegetative buffers to retain and filter stormwater runoff from roads
 - decreasing build-up surface, such as parking areas and horizontal development

- remediate or intercept the pollutants before or after they are delivered to the water resource by:
 - creating a volunteer program to remove floatables and litter from surface waters
 - using mechanical, chemical or biological methods of removal
 - repairing any failed on-site septic systems
- Implement the measures recommended in the Embayment Enhancement Plans prepared for Sodus Bay⁸⁸, East Bay and Port Bay:
 - To reduce stormwater runoff from roofs and paved areas, install rain barrels, vegetated buffer strips and conduct periodic cleaning of streets and parking areas.
 - To reduce nutrient runoff from lawns, conduct soil tests to determine the optimum composition of fertilizer and utilize fertilizers with no or low phosphorus.
 - To reduce fecal coliform transport during rain events, which can result in health hazards, encourage homeowner cleanup of pet waste.
 - To reduce the amount of nutrients carried in eroded sediments, install low growing shrubs and grasses to intercept pollutants and stabilize shoreline.
 - Continue to monitor septic systems and identify and repair malfunctioning systems.

Explanation of Policy 5.3

The scenic views and protected waters of the bays make them prime areas for development. The adverse effects of shoreline alteration caused by shorefront homes and docking, the chemicals and sewage from boats and the polluted runoff from failed on-site sewer systems and agricultural inland areas degrade the water quality of the bays, especially those with poor tidal flushing. Loss of habitat and degradation of water quality all point to the need to wisely manage and guide the development around the bays and the uses of the inland.

- Monitor and protect water quality based on an evaluation of physical factors (pH, dissolved oxygen, dissolved solids, nutrients, odor, color and turbidity), health factors (pathogens, chemical contaminants, and toxicity), and aesthetic factors (oils, floatables, refuse, and suspended solids).
- Minimize disturbance of streams including their bed and banks in order to prevent erosion of soil, increased turbidity, and irregular variation in velocity, temperature, and level of water.
- Limit potential adverse impacts on water quality due to excavation or placement of fill using avoidance and minimization methods including reduction in scope of work and use of clean fill.
- In order to remove plant biomass and the nitrogen and phosphorus stored in it, continue to remove aquatic weeds through mechanical harvesting.

⁸⁸ http://www.waynecountynysoilandwater.org/wp-content/uploads/Great_Sodus_-_Embayment_Resource_report.pdf

Explanation of Policy 5.4

A watershed is a geographic area in which all water running off the land drains to a waterbody. Nonpoint source problems can originate anywhere in a watershed. Protecting water quality using a watershed perspective involves identifying and monitoring a number of smaller sources of pollution that cumulatively have a measurable, negative impact on receiving waters. To minimize the cumulative effect of pollution, water quality is best protected by managing land use practices in the watershed. As watershed boundaries do not typically follow municipal boundaries, municipalities and local organizations within a watershed must often come together from across municipal boundaries to design creative management solutions.

Existing programs and regulations that address development impacts include:

- Town of Huron Zoning Law⁸⁹, which includes provisions for site plan review of multi-family and non-residential development proposals.
- State Environmental Quality Review Act (SEQRA)⁹⁰, which requires consideration of potential environmental impacts prior to funding or approving a development project that requires municipal board approval.
- NYS Stormwater Management⁹¹ provisions that require a general permit and adherence to standards for any construction project that would disturb more than one acre of land.

Measures to support water quality:

- Utilize site plan review and stormwater management regulations⁹² to ensure that the design of new development or redevelopment in the watershed incorporates:
 - protection of areas that provide important water quality benefits,
 - maintenance of natural characteristics of drainage systems, and
 - protection of areas that are particularly susceptible to erosion and sediment loss.
- Apply the following guidelines in the review of development projects and in the construction of public facilities:
 - Maintain 25' vegetative buffer adjacent to creeks and DEC-designated wetlands and a setback of 100' for impervious surfaces. Maintain natural vegetated strip along the Bay's shore.
 - Design, locate and construct impervious surfaces to minimize the amount and velocity of runoff entering wetlands, streams or Bay. Incorporate a high ratio of vegetated areas, grass lined swales and retention basins in the design of new development.
 - In new development designs, preserve natural features, minimize grading, conform to natural topography, and retain vegetation.
 - Protect and incorporate natural drainage patterns.
 - Avoid stripping vegetative cover more than 30 days prior to commencement of construction. Utilize best practices for sedimentation controls.

⁸⁹ <http://townofhuron.org/content/Laws> - Huron Zoning Law

⁹⁰ <http://www.dec.ny.gov/permits/357.html> - DEC Introduction to State Environmental Quality Review Act (SEQRA)

⁹¹ <http://www.dec.ny.gov/chemical/43150.html> - DEC Stormwater Permits

⁹² <http://townofhuron.org/content/Laws/View/53:field=documents;/content/Documents/File/49.pdf> - Land

Development Regulations and Public Works Requirements

- Stabilize and vegetate disturbed soils. During construction, minimize and mitigate erosion with measures such as temporary vegetation, retention ponds, recharge basins, berms, silt traps, and mulching.
- Never divert stormwater to another property during construction or after development.
- For waterfront sites, contain stormwater on-site to prevent direct discharge of runoff into coastal waters.
- Minimize use of chemical cleaning agents to service machinery, equipment or boats; Dispose of chemicals in an environmentally safe manner.
- Design boat ramps, street ends, and parking areas to prevent direct runoff into waterbodies.
- Minimize the use of road salt and alternative chemicals on local streets/roads, provided safe road conditions can be maintained on such streets/roads.
- Establish educational programs:
 - For employees of waterside businesses in the use of cleaning practices which avoid soil or water contamination.
 - For residents on the potential for pollution from fertilizer and pesticide applications to lawns and gardens.

Explanation of Policy 5.5

Public water service is provided in a portion of the Huron Waterfront Revitalization Area by the Wayne County Water and Sewer Authority (WCWSA), which is also responsible for operating maintaining the water supply and distribution infrastructure. The sources for public water supply are located outside the Huron WRA, although Lake Ontario is used as a source by some of the suppliers.

Properties outside of existing water districts utilize groundwater from individual wells. Groundwater is vulnerable to pollution resulted from human use, storage, handling, and disposal of contaminants including unlined landfills, underground fuel storage tanks, and septic systems, because surface contamination can infiltrate directly into it. Proper management of human activities can prevent groundwater contamination.

Wetlands provide critical habitat for many kinds of plants and animals, contribute to the aesthetic beauty of the landscape, and provide many recreational and educational opportunities. Some wetlands act as seasonal groundwater recharge areas, which stabilize stream flow rates and the drinking water supplies of a community reliant on groundwater. They also control eroded sediment by slowing down the flow of water and allowing the sediment particles, which often have other pollutants attached to them, to settle out of the water. The dense vegetation in wetlands filter out excess nutrients dissolved in the water.

- Protect surface and groundwater against contamination from pathogens and excessive nutrient loading by:
 - keeping septic effluent separated from groundwater;
 - providing adequate treatment of septic effluent;
 - continuing to inspect individual wastewater disposal systems in the waterfront area on a regular basis. Poorly functioning septic systems can result in nutrient loading and contamination of potable groundwater surface waters. Factors to include in assessing septic system performance include water table elevation, soil porosity, and system

- design. Septic system capacity can be controlled by reducing unnecessary organic loads (e.g., by avoiding use of garbage disposals).
- supporting programs to remediate existing substandard individual wastewater disposal systems;
- encouraging evaluation and implementation of alternative or innovative on-site sanitary waste systems to remediate on-site systems that currently do not adequately treat or separate effluent;
- minimize disturbance of streams, including their beds and banks, in order to prevent erosion of soil, increased turbidity, and irregular variation in velocity, temperature, and level of water; and
- minimize disturbance of wetlands regulated by DEC or the US Army Corps of Engineers.
- Limit land uses that are likely to reduce surface and groundwater quality classifications as potable water supplies. Limit cumulative impacts of development on groundwater recharge areas to ensure replenishment of potable groundwater supplies. Prevent depletion of existing potable water supplies through conservation or restrictions on water supply use and withdrawals and by allowing for recharge of potable aquifers.

Policy 6 Protect and restore the quality and function of the ecosystems in the waterfront area.

6.1 Protect and restore ecological quality throughout the waterfront area.

6.2 Protect and restore Significant Coastal Fish and Wildlife Habitats

6.3 Protect and restore freshwater wetlands in the waterfront area.

6.4 Protect vulnerable fish, wildlife, and plant species, and rare ecological communities.

6.5 Protect natural resources and associated values in identified regionally important natural areas in the waterfront area.

Explanation of Policy 6

A waterfront ecosystem consists of physical components, biological components, and their interaction. Its physical components include environmental factors such as water, soils, geology, energy and contaminants. The biological components include the plants, animals and other living things on and adjacent to the shore. Certain natural resources that are important for their contribution to the quality and biological diversity of the ecosystem have been specifically identified by the State for protection. These natural resources include regulated freshwater wetlands; designated Significant Coastal Fish and Wildlife Habitats; and rare, threatened, and endangered species.

In addition to specifically identified discrete natural resources, the quality of the ecosystem also depends on more common, broadly distributed natural resources, such as the extent of forest cover, the population of overwintering song birds, or the benthic communities. These more common natural resources collectively affect the quality and biological diversity of the ecosystem.

Explanation of Policy 6.1

Establish a process to coordinate open space planning and long-term protection of significant ecological areas.

Reduce adverse impacts of existing development when practical. Identify areas that are unsuitable for development and/or highly sensitive to development impacts, and/or provide scenic views of the water or have high value and accessibility for public use.

Identify significant and valued natural areas for preservation and potential development for public access; consider the conservation value, educational potential of each identified site, development costs, and possible acquisition strategies of those not yet in public ownership.

Explanation of Policy 6.2

Sodus Bay, East Bay, Port Bay and the Lake Shore Marshes are the designated Significant Coastal Fish and Wildlife Habitats (SCFWH) within Huron's waterfront revitalization area. The location and description of each habitat is included in Appendix D. These areas are designated and mapped by the NYS Department of State following recommendations by the NYS Department of Environmental Conservation⁹³. Lake Shore Marshes encompasses some of the largest undeveloped coastal wetlands in the Great Lakes Plain ecological region of New York. The natural habitats in these areas are critical to the maintenance or re-establishment of species of fish and wildlife in the coastal area and must be protected for the habitat values they provide and to avoid permanent adverse changes to the coastal ecosystem.

- Protect Huron's designated significant coastal fish and wildlife habitats from uses or activities which would destroy habitat values or significantly impair the viability of the designated habitat beyond its tolerance range which is the ecological range of conditions that supports the species population or has the potential to support a restored population where practical.
- Avoid activities that would adversely affect fish and wildlife species, including:
 - Any activity that would degrade water quality, such as increases in temperature or turbidity, alteration of water depths or increase or decrease of inflows;
 - Discharges of untreated storm water runoff containing sediments or chemical pollutants (fertilizers, herbicides, insecticides);
 - Habitat disturbances, especially during fish spawning and nursery periods (March-July for most warm water species; September-November for most salmonid and waterfowl breeding seasons (April-July for most species);
 - Elimination of wetland habitats (including submerged aquatic beds) from dredging or filling;
 - Construction and maintenance of shoreline structures, such as docks, piers and bulkheads;
 - Removing vegetation bordering the Bays, which serve as cover for wildlife, perch and nesting sites, and buffer zones;
 - Barriers to fish migration between the Bays, Lake Ontario and tributary streams; and
 - Substantial physical alteration of outlet or barrier beaches.
- Wherever practical, enhance or restore designated habitats so as to foster their continued existence as natural systems:
 - reconstruct lost physical conditions to maximize habitat values;
 - adjust adversely altered chemical characteristics to emulate natural conditions; and

⁹³ <http://www.dos.ny.gov/communitieswaterfronts/consistency/scfwhabitats.html>

- manipulate biological characteristics to emulate natural conditions through re-introduction of indigenous flora and fauna.

Explanation of Policy 6.3

The following guidelines will implement this policy:

- Prevent net loss of wetlands by avoiding fill or excavation of wetlands.
- Minimize adverse impacts resulting from unavoidable fill, excavation or other activities.
- Mitigate for unavoidable adverse impacts.
- Provide and maintain adequate vegetative buffers between wetlands and adjacent or nearby uses and activities to protect wetland values. Restore freshwater wetlands wherever practical to foster their continued existence as natural systems.

Explanation of Policy 6.4

Sensitive species are those species at risk due to loss or degradation of their habitat. Rare ecological communities could be high-quality wetlands, forests, grasslands, ponds, streams, and other types of habitats. To protect vulnerable species and ecological communities, use the following management measures:

- Avoid significant adverse changes to the quality of waterfront ecosystem(s) as indicated by physical loss, degradation, or functional loss of ecological components.
- Maintain values associated with natural ecological communities.
- Retain and add indigenous plants.
- Avoid fragmentation of natural ecological communities and maintain corridors between ecological communities.
- Maintain structural and functional relationships between natural ecological communities to provide for self-sustaining systems.
- Avoid permanent adverse change to ecological processes.
- Limit the impact of new development on ecological quality.
 - Use the State Environmental Quality Review Act process to avoid or mitigate impacts of new development and reduce or eliminate adverse impacts associated with existing development.
 - Ensure that all Town regulations relating to land development remain up to date and contain the language necessary to protect ecological resources from negative development impacts.

Explanation of Policy 6.5

Protect natural resources within the Chimney Bluffs State Park and the Lake Shore Marshes Wildlife Management Areas.

- Policy 7** **Protect and improve air quality in the waterfront area.**
- 7.1** **Control or abate existing and prevent new air pollution.**
- 7.2** **Limit discharges of atmospheric radioactive materials to a level that is as low as practicable.**
- 7.3** **Limit sources of atmospheric deposition of pollutants to the waterfront, particularly from nitrogen sources.**

Explanation of Policy 7

This policy provides for protection of the Town of Huron waterfront area from air pollution generated within or from outside the waterfront area that adversely affects air quality.

Explanation of Policy 7.1

Limit pollution resulting from new or existing stationary air contamination sources consistent with applicable standards, plans, and requirements, and

- Request that sources from outside the Town also limit pollution that affects the Town.
- Encourage official fleets and private vehicles to achieve maximum efficiency and put out minimal emissions.
- Recycle or salvage air contaminants using best available air cleaning technologies.
- Limit pollution resulting from vehicular or vessel movement or operation.
- Restrict potentially injurious emissions.
- Limit discharges of atmospheric radioactive material to a level that is as low as practicable.
- Capture and recycle chlorofluorocarbon compounds during service and repair of air-conditioning and refrigeration units to the greatest extent possible.

Explanation of Policy 7.3

This policy is intended to foster activities that have a minimal impact on air quality. Both human and natural processes can lead to air pollution. Human, or anthropogenic, sources of air pollution include the combustion of fossil fuels for power generation and transportation and the release of chemical byproducts from industrial and agricultural processes. Airborne pollution that falls to the ground in precipitation, in dust, or simply due to gravity is called “atmospheric deposition” or “air deposition.” Atmospheric deposition can be deposited directly onto the surface of the water or be carried to water bodies through run off. Atmospheric deposition of nitrogen may be a contributor to the eutrophication of the bays within Huron. Addressing water quality impacts from atmospheric deposition of toxics and nitrogen is an increasingly important challenge.

- Policy 8** **Minimize environmental degradation in the waterfront area from solid waste and hazardous substances and wastes.**
- 8.1** **Manage solid wastes to protect public health and control pollution.**
 - 8.2** **Manage hazardous wastes to protect public health and control pollution**
 - 8.3** **Protect the environment from degradation due to toxic pollutants and substances hazardous to the environment and public health.**
 - 8.4** **Prevent and remediate discharge of petroleum products.**
 - 8.5** **Transport solid waste and hazardous substances and waste in a manner which protects the safety, well-being, and general welfare of the public; the environmental resources of the state; and the continued use of transportation facilities.**
 - 8.6** **Site solid and hazardous waste facilities to avoid potential degradation of Huron's water resources.**

Explanation of Policy 8

The intent of this policy is to protect people's health from sources of contamination and their negative cumulative effects, and to protect natural waterfront resources from degradation, through proper control and management of solid waste⁹⁴ and hazardous substances and wastes⁹⁵.

As noted in Section II of this LWRP, there are no active landfills in the Town of Huron waterfront area. Solid waste disposal is collected by private companies under contract with individual landowners. Wayne County requires the source separation of recyclable materials.

The Town of Huron Littering Ordinance prohibits the use of land for dumping of rubbish or garbage brought thereto from lands of other persons, as well as the deposit of any garbage in waters, streams or ponds in the Town⁹⁶. There are no local laws that address pesticide use or the disposal of household hazardous waste. The Town works with agencies such as the Wayne County Soil & Water Conservation District to provide education to homeowners about proper use and disposal of chemicals.

Explanation of Policy 8.1

- Ensure that solid waste disposal is adequately addressed prior to granting local approval for major development or activities that will generate solid wastes.
- Promote methods of effectively managing solid wastes in accordance with the following State solid waste management priorities for reducing, reusing and disposing of such waste:
 - Reduce the amount of solid waste generated.
 - Reuse material for the purpose for which it was originally intended or recycle material that cannot be reused.
 - Use land burial or other approved methods to dispose of solid waste that is not being reused or recycled.

⁹⁴ <http://www.dos.ny.gov/info/nycrr.html> - Title 6, Chapter IV, Part 360 Solid Waste Management Facilities, s360-1.2 Definitions

⁹⁵ <http://www.epa.gov/osw/hazard/dsw/index.htm> - Definition of Solid Waste for RCRA Subtitle C Hazardous Waste

⁹⁶ <http://townofhuron.org/content/Laws/View/54:field=documents;/content/Documents/File/123.pdf>

- Prevent the discharge of solid wastes into the environment by using proper handling, management, and transportation practices.
- Support resource recovery markets by utilizing materials and products manufactured with recovered materials and recovering materials for use in manufacturing materials and products.
- Operate solid waste management facilities to prevent or reduce water pollution, air pollution, noise pollution, obnoxious odors, litter, pest infestation, and other conditions harmful to the public health.

Explanation of Policy 8.2

Manage hazardous waste in accordance with the following guidelines:

- Eliminate or reduce generation of hazardous wastes to the maximum extent practical.
- Recover, reuse, or recycle remaining hazardous wastes to the maximum extent practical.
- Use detoxification, treatment, or destruction technologies to dispose of hazardous wastes, which cannot be reduced, recovered, reused, or recycled.
- Phase out land disposal of industrial wastes.

Ensure the maximum safety of the public from hazards associated with hazardous wastes through the proper management and handling of industrial waste treatment, storage, and disposal.

Explanation of Policy 8.3

- Prevent release of toxic pollutants or substances hazardous to the environment that would have a harmful effect on fish and wildlife resources, taking appropriate action to correct all unauthorized releases of substances hazardous to the environment.
- Protect public health, public and private property, and fish and wildlife from unnecessary and inappropriate use of pesticides.
- A pesticide is any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest. The term pesticide applies to insecticides, herbicides, fungicides, and various other substances used to control pests, such as insects, mice and other animals, unwanted plants (weeds), fungi, micro-organisms such as bacteria and viruses, and prions. Under United States law, a pesticide is also any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant. The safety of a pesticide depends on how the product is used. When not managed with care pesticide use could result in water pollution, habitat destruction, reduction in nitrogen fixation, and pollinators decline. Take appropriate actions to correct all unregulated releases of substances hazardous to the environment.

Explanation of Policy 8.4

- Minimize adverse impacts from potential oil spills by appropriate siting of petroleum off-loading facilities.
- Demonstrate that an adequate plan for prevention and control of petroleum discharges is in place at any major petroleum-related facility.

- Prevent discharges of petroleum products by following methods approved for handling and storage of petroleum products and using approved design and maintenance principles for storage facilities.
- Clean up and remove any petroleum discharge⁹⁷.
- Give first priority to minimizing environmental damage:
 - Respond quickly to contain petroleum spills.
 - Contain discharges immediately after discovery.
- Recover and recycle petroleum discharges using the best available practices.

Explanation of Policy 8.5

Transfer and transport solid waste in a manner which protects the safety, well-being, and general welfare of the public and the environmental resources of the state, and does not hinder the continued use of all transportation corridors and highways and transportation facilities.

Explanation of Policy 8.6

The Huron WRA is intended to be attractive for residential neighborhoods, tourism, natural resource protection and agriculture. It also includes a concentration of population that is not present in the inland area of the Town. For these reasons, the siting of hazardous waste facilities within the WRA shall be avoided.

- Find alternatives to siting hazardous waste facilities within the Huron WRA.
- Limit solid waste facilities to temporary storage and transfer facilities that are designed to avoid any contamination of water, air and land resources within the Huron WRA.

Public Coastal Policies

- Policy 9** **Provide for public access to, and recreational use of, waterfront waters and public lands and public resources of the waterfront area**
- 9.1** **Promote appropriate and adequate physical public access and recreation opportunities throughout the waterfront area.**
 - 9.2** **Provide public visual access from public lands to waterfront lands and waters or open space at all sites where physically practical.**
 - 9.3** **Preserve public interest in and use of lands and waters held in public trust by the state and other government levels.**
 - 9.4** **Assure public access to public trust lands and navigable waters.**

Explanation of Policy 9

Improving public access and recreational use of public resources in the waterfront area is of high importance to the residents of and visitors to Huron. This policy supports increasing and improving

⁹⁷ <http://www.dec.ny.gov/regulations/2634.html> - The New York State Water Quality Accident Contingency Plan and Handbook and the New York State Water Quality Accident Contingency Plan and Handbook include guidelines and procedures for clean-up and removal activities.

public access to the waterfront in ways that avoid damaging resources, protect the character of residential neighborhoods and provide for safe access.

Existing public access points are described in Section II. In particular, public access at the following points along Sodus Bay could be improved or enhanced:

- Chimney Bluffs State Park
- Lake Shores Marshes Wildlife Management Area – hiking trails, boating and fishing access points
- Fishing access points along Leroy Island Bridge and Bay Bridge

General public access improvements:

- Provide access and recreation that is compatible with natural resource values:
 - Consider intensity of activity, level of likely disturbance (from most to least disruptive: motorized activities; active non-motorized activities; passive activities; avoidance of the area), sensitivity of the natural resource and ecological benefits associated with avoidance of the area
 - Limit public access and recreational activities where uncontrolled public use would lead to impairment of natural resources
 - Establish seasonal limitations
 - Provide stewardship
 - Physically limit access to areas whose principal values are based on lack of human disturbance
 - Provide educational, interpretive, research and passive uses of natural resources through appropriate design and control of public access and recreation
 - Provide public access for fish and wildlife resource related activities
 - Utilize methods and structures which maintain and protect open space areas associated with natural resources

Explanation of Policy 9.1

Public access and recreation facilities attract tourists, which in turn help to enhance the economic vitality of the Town, which in most cases improves the quality of life for residents.

- Provide a level of public access and types of recreational uses that address:
 - proximity to population;
 - public demand;
 - type and sensitivity of natural resources affected;
 - purpose of public institutions that may exist on the site;
 - accessibility;
 - needs of special groups such as the elderly and persons with disabilities;
 - potential for adverse impacts on adjacent land uses
- Provide convenient, well-defined public access to and along the waterfront for water-related recreation, in all seasons.
- Protect and maintain existing public access and water-related recreation facilities
 - Enforce existing public access easements and obtain additional public access to the waterfront.

- Prevent physical deterioration of facilities due to lack of maintenance or overuse
- Prevent on-site or adjacent development projects or activities from directly or indirectly impairing physical public access and recreation or adversely affecting its quality
- Protect and maintain the infrastructure supporting public access and recreational facilities
- Provide additional physical public access and recreation facilities at public sites throughout the coastal area.
 - Promote acquisition of additional public park lands to meet existing public access and recreation needs
 - Provide for public access and recreation facilities on non-park public waterfront lands as a secondary use
 - Provide for public access at streets terminating at the shoreline
 - Provide access and recreation facilities to all members of the public whenever access or recreation is directly or indirectly supported through federal or State projects or funding
 - Ensure that public access and recreational opportunities on waterfront public lands are preserved when ownership of public land is transferred
- Establish “greenways” and “blueways” through a network of physical linkages and recreational opportunities.
- Provide incentives to private developers to incorporate public access and/or water-related recreation facilities, such as setting aside land for a trail easement to gain waterfront access.
- Continually seek opportunities to create additional access points, watercraft launches, and public amenities that will increase and enhance the usage and quality of the waterfront.
- Provide access for persons with disabilities to all public facilities where feasible.
- Restrict public access and recreation only where needed to ensure public safety or protect natural resources.

Explanation of Policy 9.2

Views of the Lake Ontario and the Bays should be expanded, as much as possible and without impacting the integrity of the ecosystem, to increase the scenic aspect of the waterfront for residents and tourists. The following standards should be applied with respect to increasing visual access to the waters and lands of the waterfront.

- Avoid loss of existing visual access (views)
 - Limit physical blockage of waterfront views due to scale, design location or type of new or redeveloped structures.
 - Protect views from streets and other public areas
 - Protect views of open space associated with natural resources
- Minimize adverse impact on visual access
 - Protect view corridors to the waterfront in locations where new structures would block views from inland public vantage points.
 - Apply design and siting principles to preserve or retain views and minimize obstruction of views
 - Where site conditions, including vegetative cover or natural protective features, block views, visual access requirements may be reduced

- Vegetative or structural screening of industrial or commercial sites may be allowed if the resulting overall visual quality outweighs the loss of visual access.
- Provide compensatory mitigation for loss of visual access
 - If a new development blocks views from inland vantage points, provide visual access from vantage points on the development site.
 - If access cannot be provided on-site, provide for additional and comparable visual access at nearby locations
- Increase visual access to the coast whenever practical
 - Provide pull-offs along public roads at appropriate locations
 - Provide interpretive exhibits at appropriate locations
 - Provide visual access to areas of high visual quality, including community waterfronts, water-dependent uses, agriculture, natural resources, and panoramas of the lake and bays

Explanation of Policy 9.3

Public trust lands are publicly owned lands held in trust for water-related public needs. Under the Public Trust Doctrine, the State has the duty to protect the public's right to navigate on, conduct commerce over, and fish in navigable waters. Also, under the same doctrine, the public has the right to use the navigable waters of the state for bathing, swimming, boating, and general water-related recreational purposes, and facilities for the promotion and accommodation of Public Trust uses are necessary and incidental or ancillary to Public Trust uses are permitted. The Public Trust is sufficiently flexible to encompass changing public needs, and include the preservation of the lands in their natural state for scientific study, as open space and as wildlife habitat. Uses that do not accommodate, promote, foster or enhance the statewide public's need for essential maritime services or the public's enjoyment of the state's waterways are not appropriate uses for public trust lands.

- Limit grants, leases, easements, permits or lesser interest in underwater lands in order to protect the public interest in these lands.
- Determine ownership, riverside interest, or other legal right prior to approving private use of public trust lands under water.
- Reserve such interests or attach such conditions to preserve the public interest in use of underwater lands and waterways that will be adequate to preserve public access, recreation opportunities, and other public trust purposes.
- Limit the transfer of interest in public trust lands.
- Limit grants in fee of underwater lands to exceptional circumstances.
- Retain adequate public interest in the transfer of interest in underwater lands.
- Limit private uses, structures or facilities on underwater lands.
- Avoid substantial loss of public interest in public trust lands.
- Resume and re-establish public trust interests in existing grants.

Explanation of Policy 9.4

The following guidelines should be applied with respect to assure public access to public trust lands and navigable waters:

- Ensure that public interest in access below mean high water and to navigable waters is maintained.
- Provide free and substantially unobstructed passage along public trust shorelands.
- Limit interference with passage along the shoreline to the minimum extent necessary to gain access from the upland to the water.
- Where public access is substantially impeded on public trust lands, provide passage around interferences through adjacent upland easements or other mitigation.
- Require that all publicly owned land allow for perpendicular access to trust lands whenever compatible with the principal use of the public land.
- Provide access to, and reasonable recreational use of, navigable waters and public trust lands under water.
- Provide for free and unobstructed public use of all navigable waters below the line of mean high water for navigation, recreation, and other public trust purposes, including the incidental rights of public anchoring.
- Allow obstructions to public access when necessary for the operation of water-dependent uses and their facilities..
- Ensure that piers, docks and catwalks do not interfere with use of public trust lands. Alternatives to long piers or docks include the use of dinghies to reach moored boats and mooring in nearby marinas, but not dredging to accommodate boat draft.

Working Waterfront Policies

Policy 10 **Protect existing water-dependent uses and promote siting of new water-dependent uses in suitable locations.**

10.1 **Protect existing water-dependent uses**

10.2 **Promote maritime centers as the most suitable locations for water-dependent uses.**

10.3 **Allow for development of new water-dependent uses outside of maritime centers.**

10.4 **Improve the economic viability of water-dependent uses by allowing for non-water-dependent accessory and multiple uses, particularly water-enhanced uses and lacustrine support services.**

10.5 **Minimize adverse impacts of new and expanding water-dependent uses, provide for their safe operation, and maintain regionally important uses.**

10.6 **Provide sufficient infrastructure for water-dependent uses.**

10.7 **Promote efficient harbor operation**

Explanation of Policy 10

The intent of this policy is to protect existing water-dependent commercial and recreational uses and to promote the siting of additional water-dependent uses consistent with the reasonably expected demand for such uses. It is also the intent of this policy to foster orderly water use management to

address the problems of conflict, congestion, and competition for space in the use of surface waters and underwater lands.

Water-dependent uses in the Town include, but are not limited to, recreational boat access, storage, and servicing (e.g. marinas, docking, mooring areas, boat launches). Water enhanced uses include commercial establishments, restaurants, and some recreation areas.

The Town's zoning and docks and mooring regulations can be applied to accommodate water-dependent uses in appropriate locations and to protect the natural environment, local community character and scenic resources. In reviewing proposals for the development of waterfront parcels, the Town will weigh public access and the interests of water-dependent recreation and water-dependent commercial uses against the interests of neighboring residences and environmental concerns. Existing water-dependent uses should be given preferential consideration for their waterfront locations. New water-dependent uses should be sited and designed to minimize impacts on existing residential areas and the quality of the environment. Whenever practicable, new development should stabilize and enhance scenic views, water quality, habitat and public access.

- Site uses such as marinas in areas that contain concentrations of water-dependent commercial, industrial, or recreational uses and essential support facilities. Discourage water-dependent uses in the more rural or undeveloped areas of the Town unless: there is a lack of suitable sites within nearby developed areas and there is a demonstrated demand for the use; the use has unique requirements that necessitate a particular site; or the use is of a small scale, has the principal purpose of providing access to a waterway and is consistent with the character of the area.
- Minimize adverse impacts. Site new water-dependent uses where:
 - Need for dredging is minimized
 - Adequate waterside and landside access and upland space for parking and other facilities is adequate
 - Necessary infrastructure exists or is easily accessible, including shoreline stabilization structures, roads, water supply, sewage disposal, vessel waste pump-out and waste disposal facilities
 - Water quality classifications are compatible
- Ensure that new or expanding marinas:
 - Incorporate marine services and boat repair
 - Do not displace or impair the operation of water-dependent transportation, industry or commerce
 - Do not encroach upon navigation channels or channel buffer areas
 - Incorporate public access to the shore such as access from the upland, boat ramps, and transient boat mooring
 - Limit discharge of sewage by providing pump out facilities, unless the State's Clean Vessel Act plan indicates that adequate pump-out facilities exist.
 - Avoid or minimize adverse impacts on natural resources and existing neighborhoods and communities

Explanation of Policy 10.1

Water-dependent uses are activities that require a location in, on, over, or adjacent to a waterway because the activity requires direct access to the waterway (i.e., marinas, boat launches, and docking facilities) or the use of water (i.e. swimming, boating, fishing, or an industry which uses massive

quantities of water for production or cooling purposes). Existing water-dependent uses within the Town are fully described in the Inventory and Analysis. Actions that will displace or adversely impact existing water-dependent uses should be avoided.

In general, the following are considered to be water-dependent uses:

- Public and private marinas
- Fishing piers
- Swimming beaches
- Yacht clubs
- Boat yards
- Commercial and recreational fishing facilities
- Tour boat and charter boat facilities
- Unloading and aggregate trans-shipment facilities
- Waterborne commerce
- Ferries
- Marine educational or laboratory facilities
- Water-related public and quasi-public utilities
- Navigational aids

Where these uses exist, they should remain. In addition, new water-dependent uses will be preferred in suitable areas along the waterfront and water enhanced uses will be encouraged.

Explanation of Policy 10.2

Water-dependent uses have historically concentrated in the three bays. The area that has the most potential to become a better defined maritime center is Sodus Bay. The current boat traffic throughout the Sodus Bay exceeds that of the other bays.

However, there are limited opportunities for new development within the Huron's mainly residential waterfront. Any redevelopment of existing properties, should retain and protect existing water-dependent uses where possible and practical, and should be reserved for water-dependent uses to the extent practical and permissible by law.

Explanation of Policy 10.3

New water-dependent uses may be appropriate outside maritime centers if the use should not be located in a maritime center due to the lack of suitable sites or has unique locations requirements that necessitate its location outside maritime centers or would adversely impact the functioning and character of the maritime center if located within the maritime center or is of a small scale and has a principal purpose of providing access to coastal waters.

Explanation of Policy 10.4

Water-enhanced uses do not require a waterfront location, but their location on the waterfront adds to public enjoyment and use of the waterfront if properly designed and sited. Such uses are usually recreational, cultural, commercial or retail and must be open to the public. Examples include restaurants, hotels, and shops.

- Apply the following siting criteria when considering water-enhanced uses:
 - Use would provide economic incentive to prevent the loss of a water-dependent use
 - Would not interfere with water-dependent use nor preclude future expansion.

- Makes beneficial use of a shoreline location through siting and design to increase public enjoyment of the waterfront and enhance community character.
- Allow accessory non water-dependent uses that are subordinate and functionally related to the principal water-dependent use and contribute to sustaining the water-dependent use; mixed uses that subsidize the water-dependent use.
- Site and operate uses so as not to interfere with the water-dependent use.
- Do not preclude future expansion of the water-dependent use.

Explanation of Policy 10.5

Site new and expand marinas, boat yards, and other boating facilities where there is adequate upland for support facilities and services; sufficient waterside and landside access, appropriate depth to minimize dredging, suitable water quality classification, minimization of effects on wetlands, shellfish beds, or fish spawning grounds, and adequate water circulation.

Explanation of Policy 10.6

New development in the waterfront area should be directed to locations where infrastructure and public services are adequate, and where environmental conditions are suitable for development.

Protect and maintain existing public and private navigation lanes and channels at depths consistent with the needs of water-dependent uses. Use suitable dredges material for beach nourishment or other beneficial uses.

Avoid shore and water surface uses that impede navigation in established navigational channels and lanes. Provide for services and facilities to facilitate recreational navigation.

Explanation of Policy 10.7

Effective water use management can help to minimize congestion and competition for space on surface waters, protect natural resources and help communities to take advantage of tourism and economic growth opportunities.

To improve harbor operations the Town will continue to:

- Establish vessel speed zones and zones for bathing water skiing and other recreational uses away from marinas or commercial boating facilities.
- Site marinas and in-water structures so as not to encroach upon navigation channels and minimize impacts on sensitive resources (wetlands, fish/wildlife habitats).
- Implement recommendations of the Bay-wide Harbor Management Plan for inter-municipal committee review of land use proposals and to create a Harbor Master position.

The Town's existing zoning and docks and moorings laws should be applied to:

- Promote effective water use management, traditional land use planning techniques can be applied to the water surface in the following manner.
- Assure safety, vessel speed zones can be established and zones for bathing, water skiing, and other recreational uses should be located away from marinas or commercial boating facilities.

- Site marinas and in-water structures so as not to encroach upon navigation channels and to minimize potential impacts on sensitive resources such as wetlands and fish/wildlife habitats.
- Prohibit uses which are not water-dependent (i.e. decks and platforms) to locate on or over surface waters.

Support intermunicipal coordination and cooperation by:

- Supporting the Intermunicipal Committee in addressing issues of concern to all municipalities surrounding Sodus Bay.
- Supporting intermunicipal collaboration in the management water activities (i.e., establish Harbor Master position for Sodus Bay).

Policy 11 Promote sustainable use of living lacustrine resources in the waterfront area.

11.1 Promote sustainable use of lacustrine resources in the waterfront area.

Explanation of Policy 11

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 studies. Sustaining these uses is critical to the community's well-being.

Explanation of Policy 11.1

- Support activities of the NYS Department of Environmental Conservation to manage the fisheries of Sodus Bay, East Bay, Port Bay and Lake Ontario as well as the wildlife habitat in the designated Lake Shores Wildlife Management Areas.
- Ensure that any public or private sector initiatives to supplement existing stocks (e.g., stocking fisheries) or develop new resources (e.g. creating private fee-hunting or fee-fishing facilities) are done in accord with existing State law.
- In reviewing new development proposals, consider potential impacts on fish and wildlife. For large projects, require an ecological study as part of a SEQRA review process to quantify as much as possible the ability of the existing population of fish and wildlife to survive and flourish under current levels of boat traffic and shoreline and nearshore development and to project the potential impact of additional development.
- Increase access to recreational fish and wildlife resources, provided that the increased access does not damage or otherwise impair the habitat.

Policy 12 **Protect agricultural lands in the waterfront area.**

- 12.1** **Protect existing agricultural land resources and farm operations from conversion to other land uses.**
- 12.2** **Establish and maintain favorable conditions which support existing or promote new coastal agricultural production.**
- 12.3** **Minimize adverse impacts on agriculture from unavoidable conversion of agricultural land.**

Explanation of Policy 12

The intent of this policy is to conserve and protect agricultural land in the coastal area by preventing the conversion of farmland to other uses and protecting existing and potential agricultural production.

Explanation of Policy 12.1

Support applications by farmers who wish to participate in state and county purchase of development rights (PDR) programs to protect agricultural lands.

Explanation of Policy 12.2

- Review and where needed update Town zoning regulations to provide for direct marketing opportunities, agriculture related tourism and other agriculture-related enterprises to supplement conventional farm operation revenue streams.
- Review and revise where necessary provisions of the zoning ordinance to ensure conformance with Section 305(a) of the Agriculture and Markets Law, which provides farmers and agricultural operations located within State agricultural districts specific protections against local zoning regulation that may be unreasonably restrictive and cause undue interference with legitimate agricultural practices⁹⁸ as defined by State law.

Ensure good relations between the farming community and non-farm residents of the town.

- Work with Cornell Cooperative Extension to support public education programs for the nonfarm public that highlight the economic, land use, heritage and local foods benefits of agriculture in the Town of Huron.

Explanation of Policy 12.3

Minimize encroachment of commercial, industrial, institutional, or residential development on agricultural lands.

⁹⁸ <http://townofhuron.org/content/Generic/View/12> - Town of Huron Agriculture Policy Statement

- Policy 13** Promote appropriate use, siting, and development of energy and mineral resources and associated infrastructure to maximize efficiency and minimize harmful environmental impacts.
- 13.1** Encourage energy conservation and energy efficiency to reduce greenhouse gas emissions and support similar federal, state, and regional efforts.
 - 13.2** Promote alternative energy sources that are self-sustaining, including solar and wind powered energy generation.
 - 13.3** Ensure maximum transmission efficiency and minimum adverse environmental impact when siting, designing, and constructing major energy generating facilities.
 - 13.4** Minimize adverse environmental and health impacts from fuel storage facilities.
 - 13.5** Minimize adverse impacts associated with mineral extraction.

Explanation of Policy 13

In dealing with the local and regional energy problems, the conservation of energy is a preferred option. Four State- designated Significant Coastal Fish and Wildlife Habitats are located within the Huron WRA. These areas are part of the State’s coastal area and the federal coastal zone. Sustainable design principles will be applied to the siting, design, construction, and operation of any fuel storage facilities within Huron WRA to achieve maximum use efficiency, minimize pollutant outputs that could harm local natural resources or/and accelerate climate change, and conserve and utilize in the public interest the air and water resources of the region.

Explanation of Policy 13.1

- Promote energy efficient modes of transportation.
- Promote and maintain facilities for waterborne cargo and passenger transportation.
- Integrate access to mass transit facilities and, where feasible, provide secure bicycle parking and safe bicycle lanes in new development projects.
- Encourage the development of multi-use trail systems that promote walking, biking and using muscle-powered means of mobility
- Establish site planning guidelines to ensure that new development accommodates alternatives to the use of personal cars where possible.

Require new development to incorporate energy efficient design, including consideration for solar utilization, protection from wind, and landscaping for thermal control. Promote greater energy generating efficiency through design upgrades of existing facilities.

Explanation of Policy 13.2

- Promote the use of alternative forms of energy by businesses, residences, and public facilities.
- Proactively manage the potential for siting wind power generating facilities in various parts of the community, taking into account environmental impacts and aesthetic quality.

Explanation of Policy 13.3

- Site energy generating facilities in a waterfront location only where a clear public benefit is established.

- Site energy generating facilities close to load centers to achieve maximum transmission efficiency.
- Site and construct new energy generating and transmission facilities so they do not adversely affect natural and economic waterfront resources⁹⁹, including migratory birds.

Explanation of Policy 13.4

- Prohibit the production, storage, or retention of petroleum products in earthen reservoirs where there is a potential hazard for groundwater contamination and to human health and safety.
- Protect natural resources by preparing and complying with an approved oil spill contingency plan.

Explanation of Policy 13.5

Sustainable principles will be applied to the development, exploitation, and operation of mineral extraction sites and supporting infrastructure within Huron WRA to achieve maximum use efficiency, to minimize pollutant outputs that could harm local natural resources or/and accelerate climate change, and to conserve and utilize in the public interest the air and water resources of the region.

Consider the following factors when considering a proposal for a commercial mining operation in the waterfront area:

- compatibility with adjacent uses
- loss of use of the site for other potential uses
- alteration of coastal geological landforms
- impact on designated sole-source aquifers
- adverse impact on natural resources
- degradation of visual quality
- Ensure that topsoil and overburden are preserved using appropriate site preparation techniques and subsequent site reclamation plans.
- Ensure that sludge from dredging is disposed of in safe and legal manner.
- Limit sub-aqueous sand and gravel extraction to activities necessary for navigation or erosion control.

⁹⁹ <https://www.law.cornell.edu/uscode/text/16/800> - 16U.S. Code §800 Issuance of preliminary permits or licenses

Definitions

Accretion means the gradual and imperceptible accumulation of sand, gravel, or similar material deposited by natural action of water on the shore. This may result from a deposit of such material upon the shore, or by a recession of the water from the shore.

Agricultural lands mean land used for agricultural production or used as part of a farm or having the potential to be used for agricultural production. Agricultural lands include lands in agricultural districts, as created under article 25-AA of the Agricultural and Markets Law; lands comprised of soils classified in soil group 1, 2, 3, or 4 according to the New York State Department of Agriculture and Markets land classification system; or lands used in agricultural production, as defined in Article 25-AA of the Agriculture and Markets Law.

Bluff means any bank or cliff with a precipitous or steeply sloped face adjoining a beach or a body of water. The seaward limit of a bluff is the landward limit of its seaward natural protective feature. Where no beach is present the seaward limit of a bluff is mean low water. The landward limit is 25 feet landward of the bluff's receding edge, or in those cases where there is no discernible line of active erosion to identify the receding edge, 25 feet landward of the point of inflection on the top of the bluff. The point of inflection is that point along the top of the bluff where the trend of the land slope changes to begin its descent to the shoreline.¹⁰⁰

Coastal areas shall mean (a) the state's coastal waters, and (b) the adjacent shorelands, including landlocked waters and subterranean waters, to the extent such coastal waters and adjacent lands are strongly influenced by each other including, but not limited to, islands, wetlands, beaches, dunes, barrier islands, cliffs, bluffs, inter-tidal estuaries and erosion prone areas. The coastal area extends to the limit of the state's jurisdiction on the water side and inland only to encompass those shorelands, the uses of which have a direct and significant impact on the coastal waters (as defined in Article 42 of the Executive Law).

Development, other than existing development, means any construction or other activity which materially changes the use, intensity of use, or appearance of land or a structure including any activity which may have a direct and significant impact on coastal waters. Development shall not include ordinary repairs or maintenance or interior alterations to existing structures or traditional agricultural practices. The term shall include division of land into lots, parcels, or sites.

Harbor management plan (HMP) shall mean the Huron HMP included in this LWRP, which addresses the problems of congestion and competition for space in the use of surface waters and underwater lands of the state within Sodus Bay, to a distance of fifteen hundred feet from the Town of Huron shoreline.

Hazardous wastes are waste that poses substantial or potential threats to public health or the environment, unwanted by-products of manufacturing processes generally characterized as being flammable, corrosive, reactive, or toxic. In the United States, the treatment, storage, and disposal of

¹⁰⁰ [https://govt.westlaw.com/nycrr/Document/I4ebddafbcd1711dda432a117e6e0f345?viewType=FullText&originalContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/nycrr/Document/I4ebddafbcd1711dda432a117e6e0f345?viewType=FullText&originalContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)) - 6 CRR-NY 505.2, Coastal Erosion Management

hazardous waste is regulated under the Resource Conservation and Recovery Act (RCRA)¹⁰¹. New York State regulates hazardous wastes pursuant to 6 NYCRR 370¹⁰²

Historic resources means those structures, landscapes, districts, areas or sites, or underwater structures or artifacts which are listed or designated as follows: any historic resource in a Federal or State park established, solely or in part, in order to protect and preserve the resource; any resource on, nominated to be on, or determined eligible to be on the National or State Register of Historic Places; any cultural resource managed by the State Nature and Historic Preserve Trust or the State Natural Heritage Trust; any archaeological resource which is on the inventories of archaeological sites maintained by the Department of Education or the Office of Parks, Recreation, and Historic Preservation; any resource which is a significant component of a Heritage Area; any locally designated historic or archaeological resources protected by a local law or ordinance.

Natural protective features means an area near the shore, beach, bluff, sand bar/spill or wetlands and the vegetation thereon.

Primary dune means the most seaward major dune where there are two or more parallel dune lines within a coastal area. Where there is only one dune present, it is the primary dune. Occasionally one or more relatively small dune forms exist seaward of the primary dune. For the purposes of this Part, such forms will be considered to be part of the primary dune. The seaward limit of a primary dune is the landward limit of its fronting beach. The landward limit of a primary dune is 25 feet landward of its landward toe. (Source: 6 CRR-NY 505.2, Coastal Erosion Management)

Public trust lands means those lands below navigable waters, with the upper boundary normally being the mean high water line, or otherwise determined by local custom and practice. Public trust lands, waters, and living resources are held in trust by the State or by the trustees of individual towns for the people to use for walking, fishing, commerce, navigation, and other recognized uses of public trust lands.

Significant Coastal Fish and Wildlife Habitats (SCFWH) are discrete areas that are most valued for their wildlife habitat value as they support important fish and wildlife populations and merit special protection pursuant to the Waterfront Revitalization and Coastal Resources Act.

Solid wastes include sludge from air or water pollution control facilities, demolition and construction debris and industrial and commercial wastes¹⁰³.

State agency means any department, bureau, board, commission, public authority or other agency of the State, including any public benefit corporation, any member of which is appointed by the Governor.

Vulnerable fish and wildlife species means those listed in 6 NYCRR Part 182.5 as Endangered Species, Threatened Species, and Special Concern Species.

Vulnerable plant species means those listed in 6 NYCRR Part 193.3 as Endangered Species, Threatened Species, Exploitable Vulnerable Species, and Rare Species.

¹⁰¹ <http://www.epa.gov/osw/hazard/dsw/index.htm> - Definition of Solid Waste for RCRA Subtitle C Hazardous Waste

¹⁰² <https://govt.westlaw.com/nycrr/Document/I4eac9d09cd1711dda432a117e6e0f345?viewType=FullText&originalio%20nContext=documenttoc&transitionType=CategoryPageItem&contextData=%28sc.Default%29&bhcp=1> - 6 CRR-NY 370.2 Definitions

¹⁰³ Definition of solid waste - <http://www.gpo.gov/fdsys/pkg/CFR-2012-title40-vol27/xml/CFR-2012-title40-vol27-sec261-2.xml>

Water-dependent use means an activity which can only be conducted on, in, over or adjacent to a waterbody because such activity requires direct access to that water body, and which involves, as an integral part of such activity, the use of the water.

Water-enhanced use means a use or activity which does not require a location adjacent to coastal waters, but whose location on the waterfront adds to the public use and enjoyment of the water's edge. Water-enhanced uses are primarily recreational, cultural, retail, or entertainment uses.

Waterfront areas means the waterfront revitalization area or WRA described in Section I of this LWRP.

SECTION IV - PROPOSED LAND AND WATER USES AND PROJECTS

The intent of this LWRP is to retain the character of existing residential waterfront communities, protect and enhance water quality, support recreational boating and fishing, and promote additional economic development relating to boating, natural resources and wildlife.

4.1. Proposed Land Uses

Future land uses implementing this LWRP will be an extension of the current land uses, as illustrated in Map 3, Map 4 and Map 5. There are no new land uses proposed in this LWRP.

4.2. Proposed Water Uses

The waterside of the Huron WRA incorporates the navigable portions of Mudge Creek, the entire East Bay, the portion of Port Bay within the municipal jurisdiction of Huron, and, pursuant to Section 922 of Article 42 of the Executive Law and the Navigation Law, a 1500'-wide waterside area adjacent to the town's shoreline along Sodus Bay, as illustrated in Map 1C. The water-dependent uses within Huron WRA include boating, fishing, and swimming; their range and intensity is described in detail in Section II of the LWRP. Based on the inventory and analysis presented in Section II for each of the waterside areas within WRA, the most competing water dependent uses occur within Sodus Bay part of WRA. Pursuant to Section 922 of Article 42 of the Executive Law, the Town of Huron prepared a Harbor Management Plan to manage potential conflicting uses in the portion of Sodus Bay within 1500 feet from its shoreline. Pursuant to 19 NYCRR Part 603, the HMP for the Sodus Bay portion of the Huron WRA is included below and contains required information at a level of detail and to the extent commensurate with the local circumstances. References to other parts of the LWRP have been included to complement the content of the Huron Harbor Management Plan for Sodus Bay.

Huron Harbor Management Plan

In 1992, the NYS Executive Law Article 42, Waterfront Revitalization of Coastal Areas and Inland Waterways, was amended to provide local governments with the clear authority to comprehensively manage activities in near shore areas within their LWRP boundary by developing comprehensive harbor management plans (HMPs) and local laws to implement these plans¹⁰⁴.

The Huron Harbor Management Plan (HMP) addresses issues associated with the use of surface waters and underwater lands within this section of Sodus Bay within 1500 feet from the Town's shoreline. The Huron HMP for this portion of Sodus Bay considers local and regional needs, the competing needs of recreational boating and fishing, habitat and other natural resource protection, water quality, public access, and recreation, open space and aesthetic values.

¹⁰⁴ <http://www.dos.ny.gov/opd/programs/lwrp.html>

Huron HMP Boundary

The Huron HMP covers the waters of Sodus Bay that are within the town's WRA, as illustrated on Map 1B.

History of Sodus Bay

Until the late 1700's, only Native Americans occupied the land surrounding Great Sodus Bay. They referred to the Bay as "Silvery Waters" and utilized it for fishing and transport.

European settlers discovered the Bay in the mid to late 1700's and started settlements to take advantage of the fishing and the surrounding good upland soils and hardwood forests. In 1794, Charles Williamson founded the Village of Sodus Point.

Early industry in the Bay was based on the presence of water. Commercial fishing, ice harvesting, boat building and repair, and the import and export of goods by ship made the Bay a busy Great Lakes port. In the surrounding areas land was cleared for farming with sawmills and grist mills established on many of the entering streams. The open waters of the Bay made for easy transport of the lumber and grain.

As a key U.S. port at the border with Canada, Sodus Bay played an important role in the War of 1812. The Village of Sodus Point was nearly burned to the ground at one point when British ships anchored in the Bay and began to ransack the village for supplies. Residents rallied to the defense and two Sodus Point men lost their lives in the ensuing skirmish.

In 1872, the first railroad and coal trestle was built connecting Sodus Bay to the coal mines in Pennsylvania. From then to 1967, thousands of tons of coal were transported through the Sodus Point Coal Trestle. To accommodate the ships, the Bay and Channel to Lake Ontario were regularly dredged. The landmark structure, used to load the great ships, was destroyed by fire in the early 1970's.

With the closing of the coal trestle and a brewery/malt house nearby, the economy of the Village of Sodus Point and the surrounding Bay became more dependent upon recreational boating, fishing, vacation homes and tourism. This pattern continues today.

Inventory and Analysis of Existing Conditions within Huron HMP Area

Detailed information on the current conditions within this defined harbor management area illustrated in Map 1B is provided in Section II of the LWRP. However, for easier reach, a summary of the detailed information included in Section II is provided below.

- **Recreational water-dependent uses** such as marinas, boat launches, recreational fishing, type of vessel activity and mooring areas are presented in detail in part 2.9. *Water Uses* of Section II of the LWRP. Along the southern and eastern Sodus Bay shorelines, several properties with active or former commercial marinas, such as the site of the former Gilligan's restaurant near the Bay Bridge, have sufficient landside space to support commercial marine operations. However, the water depths leading to these sites and those close to the shoreline docking area are not suitable for such operations without extensive initial and regular maintenance dredging.
- **Winter uses** of the Huron's HMP area consists of activities such as ice fishing, skating and snowmobiling. Access for ice fishing in Huron is available at Hog Island/ LeRoy Island bridge; Skippers Landing parking lot; Connelly Cove Parking Lot; Red Mill Road at Saw Mill Cove; Eagle Island parking lot; Lake Bluff Road; and from private properties.
- **Water quality** in Sodus Bay is listed by the NYS Department of Environmental Conservation (NYS DEC) as Class B. The best usage of Class B waters are primary and secondary contact recreation and fishing. Recreational uses in Sodus Bay are impacted/ threatened by invasive and other

aquatic weed growth. Fish consumption is also restricted as a result of a health advisory for Lake Ontario that extends to tributaries up to the first impassable barrier. The bay is culturally eutrophic, often experiencing algal blooms, extensive macrophytic weed growth, and anoxic conditions in its deeper waters.

As documented throughout the Great Sodus Embayment Resource Preservation and Watershed Enhancement Plan, the challenges involved with addressing the Bay's expanding weed problem, controlling internal and external phosphorus loading, and managing the influx of other sources of nonpoint source pollution are complex. Limiting pollutant loads in stormwater runoff flowing into the Bay and managing sedimentation are essential for reducing the eutrophication rate.

Water quality is also impacted by boating activities which could increase water turbidity and re-suspension of pollutant-laden sediments if powerboats are operated in shallow water. More information on water quality is presented in Section II of the LWRP.

- **Stormwater management** within the Huron HMP area is monitored only as part of development reviews. Stormwater runoff from agricultural operations may be managed by landowners with technical and/ or financial assistance from the Wayne County Soil & Water Conservation District.
- **The 100-year flood elevation** along Sodus Bay in the Town is 251 feet above sea level. Changes in the Lake Ontario elevation impact flood hazard vulnerability of properties along the shores of Lake Ontario and the Bays.
- All **wastewater treatment** in the Huron HMP is processed by individual on-site septic systems, in accordance with NYS regulations. In addition, the Town of Huron has a local law that requires periodic inspection of septic systems.
- **Vessel pump-out facilities** enable boaters to empty the sanitary waste from their boat's holding tanks. There are seven pump-out facilities on Sodus Bay, of which two are located at private marinas in the Town of Huron. In 2011, Lake Ontario and its bays were designated as Vessel Waste No Discharge Zone (NDZ), where it is illegal to discharge sewage from boats and boaters are required to use appropriate pump-out facilities, available at many marinas, to dispose of sewage. The federally funded Clean Vessel Assistance Program (CVAP) provides grants to marinas for the installation, renovation, and replacement of pump-out stations for the removal and disposal of recreational boater septic waste. CVAP grants are federally funded through the United States Fish & Wildlife Service and administered by New York State Environmental Facilities Corporation.
- The entire Sodus Bay is a State designated **significant coastal fish and wildlife habitat**. The narrative and accompanying map providing specific information regarding the fish and wildlife resources that depend on this area is included in Appendix D. The principal stream feeding into Sodus Bay is Sodus Creek. A large wetland complex associated with this stream extends south from the Bay at Ridge Road a distance of approximately 1.3 miles, nearly to Route 104 to the south. Smaller, but still significant, wetlands extend upstream from the mouths of the other four feeder streams as well.
- **No current aquaculture areas exist** within Sodus Bay, nor are there any known current plans or proposals for such activities.
- **Underwater lands and their ownership** are described in Section II of the LWRP. The bottom of the bay is owned by New York State.

- No **historic shipwrecks** have been reported to be present in Sodus Bay or within the adjacent near shore areas of Lake Ontario.
- The most **significant natural feature** in the Huron portion of Sodus Bay is a large sand and gravel barrier beach, called Crescent Beach, which separates the Bay from the Lake along most of the Bay's northern boundary. Three islands are located in the north eastern portion of the Bay and appear to be remnants of the north-south oriented ridges located on the southern shore. Two of the islands, Eagle and Newark, are only accessible by boat while a small bridge connects the third island, LeRoy, to the mainland on the eastern shoreline.
- A **maintained navigation channel**, termed the Channel, is located near the northeastern corner of the Bay adjacent to the Village of Sodus Point. Although located outside the Town of Huron, the Channel is essential for navigation to and from Sodus Bay. The Channel is protected on both sides by sheet steel and stone jetties extending over 1,000 feet into the Lake. Navigation on the bay is determined by water depth. The bottom elevation contours of Sodus Bay are documented in Section II and Appendix E. graphics showing the National Oceanic and Atmospheric Administration (NOAA) soundings and charts are also provided in Section II. A deep basin runs down the center of Sodus Bay in a northwest to southeast direction from the Channel to a location approximately four thousand feet north of the Bay Bridge. Shallower water occurs along the entire periphery of the Bay, including in the large area between Eagle and LeRoy Islands and the eastern shoreline of the Bay. The proliferation of aquatic weeds is increasingly detrimental to recreational boating in Sodus Bay. More information regarding navigation and boat traffic on Sodus Bay is presented in Section II of the LWRP.
- **Dredging** is required when and where water depths are insufficient to accommodate vessels navigation on throughout the bay. Water depths vary with the elevation of the Bay water surface which correlated with that of Lake Ontario through the connecting channel between the two. Safe and environmentally sound recreational boating on Sodus Bay requires a minimum water depth of 3 feet for power vessels up to approximately 25 feet in length and a minimum of 4 feet for larger recreational power boats. Fixed keel sailboats require a minimum of approximately 8.0 feet for sailing and 6.5 feet for sailboat docking and mooring. It is assumed that a 25 foot length is the upper limit for vessels launched via trailer on a daily basis with larger vessels generally launched via hoist on a seasonal basis and stored in water for the boating season⁶⁰. The Town of Huron has worked with other Lake Ontario communities on the update of the Regional Dredging Management Plan, completed in December 2014, to address current dredging needs for lake access channels along the Lake Ontario shoreline.
- The general **visual setting of Sodus Bay** is that of a large lakeshore embayment with extensive shoreline development but relatively undeveloped woods and agricultural areas set back from the shoreline. Five major scenic view areas have been identified in Huron:
 - Saw Mill Cove - Area located where the road right-of-way for Red Mill Road runs along the Bay shoreline. A small parking area is available on the south side of the road. Views from the northern shoulder of the road look north up the Bay with the Village, barrier beach of Crescent Beach and Charles Point and the wooded Newark and Eagle Islands visible across the expanse of water surface. From the south side of the road, a portion of the large wetland complex located along Third Creek is visible.
 - Shaker Heights - A developed area on a prominent ridge culminating in Nicholas Point on the Bay. Shaker Tract Road runs along the top of the ridge line and offers intermittent views of the southern portion of the Bay between the developed lots and

home sites. Parking or sitting areas are not available along the ridge. This road fronts entirely on private property and there has been no demand or opportunity to provide public parking or sitting areas along its frontage.

- Bay Bridge - The Bay Bridge crosses the extreme southern end of the Bay at Ridge Road. Small parking areas are available at both ends of the bridge and a protected pedestrian way is located along the northern side of the bridge. Views from the bridge are expansive to both the south and north. To the south, Sodus Creek is visible between extensive flats occupied by wetlands bordered by woods. Views to the north include the southern portion of Bay surface water to approximately Willigs Point and the several marinas in this area.
 - Lake Bluff Road - Between Ridge Road and Lummisville Road, a section of this road offers elevated views of the southern portion of the Bay with Shaker Heights in the background. Further north, this road travels along the Bay shoreline east of Eagle Island with open views from the western shoulder in many areas. Views from this area include the water areas between Eagle Island and the mainland, the open water to the south, and the Crescent Beach barrier beach as seen through a narrow gap.
 - Hog Island and the LeRoy Island Bridge - A small parking area on Hog Island, from where pedestrians can access the LeRoy Island bridge and adjacent shoreline areas. Views from here include the open water area separating LeRoy Island from the mainland, the open water areas of the Bay to the south, and the large wetland area located both north and south of Hog Island.
- For **public safety**, there is a recommendation that a position of a **harbormaster** be created to oversee the use of the entire Sodus Bay. Currently, law enforcement on the water is provided by the Wayne County Sheriff's Department.
 - **Existing land uses and zoning** of the land adjacent to the bay are described in detail in Section II of the LWRP.
 - **Public access to the bay** and its waters is limited to private marinas and restaurants.
 - **Potable water** within the HMP area is supplied by the Wayne County Water & Sewer Authority. A private water supply system serves the seasonal residents of Eagle Island.
 - **Public water service** is available to properties along Ridge Road, Lake Bluff Road, Bayshore Road, Ann Lee Drive, Spiegel Drive, Shaker Tract Road and LeRoy Island, as illustrated in Map 15. Wayne County Water and Sewer Authority manages the public water service, which is supplied by numerous sources. No public sewer services are provided to properties along Sodus Bay. Future sewer service would be processed outside of the Huron HMP.

Regulatory Framework

In general, the authority for the regulation of structures and uses above the mean high water line in New York State is granted to the local municipalities. This is enacted locally by zoning and subdivision ordinances.

In general, municipal regulations within harbors and near shore areas have been limited to regulating vessel speed, anchoring, and mooring. Under NYS Navigation Law, specific municipalities are authorized to regulate structures such as docks, and boathouses, and shoreline structures. Pursuant to Section 46-a(2) of Article 4 of the NYS Navigation Law, the Town of Huron is authorized to adopt, amend, and

enforce local laws, rules and regulations not inconsistent with the laws of this state or the United States, with respect to the restriction and regulation of the manner of construction and location of boathouses, moorings and docks in any waters within or bounding the respective municipality to a distance of fifteen hundred feet from the shoreline. Based on this authorization, as well as the Municipal Home Rule Law and the Town Law, the Town of Huron adopted the local **Dock and Mooring Law**¹⁰⁵, included in Appendix B of the LWRP.

Section § 45 of the NYS Navigation Law establishes a “no wake” zone within the Sodus Bay Channel connecting the bay with the lake, and in the waters immediately east of the Village of Sodus Point (outside of Huron’s Sodus Bay Harbor Management Area). Pursuant to this section:

...no vessel shall be operated within that area of the Sodus Bay Channel and Sodus Bay ... in a manner or at a speed that causes a wake that unreasonably interferes with or endangers a dock, pier, raft, float, anchored or moored vessel or swimmer but in no event at a speed exceeding five miles per hour.

For the purpose of advising users of the existence of the speed zone within Sodus Bay, the Wayne County Sheriff is responsible for placing buoy markers to delineate its limits. The content of Section § 45-aaaa of the NYS Navigation Law is included in the Appendix B of the LWRP.

Regulation of vessels in the waters within the Town of Huron may be enacted by Wayne County pursuant to Section 46-a of Article 4 of the NYS Navigation Law, included in Appendix B, which states that:

- *The board of supervisors or other legislative governing body of a county, or, should no action on the matter be taken by such board or body, the governing body of a city or incorporated village, by a three-quarters vote of its members, may establish a vessel regulation zone and within the limitations prescribed by this chapter, adopt regulations for the use of a lake or part of a lake or other body of water within the county, or in case of a city or incorporated village of the part of said waters adjacent thereto, if it shall deem that such establishment of a zone will promote the safety of the people and be for the best interests of the county, city or incorporated village.*

State regulatory authority rests principally with the New York State Department of Environmental Conservation. This authority is in addition to, and is not replaced by, any municipal regulation of docks, moorings and similar structures. The following are the articles of the Environmental Conservation Law (ECL) administered by DEC

- Article 15 Title 5, Protection of Waters¹⁰⁶, - for permits regarding projects involving: disturbance of the bed or banks of a protected stream or other watercourse¹⁰⁷; construction, reconstruction or repair of dams and other impoundment structures¹⁰⁸; construction, reconstruction or expansion of docking and mooring facilities¹⁰⁹; excavation or placement of fill in navigable

¹⁰⁵ <http://townofhuron.org/content/Laws/View/49>

¹⁰⁶ <http://www.dec.ny.gov/permits/6042.html>

¹⁰⁷ <http://www.dec.ny.gov/permits/6554.html> - Disturbance of the Bed or Banks of a Protected Stream or other Watercourse

¹⁰⁸ <http://www.dec.ny.gov/permits/6552.html> - Construction, Reconstruction or Repair of Dams and other Impoundment Structures

¹⁰⁹ <http://www.dec.ny.gov/permits/6550.html> - Construction, Reconstruction or Expansion of Docking and Mooring Facilities

waters and their adjacent and contiguous wetlands¹¹⁰; water quality certification for placing fill or undertaking activities resulting in a discharge to waters of the United States¹¹¹. To obtain or renew a DEC permit, to report environmental or natural resource problems, to find the best places to hunt, fish and enjoy the outdoors, to reach any DEC program for any reason -- your first point of contact is DEC Region 8 office¹¹². - Article 24¹¹³, Freshwater Wetlands - for permits regarding activities that are proposed within the mapped State-Regulated wetland areas or within a 100-foot wide adjacent area. The mapped wetland areas are shown in Map 10. Permit issuance standards are contained in the NYS DEC regulations found at 6 NYCRR Part 663¹¹⁴.

- Article 34¹¹⁵ of the Environmental Conservation Law, Coastal Erosion Hazard Areas - for permits required for activities proposed to occur within a State-designated and mapped Coastal Erosion Hazard Area. Within the HMP area, this only includes the Crescent Beach area. Local municipalities have the option of assuming the regulatory program under Article 34.

To undertake and exercise its regulatory authority with regard to activities subject to regulation under Article 34¹¹⁶ of the Environmental Conservation Law¹¹⁷, the Town of Huron adopted, and later amended, a local Coastal Erosion Hazard Area Law¹¹⁸, also included in the Appendix B of the LWRP.

In addition to direct permit authority, the NYS DEC also consults with the NYS Department of State (DOS), the NYS Office of Parks, Recreation and Historic Preservation (NYS OPRHP) and the NYS Office of General Services (OGS) as part of its review of permit applications. Under some permit procedures, specific consent must be obtained from one or more of these agencies in order for the NYS DEC to issue a permit or, in the case of DOS, the DEC must ensure that its permits or other actions in the coastal area of the State are consistent with the policies of the New York State Coastal Management Program.

The NYS Office of General Services (OGS) represents the State of New York in administering lands under navigable waters pursuant to the Public Lands Law, the Navigation Law and in participation with interagency administration of the Education Law as it relates to the Abandoned Shipwrecks Act. OGS should be consulted to determine the State's interest in any action involving the placement of structures or having a potential significant impact to the bed of Lake Ontario or the bays. The Town should consult OGS regarding the dredging of the navigation channels connecting the bays with Lake Ontario, and in the placement of docks and other structures in the water. OGS should also be consulted about the application of Section 334 of the State Real Property Law, which states that "in case the lands sought to be shown upon the subdivision map are contiguous to the navigable waters of the state and have frontage on such waters, such map shall show the extension of the littoral property line or lines of such lots, plots, blocks, sites or units from the intersection of said line or lines with the high water mark into

¹¹⁰ <http://www.dec.ny.gov/permits/6548.html> - Excavation or Placement of Fill in Navigable Waters and Their Adjacent and Contiguous Wetlands

¹¹¹ <http://www.dec.ny.gov/permits/6546.html> - Water Quality Certification for Placing Fill or Undertaking Activities Resulting in a Discharge to Waters of the United States

¹¹² <http://www.dec.ny.gov/about/558.html> - DEC Region 8 Permit Administrator

¹¹³ <http://www.dec.ny.gov/permits/6058.html> - Freshwater Wetlands Permits

¹¹⁴ Part 663: Freshwater Wetlands Permit Requirements

¹¹⁵ <http://www.dec.ny.gov/permits/6064.html> ; <http://www.dec.ny.gov/regs/4470.html>

¹¹⁶ <http://www.dec.ny.gov/permits/6064.html> - Coastal Erosion Management Permit Program

¹¹⁷ Part 505: Coastal Erosion Management

¹¹⁸ <http://townofhuron.org/content/Laws/View/46>

said navigable waters of the state. Such map shall show sufficient data to define the location of the riparian/littoral area associated with such lots, plots, blocks, sites or units¹¹⁹.”

Federal authority rests with the U.S. Army Corps of Engineers (USACE) under Section 10 of the Rivers and Harbors Act of 1899 and under Section 404 of the Clean Water Act. Under Section 10, a permit is required for any structure or work (including any dredge or fill) that takes place in, under, or over navigable water, or any wetland adjacent to navigable waters. Under this regulation, a permit is required from the USACE to place any dock, mooring, boat ramp or any other structure within or over the water of the Bay and its tributaries.

Under Section 404¹²⁰, a permit is required for activities which involve a discharge of dredged or fill material into a water of the United States including wetlands. Discharge activities which will drain or flood wetlands or significantly disturb the soils of a wetland also require a permit under this section. Some Federal permits also require concurrence or consent from New York State agencies. In particular, Federal permits in the coastal zone require a concurrence from the DOS that the project is consistent with New York coastal management policies and Federal Section 404 permits require the issuance of a Water Quality Certification by the DEC. The USACE has issued blanket permits, termed Nationwide Permits, for certain minor activities. Some of these have been supplemented and/or modified by its Buffalo District Office, which has jurisdiction over Sodus Bay for regulatory purposes. These modified versions are called Regional Permits¹²¹.

Surface Water Uses and Issues

The bay shoreline is shallow with extensive beds of submersed, floating, and emergent aquatic vegetation that covers 37 percent of the bay's surface area. The nuisance invasive submergents eurasian watermilfoil, curly leaf pondweed, and water chestnut have been found in the bay. Several mechanical harvesters are operated annually by the Wayne County Soil and Water Conservation District to control the vegetation¹²².

The surface water uses for the portion of Sodus Bay within the Huron WRA are presented in part 2.9. *Water Uses*, Section II of the LWRP. *Part 2.1 Summary of Issues and Opportunities in the Waterfront Revitalization Area* describes issues of Huron's waterfront area that should be addressed and the goals of the LWRP.

Proposed Projects within HMP Area

The projects proposed to be developed in the Huron HMP area, to expand or improve water-dependent uses or to protect the quality of Sodus Bay waters, are described in part 4.3 *Proposed Projects* of Section IV of the LWRP.

¹¹⁹ Laws of New York, Real Property Law (RPP)

¹²⁰ <http://www.dec.ny.gov/permits/81010.html>

¹²¹ <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/NationwidePermits.aspx>

¹²² <http://www.dec.ny.gov/outdoor/88424.html>

4.3. Proposed Projects

A. Land Uses and Zoning

- **Identify the best location for the land uses proposed in the 2012 Huron Master Plan and draft regulations.**

The 2012 Huron Master Plan recommends several changes to the Town of Huron zoning district boundaries and regulations that are intended to preserve the existing balance of residential, business and conservation uses within the WRA. The following modifications to the zoning regulations require additional study and drafting of specific language prior to being accepted by the local residents and adopted by the Huron Town Board.

- Create two new zoning district classifications – Resort Residential and Resort Business - to replace the existing Resort classification which accommodates both residential and business uses. An excerpt from Master Plan is included in Appendix E.
- Add Bed and Breakfast Inn to the list of uses permitted with a Special Use Permit in the Resort Residential and Resort Business districts.
- In the Resort Residential district, revise land use regulations regarding lot coverage, yard setback requirements, and building bulk (height, size, etc.) in order to maintain the existing small scale character of the homes and preserve views of the water.
- In the Resort Residential district, in order to mitigate the visual impacts of newer and larger homes, yard setback requirements should be tied to building height, with additional setbacks required for taller buildings and buildings with larger footprints.
- In the Resort Business district, incorporate provisions that address lot coverage, yard setback requirements and building bulk (height, size, etc.) to ensure that future such development is in scale with the surrounding areas, and potential adverse impacts on adjacent residential areas are minimized.
- Revise the A5A - Agriculture Zoning District regulations to remove land uses such as manufactured home parks, industry, junkyards, quarries and sand and gravel pits, and permit these uses under the existing M-Industry district and a new manufactured housing zoning district.

Project 1 Conduct a detailed study to determine the economic impact of existing land use regulations, identify amendments needed to implement the recommendations of the 2012 Huron Master Plan and this LWRP, and propose detailed implementation strategies. Review the proposed local law amendments for consistency with the LWRP policies, draft and adopt the local law amendments consistent with the LWSRP policies.

Estimated cost: \$24,000

Potential funding sources and permitting: Empire State Development/
Strategic Planning and Feasibility

Studies ¹²³; NYS Department of State,
Town Budget

Responsible entities: Town of Huron

➤ **Locate and develop a public recreation area near the east end of Bay Bridge**

A town park, or a public recreation area developed as part of a private waterfront development, is recommended for the Resort area near the east end of the Bay Bridge. The public recreation area should include transient docking and areas where the public can walk along the water, fish, and view the waterfront and may include a public boat launch.

Project 2 **Conduct a feasibility study to determine an appropriate site, facilities, design, and construction and maintenance costs of a public recreation area within Resort area, near the east end of the Bay bridge.**

Estimated cost: \$22,000

Potential funding sources: NYS Department of State; Town Budget; Environmental Facilities Corporation¹²⁴; private developer

Responsible entities: Town of Huron; Wayne County; private landowners and developer(s)

Project 3 **Design and develop a public park or recreation area in the Resort area near the east end of the Bay Bridge.**

Estimated cost: To be determined based on findings of feasibility study

Potential funding sources: NYS Department of State; Town Budget; private developer

Responsible entities: Town of Huron; Wayne County; private landowners and developer(s)



¹²³ <http://www.esd.ny.gov/BusinessPrograms.html> - ESD financing and technical assistance programs

¹²⁴ <http://www.efc.ny.gov/Default.aspx?tabid=131> - Clean Vessel Assistance Program

B. Water Quality Preservation and Improvement

➤ Improve management of aquatic weeds

Despite an extensive program of weed harvesting, aquatic weeds continue to interfere with the enjoyment of Sodus, East and Port Bays by boaters and waterfront residents. Many comments to the public survey suggested consideration of chemical treatment methods. Others suggested that the harvesting effort needs to be more extensive or better managed.

Project 4 **Obtain funding to continue and eventually expand the mechanical weed harvesting in Sodus, East and/or Port Bays.**

Estimated cost: Varies based on extent of area served

Potential funding sources: NYS Department of State; Partnerships for Regional Invasive Species Management; NYS Department of Environmental Conservation Office of Invasive Species Coordination; Aquatic Weed Harvesting District; Wayne County; Town of Huron

Responsible entities: Wayne County Soil & Water Conservation District; Town of Huron

Project 5 **Conduct a study to evaluate alternatives to mechanical harvesting to control nuisance weeds in Sodus, East, and/or Port Bays, such as lining the bay with alum or using chemical weed controllers. The study should include a cost-benefit analysis of alternative methods and identify funding sources for implementation.**

Estimated cost: To be determined

Potential funding sources: NYS Department of State; Partnerships for Regional Invasive Species Management; NYS Department of Environmental Conservation; Town of Huron; Wayne County; New York State; research foundations

Responsible entities: Wayne County Soil & Water Conservation District; Town of Huron

➤ Improve the quality of stormwater runoff into the bays from developed land

Stormwater runoff from developed land, including residential and business properties and roadways, contributes sediment and contaminants that impact water quality in the Bays and Lake Ontario. Runoff of nutrients and sediment also contribute to the aquatic weed growth that interferes with boating in the Bays.

Project 6 **Conduct a green infrastructure feasibility study to identify the best town-wide locations for rain gardens and bio-swales to collect and filter runoff, improve groundwater recharge and the quality of surface waters; and develop a program to provide cost sharing and technical assistance to local stakeholders.**

Estimated cost: \$24,000

Potential funding and permitting sources: NYS Environmental Facilities Corporation / Green Innovation Grant Program; NYS Department of State; NYS Department of Environmental Conservation, Division of Water; NYSEDA; Wayne County Soil & Water Conservation District.

Responsible entities: Wayne County Soil & Water Conservation District; Town of Huron

Project 7 **Develop and distribute educational materials to residents to encourage the installation of rain barrels to reduce the quantity of stormwater runoff and improve the quality of runoff by increasing filtering through lawns and groundcover.**

Estimated cost: \$4,000

Potential funding sources: NYS Department of State; NYS Department of Environmental Conservation, Division of Water; NYSEDA; Wayne County Soil & Water Conservation District, manufacturers and vendors of rain barrels

Responsible entities: Wayne County Soil & Water Conservation District; Town of Huron

Project 8 **Provide financial support to Town and County highway departments to maintain and stabilize stream banks and roadside ditches in order to improve the collection and filtration of stormwater runoff and identify green alternatives to the existing designs.**

Estimated cost: \$80,000

Potential funding sources: NYS Department of State; NYS Department of Transportation, Division of Water; NYS Department of Environmental Conservation; NYS Environmental Facilities Corporation / Green Innovation Grant Program; Wayne County Soil & Water Conservation District

Responsible entities: Wayne County Soil & Water Conservation District; Town of Huron

➤ **Slow down the flow and improve the filtration of stormwater runoff from agricultural land**

Runoff from agricultural land may contribute sediment, pesticides and nutrients to the Bays. The Agricultural Environmental Management (AEM) program, managed by the Wayne County Soil &

Water Conservation District, works with farmers to identify and implement practices that reduce the potential for such contaminants to flow into water bodies.

Project 9 **Provide technical assistance and financial incentives to farm operators to reduce the quantity and improve the quality of runoff to Lake Ontario and the Bays from agricultural lands.**

Estimated cost: Varies by project

Potential funding sources: NYS Department of State; NYS Department of Agriculture and Markets; NYSERDA; Empire State Development Division for Small Business, NYS Department of Environmental Conservation / Water Quality Improvement Project Program, Division of Water, Wayne County Soil & Water Conservation District,

Responsible entities: Wayne County Soil & Water Conservation District

See also: Project 6 listed above also improves the filtration of runoff from agricultural lands.

➤ **Prevent/remove invasive species of plants**

Invasive plant species affect natural habitats and fisheries. Monitoring is needed to better understand the types of species and the extent to which they are proliferating. Public education is needed so that residents, visitors and boaters can recognize those species and take actions to prevent their proliferation. For some species of plants, removal is effective.

Project 10 **Conduct a field survey to determine the extent of invasive plant species in Sodus Bay and surrounding areas and identify methods of combating their propagation.**

Estimated cost: \$12,000

Potential funding sources: NYS Department of State; Cornell Cooperative Extension Invasive Species Program / Partnerships for Regional Invasive Species Management; NYS Department of Environmental Conservation; Wayne County Soil & Water Conservation District, local associations and not-for-profit organizations

Responsible entities: Wayne County Soil & Water Conservation District

Project 11 **Design and install an educational display at Chimney Bluffs Park and other suitable sites to provide information to the public about invasive species and actions that can be taken to address their proliferation.**

Estimated cost: \$2,500

Potential funding sources: NYS Council on the Arts, NYS Department of State; NYS Office of Parks, Recreation, and

Historic Preservation, Partnerships for Regional Invasive Species Management; NYS Department of Environmental Conservation; Wayne County Soil & Water Conservation District

Responsible entities: Wayne County Soil & Water Conservation District

Project 12 **Organize volunteer participation in the removal of water chestnut plants by hand harvesting.**

Estimated cost: \$2,000 annually

Potential funding sources: NYS Department of State; Partnerships for Regional Invasive Species Management; NYS Department of Environmental Conservation; Wayne County Soil & Water Conservation District; local associations and not for profit organizations

Responsible entities: Wayne County Soil & Water Conservation District

See also: Continue and expand mechanical weed harvesting in Sodus, East and Port Bays.

➤ **Identify leaking septic systems and reduce discharges into the nearby streams or groundwater**

All properties in the Town of Huron are subject to the requirements of the Town's Septic Law, included in Appendix B of the LWRP, which requires periodic inspection of septic systems to ensure that they are functioning properly. The septic systems in Crescent Beach were exempt for a period of two years prior to January 2012 from compliance with Town septic system regulations; the Town worked with the NYS Department of Health to establish guidelines for viable systems that would be effective as well as feasible to install there. However, guidelines are in place now and the Town's Septic Law has been updated to require properties on Crescent Beach and other areas in the Town that may be designate to install a holding tank, aerobic system or other alternative septic system to manage septic waste.

Project 13 **Conduct periodic studies to assess the effectiveness of the existing septic systems and Huron Septic Law, and recommend and implement improvements.**

Estimated cost: \$8,000 for annual assessments

Potential funding sources: NYS Department of State; NYS Department of Environmental Conservation, Division of Water, Wayne County Soil & Water Conservation District

Project 14 **Responsible entities:** Wayne County Soil & Water Conservation District

Develop educational materials about the proper care and maintenance of private septic systems and the requirements of the Town's Septic System Law. Distribute information to property owners and renters.

Estimated cost: \$1,500

Potential funding sources: NYS Department of State; Wayne County Soil & Water Conservation District, local associations and not-for-profit organizations

Responsible entities: Wayne County Soil & Water Conservation District

➤ **Extend public sewer service to additional areas**

The “Sanitary Sewer Feasibility Study for the Wayne County Four Bay Area,” prepared in 2007 by the MRB Group for the Wayne County Water & Sewer Authority, evaluated the feasibility of providing sanitary sewer service to all properties along Sodus Bay, Port Bay, East Bay and Blind Sodus Bay (outside the Town of Huron.) The study noted that sufficient treatment capacity is available at regional treatment facilities but that transmission mains would be needed to transport collected wastewater to these facilities. It also noted that intermunicipal coordination and planning is needed to fairly allocate the costs of both collection and transmission lines among the potential beneficiaries of the system. A sewer district has been proposed to serve properties along Port Bay in the Towns of Huron and Wolcott. The two towns are currently working together to explore potential financing alternatives. If the proposed district is approved by property owners, it would provide public sewer service to all parcels along the Port Bay shoreline.

Project 15 **Conduct a feasibility study to identify the most feasible properties to incorporate into a new sewer district(s) to serve properties along Sodus Bay, East Bay and Port Bay. The study will identify the roles and responsibilities of various municipal entities, evaluate the environmental and economic benefits, estimate the capital cost of creating such systems/districts as well as ongoing operation and maintenance costs and identify potential funding sources.**

Estimated cost: \$12,000

Potential funding sources: U.S. Department of Agriculture; NYS Department of State/LWRP/Local Government Efficiency; Wayne County Water & Sewer Authority

Responsible entities: Wayne County Water & Sewer Authority; Town of Huron

Project 16 **Study feasibility of installing sewer lines to serve properties along Sodus Bay, East Bay and Port Bay; install sewer lines.**

Estimated cost: To be determined based on findings of feasibility study

Potential funding sources: NYS Empire State Development/Infrastructure Investment; NYS Department of State; Wayne County Water & Sewer Authority; benefitting properties

Responsible entities: Wayne County Water & Sewer Authority; Town

➤ **Install additional pump-out station(s) for boats**

Lake Ontario was designated in 2011 as a Vessel Waste No Discharge Zone (NDZ)¹²⁵. It is illegal to discharge sewage from boats and boaters are required to use appropriate pump-out facilities to dispose of sewage.. On Sodus Bay, three pump-out stations are currently available in Sodus Point (Sodus Bay Yacht Club, Arney's Marina and Krenzer Marine.) No pump-out stations are currently located along Port Bay. Grants administered by the NYS Environmental Facilities Corporation through the Clean Vessel Assistance Program (CVAP) can provide up to 75% of eligible project costs up to \$60,000 for a new or upgraded pump-out boat and up to \$35,000 for a new or upgraded stationary pump-out unit. Marinas, municipalities and not-for-profit organizations are eligible for these grants. Facilities funded by the grant must be available to the general public during the times that the facility is open for business.

Project 17 **Provide cost sharing to marinas along Sodus Bay and Port Bay in the Town of Huron for the preparation of engineering plans and grant applications to encourage the installation of pump-out units.**

Estimated cost: Up to \$2,000 per site

Potential funding sources: NYS Environmental Facilities Corporation; Department of Environmental Conservation; Office of Parks, Recreation and Historic Preservation/Boating Infrastructure Grant Program ¹²⁶; NYS Department of State

Responsible entities: Town of Huron

C. Waterfront Access and Development

➤ **Improve public access to waterfront**

There are few places in the Town of Huron, particularly along Sodus Bay, that are accessible to the public where residents or visitors can be near the water. Some of the facilities recommended by respondents to the public survey include bicycle trails, walking trails, and dockage for transient boaters.

Project 18 **Prepare a trail system master plan for the development of walking trails and bicycle trails that link points of interest along the waterfront. Address safety for pedestrians and bicyclists along Lake Bluff Road and other roadways that access waterfront views, businesses and natural and recreational areas.**

Estimated cost: \$22,000

Potential funding sources: Office of Parks, Recreation and Historic Preservation/Recreational Trails Program; Genesee Transportation Council - UPWP; NYS Department of State;; Wayne County Tourism funds; NYS Environmental Facilities Corporation/ Green Innovation Grant Program

Responsible entities: Town of Huron; Wayne County Tourism

¹²⁵ <http://www.dec.ny.gov/chemical/73875.html> - NYS waterbodies designated as No Discharge Zones

¹²⁶ <http://parks.ny.gov/grants/boating-infrastructure/default.aspx> - NYS OPRHP Boating Infrastructure Grants

Project 19 **Construct walking and bicycling trails and improve accommodations for bicyclists along existing roadways to improve safety and access to waterfront views, businesses and natural areas.**

Estimated cost: TBD

Potential funding sources: NYS Department of State (design); Office of Parks, Recreation and Historic Preservation/ Recreational Trails Program¹²⁷; NYS Department of Transportation – MAP 21 Transportation Alternatives¹²⁸; Wayne County Tourism funds

Responsible entities: Town of Huron

[See also Establish a public recreation area in Resort area at the east end of the Sodus Bay Bridge.]

➤ **Maintain and enhance views of the waterfront.**

Scenic views and the beauty of the waterfront are the most appreciated aspects of the waterfront, according to respondents to the public survey. Views are important from public areas as well as from private properties.

Project 20 **Designate key scenic viewpoints and corridors and incorporate guidelines into local land use regulations protect views from public and private properties when buildings are constructed or reconstructed.**

Estimated cost: \$4,000

Potential funding sources: Town of Huron; NYS Department of State, EPF LWRP

Responsible entities: Town of Huron

Project 21 **Incorporate design guidelines into the Town’s zoning regulations that limit light trespass in order to protect dark skies**

Estimated cost: \$4,000

Potential funding sources: Town of Huron; NYS Department of State, EPF LWRP

Responsible entities: Town of Huron

➤ **Support existing and encourage new businesses in appropriate locations**

The Town’s existing marinas, bait shops and restaurants contribute to the quality of life for residents and property owners, help to attract and retain visitors, and contribute to the property and sales tax base of the Town. Suitable locations for waterfront businesses are identified in the Town’s recently drafted Master Plan.

The Town’s existing zoning regulations accommodate a variety of businesses uses throughout the waterfront area. Waterfront business operators have particular needs relating to compliance with local, State and federal regulations, as well as maintaining profitability in difficult financial circumstances.

¹²⁷ <http://parks.ny.gov/grants/recreational-trails/default.aspx> - NYS OPRHP Recreational Trails Program

¹²⁸ <http://www.fhwa.dot.gov/map21/tap.cfm>

Additional marketing to tourists, as well as residents of Huron and nearby areas, would help to support existing and new businesses.

Project 22 **Identify and publicize the availability of waterfront sites suitable for businesses that provide services to boaters including marinas, bait shops, charter fishing operations in appropriate locations.**

Estimated cost: \$2,500

Potential funding sources: Town of Huron; NYS Empire State Development/ Strategic Planning and Feasibility Studies; NYS Department of State, EPF LWRP; business associations

Responsible entities: Town of Huron; business associations; Wayne County Tourism

Project 23 **Identify potential changes to zoning regulations that encourage waterfront businesses in suitable locations.**

Estimated cost: \$4,000

Potential funding sources: Town of Huron; NYS Department of State/ LWRP; business associations

Responsible entities: Town of Huron; business associations; Wayne County Tourism

Project 24 **Work with the County Tourism Director to encourage visitors to Sodus Bay, Chimney Bluffs and the marinas, restaurants, campground and other businesses in Huron.**

Estimated cost: \$4,000

Potential funding sources: Wayne County Tourism; NYS Empire State Development/ Strategic Planning and Feasibility Studies; NYS Department of State, EPF LWRP; business associations

Responsible entities: Business associations; Wayne County Tourism

Project 25 **Encourage businesses in Huron to develop cooperative marketing materials and programs to attract and retain visitors.**

Estimated cost: \$4,000

Potential funding sources: Wayne County Tourism; NYS Empire State Development/ Strategic Planning and Feasibility Studies; NYS Department of State, EPF LWRP; business associations

Responsible entities: Business associations; Wayne County Tourism

➤ **Develop additional tourist attractions and facilities for residents that utilize the natural resources and beauty of the waterfront**

The natural beauty of Huron's waterfront, as well as the State facilities that are maintained within the Town (Chimney Bluffs State Park, Lake Bluffs Wildlife Management Area) attract visitors who participate in nature watching, kayaking, bicycling and walking.

Additional walking and bicycling trails are needed, as well as interpretive facilities that enhance the experience of these visitors.

Projects 26 **Develop interpretive facilities that highlight natural features in the area. Collaborate with NYS DEC to develop informational kiosks or signs at Lake Marshes Wildlife Management Area and with NYS Office of Parks, Recreation & Historic Preservation to develop interpretive signage at Chimney Bluffs State Park.**

Estimated cost: Up to \$2,000 per site

Potential funding sources: NYS Department of State; OPRHP Recreational Trails Program; NYS Department of Transportation – MAP 21 Transportation Alternatives; Wayne County Tourism funds

Responsible entities: NYS OPRHP; NYS DEC; Town of Huron

Project 27 **Develop biking and walking trails that link points of interest.**

Estimated cost: \$30,000 for study; construction cost TBD

Potential funding sources: NYS Department of State, NYS OPRHP Recreational Trails Program; NYS Department of Transportation – MAP 21 Transportation Alternatives; Wayne County Tourism funds

Responsible entities: Town of Huron

➤ **Advocate for maintaining lake levels that are high enough to support boating through September, while minimizing potential erosion damage to lakeshore properties.**

Water levels in Lake Ontario have been regulated since 1960, after completion of the St. Lawrence Seaway and Power Project. However, the lake levels vary substantially throughout the season and year-to-year. Variations are caused by natural conditions such as weather patterns and by the outflow controlled by the International Joint Commission (IJC). The new policies proposed in 2014 by IJC for regulating lake levels generated considerable controversy due to concerns by property owners of heightened risk of flooding and erosion and by boaters of lack of depth during late summer and early fall.

Project 28 **Continue to advocate for lake level management policies that protect property owners and businesses as well as support the natural ecosystems that contribute to water quality, fisheries and wildlife habitat.**

Estimated cost: \$2,000 annually

Potential funding sources: Town of Huron; Wayne County

Responsible entities: Town of Huron; Wayne County Board of Supervisors; Save Our Sodus and other private associations

Project 29 **Study the area’s resilience to extreme weather events based on IJC projections of the lake levels proposed in 2014, historical extreme weather events, and other available information¹²⁹; identify which properties and assets located along the bays within the towns of Huron, Sodus and Wolcott, and the village of Sodus Point are most at risk of flooding; and, identify the mechanisms that should be in place to minimize the risk and the economic burden for property owners.**

Estimated cost: \$40,000

Potential funding sources: Town of Huron; Wayne County, Department of State, Department of Environmental Conservation.

Responsible entities: Town of Huron; Wayne County Board of Supervisors; Save Our Sodus and other private local associations and property owners

➤ **Improve access for winter uses of the waterfront**

Winter use – predominantly ice fishing - is a major activity on the Bay and has the potential for further economic and recreational development. However, the current access is inadequate to meet the demand under peak conditions and adequate services are not conveniently provided. A key to enhancing winter use is in providing appropriate winter access locations, with support services, and to discourage the use of other, non-designated access points. It is believed that control of parking is the best way of encouraging participants to utilize designated access points.

On the basis of existing use patterns, Huron would identify, create additional and enhance existing public waterfront access points. The following are the existing public waterfront access sites along Sodus Bay that should be improved:

- Saw Mill Cove (restricted use)
- Lake Bluff Road at an existing restaurant or marina parking lot
- Hog Island (restricted use)

A new launch site has the potential of being developed near Bay Bridge as a public waterfront access area.

Project 30 **Identify and develop a plan for improvement and ongoing management of sites publicly used for winter access to Sodus Bay, East Bay and Port Bay; create a map showing designated access points for winter activities. This plan should address:**

- **Maintaining a clear path to the ice surface and providing trash receptacles and restroom facilities at the primary access points (existing parking lots at restaurants and/or marinas along Lake Bluff Road.)**

¹²⁹ <http://coast.noaa.gov/llv/#/lake/ontario> - Lake Level Viewer, United States Great Lakes

- **Delineating parking at secondary access points (Saw Mill Cove and Hog Island) and enforcement of parking prohibition on the adjacent roadways.**

Estimated cost: \$12,000

Potential funding sources: NYS Department of State; Town of Huron; Wayne County

Responsible entities: Town of Huron; Wayne County Tourism; restaurants and marinas; Wayne County Sheriff's Department (parking enforcement)

Project 31 Construct improvements and establish a management program for winter access to Sodus Bay, East Bay and Port Bay from various locations in Huron.

Estimated cost: it will be based on the recommendations from project 29

Potential funding sources: NYS Department of State; Town of Huron; private entities

Responsible entities: Town of Huron; Wayne County; local businesses; Wayne County Sheriff's Department (parking enforcement)

[See also: Develop a public recreation area near Resort, at the east end of the Bay bridge.]

D. Navigation and Boater Services and Facilities

Sodus Bay, East Bay, Port Bay and Lake Ontario attract boaters who own property, visit seasonally, and visit for short periods of time. High quality of boating experience is important for the maintenance and growth of recreational tourism.

➤ Maintain channels with periodic dredging

Channels need to be dredged periodically to enable boats to travel between Lake Ontario and the Bays. A regional study of dredging needs was completed in 2000, a new version was drafted in 2014 to expend and update the previous version. The navigation channels or outlets from East Bay and Port Bay require annual dredging. Currently, the associations for these bays funds and contracts for dredging annually.

Sodus Bay requires dredging approximately every five years to maintain adequate access for navigation; it has not been dredged since 2004. The Channel connecting Sodus Bay to Lake Ontario and its protecting jetties were constructed by the US Army Corps of Engineers, which retained the formal responsibility for maintenance dredging of the Channel. However, funding for routine maintenance dredging has been eliminated for all Great Lakes harbors except for those actively utilized for commercial shipping.

The Regional Dredging Management Plan recommends the creation of a new entity to take on the responsibility for maintenance dredging of Sodus Bay, East Bay, Port Bay and other ports along southern Lake Ontario. Funding would come from a variety of sources, including a proposed add-on fee for boat registrations. Such a program could also provide for maintenance dredging of interior areas such as entrance channels to marinas and boat launches, under separate contract. Implementation of such a plan would require a cooperative effort among

several County governments along the shoreline. Depending upon the implementation model utilized, it may also require new legislation by the State.

Projects 32 Provide cost sharing and technical assistance to continue annual dredging of the East Bay and Port Bay channels

Estimated cost: \$12,000

Potential funding sources: NYS Department of State; Wayne County Tourism, local and regional associations and businesses

Responsible entities: East Bay Homeowners Association; Port Bay Improvement Association; Wayne County Tourism

Project 33 Advocate for funding for the Army Corps of Engineers to assist municipalities to dredge Sodus Bay channel.

Estimated cost: To be determined

Potential funding sources: Town of Huron, Wayne County, USACE

Responsible entities: Town of Huron; Town of Sodus; Village of Sodus Point; Wayne County; Save Our Sodus; businesses

Project 34 In cooperation with Wayne County and neighboring communities and counties, establish and fund a regional consortium to conduct periodic dredging on a cooperative, long-term basis. (See recommendations of Regional Dredging Management Plan.)

Estimated cost: To be determined for each bay based on Regional Dredging Management Plan and other studies

Potential funding sources: NYS Department of State/ EPF LWRP and Local Government Efficiency grants; Wayne County; Town of Huron; Town of Sodus; Village of Sodus Point; local and regional associations and businesses

Responsible entities: Wayne County; Town of Huron; Town of Sodus; Village of Sodus Point; Counties along Lake Ontario

➤ **Remove silt from the area under the bridge to Leroy Island**

Siltation under the bridge to LeRoy Island also affects boating. Removal of this silt will require permit from the NYS Department of Environmental Protection.

Project 35 Conduct a study to determine the feasibility of silt removal under the LeRoy Island Bridge to improve navigation. The study should: balance the needs of boaters with environmental conservation and the preservation of wildlife habitat; identify ways to mitigate any habitat disruption that may accompany silt removal; and result in a plan for silt removal that would meet requirements for all needed permits.

Estimated cost: TBD

Potential funding sources: NYS Department of State LWRP; Wayne County; Town of Huron; private foundations

Responsible entities: Wayne County; Town of Huron

➤ **Establish public docking for transient boaters**

Work with existing waterfront businesses and neighboring municipalities to establish additional public docking, especially along Sodus Bay, for transient boaters.

Project 36 **Provide cost sharing and technical assistance to waterfront business operators to encourage additional public docking, especially along Sodus Bay, for transient boaters.**

Estimated cost: To be determined

Potential funding sources: NYS Department of State LWRP; OPRHP - Boating Infrastructure Grant Program; Wayne County; Town of Huron; private businesses

Responsible entities: Wayne County; Town of Huron; waterfront business operators

➤ **Improve services, resources and facilities for fishermen**

Sodus Bay, East Bay, Port Bay and Lake Ontario support fisheries that provide recreation and business opportunities. The maintenance of quality fisheries is important to property values as well as tourism marketing.

The NYS Department of Environmental Conservation (NYS DEC) administers numerous programs to monitor and manage the fisheries, including inventories of fish populations, management of invasive species, stocking and enforcing regulations. Fishing takes place from boats as well as from shorefront docks. During the winter, ice fishing is a popular activity. Public access points include the LeRoy Island Bridge, the Route 104 Bay Bridge, and Spiegel Drive.

Fishing tournaments attract hundreds of anglers annually for events in Sodus Bay. Participants support local businesses such as marinas, lodging, restaurants, retail stores and boater services. Businesses based in Huron operate charter fishing expeditions in Lake Ontario.

Project 37 **Develop and distribute informational materials to promote fishing tournaments and other events and activities relating to fishing and to support the efforts of the NYS DEC to monitor and manage fisheries.**

Estimated cost: To be determined

Potential funding sources: NYS Department of Environmental Conservation (DEC), NYS Department of State LWRP; Wayne County Tourism; Town of Huron

Responsible entities: Wayne County Tourism; Town of Huron

➤ **Disseminate information to boaters.**

There is an identified need to better inform Sodus Bay boaters on the local navigation rules, the location of the no-wake zone, and the locations and availability of services. This information need will expand as Sodus Bay grows as a destination for visitors.

Several methods have been identified for getting this information out. While printed pamphlets can be utilized and are cheap to produce, the cost and efficiency of distribution is relatively high compared to fixed location displays. On the other hand, fixed signs must be large and prominent to be visually accessible from entry points and can be costly to establish and maintain.

It is recommended that the primary method to be used is signage with a limited use of printed pamphlets. For Sodus Bay, the signs should all have an identical look and format reflecting some sort of “branding” for the Bay as a destination. In addition to one large version of the sign on the west jetty of the channel, near the Coast Guard Station location in the Village of Sodus Point, smaller versions of the signs could be incorporated into kiosks, which could also be utilized to post notices, at marinas, launch ramps and at a public park or dock that may be established in the future. The suggested format is a large, colored map of the Bay. On the map would be a prominent depiction of the no-wake zone as well as locations for services and facilities. The map key could contain space for brief advertising of services, the sale of which may be used to help fund the signs.

In addition to the signage, it is possible to use a low-power FM broadcast (LPFM). Signs announcing the availability of the broadcast could be posted at entries. The broadcast itself would be a looped announcement with Bay information. Licenses to broadcast at a maximum 100 watts are available from the Federal Communications Commission to non-profit educational, public safety and transportation entities. Details on applying for such licensure can be found at the FCC web site. Such broadcasts have the potential to reach a 3-5 mile radius.

The signage at the Bay entrance and public launches would announce the frequency and direct visitors to the broadcast. The broadcast could alternate informational announcements with a directory of available services.

For Sodus Bay, it is recommended that the development, distribution, installation and maintenance of informational signage and brochures be delegated to a willing private, voluntary organization under the supervision of the Great Sodus Bay Watershed Intermunicipal Committee or the future Harbor Master. Suggestions for appropriate organizations include the Coast Guard Auxiliary, the local Chamber of Commerce, or citizens groups such as Save Our Sodus (SOS), the Great Sodus Bay Association, or similar entity. Initial and operational funding should be derived from advertising in the form of listings for goods and services that can be placed on the signage and in informational brochures. The intent is to have a uniform look to all signage and brochures with services in the form of a directory keyed to map location. Signage would be placed at the Bay entrance channel, the future public pier and at all public launches. Brochures would be placed in kiosks located at all public launches and at participating marinas and businesses.

If desired in the future, the same entity could also sponsor a low-power FM radio broadcast (termed an LPFM station). Funding would be via donations, most likely from local businesses. Donations may be utilized to fund a portion of the cost for this, possibly in exchange for service information listings for boaters. The cost of establishing such a service can vary substantially depending upon the type and quality of equipment and the cost of constructing an antenna. A

reasonable estimate of initial cost would be approximately \$10,000 with minimal operating expenses primarily associated with space for the broadcast equipment and electric power utilized.

Project 38 **Establish an informational program inform boaters on the local navigation rules for Sodus Bay, the location of the no-wake zone, and the locations and availability of services. The initial program should include printed materials, signs; subsequent initiatives should include a low-power radio broadcast.**

Estimated cost: \$3,000 signage and printed materials; \$10,000 low-power radio station

Potential funding sources: NYS Department of State LWRP; Wayne County Tourism; waterfront businesses; private donations

Responsible entities: Wayne County; Town of Huron; Town of Sodus; Village of Sodus Point; Great Sodus Bay Watershed Intermunicipal Committee

➤ **Establish a harbor master for Sodus Bay in cooperation with the Village of Sodus Point and the Town of Sodus**

The establishment of a designated Harbor Master for Sodus Bay would complement the program to disseminate information to boaters and would advance a coordinated intergovernmental approach to better manage the water activities on the Bay. The paid Harbor Master position would have the responsibility to greet boaters entering the Bay or at the public dock (in the Village of Sodus Point), to provide information and distribute handouts, to manage the future public dock and/or launching facilities and, perhaps, to be the administrative officer¹³⁰ for the docking and mooring ordinances of the municipalities, and the NYS Navigation Law. This position is envisioned to be seasonal, May through September, if the administration of the local docking and mooring laws is not part of its responsibilities.

The following duties are anticipated for this position:

- Be a visible presence on the Bay particularly during peak boating times;
- Assist boaters and other visitors;
- Conduct public relations and educational activities;
- Arrange emergency assistance;
- Offer guidance and information about local facilities, attractions, marinas, pump-out facilities, vessel repair, parts and equipment, recreation, restaurants and lodging;
- Provide information about boating rules and regulations, including speed and wake restrictions;
- If not authorized to issue tickets for violations, the Harbor Master will work closely with the Wayne County Sheriff's office, the US Coast Guard, and the NYS DEC enforcement officials to assist in monitoring compliance with boating rules and the enforcement of speed and wake restrictions pursuant to the NYS Navigation Law;
- Assist the participating agencies and jurisdictions in implementing the harbor management plans included in the approved municipal LWRPs

¹³⁰ <http://www.parks.ny.gov/recreation/boating/marine-law-enforcement.aspx> - Marine Law Enforcement in New York State

- Meet at least twice annually with the Intermunicipal Committee, once in April or May and once in September or October;
- Conduct periodic surveys of boater types, times of peak activity and surface water usage;
- Help coordinate organized events to minimize conflicts among the various users of the Bay; and
- Prepare an annual report in the fall of each year for the Intermunicipal Committee detailing the Harbor Master activities during the boating, the operations at the launch site(s), the observations of Bay use, and identifying any issues regarding Bay use and associated docking and mooring facilities.

The Harbor Master would have the following additional duties relating to managing public boat launches and the future public pier (probably in the Village of Sodus Point):

- In conjunction with the hosting municipality, most likely the Village of Sodus Point, manage the operation of the public pier including allocation of dock space, collection of fees if fees are charged, and the display and dissemination of educational materials.
- Manage the operations at the public launch facilities during the boating season. This is to initially include Harriman Park in the Village of Sodus Point and, if developed, the new proposed launch site in the Town of Huron. The Harbor Master will manage the part time help at the launch site, oversee and be responsible for the financial transactions at the facility, manage and promote the large event permit program and, under the oversight and approval authority of the Intermunicipal Committee and the municipality owning the launch, set rules for use of the launch site and associated park.

Should the municipalities decide to delegate responsibility for administration of the local docking and mooring laws to the Harbor Master, the position would extend to a full-time, twelve month paid position. In that case, the following additional duties should be included as part of the Harbor Master responsibilities:

- Administer the docking and mooring laws for the Village of Sodus Point and the towns of Sodus (upon completion and adoption of a local law) and Huron including initial review of applications, attendance at Zoning and/or Planning Board meetings where dock or mooring applications are being considered, inspection and enforcement and all other duties as specified under each of the local laws or as specified in implementing legislation at the local level.
- Meet monthly with the Intermunicipal Committee and provide a summary report on docking and mooring permits and issues as they arise.
- As future use of the Bay by transient boaters grows, the Harbor Master may also be charged with installation and operation of temporary moorings, including the collection of a nominal usage fee.

Project 39 Establish a Harbor Master position for Sodus Bay

Estimated Cost: An approximate estimate of the cost of a part-time, seasonal Harbor Master position is presented in the following table:

Costs	One Launch Scenario	Two Launch Scenario
Harbor Master Salary	\$10,000	\$10,000
Launch salaries (12 hr. /day weekends plus 8 hr. /day weekdays June, July and August at \$10/hr.)	\$9,120	\$18,240
Vessel operation	\$5,000	\$5,000
Total	\$24,120	\$33,240
Income		
Launch fees (50/day weekends + 15/day weekdays at \$5)	\$12,125	\$24,250
Permits (5 at \$100.)	\$500	\$500
Total	\$12,625	\$24,750
Net	-\$11,495	-\$8,490

As shown in the table, a seasonal Harbor Master position for Sodus Bay would require approximately \$11,500 in annual funding beyond the income reasonably anticipated to be generated by charging a fee at a single launch site. This annual subsidy could drop by several thousand dollars if a second launch is developed and operated. These estimates include operating costs for a vessel for the Harbor Master, but not the initial capital cost for acquisition and fitting of the vessel.

The establishment of a Sodus Bay Harbor Master position will require a cooperative effort by the three municipalities and, perhaps, Wayne County. It is recommended that this position be created within either the Village of Sodus Point or Wayne County government, as part of the public works department, the planning department or the Sheriff's office. Each municipality would be required to guarantee at least a portion of the operational funding for this position and, in the event that the Harbor Master administers the municipal docking ordinances, to grant such authority to the Harbor Master.

It is proposed that funding for capital startup costs for this position be obtained from external sources and that at least some of the operational costs for this position be met through user fees/contributions. However, the municipalities and the County may need to provide some base level of guaranteed support in the event that user fees do not fully fund the position. In addition, if the position entails administration of the municipal docking and mooring ordinances, some base level of funding from the municipalities will be required.

Potential funding sources: NYS Department of State, EPF LWRP; Wayne County Tourism; waterfront businesses; private donations; public launch fees

Responsible entities: Wayne County; Town of Huron; Town of Sodus; Village of Sodus Point; Great Sodus Bay Watershed Intermunicipal Committee

➤ **Improve Navigational Markings in Sodus Bay**

The two buoys designating the no-wake zone boundary in Sodus Bay are difficult to see and recognize. It is recommended that they be replaced with a continuous string of new buoys, four in all, that will better delineate the bounds visually.

The implementation of the improved navigation markings will require purchase of the new markers by the County, with annual installation being provided by the County Sheriff's office as is done now. This action involves a small capital expense, estimated at approximately \$4,000. This should be funded through an allocation to the Wayne County Sheriff's office budget.

Project 40 Install and maintain additional navigational buoys in Sodus Bay.

Estimated cost: \$4,000 - installation

Potential funding sources: NYS Department of State LWRP; Wayne County Sheriff

Responsible entities: Wayne County Sheriff; Great Sodus Bay Watershed Intermunicipal Committee

➤ **Improve Regulation of Large Scale Events on Sodus Bay**

The purpose of this action is to reach out to organizers of large scale water events, such as fishing contests, to assure participants are aware of local regulations. A secondary outcome could be the provision of funds to help defray the costs of launch use and law enforcement during these events. Implementation will require authorization by the operators of the public launches on the Bay. This includes Wayne County for the Sodus Point Park launch when open, the Town of Sodus for Harriman Park and Wayne County or the Town of Huron if a new launch is developed at the south end of Sodus Bay. It is recommended that that this activity be included as a responsibility of the Harbor Master and be funded solely by user fees associated with permitting and/or launch fees.

The goal of this action is to make sure that boaters utilizing the Bay for large scale organized events receive educational materials outlining the local navigation rules and common courtesy. To this end, it is recommended that a permit be required for any organized event that results in the use of one or more of the public launches for ten or more boats. These will primarily be fishing tournaments but may also include kayak, small sailboat, Jet Ski, or canoe races/tours as those uses mature on the Bay. It is recommended that this permit have a nominal fee associated with it based upon the number of boats expected. This could be calculated on the basis of 75% of the nominal public fee for using the launch.

With the permit, the organizing entity would receive tags or coupons allowing entrants to utilize the launch and parking area. Along with the tags/coupons, the organizing entity would be required as a condition of the permit to distribute an educational brochure to all entrants. This brochure would show the location of "no wake" zones, remind the user of safe boating practices and offer any other educational information as desired by the Harbor Master and Intermunicipal

Committee. Production of this brochure could be underwritten by the sale of advertisement for services by local businesses in a portion of the brochure.

Project 41 Establish procedures and a fee schedule for the management of large-scale events on Sodus Bay.

Estimated cost: \$4,000

Potential funding sources: NYS Department of State LWRP; Wayne County Sheriff

Responsible entities: Wayne County Tourism; Great Sodus Bay Watershed Intermunicipal Committee

➤ **Replace, repair, and reactivate the Channel Fog Horn in Sodus Bay**

Replace, repair, or reactivate the fog horn that formerly operated at the Channel. When operational, the fog horn provides a navigational aid and adds to the ambiance of the area as a harbor.

Implementation of this action requires a simple application to and approval by the US Coast Guard for a privately maintained navigational marker. As funding becomes available for the replacement or repair, the purchase, installation and maintenance of the fog horn could then be turned over the Harbor Master.

Project 42 Replace, repair or reactivate the Channel Fog Horn.

Estimated cost: To be determined

Potential funding sources: NYS Department of State LWRP; Wayne County

Responsible entities: Great Sodus Bay Watershed Intermunicipal Committee; U.S. Coast Guard (permit); Harbor Master

Note: Before undertaking this project contact D9 Private Aids to Navigation Specialist of the 9th Coastal Guard District, Phone: 216-906-6073.

➤ **Establish Intermunicipal Committee Review Mechanism for land use decisions along Sodus Bay**

The municipalities participating in the Great Sodus Bay Watershed Intermunicipal Committee should modify their intermunicipal agreement to authorize the Committee to advise the municipalities regarding land use decisions proposed along the Sodus Bay shoreline. Such review comments would provide a regional, bay-wide perspective to the local officials and help inform their decision making.

This authorization would require the Intermunicipal Committee to meet at least once a month in order to provide responsive reviews to the municipalities. The municipalities would agree to not issue approvals for actions subject to referral until review comments are received, subject to a thirty day maximum from receipt of the referral. The County Planning Department would coordinate the scheduling of the Intermunicipal Committee meetings, assemble agendas and application materials, prepare minutes and transmit review comments back to the municipalities.

It is recommended that the Intermunicipal Committee be authorized to review any proposal for land use, construction or development that requires site plan approval, subdivision approval, the issuance of a special permit or a waiver or variance from any of the substantive requirements of a local docking and mooring ordinance. All such referrals would follow the procedures currently utilized for referrals to the County Planning Department under Section 239-m of the NYS Town Law. Review comments to the municipalities would be provided within thirty days of receipt of a referral.

Implementation would require the modification of the intermunicipal agreement establishing the Great Sodus Bay Watershed Intermunicipal Committee. This new intermunicipal agreement would have to be adopted by resolution in the three participating municipalities. In addition, the Wayne County Planning Department would have to indicate agreement to coordinate the committee work.

Funding sources that could provide support for this action include:

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

Project 43 Expand the role of the Great Sodus Bay Intermunicipal Committee to include review of development proposals along Sodus Bay.

Estimated cost: Variable based on number of project reviews

Potential funding sources: Wayne County; user fees; future Harbor Improvement District

Responsible entities: Wayne County Planning Department; Great Sodus Bay Watershed Intermunicipal Committee

SECTION V - TECHNIQUES FOR LOCAL IMPLEMENTATION OF THE PROGRAM

5.1. Local Laws and Regulations Necessary to Implement the LWRP

Zoning

The Town of Huron Zoning Law was initially adopted on June 30, 1973 and most recently amended on May 9, 2011. More details on current zoning are presented in Section II of the LWRP. The current zoning supports the implementation of the LWRP policies. No zoning amendments are proposed in conjunction with the adoption of the LWRP and the implementation of its policies. Each of the proposed projects listed in Section IV will be initiated following the Town's assessment of zoning modifications necessary for the implementation of each project and their consistency with the policies of the LWRP, including advancing land use regulations and design standards recommended in the Town's recently adopted Master Plan. Relevant excerpts of the current law are included in Appendix B.

Land Development Regulations and Public Works Requirements Law

The Land Development Regulations and Public Works Requirements Law¹³¹ was adopted in 2005 to replace the Subdivision Regulations adopted in 1969. These regulations apply to all developments requiring subdivision plat or site plan approval, and all improvements to be offered for dedication within the Town of Huron. No tract may be subdivided, and no land requiring site plan approval under Town Zoning Law section 44.0 may be developed or changed in use, unless final approval is granted under these regulations (and any other applicable laws and regulations are complied with). Further, no improvements may be accepted by the Town without compliance with these regulations.

Building Law

The Building Law¹³² was originally adopted in 1985, and last amended in 2011 in order to implement the New York State Uniform Fire Prevention and Building Code and other standards in the Town. The law requires a building permit for new construction, followed by inspections by the Building Inspector and then a certificate of occupancy, and also prescribes for enforcement.

Septic Law

The Town of Huron Septic Law¹³³, adopted in July 1996 and amended most recently in 2013, is designed to both safeguard public health and to better protect ground and surface water quality. The law regulates all septic systems in the Town and is intended to supplement and expand the requirements for septic systems under the State Public Health Law.

Provisions include:

¹³¹ Land Development Regulations and Public Works Requirements Law - <http://townofhuron.org/content/Laws/View/53>

¹³² Huron Building Law - <http://townofhuron.org/content/Laws/View/44>

¹³³ Huron Septic Law - <http://townofhuron.org/content/Laws/View/66>

- Periodic inspection of all septic systems serving an existing residence, or commercial or industrial facility. Such inspections shall occur prior to any:
 1. increase in living area or increase in effluent volume;
 2. change in type of use;
 3. change in intensity of a commercial use that increases the number of employees or occupants, or increases the discharge of sewage;
 4. transfer of ownership for systems that have not yet been inspected under the law; or
 5. modification or construction resulting in at least a fifty (50%) percent increase in the interior floor space of a principal structure;
- Existing septic systems must be functional, and at a minimum must provide for separation of solids and grease, and adequate percolation;

Mandatory septic system upgrades are required when

- an existing system has been determined to have failed; or
- there is an increase in living area of a home; or
- there is a change in the intensity of a commercial use that increases the number of employees or occupants, or increases the discharge of sewage; or
- a transfer of ownership.

The law also established timeframes for periodic inspections and an appeal process for variances from the requirements of this law.

The Septic Law was amended in 2011 to provide for alternative systems, such as holding tanks or anaerobic systems, in Crescent Beach and other areas that the Town may designate as suitable for alternative systems. The amendment was enacted following a moratorium on enforcement of the septic law for properties along Crescent Beach that was enacted by the Town Board in September 2009, extended for another year in December 2010, and expired on December 31, 2011. Amendments in 2013 changed provisions related to alternative systems, requiring aerobic systems in the coastal areas and ultra-violet (UV) disinfection on Crescent Beach, and inspection criteria. The text of the existing law is included in Appendix B.

The Septic Law provides adequate protections for water quality and no additional changes to this law are proposed.

Coastal Erosion Hazard Area Law

The Town of Huron Coastal Erosion Hazard Area Law¹³⁴ was adopted in 2002. The objective of this local law is to minimize or prevent damage or destruction to structures along the shore as well as the natural protective features and other natural resources of the shoreline of Lake Ontario and its bays. It regulates new construction or placement of structures in order to ensure that they are located a safe distance from areas of active erosion and the impacts of coastal storms. It also regulates construction on natural features such as gravel bars to ensure that their natural protective functions are not compromised. The text of this law is included in Appendix B.

No changes to the Coastal Erosion Hazard Area Law are proposed.

¹³⁴ Huron Coastal Erosion Hazard Area Law - <http://townofhuron.org/content/Laws/View/46>

Docks and Moorings Law

The Town of Huron Dock and Moorings Law¹³⁵, adopted in 2005, regulates the placement, construction and use of docks, piers, boathouses, boat hoists, and other structures or moorings in public waterways in the Town to a distance of fifteen hundred (1,500) feet from shore as authorized by the New York State Navigation Law §46-a (2), NYS Municipal Home Rule Law and NYS Town Law. The local regulations provide for uniform setbacks from side yard lines, including lot lines projecting into the waterway, maximum dock and other structure heights, as well as ensuring proper maintenance of piers, docks and other facilities. The existing regulations also prohibit the rental of boat slips in residential areas as well as the construction of boathouses.

The Town of Huron does not see a need to regulate the number of docks or boat slips per parcel nor the length or configuration of docks. The existing zoning regulations are sufficient to limit new residential development along the waterfront of Sodus Bay, East Bay and Port Bay. The length and configuration of private residential docks has not been identified as a problem in the Town of Huron. No changes to the Docks and Moorings Law are proposed. The text of the existing law is included in Appendix B.

Local Waterfront Revitalization Program (LWRP) Consistency Review Law

Actions to be directly undertaken, funded, or permitted by the Town within the local waterfront revitalization area must be consistent with the policies set forth in the Town of Huron LWRP. Through the adoption of the local LWRP Consistency Review Law, the Town established the legal framework required for the review of direct and indirect Town actions with the LWRP. The Town's LWRP Consistency Review Law is in Appendix A.

5.2. Other Public and Private Actions Necessary to Implement the LWRP

The Town will maintain partnerships with several public and private entities to carry out the projects listed in this LWRP. These include:

- Wayne County Soil & Water Conservation District
 - Aquatic Weed Harvesting
 - Stormwater management education and construction activities
 - Invasive species management
- Wayne County Water & Sewer Authority
 - Plan and implement sewer and water system extensions and improvements
 - Obtain grant and loan funding for sewer and water system improvements
- NYS Office of Parks, Recreation and Historic Preservation
 - Improvements to Chimney Bluffs Park
 - Cooperative marketing to tourists
 - Public education regarding natural resource conservation
- NYS Department of Environmental Conservation
 - Construction and maintenance of boat launches and recreational areas (Lake Shore Marshes Wildlife Management Area
 - Fisheries management to support fishing-related tourism

¹³⁵ <http://townofhuron.org/content/Laws/View/49> - Huron Dock and Moorings Law

- Save Our Sodus (SOS)
 - Public education and advocacy regarding aquatic weed harvesting, invasive species, stormwater management, lake levels
 - Volunteer efforts to manage invasive plant species
- Port Bay Improvement Association
 - Dredging of Port Bay channel
 - Public education and advocacy regarding aquatic weed harvesting, invasive species, stormwater management
- East Bay Homeowners Association
 - Annual dredging of East Bay channel
 - Public education and advocacy regarding aquatic weed harvesting, invasive species, stormwater management
- Other private associations of homeowners, businesses and other interest groups

5.3. Management Structure for Implementing the LWRP

All State and Federal actions proposed within the Town of Huron waterfront area shall be reviewed in accordance with the guidelines established by the New York State Department of State (see Appendix F). The review of proposed actions for consistency with the policies and provisions of the Town of Huron LWRP, including site plan and subdivision applications, is undertaken by the Huron Code Officer, in collaboration with the Town Planning Board. Their recommendations will inform the decisions of the Town Board and Zoning Board of Appeals. Any action that is proposed within the Huron WRA and has to be approved, funded, or undertaken by the Town requires completion of a Waterfront Assessment Form and must be reviewed for consistency with the LWRP policies, pursuant to the Local Waterfront Revitalization Program Consistency Review Law, requires completion of a Waterfront Assessment Form. The LWRP Consistency Review Law and Waterfront Assessment Form are included in Appendix A.

5.4. Funding Sources

A. State Funding Sources to Implement the LWRP

The implementation of the proposed actions identified in Section IV could be funded through a combination of public and private sources. These costs could include capital expenditures and maintenance costs. The Town will encourage private investment and make efforts to secure funding through State and Federal programs grants to support implementation of the identified LWRP actions.

Environmental Protection Fund

The Environmental Protection Fund (EPF) is a State program that offers matching grant funds for waterfront planning and development projects, parks and recreation improvements, and historic preservation projects. Funds can be used for planning and design services, for land acquisition and for the construction of project improvements. The Department of State and the Office of Parks, Recreation and Historic Preservation both distribute EPF funding, typically on an annual basis. The EPF criteria for recreation projects favor proposals that would provide additional water-based recreation opportunities or access to water-based sites.

Local Government Efficiency (LGE) Program

The NYS Department of State provides grants to municipalities, school districts and special districts and public authorities for planning and implementation projects that will provide cost savings through consolidation of services. The goal of the program is to encourage these entities to work cooperatively with one another to deliver public services more efficiently and at a lower cost. Projects must demonstrate that the cost to deliver services through cooperative arrangements is less than the cost for such services to be delivered by individual entities. The grant amount may not exceed the amount of cost savings that would result from cooperation. Capital projects that require the cooperation of two or more entities should be considered for LGE funding under the Regional Delivery of Services or Shared Cooperative Services categories.

Environmental Facilities Corporation - Green Innovation Grant

The Environmental Facilities Corporation (EFC) offers competitive grants municipalities, public authorities, not for profit corporations, for-profit corporations and soil and water conservation districts for projects that improve water quality through the reduction of storm sewer infiltration. Successful projects utilize innovative “green infrastructure” such as permeable pavement, green roofs, riparian buffers, and stormwater harvesting and reuse.

Department of Environmental Conservation Water Quality Improvement Program (WQIP)

The NYS Department of Environmental Conservation (DEC) administers the Water Quality Improvement Program (WQIP), a competitive grant program which allocates funds from the Environmental Protection Fund to projects that reduce polluted runoff, improve water quality and restore habitat in New York's waterbodies¹³⁶. Eligible applicants include towns, Municipal Corporations, Soil and Water Conservation Districts and Not for Profit Corporations (in some cases). Applicable project types include Nonagricultural Nonpoint Source Abatement and Control (NPS) and Aquatic Habitat Restoration (AHR). Depending on the type of project, reimbursement is available for up to 85% of the total cost of the project.

Empire State Development

Empire State Development provides a variety of assistance aimed at helping businesses. It offer loans, grants and tax credits, as well as other financing and technical assistance, to support businesses and encourage their growth within New York State. The following ESD programs are available:

- Empire State Development Grant Funds
- Excelsior Jobs Tax Credits
- Market New York
- Business Incubator and Innovation Hot Spot

- Economic Development Purposes Fund
- Strategic Planning and Feasibility Studies
- Environmental Investment Program
- Industrial Development Bond Cap

¹³⁶ Water Quality Improvement Project Program - <http://www.dec.ny.gov/pubs/4774.html>

B. Federal Funding Sources to Implement the LWRP

Moving Ahead for Progress in the 21st Century

In 1991, the U.S. Congress passed the Intermodal Surface Transportation Efficiency Act (ISTEA) requiring that bicycle and pedestrian transportation projects be included in metropolitan transportation plans. ISTEA significantly increased funding for such projects. The Transportation Equity Act for the 21st Century (TEA-21) and its successor, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) enacted in 2005 increased funding for bicycle and pedestrian transportation projects.

In 2012, the U.S. Congress adopted Moving Ahead for Progress in the 21st Century (MAP-21). This program includes funding for transportation enhancements, recreational trails, scenic byways and safe routes to school, as well as HOV lanes, diesel retrofits and truck stop electrification, in one new program, "Transportation Alternatives." Funds may also be available for environmental mitigation and vegetation management.

Most of the funding will be allocated through competitive grants administered through the Metropolitan Planning Organizations, which for Wayne County is the Genesee Transportation Council¹³⁷ (GTC.) Most federal funding programs provide up to 80% of the total amount as a grant and require 20% local matching funds. The Transportation Enhancement Program in the past permitted the non-federal match to be in-kind contributions; all other programs require cash match.

Highway Safety Improvement Program

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

Surface Transportation Program

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

Congestion Mitigation and Air Quality (CMAQ)

This program provides funds for transportation projects that reduce congestion and emissions that affect air quality. Project may include facilities for pedestrians and bicyclists.

National Highway System Funds

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

Recreational Trails Grants

The New York State Office of Parks, Recreation and Historic Preservation periodically administers grants through the Recreational Trails Program. The 2013 round is funded through Federal transportation funds. Applications are expected to be administered through the Consolidated Funding Application (CFA) process. This program provides matching reimbursement grants to communities and not-for-profit organizations to provide and maintain recreational trails for both motorized and non-motorized recreational trail use.

¹³⁷ www.gtcmpo.org

Drinking Water State Revolving Fund

The NYS Environmental Facilities Corporation (EFC) offers subsidized low interest rate financing and limited grants for construction of eligible water system projects to municipalities and public financing authorities in New York State. The program provides a significant financial incentive for public and private water systems to finance needed drinking water infrastructure improvements (e.g. treatment plants, distribution mains, storage facilities). Potential projects must be submitted to EFC for rating and listing on the Intended Use Plan (IUP.)

Projects that protect maintain or improve water quality are eligible. Projects that are ready to proceed are generally funded. Limited funds are available. Suitable projects are those which address problems with the quality of a water supply source, including public sources and private “community” sources such as for a restaurant or manufactured home park.

Community Development Block Grant

NYS Homes and Community Renewal administers the competitive Community Development Block Grant (CDBG) program for non-entitlement communities (towns and villages with population under 50,000 population and counties under 200,000.) Competitive CDBG grants are available for public facilities, community and economic development activities, wastewater and drinking water facilities, housing and public infrastructure projects. In 2013, the grant limit for infrastructure projects is \$750,000. Economic Development grants may be requested for projects involving water, wastewater or other infrastructure to serve projects that create or retain jobs for moderate-income persons (at \$15,000 per job created/retained).

Project beneficiaries must be predominantly persons with low or moderate incomes. Projects must correct or prevent health and safety problems, slums or blight. The most highly rated infrastructure projects will be those that solve serious, documented public health and safety problems, such as private water supplies that are contaminated by bacteria or other substances.

Rural Utilities Service Water and Wastewater Disposal Loan and Grant Program

U.S. Department of Agriculture Rural Development provides loans and grants to water and wastewater facilities and services to low-income communities whose residents face significant health risks with service area populations below 10,000. Loan terms are typically 38-years. The interest rate is indexed to the Median Household Income of the municipality or service area. Eligible water and wastewater projects are those that serve economically disadvantaged populations and solve serious public health problems. Financial assistance should result in reasonable user costs for rural residents.

C. Local Government Funding Sources to Implement the LWRP

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

Aquatic Weed Harvesting District

A portion of the costs of the mechanical harvesting aquatic weeds is financed by aquatic weed improvement districts that were formed by the Town of Huron pursuant to Section 190 of Town Law.

Village, Town and County Parks/Transportation Works Department

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

Wayne County Soil & Water Conservation District

The Wayne County Soil & Water Conservation District (SWCD) is expected to continue to implement programs that result in the protection of water quality. These programs, which are funded by a combination of State and local sources, include Agricultural Environmental Management, Stormwater Management, and Agricultural Nonpoint Source Abatement and Control.

Private and Non-Profit Sector Involvement

Building partnerships with members of the local business community and any non-for-profit is critical to long-term successful project development efforts. Leaders of the business community are key volunteers and leaders in the non-profit sector. The leadership of business representatives will strengthen grant applications and sometimes provide a source of matching funds for the local portion of State and federal grants.

D. Funding Sources by Project Type

For specific capital and infrastructure improvements and for the initiation of water quality improvement projects, the following hierarchy of funding sources could be tapped:

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

To continue the mechanical harvesting of aquatic weeds in Sodus Bay, East Bay and Port Bay, multiple sources of local funding are expected to be required. These sources include:

- Appropriations by Wayne County and municipalities to the Soil & Water Conservation District
- Funds raised by Aquatic Plant Growth Control Districts to fund the mechanical harvesting of aquatic weeds in designated areas. Such districts are authorized by Section 190 of Town Law and have been established for properties along Sodus Bay.

Local funding should be supplemented by State and Federal grants whenever possible.

For the development of recreational and public access facilities, funding may be obtained through the creation of a Harbor Management District, as authorized by Section 190 of Town Law.

For other on-going water quality programs and the maintenance of the Harbor Master or programs, local funding may be raised through:

- General municipal and/or county tax revenues (general fund).
- User fees for launch sites, public pier docking and, as demand grows, transient use moorings.
- User fee assessed on a per dock basis for commercial and/or residential docks.

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

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

6.1. State Actions and Programs Which Should Be Undertaken in a Manner Consistent With the LWRP

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

AGING, OFFICE FOR THE

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

AGRICULTURE AND MARKETS, DEPARTMENT OF

- 1.00 Agricultural Districts Program
- 2.00 Rural Development Program
- 3.00 Conservation Reserve Enhancement Program
- 4.00 Permit and approval programs:
 - 4.01 Custom Slaughters/Processor Permit
 - 4.02 Processing Plant License

- 4.03 Refrigerated Warehouse and/or Locker Plant License
- 5.00 Farmland Protection Grants from the Environmental Protection Fund
- 6.00 Agricultural nonpoint Source Abatement and Control Grant Program
- 7.00 Farmers Market Grant Program
- 8.00 Community Gardens Capacity Building Grant Program
- 9.00 Management of Invasive Species funding

ALCOHOLIC BEVERAGE CONTROL, DIVISION OF (STATE LIQUOR AUTHORITY)

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

ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, OFFICE OF

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

ARTS, COUNCIL ON THE

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

CHILDREN AND FAMILY SERVICES, OFFICE OF

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

CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF

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

DORMITORY AUTHORITY OF THE STATE OF NEW YORK

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

EDUCATION DEPARTMENT

- 1.00 Facilities construction, rehabilitation, expansion, demolition or the funding of such activities.
- 2.00 Permit and approval programs:
 - 2.01 Certification of Incorporation (Regents Charter)
 - 2.02 Private Business School Registration
 - 2.03 Private School License
 - 2.04 Registered Manufacturer of Drugs and/or Devices
 - 2.05 Registered Pharmacy Certificate
 - 2.06 Registered Wholesale of Drugs and/or Devices
 - 2.07 Registered Wholesaler-Re-packer of Drugs and/or Devices
 - 2.08 Storekeeper's Certificate
- 3.00 Administration of Article 5, Section 233 of the Education Law regarding the removal of archaeological and paleontological objects under the waters of the State.

EMERGENCY MANAGEMENT, OFFICE OF

- hazard identification,
- loss prevention, planning, training, operational response to emergencies,
- technical support, and disaster recovery assistance.

EMPIRE STATE DEVELOPMENT

- 1.00 Preparation or revision of statewide or specific plans to address State economic development needs.
- 2.00 Allocation of the state tax-free bonding reserve.
- 3.00 Loans, grants and tax credits, as well as other financing and technical assistance, to support businesses and encourage their growth within New York State

ENERGY RESEARCH AND DEVELOPMENT AUTHORITY

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

- 2.00 New Construction Program – provide assistance to incorporate energy-efficiency measures into the design, construction and operation of new and substantially renovated buildings.
- 3.00 Existing Facilities Program – offers incentives to help offset the costs of implementing energy efficiency improvements in existing commercial facilities across New York State.offers incentives for a variety of energy projects
- 4.00 EmPower New York - Offers no-cost energy efficiency services such as insulation, air sealing, energy efficient light bulbs, and replacement of an inefficient refrigerator and freezer to low-income (such as HEAP-eligible) homeowners and renters
- 5.00 Advanced Submetering Program - Supports the conversion of multifamily building systems with a master meter to advanced submeters.
- 6.00 Agricultural Energy Efficiency Program - Offers assistance to eligible farms and on-farm producers in New York State for identifying and implementing electric and natural gas energy efficiency measures
- 7.00 Cleaner, Greener Communities - Encourages communities to develop and scale-up sustainability practices that reduce carbon emissions through projects and methods that increase energy efficiency and renewable energy use.

ENVIRONMENTAL CONSERVATION, DEPARTMENT OF

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of lands under the jurisdiction of the Department.
- 2.00 Classification of Waters Program; classification of land areas under the Clean Air Act.
- 3.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 4.00 Financial assistance/grant programs:
 - 4.01 Capital projects for limiting air pollution
 - 4.02 Cleanup of toxic waste dumps
 - 4.03 Flood control, beach erosion and other water resource projects
 - 4.04 Operating aid to municipal wastewater treatment facilities
 - 4.05 Resource recovery and solid waste management capital projects
 - 4.06 Wastewater treatment facilities
 - 4.07 State Wildlife Grants
- 5.00 Planning, construction, rehabilitation, expansion, demolition, or the funding of such activities and/or projects funded through the Environmental Protection Fund (Environmental Protection Act of 1993) or Clean Water/Clean Air Bond Act of 1996.
- 7.00 Implementation of the Environmental Quality Bond Act of 1972, including:
 - (a) Water Quality Improvement Projects

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

8.00 Marine Finfish and Shellfish Programs.

10.00 Permit and approval programs:

Air Resources

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

Construction Management

- 10.08 Approval of Plans and Specifications for Wastewater Treatment Facilities

Fish and Wildlife

- 10.09 Certificate to Possess and Sell Hatchery Trout in New York State
- 10.10 Commercial Inland Fisheries Licenses
- 10.11 Fishing Preserve License
- 10.12 Fur Breeder's License
- 10.13 Game Dealer's License
- 10.14 Licenses to Breed Domestic Game Animals
- 10.15 License to Possess and Sell Live Game
- 10.16 Permit to Import, Transport and/or Export under Section 184.1 (11-0511)
- 10.17 Permit to Raise and Sell Trout
- 10.18 Private Bass Hatchery Permit
- 10.19 Shooting Preserve Licenses
- 10.20 Taxidermy License
- 10.21 Permit - Article 15, (Protection of Water) - Dredge or Deposit Material in a Waterway
- 10.22 Permit - Article 15, (Protection of Water) - Stream Bed or Bank Disturbances
- 10.23 Permit - Article 24, (Freshwater Wetlands) Hazardous Substances
- 10.24 Permit to Use Chemicals for the Control or Elimination of Aquatic Insects

10.25 Permit to Use Chemicals for the Control or Elimination of Aquatic Vegetation

10.26 Permit to Use Chemicals for the Control or Extermination of Undesirable Fish

Lands and Forest

10.27 Certificate of Environmental Safety (Liquid Natural Gas and Liquid Petroleum Gas)

10.28 Floating Object Permit

10.29 Marine Regatta Permit

10.30 Navigation Aid Permit

Marine Resources

10.32 License of Menhaden Fishing Vessel

10.33 License for Non-Resident Food Fishing Vessel

10.35 Marine Hatchery and/or Off-Bottom Culture Shellfish Permits

10.37 Permit to Use Pond or Trap Net

10.39 Shellfish Bed Permit

10.40 Shellfish Shipper's Permits

Mineral Resources

10.43 Mining Permit

10.44 Permit to Plug and Abandon (a non-commercial, oil, gas or solution mining well)

10.45 Underground Storage Permit (Gas)

10.46 Well Drilling Permit (Oil, Gas, and Solution Salt Mining) Solid Wastes

10.47 Permit to Construct and/or Operate a Solid Waste Management Facility

10.48 Septic Tank Cleaner and Industrial Waste Collector Permit

Water Resources

10.49 Approval of Plans for Wastewater Disposal Systems

10.50 Certificate of Approval of Realty Subdivision Plans

10.51 Certificate of Compliance (Industrial Wastewater Treatment Facility)

10.52 Letters of Certification for Major Onshore Petroleum Facility Oil Spill Prevention and Control Plan

10.53 Permit - Article 36, (Construction in Flood Hazard Areas)

10.54 Permit for State Agency Activities for Development in Coastal Erosion Hazards Areas

10.55 State Pollutant Discharge Elimination System (SPDES) Permit

10.56 Approval - Drainage Improvement District

10.57 Approval - Water (Diversions for) Power

- 10.58 Approval of Well System and Permit to Operate
- 10.59 Permit - Article 15, (Protection of Water) - Dam
- 10.60 Permit - Article 15, Title 15 (Water Supply)
- 10.61 River Improvement District Approvals
- 10.62 River Regulatory District Approvals
- 10.63 Well Drilling Certificate of Registration
- 10.64 401 Water Quality Certification
- 11.00 Preparation and revision of Air Pollution State Implementation Plan.
- 12.00 Preparation and revision of Continuous Executive Program Plan.
- 13.00 Preparation and revision of Statewide Environmental Plan.
- 14.00 Protection of Natural and Man-made Beauty Program.
- 15.00 Urban Fisheries Program.
- 16.00 Urban Forestry Program.
- 17.00 Urban Wildlife Program.

ENVIRONMENTAL FACILITIES CORPORATION

- 1.00 Financing program for pollution control facilities for industrial firms and small businesses.
- 2.00 Clean Vessel Assistance Program - provides up to 75% of eligible project costs up to \$60,000 to marinas, municipalities and not-for-profit organizations for installing pumpout boats and up to \$35,000 for installing or upgrading stationary pumpout units or upgrading pumpout boats.
- 3.00 Clean Water State Revolving Fund - provides low-interest rate financing to municipalities to construct water quality protection projects such as sewers and wastewater treatment facilities.
- 4.00 Green Innovation Grant Program - provides funding for eight specific green infrastructure practices
- 5.00 Drinking Water State Revolving Fund - provides a significant financial incentive for public and private water systems to finance needed drinking water infrastructure improvements (e.g. treatment plants, distribution mains, storage facilities, etc.)
- 6.00 Small Business Environmental Assistance Program - provides free, confidential technical assistance to New York's small-business owners to assist them in complying with state and federal air regulations.

FINANCIAL SERVICES, DEPARTMENT OF (the services listed below need to be updated)

- 1.00 Permit and approval programs:
 - 1.01 Authorization Certificate (Bank Branch)

- 1.02 Authorization Certificate (Bank Change of Location)
- 1.03 Authorization Certificate (Bank Charter)
- 1.04 Authorization Certificate (Credit Union Change of Location)
- 1.05 Authorization Certificate (Credit Union Charter)
- 1.06 Authorization Certificate (Credit Union Station)
- 1.07 Authorization Certificate (Foreign Banking Corporation Change of Location)
- 1.08 Authorization Certificate (Foreign Banking Corporation Public Accommodations Office)
- 1.09 Authorization Certificate (Investment Company Branch)
- 1.10 Authorization Certificate (Investment Company Change of Location)
- 1.11 Authorization Certificate (Investment Company Charter)
- 1.12 Authorization Certificate (Licensed Lender Change of Location)
- 1.13 Authorization Certificate (Mutual Trust Company Charter)
- 1.14 Authorization Certificate (Private Banker Charter)
- 1.15 Authorization Certificate (Public Accommodation Office - Banks)
- 1.16 Authorization Certificate (Safe Deposit Company Branch)
- 1.17 Authorization Certificate (Safe Deposit Company Change of Location)
- 1.18 Authorization Certificate (Safe Deposit Company Charter)
- 1.19 Authorization Certificate (Savings Bank Charter)
- 1.20 Authorization Certificate (Savings Bank De Novo Branch Office)
- 1.21 Authorization Certificate (Savings Bank Public Accommodations Office)
- 1.22 Authorization Certificate (Savings and Loan Association Branch)
- 1.23 Authorization Certificate (Savings and Loan Association Change of Location)
- 1.24 Authorization Certificate (Savings and Loan Association Charter)
- 1.25 Authorization Certificate (Subsidiary Trust Company Charter)
- 1.26 Authorization Certificate (Trust Company Branch)
- 1.27 Authorization Certificate (Trust Company-Change of Location)
- 1.28 Authorization Certificate (Trust Company Charter)
- 1.29 Authorization Certificate (Trust Company Public Accommodations Office)
- 1.30 Authorization to Establish a Life Insurance Agency
- 1.31 License as a Licensed Lender
- 1.32 License for a Foreign Banking Corporation Branch

GENERAL SERVICES, OFFICE OF

- 1.00 Administration of the Public Lands Law for acquisition and disposition of lands, grants of land, grants of easement and issuance of licenses for land underwater, including for residential docks over 5,000 square feet and all commercial docks, issuance of licenses for removal of materials from lands under water, and oil and gas leases for exploration and development.
- 2.00 Administration of Article 4-B, Public Buildings Law, in regard to the protection and management of State historic and cultural properties and State uses of buildings of historic, architectural or cultural significance.
- 3.00 Facilities construction, rehabilitation, expansion, or demolition.
- 4.00 Administration of Article 5, Section 233, sub. 5 of the Education Law on removal of archaeological and paleontological objects under the waters of the State.
- 5.00 Administration of Article 3, Section 32 of the Navigation Law regarding location of structures in or on navigable waters.
- 6.00 Section 334 of the State Real Estate Law regarding subdivision of waterfront properties on navigable waters to include the location of riparian lines.

HEALTH, DEPARTMENT OF

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

- 2.16 Permit to Operate Sanitary Facilities for Realty Subdivisions
- 2.17 Shared Health Facility Registration Certificate

HOMES AND COMMUNITY RENEWAL, DIVISION OF (and its subsidiaries and affiliates)

- 1.00 Facilities construction, rehabilitation, expansion, or demolition.
- 2.00 Financial assistance/grant programs:
 - 2.01 Federal Housing Assistance Payments Programs (Section 8 Programs)
 - 2.02 Housing Development Fund Programs
 - 2.03 Neighborhood Preservation Companies Program
 - 2.04 Public Housing Programs
 - 2.05 Rural Initiatives Grant Program
 - 2.06 Rural Preservation Companies Program
 - 2.07 Rural Rental Assistance Program
 - 2.08 Special Needs Demonstration Projects
 - 2.09 Urban Initiatives Grant Program
 - 2.10 Urban Renewal Programs
- 3.00 Preparation and implementation of plans to address housing and community renewal needs.
- 4.00 Funding programs for the construction, rehabilitation, or expansion of facilities.
- 5.00 Affordable Housing Corporation

MENTAL HEALTH, OFFICE OF

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

MILITARY AND NAVAL AFFAIRS, DIVISION OF

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

NATURAL HERITAGE TRUST

- 1.00 Funding program for natural heritage institutions.

PARKS, RECREATION AND HISTORIC PRESERVATION, OFFICE OF (including Regional State Park Commissions)

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

PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR

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

SCIENCE AND TECHNOLOGY FOUNDATION

- 1.00 Corporation for Innovation Development Program.

- 2.00 Center for Advanced Technology Program.

STATE, DEPARTMENT OF

- 2.00 Coastal Management Program.
 - 2.01 Planning, construction, rehabilitation, expansion, demolition, or the funding of such activities and/or projects funded through the Environmental Protection Fund (Environmental Protection Act of 1993) or Clean Water/Clean Air Bond Act of 1996.
- 3.00 Community Services Block Grant Program.
- 4.00 Permit and approval programs:
 - 4.01 Billiard Room License
 - 4.02 Cemetery Operator
 - 4.03 Uniform Fire Prevention and Building Code
- 5.00 Local Government Efficiency Grant Program - provides technical and financial assistance to help municipalities identify opportunities for cost savings.
- 6.00 Citizens Re-organization and Empowerment Grant - provides financial and technical assistance to local governments for planning and implementation activities necessary for the re-organization of municipal government and government functions.

STATE UNIVERSITY CONSTRUCTION FUND

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

STATE UNIVERSITY OF NEW YORK

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

TRANSPORTATION, DEPARTMENT OF

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Department.
- 2.00 Construction, rehabilitation, expansion, or demolition of facilities, including, but not limited to:
 - (a) Highways and parkways
 - (b) Bridges on the State highways system
 - (c) Highway and parkway maintenance facilities

- (d) Rail facilities
- 3.00 Financial assistance/grant programs:
 - 3.01 Funding programs for construction/reconstruction and reconditioning/preservation of municipal streets and highways (excluding routine maintenance and minor rehabilitation)
 - 3.02 Funding programs for development of the ports of Albany, Buffalo, Oswego, Ogdensburg, and New York
 - 3.03 Funding programs for rehabilitation and replacement of municipal bridges
 - 3.04 Subsidies program for marginal branchlines abandoned by Conrail
 - 3.05 Subsidies program for passenger rail service
 - 3.06 Financial assistance to local governments for transportation enhancement activities.
- 4.00 Permits and approval programs:
 - 4.01 Approval of applications for airport improvements (construction projects)
 - 4.02 Approval of municipal applications for Section 18 Rural and Small Urban Transit Assistance Grants (construction projects)
 - 4.03 Approval of municipal or regional transportation authority applications for funds for design, construction and rehabilitation of omnibus maintenance and storage facilities
 - 4.04 Approval of municipal or regional transportation authority applications for funds for design and construction of rapid transit facilities
 - 4.05 Certificate of Convenience and Necessity to Operate a Railroad
 - 4.06 Highway Work Permits
 - 4.07 License to Operate Major Petroleum Facilities
 - 4.08 Outdoor Advertising Permit (for off-premises advertising signs adjacent to interstate and primary highway)
 - 4.09 Real Property Division Permit for Use of State-Owned Property
- 5.00 Preparation or revision of the Statewide Master Plan for Transportation and sub-area or special plans and studies related to the transportation needs of the State.
- 6.00 Water Operation and Maintenance Program--Activities related to the containment of petroleum spills and development of an emergency oil-spill control network.

YOUTH, DIVISION OF

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

6.2 Federal Activities Affecting Land and Water Uses and Natural Resources in the Coastal Zone of New York State

Note: This LWRP's list of the federal agency activities is identical to the most recent version of the Table 2 list in the New York State Coastal Management Program as approved by the federal Office of Ocean and Coastal Resources Management on March 28, 2006. Please contact the New York State Department of State, Office of Planning and Development, at (518) 474-6000, for any updates to New York State Coastal Management Program Table 2 federal agency activities list that may have occurred post-approval of this LWRP.

This list has been prepared in accordance with the consistency provisions of the federal Coastal Zone Management Act and implementing regulations in 15 CFR Part 930. It is not exhaustive of all activities subject to the consistency provisions of the federal Coastal Zone Management Act, implementing regulations in 15 CFR Part 930, and the New York Coastal Management Program. It includes activities requiring:

1. the submission of consistency determinations by federal agencies;
2. the submission of consistency certifications by entities other than federal agencies; and
3. the submission of necessary data and information to the New York State Department of State, in accordance with 15 CFR Part 930, Subparts C, D, E, F and I, and the New York Coastal Management Program.

I. Activities Undertaken Directly by or on Behalf of Federal Agencies

The following activities, undertaken directly by or on behalf of the identified federal agencies, are subject to the consistency provisions of the Coastal Zone Management Act, its implementing regulations in 15 CFR Part 930, Subpart C, and the New York Coastal Management Program.

Department of Commerce, National Marine Fisheries Service:

- Fisheries Management Plans

Department of Defense, Army Corps of Engineers:

- Proposed authorizations for dredging, channel improvement, breakwaters, other navigational works, erosion control structures, beach replenishment, dams or flood control works, ice management practices and activities, and other projects with the potential to impact coastal lands and waters.
- Land acquisition for spoil disposal or other purposes.
- Selection of open water disposal sites.

Department of Defense, Air Force, Army and Navy:

- Location, design, and acquisition of new or expanded defense installations (active or reserve status, including associated housing, transportation or other facilities).
- Plans, procedures and facilities for handling or storage use zones.
- Establishment of impact, compatibility or restricted use zones.

Department of Energy:

- Prohibition orders.

General Services Administration:

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

Department of Interior, Fish and Wildlife Service:

- Management of National Wildlife refuges and proposed acquisitions.

Department of Interior, National Park Service:

- National Park and Seashore management and proposed acquisitions.

Department of Interior, Minerals Management Service:

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

Department of Transportation, Coast Guard:

- Location and design, construction or enlargement of Coast Guard stations, bases, and lighthouses.
- Location, placement or removal of navigation devices which are not part of the routine operations under the Aids to Navigation Program (ATON).
- Expansion, abandonment, designation or anchorages, lightering areas or shipping lanes and ice management practices and activities.

Department of Transportation, Federal Aviation Administration:

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

Department of Transportation, St. Lawrence Seaway Development Corporation:

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

Department of Transportation, Federal Highway Administration:

- Highway construction

II. Federal Licenses and Permits and Other Forms of Approval or Authorization

The following activities, requiring permits, licenses, or other forms of authorization or approval from Federal agencies, are subject to the consistency provisions of the Coastal Zone Management Act, its implementing regulations in 15 CFR Part 930, Subpart D, and the New York Coastal Management Program.

Department of Defense, Army Corps of Engineers:

- Construction of dams, dikes or ditches across navigable waters, or obstruction or alteration of navigable waters required under Sections 9 and 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 401, 403).
- Establishment of harbor lines pursuant to Section 11 of the Rivers and Harbors Act of 1899 (33 U.S.C. 404, 405).

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

Department of Energy, Federal Energy Regulatory Commission:

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

Department of Energy, Economic Regulatory Commission:

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

Environmental Protection Agency:

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

Department of Interior, Fish and Wildlife Services:

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

Department of Interior, Mineral Management Service:

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

Interstate Commerce Commission:

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

Nuclear Regulatory Commission:

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

Department of Transportation:

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

Department of Transportation, Federal Aviation Administration:

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

III. Federal Financial Assistance to State and Local Governments

The following activities, involving financial assistance from federal agencies to state and local governments, are subject to the consistency provisions of the Coastal Zone Management Act, its implementing regulations in 15CFR Part 930, Subpart F, and the New York Coastal Management Program. When these activities involve financial assistance for entities other than State and local governments, the activities are subject to the consistency provisions of 15 CFR Part 930, Subpart C.

Department of Agriculture

10.068 Rural Clean Water Program

10.409 Irrigation, Drainage, and Other Soil and Water Conservation Loans

10.410 Low to Moderate Income Housing Loans

10.411 Rural Housing Site Loans

10.413 Recreation Facility Loans

10.414 Resource Conservation and Development Loans

- 10.415 Rural Rental Housing Loans
- 10.416 Soil and Water Loans
- 10.418 Water and Waste Disposal Systems for Rural Communities
- 10.419 Watershed Protection and Flood Prevention Loans
- 10.422 Business and Industrial Loans
- 10.423 Community Facilities Loans
- 10.424 Industrial Development Grants
- 10.426 Area Development Assistance Planning Grants
- 10.429 Above Moderate Income Housing Loans
- 10.430 Energy Impacted Area Development Assistance Program
- 10.901 Resource Conservation and Development
- 10.902 Soil and Water Conservation
- 10.904 Watershed Protection and Flood Prevention
- 10.906 River Basin Surveys and Investigations

Department of Commerce

- 11.300 Economic Development - Grants and Loans for Public Works and Development Facilities
- 11.301 Economic Development - Business Development Assistance
- 11.302 Economic Development - Support for Planning Organizations
- 11.304 Economic Development - State and Local Economic Development Planning
- 11.305 Economic Development - State and Local Economic Development Planning
- 11.307 Special Economic Development and Adjustment Assistance Program - Long Term Economic Deterioration
- 11.308 Grants to States for Supplemental and Basic Funding of Titles I, II, III, IV, and V Activities
- 11.405 Anadromous and Great Lakes Fisheries Conservation
- 11.407 Commercial Fisheries Research and Development
- 11.417 Sea Grant Support
- 11.427 Fisheries Development and Utilization Research and Demonstration Grants and Cooperative Agreements Program
- 11.501 Development and Promotion of Ports and Intermodal Transportation
- 11.509 Development and Promotion of Domestic Water-borne Transport Systems

Department of Housing and Urban Development

- 14.112 Mortgage Insurance - Construction or Substantial Rehabilitation of Condominium Projects

- 14. 115 Mortgage Insurance - Development of Sales Type Cooperative Projects
- 14. 117 Mortgage Insurance - Homes
- 14. 124 Mortgage Insurance - Investor Sponsored Cooperative Housing
- 14. 125 Mortgage Insurance - Land Development and New Communities
- 14. 126 Mortgage Insurance - Manages ant Type Cooperative Projects
- 14. 127 Mortgage Insurance - Mobile Home Parks
- 14. 218 Community Development Block Grants/Entitlement Grants
- 14. 219 Community Development Block Grants/Small Cities Program
- 14. 221 Urban Development Action Grants
- 14. 223 Indian Community Development Block Grant Program

Department of the Interior

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

Department of Transportation

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

20.509 Public Transportation for Rural and Small Urban Areas

General Services Administration

39.002 Disposal of Federal Surplus Real Property

Community Services Administration

49.002 Community Action

49.011 Community Economic Development

49.013 State Economic Opportunity Offices

49.017 Rural Development Loan Fund

49.018 Housing and Community Development (Rural Housing)

Small Business Administration

59.012 Small Business Loans

59.013 State and Local Development Company Loans

59.024 Water Pollution Control Loans

59.025 Air Pollution Control Loans

59.031 Small Business Pollution Control Financing Guarantee

Environmental Protection Agency

66.001 Air Pollution Control Program Grants

66.418 Construction Grants for Wastewater Treatment Works

66.426 Water Pollution Control - State and Area-wide Water Quality Management Planning Agency

66.451 Solid and Hazardous Waste Management Program Support Grants

66.452 Solid Waste Management Demonstration Grants

66.600 Environmental Protection Consolidated Grants Program Support

66.800 Comprehensive Environmental Response, Compensation and Liability (Superfund)

Note: Numbers refer to the Catalog of Federal Domestic Assistance Programs, 1980 and its subsequent updates before 2006.

6.3 State and Federal Actions and Programs Necessary to further the LWRP

Part 6.3 provides a more focused and descriptive list of the immediately preceding Parts 6.1 and 6.2 listing under this LWRP Section VI, entitled, “State and Federal Actions and Programs Likely to Affect Implementation.” It is recognized that a State and federal agency’s ability to undertake these listed actions is subject to a variety of factors and considerations; that the consistency provisions of the approved LWRP may not apply; and, that the consistency requirements cannot be used to require a State or federal agency to undertake an action it could not undertake pursuant to other provisions of law. Reference should be made to Section II, Section IV and Section V, which discuss local goals, proposed projects, and local implementation techniques, including State and federal assistance needed to implement the approved LWRP.

I. State Actions and Programs

EMPIRE STATE DEVELOPMENT

1. Any action or provision of funds for the development or promotion of tourism related activities or development.
2. Any action involving the Seaway Trail.

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

1. Planning, development, construction, major renovation, or expansion of facilities in waterfront, including recreational improvement projects.
2. Review and approval for septic system installation and replacement in areas without sewer within the Huron WRA
3. Advance assistance under the Wastewater Infrastructure Engineering Planning Grant ¹³⁸ and a subsequent construction grant subsidy.
4. Implement and administer Article 24 of the State's Environmental Conservation Law within Huron WRA

OFFICE OF GENERAL SERVICES

1. Prior to any development occurring in the water or on the immediate waterfront, OGS should be contacted for a determination of the State’s interest in underwater, or formally underwater, lands and for authorization to use and occupy these lands.
2. In accordance with Section 334 of the NYS Real Property Law, any subdivision of waterfront properties on navigable waters must depict the location of riparian (including littoral) lines out into the navigable waters on the property survey that must be filed with the respective county clerk.

DIVISION OF HOMES AND COMMUNITY RENEWAL

1. Provision of funding under the Rural Preservation Company Program and the Small Cities Community Development Block Grant Program.

¹³⁸ <http://www.dec.ny.gov/pubs/grants.html>

2. Approval of funding for Rural Area Revitalization Program projects.

OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION

1. Planning, development, construction, major renovation or expansion of recreational facilities or the provision of funding for such facilities.
2. Provision of funding for State and local activities from the Land and Water Conservation Fund.
3. Planning, development, implementation or the provision of funding for recreation services programs.
4. Certification of properties within districts listed on the National Register of Historic Places.
5. Provision of funding for State and local historic preservation activities.
6. Review of Type I actions affecting a property listed on the National Register of Historic Places.
7. Activities under the Urban Cultural Park program.

DEPARTMENT OF STATE

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

COUNCIL ON THE ARTS

1. Assistance from the Architecture and Environmental Arts program for educational materials.

DEPARTMENT OF TRANSPORTATION

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

II. Federal Actions and Programs

U.S. Army Corps of Engineers, Buffalo District

- Coordination, technical, permitting assistance for LWRP implementation of various projects, as outlined in Section IV

Federal Highway administration

- Provision of funding for transportation improvements, including but not limited to improvements to roads and bridges that increase pedestrian and bicycle access or improve safety.

Small Business Administration

- Funding and technical assistance for local businesses along the waterfront to stimulate economic development.

U.S. Ninth Coast Guard District

- Technical assistance regarding aids to navigation.

SECTION VII - LOCAL COMMITMENT AND CONSULTATION

7.1. Local Commitment

The Town of Huron initiated its efforts to prepare a Local Waterfront Revitalization Program in 2008, when it submitted an application for grant funding from the NYS Department of State through the Environmental Protection Fund Local Waterfront Revitalization Program (EPF LWRP) and was awarded funds to prepare the LWRP. In 2011, a Steering Committee was established to oversee and guide the preparation of the program. The Steering Committee was comprised of representatives from the Town Board and local residents.

This committee met seven times during the planning process (June 23, October 4, October 25, November 15, and December 6 2011, and February 21 and May 24, 2012) for the preparation of the draft LWRP.

To strengthen local commitment for the Town's planning efforts, the Steering Committee held two public information meetings on September 14 and 28, 2011 to provide local citizens an opportunity to comment on significant issues and opportunities in the Town waterfront areas. The first meeting was attended by approximately 27 people and approximately 34 people attended the second public information meeting. The purpose of these meetings was to introduce local residents to the LWRP planning process and to solicit initial comments from the public about their concerns for the waterfront. The information gathered at these meetings was utilized to shape the LWRP policies, as well as the proposed projects and implementation measures outlined in the program.

In addition, an on-line survey was conducted. A total of 390 persons completed the survey. Postcard notices were mailed to all landowners within the proposed waterfront area.

A public informational meeting to review the preliminary draft and recommendations was held at the Huron Town Hall on July 26, 2012. A total of 47 persons attended.

7.2. Consultation

The draft LWRP was reviewed and accepted as ready by the Huron Town Board for its 60 day review period, at a regular Town Board meeting on August 20, 2012, and was forwarded to the New York State Department of State. On April 23, 2014, the Department of State initiated the 60-day review period for the draft LWRP, pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act and the State Environmental Quality Review Act. Potentially affected State and federal agencies, Wayne County, and the adjacent Towns of Sodus and Wolcott and the Village of Sodus Point were informed of the review period of the draft LWRP amendment. Comments received on the draft LWRP were reviewed and addressed by the Town and the Department of State. The draft LWRP was revised by the Town of Huron and the Department of State to address the comments received from local, regional, state and federal agencies.

A. Local Consultation

Consultation has consisted of maintaining a close relationship among Town entities whose actions and/or functions may be affected by the LWRP. These include the Town Board, the Huron Planning and Zoning Boards; the Code Enforcement Officer and the Highway Superintendent.

The other local governments likely to be affected by the Huron LWRP are the other municipalities surrounding Sodus Bay (Town of Sodus and Village of Sodus Point) and Port Bay (Town of Wolcott.). Four local associations were notified of the initiation of the 60-day review period of the draft LWRP. The Port Bay Association was the only local organization that submitted comments.

B. Regional Consultation

The Wayne County Planning Department and the Town of Sodus worked on some of the original LWRP documentation and have been involved with review of the Draft Local Waterfront Revitalization Plan. Six county departments were notified of the initiation of the 60-day review period of the draft LWRP. The Wayne County Planning Department submitted comments involving the impact of the LWRP on the modifications to the water levels in Lake Ontario proposed in 2014. The towns of Sodus and Wolcott and the village of Sodus Point were also notified about the initiation of the 60-day review of the draft Huron LWRP. None of the adjacent municipalities submitted comments.

C. State Agency Consultation

Consultation with the Department of State has taken place throughout the preparation of the Draft LWRP. Telephone conversations and e-mails have focused on LWRP preparation, methods of implementation, legal and programmatic concerns. Representatives from the Department of Environmental Conservation and the Office of Parks, Recreation and Historic Preservation were also involved. Thirty-four main and regional offices of state agencies were notified about the initiation of the 60-day review period of the draft LWRP. Six of the state agencies submitted comment letters.

D. Federal Consultation

The US Army Corps of Engineers was contacted as the LWRP was evolving. Eleven federal agencies were notified of the initiation of the 60-day review period of the draft LWRP. Two of the federal agencies submitted comment letters.

**APPENDIX A - LOCAL WATERFRONT REVITALIZATION PROGRAM
CONSISTENCY REVIEW LAW**

TOWN OF HURON

Local Law No. 1 of the Year 2016

A Local Law to Provide for Waterfront Revitalization and Consistency Review

Be it enacted by the Town Board of the Town of Huron as follows:

1. **Short Title.** This law may be referred to as the "Town of Huron Local Waterfront Revitalization Program (LWRP) Consistency Review Law."
2. **Authority and Purpose.**
 - a. This law is adopted under the authority of the Municipal Home Rule Law and the Waterfront Revitalization of Coastal Areas and Inland Waterways Act of the State of New York (Part 42 of the Executive Law).
 - b. The purpose of this law is to provide a framework for the agencies of the Town of Huron to incorporate the policies and purposes contained in the Town of Huron Local Waterfront Revitalization Program (LWRP) when reviewing applications for actions or direct agency actions located within the waterfront area; and to ensure that such actions and direct actions undertaken by Town agencies are consistent with the LWRP policies and purposes.
 - c. It is the intention of the Town that the preservation, enhancement and utilization of the natural and manmade resources of the waterfront area of the Town occur in a coordinated and comprehensive manner to ensure a proper balance between protection of natural resources and the need to accommodate growth and economic development. Accordingly, this law is intended to achieve such a balance, permitting the beneficial use of waterfront resources while preventing: loss and degradation of living waterfront resources and wildlife; adverse impacts to historic structures; diminution of open space areas or public access to the waterfront; disruption of natural waterfront processes; impairment of scenic, cultural or historical resources; losses due to flooding, erosion and sedimentation; impairment of water quality; or permanent adverse changes to ecological systems.

- d. The substantive provisions of this law shall only apply while there is in existence a Town of Huron Local Waterfront Revitalization Program that has been adopted in accordance with Part 42 of the Executive Law of the State of New York.

3. **Definitions.**

- a. "Actions" include all the following, except minor actions:
 - i. projects or physical activities, such as construction or any other activities that may affect natural, manmade or other resources in the waterfront area or the environment by changing the use, appearance or condition of any resource or structure, that:
 - 1. are directly undertaken by an agency; or
 - 2. involve funding by an agency; or
 - 3. require one or more new or modified approvals, permits, or review from an agency or agencies;
 - ii. agency planning and policymaking activities that may affect the environment and commit the agency to a definite course of future decisions;
 - iii. adoption of agency rules, regulations and procedures, including local laws, codes, ordinances, executive orders and resolutions that may affect waterfront resources or the environment; and
 - iv. any combination of the above.
- b. "Agency" means any board, agency, department, office, other body, or officer of the Town of Huron.
- c. "Building Inspector" means the Building Inspector of the Town of Huron.
- d. "Consistent" means that the action will fully comply with the LWRP policy standards, conditions and objectives and, whenever practicable, will advance one or more of them.

- e. "Direct Actions" mean actions planned and proposed for implementation by an applicant or agency, such as, but not limited to, a capital project, rulemaking, procedure making and policy making.
- f. "Environment" means the physical conditions that will be affected by a proposed action, including land, air, water, minerals, flora, fauna, noise, resources of agricultural, archeological, historic or aesthetic significance, existing patterns of population concentration, distribution or growth, existing community or neighborhood character, and human health.
- g. "Local Waterfront Revitalization Program" or "LWRP)" means the Local Waterfront Revitalization Program of the Town of Huron, approved by the Secretary of State pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Executive Law, Part 42), a copy of which is on file in the Office of the Town Clerk of the Town of Huron.
- h. "Minor actions" include the following actions, which are not subject to review under this law:
 - i. repaving or widening of existing paved highways not involving the addition of new travel lanes;
 - ii. street openings and right-of-way openings for the purpose of repair or maintenance of existing utility facilities;
 - iii. maintenance of existing landscaping or natural growth, except where threatened or endangered species of plants or animals are affected, or within Significant Coastal Fish and Wildlife Habitat areas;
 - iv. minor temporary uses of land having negligible or no permanent impact on waterfront resources or the environment;
 - v. installation of traffic control devices on existing streets, roads and highways;
 - vi. mapping of existing roads, streets, highways, natural resources, land uses and ownership patterns;

- vii. information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soils studies that do not commit the agency to undertake, fund or approve any action;
- viii. routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment;
- ix. conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action;
- x. collective bargaining activities;
- xi. investments by or on behalf of agencies or pension or retirement systems, or refinancing existing debt;
- xii. inspections and licensing activities relating to the qualifications of individuals or businesses to engage in their business or profession;
- xiii. purchase or sale of furnishings, equipment or supplies, including surplus government property, other than the following: land, radioactive material, pesticides, herbicides, storage of road de-icing substances, or other hazardous materials;
- xiv. adoption of regulations, policies, procedures and local legislative decisions in furtherance of any action on this list;
- xv. engaging in review of any law of an application to determine compliance with technical requirements, provided that no such determination entitles or permits the project sponsor to commence the action unless and until all requirements of this law have been fulfilled;
- xvi. civil or criminal enforcement proceedings, whether administrative or judicial, including a particular course of

action specifically required to be undertaken pursuant to a judgment or order, or the exercise of prosecutorial discretion;

xvii. adoption of a moratorium on land development or construction;

xviii. interpreting an existing code, rule or regulation;

xix. emergency actions that are immediately necessary on a limited and temporary basis for the protection or preservation of life, health, property or natural resources, provided that such actions are directly related to the emergency and are performed to cause the least change or disturbance, practicable under the circumstances, to waterfront resources or the environment. Any decision to fund, approve or directly undertake other activities after the emergency has expired is fully subject to the review procedures of this law;

xx. local legislative decisions such as rezoning where the Town determines the action will not be approved.

i. "Town" shall mean the Town of Huron.

j. "Waterfront area" means that portion of Coastal Area as defined in Part 42 of the Executive Law that is located within the boundaries of the Town of Huron, as shown on the coastal area map on file in the office of the Secretary of State, and as delineated in the Town of Huron Local Waterfront Revitalization Program (LWRP).

k. "Waterfront Assessment Form" (WAF) means the form used by an agency to assist in determining the consistency of an action with the Local Waterfront Revitalization Program. A copy of the WAF is attached to this law as Appendix A.

4. **Management and Coordination of the LWRP.**

a. The Building Inspector shall be responsible for coordinating review of actions in the Town's waterfront area for consistency with the LWRP, and will advise, assist and make consistency recommendations to other Town agencies in the implementation of the LWRP, its policies and projects, including physical, legislative, regulatory, administrative and other actions included in the program.

- b. The Building Inspector shall coordinate with the New York State Department of State regarding consistency review of actions by Federal agencies and with State agencies regarding consistency review of their actions.
- c. The Building Inspector shall assist the Town Board in making applications for funding from State, Federal, or other sources to finance projects under the LWRP.
- d. The Building Inspector shall perform other functions regarding the waterfront area and direct such actions or projects as the Town Board may deem appropriate, to implement the LWRP.

5. **Review of Actions.**

- a. Whenever a proposed action is located within the Town's waterfront area, each Town agency shall, prior to approving, funding or undertaking the action, make a determination that it is consistent with the LWRP policy standards summarized in subdivision i of this section. No action in the waterfront area shall be approved, funded or undertaken by that agency without such a determination of consistency.
- b. Whenever a Town agency receives an application for approval or funding of an action, or as early as possible in the agency's formulation of a direct action to be located in the waterfront area, the agency shall refer a copy of the completed WAF to the Building Inspector within ten (10) days of its receipt. Prior to making its consistency determination, the agency shall consider the recommendation of the Building Inspector with reference to the consistency of the proposed action.
- c. After referral from an agency, the Building Inspector shall consider whether the proposed action is consistent with the LWRP policy standards set forth in subdivision i of this section.
 - i. The Building Inspector shall require the applicant to submit all completed applications, WAFs, Environmental Assessment Form (EAFs), and any other information deemed necessary to its consistency recommendation.
 - ii. The Building Inspector shall render its written recommendation to the agency within thirty (30) days

following referral of the WAF from the agency, unless extended by mutual agreement of the Building Inspector, the agency, and the applicant or in the case of a direct action, the agency.

- iii. The Building Inspector's recommendation shall indicate whether the proposed action is consistent with or inconsistent with one or more of the LWRP policy standards and shall elaborate in writing the basis for its opinion.
 - iv. The Building Inspector shall, along with a consistency recommendation, make any suggestions to the agency concerning modification of the proposed action, including the imposition of conditions, to make it consistent with LWRP policy standards or to greater advance them.
 - v. In the event that the Building Inspector's recommendation is not rendered within the specified time, the agency shall make its consistency decision without the benefit of the Building Inspector's recommendation.
 - vi. The Town shall maintain a file for each action made the subject of a consistency determination, including any recommendations received from the Building Inspector. Such file shall be kept on file by the Building Inspector and made available for public inspection upon request.
- d. If an action requires approval of more than one Town agency, decisionmaking will be coordinated between the agencies to determine which agency will conduct the consistency review, and that agency will thereafter act as designated consistency review agency. Only one WAF per action will be prepared. If the agencies cannot agree, the Town Board shall designate the consistency review agency.
- e. Upon receipt of the Building Inspector's recommendation, the agency shall consider whether the proposed action is consistent with the LWRP policy standards summarized in subdivision i of this section. The agency shall consider the Building Inspector's consistency recommendation, the WAF, and other relevant information in making its written determination of consistency. No approval or decision shall be issued for an action in the waterfront area without a written determination of consistency having first been rendered by a Town agency.

- f. The Zoning Board of Appeals is the designated agency for the determination of consistency for variance applications subject to this law. The Zoning Board of Appeals shall consider the written consistency recommendation of the Building Inspector in the event and at the time it makes a decision to grant such a variance and shall impose appropriate conditions on the variance to make the activity consistent with the objectives of this law.
- g. Where an Environmental Impact Statement (EIS) is being prepared or required, the draft EIS must identify applicable LWRP policies standards in subdivision i of this section, and include a discussion of the effects of the proposed action on such policy standards.
- h. In the event the Building Inspector's recommendation is that the action is inconsistent with the LWRP, and the agency makes a contrary determination of consistency, the agency shall elaborate in writing the basis for its disagreement with the recommendation and state the manner and extent to which the action is consistent with the LWRP policy standards.
- i. Actions to be undertaken within the waterfront area shall be evaluated for consistency in accordance with the following summary of LWRP policy standards, which are derived from and further explained and described in Section III of the Town of Huron LWRP, a copy of which is on file in the Town Clerk's office and available for inspection during normal business hours. Agencies which undertake direct actions must also consult with Section IV of the Town of Huron LWRP in making their consistency determination. The action must be consistent with the policies to:
 - i. Foster a pattern of development in the Town of Huron that enhances community character, preserves open space, makes efficient use of the infrastructure, makes beneficial use of a waterfront location, and minimizes adverse effects of development (LWRP Policy 1).
 - ii. Preserve historic resources in the Town of Huron (LWRP Policy 2).
 - iii. Enhance visual quality and protect outstanding scenic resources (LWRP Policy 3).

- iv. Minimize loss of life, structures, and natural resources from flooding and erosion (LWRP Policy 4).
- v. Protect and improve water resources (LWRP Policy 5).
- vi. Protect and restore the quality of ecological resources throughout the Town of Huron (LWRP Policy 6).
- vii. Protect and improve air quality (LWRP Policy 7).
- viii. Minimize environmental degradation from solid waste and hazardous substances and wastes (LWRP Policy 8).
- ix. Improve public access to the waterfront and the use of public lands (LWRP Policy 9).
- x. Protect existing water-dependent uses in the Town of Huron and promote the siting of new water-dependent uses in suitable locations (LWRP Policy 10).
- xi. Protect sustainable use of living marine resources in the Town of Huron (LWRP Policy 11).
- xii. Protect existing agricultural lands (LWRP Policy 12).
- xiii. Promote appropriate use and development of energy and mineral resources (LWRP Policy 13).

6. Enforcement. No action within the Town's waterfront area, which is subject to review under this law, shall proceed until a written determination has been issued from a Town agency that the action is consistent with the Town's LWRP policy standards listed in subdivision 7(i) of this law. In the event that an activity is being performed in violation of this law or any conditions imposed thereunder, the Building Inspector may issue a stop work order and all work shall immediately cease. No further work or activity shall be undertaken on the project so long as a stop work order is in effect. The Building Inspector shall be responsible for enforcing this law, and may be assisted by deputies and the Attorney for the Town.

7. Violations.

- a. A person who violates any of the provisions of, or who fails to comply with any condition imposed by, this law shall have committed a violation punishable by a fine not exceeding three

hundred and fifty dollars (\$350.00) for a conviction of a first offense and punishable by a fine of two thousand dollars (\$2,000.00) for a conviction of a second or subsequent offense. For the purpose of conferring jurisdiction upon courts and judicial officers, each week of continuing violation shall constitute a separate additional violation.

- b. The Attorney for the Town is authorized and directed to institute any and all actions and proceedings necessary to enforce this law. Any civil penalty shall be in addition to and not in lieu of any criminal prosecution and penalty. The Town may also enforce this law by an action for an injunction or other civil proceeding.

8. **Applicability.** This law shall supersede and repeal any previous local regulations regarding consistency with LWRP.

9. **Severability.** The provisions of this law are severable. If any provision of this law is found invalid, such finding shall not affect the validity of this law as a whole or any law or provision hereof other than the provision so found to be invalid.

10. **Effective Date.** This local law shall take effect immediately upon its filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Appendix A

Town of Huron Waterfront Assessment Form (WAF)

A. INSTRUCTIONS (Please print or type all answers)

1. Applicants, or in the case of direct actions, Town of Huron agencies, shall complete this WAF for proposed actions which are subject to the consistency review law. This assessment is intended to supplement other information used by the designated Town agency in making a determination of consistency with the Town of Huron Local Waterfront Revitalization Program.
2. Before answering the questions in Section C, the preparer of this form should review the policies and explanations of policy contained in the Local Waterfront Revitalization Program (LWRP), a copy of which is on file in the Town Clerk's office. A proposed action should be evaluated as to its significant beneficial and adverse effects upon the waterfront area.
3. If any questions in Section C on this form are answered "yes," then the proposed action may affect the achievement of the LWRP policy standards contained in the consistency review law. Thus, the action should be analyzed in more detail and, if necessary, modified prior to making a determination regarding its consistency with the LWRP policy standards. If an action cannot be certified as consistent with the LWRP policy standards, it shall not be undertaken.
4. This form should be filled out by the applicant and submitted to the Town of Huron Building Inspector.

B. DESCRIPTION OF SITE AND PROPOSED ACTION

1. Type of Town of Huron agency action (check appropriate response):
 - (a) Directly undertaken (e.g. capital construction, planning activity, agency regulation, land transaction)

 - (b) Financial assistance (e.g. grant, loan, subsidy)

 - (c) Permit, approval, license, certification

 - (d) Agency undertaking action

2. Describe nature and extent of action:
- _____
- _____
- _____
- _____
3. Location of action (Street or Site Description. Please include the parcel(s) tax map number(s)):
- _____
- _____
4. Size of site:
- _____
5. Present land use:
- _____
6. Present zoning classification:
- _____
7. Describe any unique or unusual landforms on the project site (i.e. bluffs, wetlands, ground depressions, other geological formations):
- _____
- _____
- _____
8. Percentage of site which contains slopes of 15% or greater:
- _____
9. Streams, lakes, ponds or wetlands existing within or continuous to the project area?
- (a) Name
- _____
- (b) Size (in acres)
- _____
10. Is the property serviced by public water? Yes _____ No _____
11. Is the property serviced by public sewer? Yes _____ No _____
12. If an application for the proposed action has been filed with the Town of Huron agency, the following information shall be provided:
- (a) Name of applicant:
- _____
- (b) Mailing address:
- _____

(c) Telephone number: (____) _____

(d) Application number, if any:

(e) Property tax number:

(Please attach copy of tax map with parcel highlighted)

13. Will the action be directly undertaken, require funding, or approval by a State or federal agency? Yes _____ No _____

If yes, which State or federal agency?

C WATERFRONT ASSESSMENT (Check either "Yes" or "No" for each of the following questions)

- | | | | |
|-----|--|------------|-----------|
| 1. | Will the proposed action be located in, or contiguous to, or have a potentially adverse effect upon any of the resource areas identified on the waterfront area map? | <u>YES</u> | <u>NO</u> |
| | | _____ | _____ |
| (a) | Significant fish or wildlife habitats? | _____ | _____ |
| (b) | Scenic resources of local or statewide significance? | _____ | _____ |
| (c) | Important agricultural lands? | _____ | _____ |
| (d) | Natural protective features in an erosion hazard area | _____ | _____ |

If the answer to any question above is yes, please explain in Section D any measures which will be undertaken to mitigate any adverse effects.

- | | | | |
|-----|---|------------|-----------|
| 2. | Will the proposed action have a significant effect upon: | <u>YES</u> | <u>NO</u> |
| (a) | Commercial or recreational use of fish and wildlife resources? | _____ | _____ |
| (b) | Scenic quality of the waterfront environment? | _____ | _____ |
| (c) | Development of future, or existing water dependent uses? | _____ | _____ |
| (d) | Stability of the shoreline? | _____ | _____ |
| (e) | Surface or groundwater quality? | _____ | _____ |
| (f) | Existing or potential public recreation opportunities? | _____ | _____ |
| (g) | Structures, sites or districts of historic, archeological or cultural significance to the Town of Huron, State or nation? | _____ | _____ |

3.	Will the proposed action involve or result in any of the following:	<u>YES</u>	<u>NO</u>
(a)	Physical alteration of land along the shoreline, land under water or coastal waters?	___	___
(b)	Physical alteration of two (2) acres or more of land located elsewhere in the waterfront area?	___	___
(c)	Expansion of existing public services or infrastructure in undeveloped or low density areas of the coastal area?	___	___
(d)	Energy facility not subject to Part VII or VIII of the Public Service Law?	___	___
(e)	Mining, excavation, filling or dredging in waterfront waters?	___	___
(f)	Reduction of existing or potential public access to or along the shore?	___	___
(g)	Sale or change in use of publicly-owned lands located on the shoreline or underwater?	___	___
(h)	Development within a designated flood or erosion hazard area?	___	___
(i)	Development on a beach, dune, barrier island or other natural feature that provides protection against flooding or erosion?	___	___
(j)	Construction or reconstruction of erosion protective structures?	___	___
(k)	Diminished surface or groundwater quality?	___	___
(l)	Removal of ground cover from the site?	___	___
4.	PROJECT		
(a)	If a project is to be located adjacent to shore:	YES	NO
(1)	Will water-related recreation be provided?	___	___
(2)	Will public access to the foreshore be provided?	___	___
(3)	Does the project require a waterfront site?	___	___
(4)	Will it supplant a recreational or maritime use?	___	___
(5)	Do essential public services and facilities presently exist at or near the site?	___	___
(6)	Is it located in a flood prone area?	___	___
(7)	Is it located in an area of high erosion?	___	___

(b)	If the project site is publicly owned:	YES	NO
(1)	Will the project protect, maintain and/or increase the level and types of public access to water-related recreation resources and facilities?	_____	_____
(2)	If located in the foreshore, will access to those and adjacent lands be provided?	_____	_____
(3)	Will it involve the siting and construction of major energy facilities?	_____	_____
(4)	Will it involve the discharge of effluents from major steam electric generating and industrial facilities into waterfront facilities?	_____	_____
(c)	Is the project site presently used by the community neighborhood as an open space or recreation area?	YES	NO
(d)	Does the present site offer or include scenic views or vistas known to be important to the community?	_____	_____
(e)	Is the project site presently used for commercial fishing or fish processing?	_____	_____
(f)	Will the surface area of any waterways or wetland areas be increased or decreased by the proposal?	_____	_____
(g)	Does any mature forest (over 100 years old) or other locally important vegetation exist on this site which will be removed by the project?	_____	_____
(h)	Will the project involve any waste discharges into coastal waters?	_____	_____
(i)	Does the project involve surface or subsurface liquid waste disposal?	_____	_____
(j)	Does the project involve transport, storage, treatment or disposal of solid waste or hazardous materials?	_____	_____
(k)	Does the project involve shipment or storage of petroleum products?	_____	_____
(l)	Does the project involve discharge of toxics, hazardous substances or other pollutants into coastal waters?	_____	_____
(m)	Does the project involve or change existing ice management practices?	_____	_____
(n)	Will the project affect any area designated as a tidal or freshwater wetland?	_____	_____

- (o) Will the project alter drainage flow, patterns or surface water runoff on or from the site? _____
- (p) Will best management practices be utilized to control storm water runoff into coastal waters? _____
- (q) Will the project utilize or affect the quality or quantity of sole source or surface water supplies? _____
- (r) Will the project cause emissions which exceed federal or state air quality standards or generate significant amounts of nitrates or sulfates? _____

D. **REMARKS OR ADDITIONAL INFORMATION** (Add any additional sheets necessary to complete this form)

Preparer's Name (Please print) : _____

Title: _____

Agency: _____

Telephone Number: (_____) _____

Date: _____

If assistance or further information is needed to complete this form, please contact the Town of Huron Building Inspector at (315) 594-2321.

APPENDIX B – LOCAL AND STATE LAWS

- **Town of Huron Zoning [L] (excerpt)**
- **Town of Huron Dock and Mooring Law**
- **Town of Huron Coastal Erosion Hazard Area Law**
- **Town of Huron Septic System Law**

- **New York State Navigation Law (excerpt)**
- **2010 Property Maintenance Code of New York State**

42.0 SCHEDULE OF REGULATIONS

Except as otherwise provided by this law (including section 42.20 with respect to Land Conservation (LC) Districts, and section 42.30 with respect to Planned Unit Developments), no building or structure or land shall be used, nor shall any building or structure be built or altered, except for the purposes specified in the following Schedule. All buildings, structures and land uses shall also conform to section 45.0, which sets forth Supplemental Regulations.

<http://townofhuron.org/content/Laws/View/41>

PRINCIPAL USE	A5A	R1A	R-15,000	RES	HB	M
Adult Care Facility	S	S	N	N	N	N
Adult Uses	N	N	N	N	S/2	N
Agriculture	P	P/5	P/5	P/5	P/5	P/5
Animal Husbandry	P	P/5	N	N	N	N
Airport, Private	S	N	N	N	N	N
Bar or Tavern	N	N	N	S	P	N
Boarding House	S	S	N	S	N	N
Boat House	N	N	P	P	N	N
Business, Outdoor	S	N	N	S	S	S
Business Retail/ Wholesale, Small	P	S	N	S	P	S
Business Retail/ Wholesale, Medium	S	S	N	S	P	S
Business Retail/ Wholesale, Large	S	N	N	N	S	S
Cabin, Hunting and Fishing	P	P	N	P	N	N
Camp-ground	S	S	N	S	S	N
Camping	L	L	L	L	N	N
Car Wash	N	N	N	N	P	P
Carnival	S	S	N	S	S	S
Cemetery	S	N	N	N	N	N
Church	S	S	S	S	S	N
Circus	S	S	N	S	S	S
Clinic, Medical or Dental	S	S	N	N	P	N
Clubhouse	S/5	S/5	S/5	S/5	P/5	N
College	S	S	N	N	N	N
Cottage Colony	N	S	N	S	N	N
Cottage, Duplex	N	S	N	P	N	N
Cottage, One Unit	N	S	N	P	N	N
Crematorium	S	N	N	N	N	P
Day Care Facility	S	S	N	N	S	N
Dock, Boat	N	N	P	P	N	N
Drive-In Business	S	N	N	S	P	S
Dwelling, Duplex	P	P	N	N	N	N

PRINCIPAL USE	A5A	R1A	R-15,000	RES	HB	M
Dwelling, Multi-Family	S	S	N	N	N	N
Dwelling, One Family	P	P	P	P	N	N
Dwelling, Row or Town House	N	S	N	N	N	N
Dwelling, Two-Family	P	P	N	N	N	N
Factory	S	N	N	N	N	P
Fair	S	S	N	S	S	S
Farm	P	P	N	P	P	P
Farm, Fur	S	N	N	N	N	N
Farm, Pig	S	N	N	N	N	N
Food Processing Industry	S	N	N	N	N	P
Fraternity House or Dormitory	S	S	N	N	N	N
Funeral Home	N	N	N	N	P	N
Garage, Parking	N	N	N	N	P	S
Golf Course	S	S	S	S	N	N
Hospital	S	N	N	N	N	N
Hospital, Animal or Veterinary Clinic	S	S	N	N	N	N
Hotel	N	S	N	S	P	S
Junk Yard	S	N	N	N	N	S
Kennel	S/10	S/10	N	N	N	N
Laundry	S	N	N	S	P	S
Library	S	N	N	S	P	N
Machine Shop	S	N	N	N	P	P
Manufactured Home	P	N	N	N	N	N
Manufactured Home Community	S	S	N	S	N	N
Manufactured Home, Residential Design	P	P	P	P	S	N
Marina	N	N	N	S	P	N
Migrant Labor Camp	S/10	N	N	N	N	N
Motel	S	S	N	S	P	S
Motor Freight Terminal	S	N	N	N	S	P
Motor Vehicle Service Station	S	N	N	N	P	P
Nursery School	S	S	N	N	S	N
Nursing Home	S	S	N	N	N	N
Office, Professional	S	S	N	N	P	P
Office, Home	P	P	S	S	N	N
Park	S	S	S	S	N	N
Parking, Commercial	S	S	N	N	P	S

PRINCIPAL USE	A5A	R1A	R-15,000	RES	HB	M
Place of Public Assembly	S	S	N	S	S	N
Playground	S	S	S	S	N	N
Poultry House, Cage Type	S	N	N	N	N	N
Quarry or Pit	S	N	N	N	N	S
Restaurant	S	S	N	S	P	S
Riding Academy	S	S	N	N	N	N
Rod and Gun Club	S	N	N	N	N	N
Sanitarium	S	S	N	N	N	N
Sawmill	S	N	N	N	N	P
School	S	S	N	N	N	N
Skating Rink	N	S	N	N	P	N
Stable, Private	P	P/5	N	N	N	N
Stable, Public	S/10	S/10	N	N	N	N
Storage, Boat	S	S	N	S	S	S
Storage Container (one)	P	N	N	N	S	S
Storage Container (two or more)	S	N	N	N	S	S
Storage, Open	P	S	N	N	S	S
Storage of Flammable Liquids	S	N	N	N	S	P
Telecommunications Facilities, including Commercial Antennas and Telecommunications Towers	S	S	N	N	S	S
Theater	N	N	N	N	P	N
Tourist Home	S	S	S	S	P	N
Trailer, Camper or Travel Trailer	L	L	L	L	N	N
Transportation Terminal	S	N	N	N	P	P
Utility Facilities	P	N	N	N	N	P
Utility Distribution Lines	P	P	P	P	P	P
Vehicle Sales Area	S	N	N	N	P	S
Warehouse	P	N	N	N	P	P
WECS, Commercial	S/5	N	N	N	N	N
WECS, Non-commercial, not more than 100 feet in Total Height	P/5	S/5	N	N	S	S
WECS, Non-commercial, greater than 100 feet in Total Height	S/5	S/5	N	N	S/5	S/5

Key to Schedule of Regulations:

Symbol	Meaning
P	Permitted in this district.
N	Not permitted in this district.
S	Permitted with Special Permit from the Board of Appeals, as provided by section 43.0 of this law.
/2	A minimum lot of 2 acres required for this use in this district.
/5	A minimum lot of 5 acres required for this use in this district.
/10	A minimum lot of 10 acres required for this use in this district.
L	Permitted with a license issued by the Building Inspector.

42.01 Permitted Accessory Uses, Buildings and Other Structures

The following accessory uses of land, buildings and structures shall also be permitted to the extent the principal use is permitted:

(a) Accessory buildings and structures customarily associated with the permitted principal uses, buildings and other structures.

(b) In a dwelling, the keeping of not more than two roomers or boarders, and customary home occupations.

(c) At the side and rear of a dwelling, outdoor storage of boats, boat trailers and cargo trailers, which shall be owned for personal use by a visitor or a person residing on the premises.

(d) At the side and rear of a dwelling, a private garage or open parking for operative passenger vehicles owned by a person residing or visiting on the premises.

(e) At the side and rear of a dwelling, an outdoor swimming pool not operated for gain, subject to the additional provisions of section 45.20(cc) of this law.

(f) On a farm, open or enclosed storage of machinery or vehicles customarily associated with farming operations, provided, however, that the storage shall not be allowed in the front yard of a dwelling which front yard, for purposes of this section, shall extend a minimum of 50 feet from each side building line.

(g) Off-street parking for commercial vehicles while loading and unloading as required by section 45.20(v) of this law.

(h) Off-street private parking and automobile storage space as required by section 45.20(v) of this law.

(i) Signs, to the extent permitted by section 45.20(aa) of this law.

(j) Temporary structures, to the extent permitted by section 45.20(dd) of this law.

(k) A parcel may have up to one storage shed. A small storage shed shall be exempt from area and yard requirements set forth in section 42.02 of this law, except that all storage sheds shall be at least five (5) feet from any lot line and at least ten (10) feet from the public right-of-way, and shall comply with section 45.20(u) of this law related to obstruction of vision.

42.02 Area, Yard, Coverage, Height and Related Requirements. The area, yard, coverage, and other requirements established by this section apply to all permitted uses for which special criteria are not established elsewhere in this law.

(a) Schedule of Minimum Areas and Yards. All buildings and structures shall comply with the following minimum area and yard restrictions (except that corner lots shall comply with more restrictive provisions contained in section 42.02(b) of this law):

District	Use	Lot Size	Lot Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
A5A	All uses	5 acres	400	50	50	50
R1A	Dwelling	1 acre	200	50	10	25
R1A	All other uses	1 acre	200	75	20	50
R-15,000	Dwelling with both public sewer and water	15,000 square feet	100	30	10	25
R-15,000	All other dwellings	1 acre	100	30	10	25
R-15,000	All other uses	1 acre	100	50	10	25
RES	All uses	1 acre	100	75	10	25
HB	All uses	1 acre	200	80	30	50
M	All uses	5 acres	400	75	25	50

(b) Corner Lots. All buildings and structures on corner lots shall comply with the following minimum yard restrictions:

District	Use or Location	Lot Size	Lot Width (feet)	Front Yard (feet)	Other Corner Yard (feet)	Other Side Yard (feet)	Rear Yard (feet)
A5A	All uses	5 acres	400	50	50	50	50
R1A	Dwelling	1 acre	230	50	50	10	25
R1A	All other uses	1 acre	235	75	75	20	50
R-15,000	Dwelling with both public sewer and water	15,000 square feet	110	30	30	10	25
R-15,000	All other dwellings	1 acre	210	30	30	10	25
R-15,000	All other uses with both public water and sewer	1 acre	110	50	50	20	35
R-15,000	All other uses	1 acre	210	50	50	20	35
RES	All lots on bay or lake	1 acre	100	75	10	10	25
RES	All other locations	1 acre	100	50	50	10	25
HB	All uses	1 acre	240	80	80	20	50
M	All uses	5 acres	400	75	50	50	50

(c) Coverage. The maximum coverage on a lot shall be as follows:

District	Maximum Coverage (percentage)
A5A	5
R1A	7
R-15,000	20
RES	20
HB	20
M	60

(d) Height. No building or other structure shall exceed 35 feet in height, except that in an Agriculture (A5A) District, a building may exceed 35 feet in height, provided each yard (front, rear and side) exceeds the minimum set by this section 42.02 by at least one foot

for each foot of height above 35 feet.

(e) Lake Shore or Bay Shore Properties. No part of any building or structure, except fences not more than four feet in height, shall extend nearer to the mean highwater mark as established by the United States Corps of Engineers at the time of application for the building permit than 75 feet, provided, however, that the Board of Appeals may allow such construction nearer to the mean highwater mark as so established to a line in conformity with apparent uniform setback of structures on immediately adjoining properties, and may allow boathouses nearer such highwater mark if they do not obstruct the neighbors' view.

(f) Substandard Lots. In all districts, a one-family dwelling, cottage or cabin may be constructed on a lot of record existing prior to this enactment, not adjoined by other land in the same ownership, provided that the other requirements of this law are satisfied, including applicable lot width, yard, coverage and height requirements, and provided:

(1) Agriculture. The minimum lot area in an Agriculture (A5A) District shall be one acre.

(2) Resort. In Resort (RES) Districts, no dwelling structure shall be placed closer to the shore line than a line in conformity with apparent uniform setback of structures on immediately adjoining properties, and where the depth of the lot is substandard or insufficient due to erosion of the lake or bay shore, the minimum front and rear yard shall be 25 feet.

(g) Driveways and Street Access.

(1) Approval of Highway Superintendent. No driveway or entrance or exit to a public street shall be constructed without the prior approval of the Town Highway Superintendent, who shall base his or her determination upon considerations of safety, and the cost and complexity of road maintenance.

(2) Intersections. No driveway or any entrance or exit centerline shall intersect a street line less than 70 feet from the intersection of any two street lines. All driveways or entrances shall intersect the street line at an angle of 90 degrees.

(3) Highway Business and Industrial Districts. Establishments in Highway Business (HB) and Industrial (M) Districts shall comply with the following requirements:

(A) There shall be no more than one entrance and exit per establishment on any individual public street, and the distance between the entrance and exit centerlines, if separate, shall not be less than 100 feet in any instance.

(B) No entrance or exit shall have a width greater than 50 feet.

(4) Use of Residential Driveways. No driveway or other means of access for vehicles other than a public street shall be maintained or used in an Agriculture (A5A), Rural Residential (R1A), Medium Density Residential (R-15,000), or Resort (RES) District for the servicing of any use located in a Highway (HB) Business or Industrial (M) District.

(h) Dwellings. Dwellings shall comply with the following additional requirements:

(1) Ground Floor Space. The minimum ground floor space per dwelling unit (not including open or enclosed porches, basements, garages, or carports) shall be:

Type of Dwelling	Minimum Ground Floor Space (Square Feet)
One story	864
1-1/2 story	720
Two story	576

(2) Foundations. All foundations shall be continuous and of masonry construction.

(3) Slope of Yards. No building containing dwelling units shall be constructed, nor shall any existing building be altered, so as to contain dwelling units where the surface grade of the front yard at the front wall of such building shall be less than one foot above the centerline of the street, unless the builder shall show this in his or her plans and provide for adequate storm drainage away from the building. The Building Inspector may approve or disapprove such storm drainage, plan except that no minus gradient shall be established within 15 feet of the front wall or within six feet of either side wall or the rear wall, of the building.

(4) Yard Slope Exceptions for Private Garages on Steep Slopes. Where the topography is such that the slope of the land exceeds fifteen (15%) percent and, therefore, access to a private garage built back of the front building line as required by this law is impracticable, it shall be permissible to place such building not exceeding 12 feet in height within the front yard space, but not closer to the street right of way than 18 feet.

(5) Frontage. No dwelling shall be erected on a lot which does not abut on at least one street for a distance of not less than 40 feet.

(6) Behind Another Building. No building in the rear of a main building on the same lot may be used for residential purposes, except for domestic employees of the occupants of the main building. No dwelling may be built or erected directly behind another dwelling having access on the same street and within 200 feet thereof. "Directly behind another dwelling" means with more than one-half the width of the structure so placed.

(i) Cabins, Hunting and Fishing. No hunting and fishing cabins shall be placed less than 250 feet from any property line.

(j) Decks. Decks not over 3 feet in height (measured from average grade to floor level of the deck) may be constructed to within half the required yard setback, except no such yard shall be less than 10 feet. These decks are to remain open, with no part within the otherwise required yard being enclosed.

42.10 Highway Business and Industrial Districts. All lots and buildings and other structures in Highway Business and Industrial Districts shall comply with the following additional requirements:

(a) Landscaping. All lots shall be appropriately landscaped particularly at the front. Properties abutting non-business districts shall be planted to shrubs and trees for a width of not less than 15 feet on the side and rear property lines, except that such planting shall not be required where the adjoining property in the abutting non-business district is in the same ownership.

(b) Floor Area Ratio. The maximum floor area ratio shall be 0.10 in a Highway Business (HB) District, and 1.8 in an Industrial (M) District.

42.20 Land Conservation District. The Land Conservation District (LC) shall be that property within the Town of Huron owned by the People of the State of New York and acquired through its Department of Environmental Conservation and/or State Parks Commission. Upon sale or transfer of such property by the State, such property may only be used as a park.

42.30 Planned Development District. Provision for planned unit developments is included in this law to permit the establishment of areas in which diverse uses may be brought together in a unified plan of development. In a Planned Development District (PD), land and buildings may be used for any purpose to the extent permitted elsewhere in this law, provided the other requirements of this law are satisfied.

(a) Size. The minimum district size shall be 50 acres.

(b) Width. The minimum district width shall be 1,500 feet.

(c) Standards. The standards for specific uses of land and buildings shall be the least strict standards permitted by this law in any other district (i.e. smallest lot size, setback, etc.).

(d) Procedure for Establishment of a Planned Development District.

(1) Application. Application for the establishment of a Planned Development District shall be made to the Town Board.

(2) Referral to Planning Board. The Town Board shall refer the application for a Planned Development District to the Planning Board for a report. Only after the receipt of such required report or not less than 30 days after such referral in the event of the Planning Board's failure to act may the Town Board consider the application for a Planned Development District.

(3) Requirements of Planning Board. The Planning Board may require the applicant to furnish such preliminary drawings and specifications as may be required for an understanding of the proposed development. In addition to the standards of this section 42.30, the Planning Board shall consider, among other things the need for the proposed use in the proposed location, the existing character of the neighborhood in which the Planned Development is proposed, the safeguards needed to minimize possible detrimental effects of the proposed Planned Development District on adjacent property and its consistency with the Town's Comprehensive Plan.

(4) Approval of Planning Board. Within 30 days of the referral, the Planning Board shall approve, approve with modifications or disapprove such application and shall report its decision to the Town Board.

(5) Action by the Town Board. Upon receipt of a report from the Planning Board or in not less than 30 days after referral of the request for the establishment of a Planned Development District to the Planning Board in the event of the Planning Board's failure to act, the Town Board may arrange for a Public Hearing as required by Sections 264 and 265 of the Town Law for a change in the Zoning Law. The Town Board after a public hearing may amend the Zoning Law so as to provide for the Planned Development District.

(6) Effect of Town Board Approval of Planned Development District. The effect of granting permission for the establishment of the Planned Development District by the Town Board shall be limited to the specific proposal presented for approval within the area designated and according to the plans and specifications submitted. If, after the passage of two years from the date of approval of a Planned Development District, construction has not started, the approval given under the terms of this section 42.30 is revoked and the land returned to the classification which it held prior to any action consummated pursuant to the provisions of this section 42.30.

43.0 SPECIAL PERMITS

43.10 Procedure

(a) Application to the Building Inspector. As provided by section 50.2 of this law, application for a building permit shall be made to the Building Inspector prior to the commencement of the excavation for, or the construction of any building or structure or the use of land. If, upon receipt of such application, the Building Inspector determines the excavation, construction or use of land for which the application is made requires the issuance of a special permit, he or she shall, within five days of its receipt, forward the application to the Board of

DOCK AND MOORING LAW

Town of Huron

Local Law No. 5 of 2005

<http://townofhuron.org/content/Laws/View/49>

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1.0 Title.

This law shall be known and may be cited as the “Dock and Mooring Law of the Town of Huron.”

2.0 General Intent.

Acting for the common good, the Town of Huron herein exercises its authority to enact and enforce a law addressing issues relating to the placement, construction and use of structures in and/or on any public waterway bounding or within the Town to a distance of fifteen hundred (1500) feet from shore as authorized by the New York State Navigation Law §46-a (2), the Municipal Home Rule Law and the Town Law, in a manner to protect the interests of waterfront property owners and the general public.

3.0 Applicability of this Law.

On and after the *effective date*, this law shall apply to all waterfront property in the Town, and to all *docks, piers, boathouses, boat hoists*, or other *structures* or *moorings* in or on waters within or surrounding the Town to a distance of 1,500 feet from shore. This law does not abrogate the regulatory authority of the New York State Department of Environmental Conservation (hereinafter referred to as the DEC), New York State Office of General Services (hereinafter referred to as the OGS) or the U.S. Army Corps of Engineers (hereinafter referred to as the Corps of Engineers), nor does it release anyone from compliance with regulations issued by these or other Federal or State agencies having jurisdiction over the use of public waterways as hereinafter set forth. All docks, piers, boathouses, boat hoists, and other structures and moorings shall comply with this and all other applicable laws and regulations of the Town, DEC, Corps of Engineers and any other New York State and federal laws , agencies and authorities having jurisdiction.

(Terms appearing in *bold italics* are described or defined in Section 13.: Glossary of Terms.)

4.0 Residential Waterfront Parcels.

4.1 **New Construction.** A seasonal or permanent *dock, pier* or *boat house* for private use in association with a *residential waterfront parcel* (including *rights-of-way* granted in conjunction with residential parcels) shall be constructed in conformance with the existing regulations of the DEC and Corps of Engineers. In addition:

4.1.1 **Set-back.** A *dock, pier*, or other *structure* shall be constructed no closer than ten (10) feet from an adjacent property line projection. The projection of *Riparian Zone* lot lines over the water shall be determined in accordance with OGS Regulations, Part 274.

Information regarding the method of determining *riparian zone* lot lines is available from the office of the Dock and Mooring Inspector.

- 4.1.2 **Height.** No portion of a *dock, pier* or other *structure* extending over the water shall be higher than five (5) feet above the *mean high water level*, except an uncovered, open wall structure *boat hoist*. Information regarding the method of determining height is available from the office of the Dock and Mooring Inspector.
- 4.1.3 **Other Specifications.** A *dock, pier* or other *structure* shall, at all times, be maintained in safe and sound condition in conformity with generally accepted standards. All new construction of *docks, piers* or other *structures* on and/or in the water shall meet the following construction standards and criteria:
- (A) All *docks* and *piers* shall be constructed of sturdy, durable and stable materials capable of maintaining position and location, supporting pedestrian traffic and resisting reasonable lateral loads resulting from wind, wave and impact forces.
- (B) *Dock* and *pier* surfaces shall be parallel to the water surface except for a gangway from the shoreline onto/or between such dock or pier.
- (C) *Docks* and *piers* shall be constructed, where possible, in a manner that permits the free circulation of water, reduces the effects of fluctuating water levels and prevents adverse modification of the shoreline.
- 4.1.4 **Repair or Removal.** A *dock, pier, boathouse, boat hoist* or other *structure* that falls into disrepair must be repaired or removed within one (1) year from the date cited as a hazard by the Dock and Mooring Inspector.
- 4.1.5 **Permit.** A permit shall be required from the Town, issued by the Dock and Mooring Inspector, for construction of a *dock, pier, berth, boat hoist* or other *structure* in conformance with Sections 4.1.1 - 4.1.4 for private residential use in association with a *residential waterfront parcel*. See Section 7.: Permits.
- 4.1.6 **Boathouse, Boat Station, Boat Accessory Structure and Mooring.** Construction of a *boathouse, boat station* or *boat accessory structure* above a deck or in connection with a *dock, pier* or other *structure*, or installation of a *mooring or dolphin*, shall only be permitted by variance issued by the Board of Appeals. See Section 9.: Appeal.

4.1.7 **Rental.** Apart from rental properties which include access to the water by way of an existing structure, no private *dock, pier, berth, boathouse, boat hoist* or *floating accommodation for living* may be rented or offered for hire separately without a special permit from the Town. See Section 7.: Permits.

4.1.8 **Anchorage and Mooring Restrictions.** No *houseboat, boat* or *barge* or other *floating accommodation to be used for residential living* may be moored or anchored within a residential *littoral zone* or any waters surrounding or within the Town of Huron within a distance of 1,500 feet from the shoreline **for more than three (3) days** without a special permit. The permit shall clearly state any limitations on the length of time such anchorage or mooring is permitted.

4.2 **Existing Structure.** A *structure, dock, pier, boat hoist, boat house* or *mooring* for private residential use existing on the *effective date of this law*, which is verified in writing to the Dock and Mooring Inspector, as provided by Section 4.2.1 below, either (A) in writing within one (1) year of the *effective date* of this law, or (B) by pictography created in 2006, shall be exempt from the requirements of Sections 4.1.1 - 4.1.5 of this law, provided it is not located in a *public access area (public right-of-way)* and does not extend into the waterway so as to constitute a hazard to safe navigation.

4.2.1 **Verification.**

(A) Written verification identifying the waterfront parcel and any *dock, pier, boat hoist, boat house, mooring* or other *structure* or facility, permanent or seasonal, existing on the *effective date of this law*, must be received by the Dock and Mooring Inspector within one (1) year of the *effective date* of this law. Verification forms are available from the Dock and Mooring Inspector.

(B) The written verification of a *dock, pier, boat hoist, boat house* or other *structure* must identify the owner of the parcel or the person having a legal *right-of-way*, the parcel number with street address, a description including dimensions and a recent photograph clearly showing the *structure* as it appears.

(C) The written verification of a *mooring* must include the information specified in (B) above and in addition, a copy of the permit or verification received from all other authorities having jurisdiction.

(D) As an alternative to written verification as set forth above, any structure, dock, pier, boat hoist, boat house or mooring shown on pictography created in 2006 on file with the Town shall be determined

by the Dock and Mooring Inspector to be existing on the effective date of this law.

(E) Any structure or facility which is not verified as herein required, will upon inspection, be required to conform to the requirements of Section 4.1 above, regardless of when it was constructed or installed.

4.2.2 **Repair and Replacement.** Any non-conforming *dock, pier, boathouse, boat hoist* or other *structure* may be repaired or replaced within two (2) years of the *effective date* of this law and remain exempt from the provisions of Sections 4.1.1 – 4.1.5 above. Thereafter, a damaged or destroyed *structure* shall be reconstructed in compliance with the provisions of Section 4.1 above, when the value of the work to repair or replace is more than fifty percent (50%) of the *structure's* value.

4.2.3 **Removal.** A *dock, pier, boathouse, boat hoist* or other structure that falls into disrepair and has not been repaired or removed within two (2) years from the *effective date* of this law, shall be cited by the Dock and Mooring Inspector for removal within ninety (90) days from the date the citation is issued.

4.2.4 **Alteration or Expansion.** Any alteration or expansion of an existing permanent *dock, pier, boathouse, boat hoist* or other *structure* must be constructed in conformance with the provisions of Section 4.1 above.

4.2.5 **Rental.** Apart from rental properties which include access to the water by way of an existing structure, no private *dock, pier, berth, boathouse, boat hoist* or *floating accommodation for living* may be rented or offered for hire separately without a special permit from the Town. See Section 7.: Permits.

4.2.6 **Anchorage and Mooring Restrictions.** No *houseboat, boat* or *barge* or other *floating accommodation to be used for residential living* may be moored or anchored within a residential *littoral zone* or any waters surrounding or within the Town of Huron within a distance of 1,500 feet from the shoreline **for more than three (3) days** without a special permit. The permit shall clearly state any limitations on the length of time such anchorage or mooring is permitted.

5.0 **Non-Residential Waterfront Parcels; Commercial or Industrial Use.** Commercial or industrial development, uses associated with *non-residential waterfront parcels*, and other uses not covered by Section 4.0, shall be in compliance with this and other laws and regulations of the Town of Huron, DEC, and the Corps of Engineers, and any other New York State and Federal laws or

regulations governing such development and use. Existing permanent **structures** shall be subject to an annual inspection and determination by the Town as to compliance. In addition:

5.1 **New Construction – Commercial or Industrial Use.** No seasonal or permanent **dock, pier, berth, boat hoist, boat house** or other **structure** for commercial or industrial use, used in association with a **non-residential waterfront parcel**, or used for any other use not covered by Section 4.0, shall be constructed without a special permit. See Section 7: Special Permit. Construction shall be in compliance with the following unless otherwise approved by a variance granted by the Board of Appeals:

5.1.1 **Setback.** A **dock, pier, berth, boat hoist** or other **structure** shall be constructed no closer than ten (10) feet from an adjacent property line projection. The projection of **Riparian Zone** lot lines over the water shall be determined in accordance with OGS Regulations, Part 274. Information regarding the method of determining **riparian zone** lot lines is available from the office of the Dock and Mooring Inspector.

5.1.2 **Height.** No portion of a **dock, pier** or other **structure** extending over the water shall be higher than five (5) feet above the **mean high water level**. Information regarding the method of determining height is available from the office of the Dock and Mooring Inspector.

5.1.3 **Other Specifications.** A **dock, pier** or **other structure** shall, at all times, be maintained in safe and sound condition in conformity with generally accepted standards. All new construction of **docks, piers** or other **structures** on and/or in the water shall meet the following construction standards and criteria:

(A) All **docks** and **piers** shall be constructed of sturdy, durable and stable materials capable of maintaining position and location, supporting pedestrian traffic and resisting reasonable lateral loads resulting from wind, wave and impact forces.

(B) **Dock** and **pier** surfaces shall be parallel to the water surface except for a gangway from the shoreline onto such dock or pier. A gangway shall be covered with a nonskid material.

(C) **Docks** and **piers** shall be constructed, where possible, in a manner that permits the free circulation of water, reduces the effects of fluctuating water levels and prevents adverse modification of the shoreline.

(D) Where appropriate, construction of **structures** shall include guard rails, hand rails, and adequate lighting.

5.2 **Existing Structures - Commercial.** A *structure, dock, pier, boat hoist, boat house* or *mooring* for commercial use existing on the *effective date of this law*, which is verified to the Dock and Mooring Inspector, as provided by Section 5.2.1 below, either (A) in writing within one (1) year of the *effective date* of this law, or (B) by pictography created in 2006, shall be exempt from the requirements of Sections 5.1.1 – 5.1.3 above, provided it is not located in a *public access area (public right-of-way)* and does not extend into the waterway so as to constitute a hazard to safe navigation.

5.2.1 **Verification.** Written verification identifying the waterfront parcel and any *dock, pier, boat hoist, boat house, mooring* or other *structure* or facility, permanent or seasonal, existing on the *effective date of this law*, must be received by the Dock and Mooring Inspector within one (1) year of the *effective date* of this law. As an alternative to written verification as set forth above, any *dock, pier, boat hoist, boat house, mooring* or other *structure* or facility, permanent or seasonal, shown on pictography created in 2006 on file with the Town shall be determined by the Dock and Mooring Inspector to be existing on the *effective date of this law*. Any structure or facility which is not verified as herein required, will upon inspection, be required to conform to the requirements of Section 5.1 above, regardless of when it was constructed or installed. Verification forms are available from the Dock and Mooring Inspector.

5.2.2 **Repair and Replacement.** Any non-conforming *dock, pier, boathouse, boat hoist* or other *structure* may be repaired or replaced within one (1) year of the *effective date* of this law and remain exempt from the provisions of Sections 5.1 – 5.1.3 above. Thereafter, a damaged or destroyed *structure* shall be reconstructed in compliance with the provisions of Section 5.1 above, when the value of the work to repair or replace is more than fifty percent (50%) of the *structure's* value.

5.3 **Repair or Removal.** A *dock, pier, boathouse, boat hoist* or other *structure* must be closed to public access immediately upon citation as a hazard by the Dock and Mooring Inspector, and repaired or removed within six (6) months from the date cited.

5.4 **Off-street Parking.** Off-street parking shall comply with requirements of the Town of Huron Zoning Law.

6.0 **Anchorage and Mooring.** Regulations for an overnight anchorage or *mooring* in public waterways are established by the Corps of Engineers, as well as other state and federal agencies. Overnight anchoring or *mooring* is allowed at permitted private moorings or within designated *mooring* areas only.

6.1 Private Moorings.

- (A) Use of private moorings, outside designated mooring areas, are permitted by special permit only. See section 7.2.
- (B) A boat moored or anchored outside a designated **mooring** area must have a mooring light as required by the New York State Navigation Law, section 43(2)(i).

6.2 Designated Mooring Areas. To the extent that specific areas for overnight anchorage or seasonal moorings are officially designated on a navigational chart, overnight anchoring and mooring are permitted.

7.0 Permits. Beginning on the *effective date* of this law, permits shall be required as outlined below. A copy of permits or other documentation issued by the DEC and/or the Corps of Engineers shall be provided to the Dock and Mooring Inspector before he or she issues a permit.

7.1 Permit. A permit issued by the Dock and Mooring Inspector shall be required for the construction or installation of a seasonal or permanent **dock**, **pier**, **boat hoist** or any other **structure** in compliance with the provisions of Section 4.1. The application for such permit must be submitted by the owner of the parcel or an agent acting for the owner. Applications are available from the office of the Dock and Mooring Inspector. This shall be a “one time” permit with applicable fee for the life of the installation.

7.2 Special Permit. A special permit subject to a public hearing and approval by the Board of Appeals shall be required for the following:

- (A) Rental of private seasonal or permanent **docks**, **piers** or other **structures** on residential waterfront parcels.
- (B) Anchorage or mooring of a houseboat, or any other floating facility designed to provide residential living accommodations, on or within the waters of the Town of Huron.
- (C) Commercial development and use of waterfront property.

7.2.1 Special Permit Procedures. The Board of Appeals is authorized to grant a special permit for any **structure** or facility to be constructed for private use that does not conform to the requirements of Section 4.0 above.

7.2.1.1 Application. An application must be submitted to the Dock and Mooring Inspector’s office for a special permit with the applicable fee as determined by the Town of Huron. The

application shall include plot identification, a description of the proposed project and a plot plan drawn to scale, accurately dimensioned. The plan must show the following

- (i) the location of all existing *docks, piers, boathouses*, or other *structures* abutting or used in conjunction with the parcel in question, including off-street parking, if any;
- (ii) the location of the proposed *dock, pier, boathouse* or other *structure* on the parcel in question;
- (iii) the location of any *dock, pier, boathouse* or other *structure* within 200 feet of the existing or proposed *dock, pier, boathouse* or other *structure*; and
- (iv) the applicant's parcel lines and their extensions into the *riparian zone*.

The applicant shall provide such other information as the Board of Appeals may require, including but not limited to

- (v) filings with or permits from federal, state and county authorities;
- (vi) description of the manner of construction and materials to be used; and
- (vii) evidence of ownership or possessory right, by easement, license, right-of-way or other regarding the abutting shoreline, grants or leases pursuant to Article 6 of the Public Lands Law of the State of New York, regarding lands under water.

7.2.1.2 Hearing on Application. The Board of Appeals shall fix a reasonable time for the hearing of such application and, not fewer than 10 days prior to the hearing date, publish a notice at least of such hearing once in the official newspaper of the Town of Huron. The Board of Appeals shall give written notice of such hearing to the applicant, the property owners with adjoining property, the DEC and the Corps of Engineers.

7.2.3 Special Permit Determination. The Board of Appeals, after the public hearing, shall not grant the special permit unless it shall first determine that:

- (A) The design and location of the proposed use will not adversely or unreasonably impact the public health, safety, welfare and convenience of the community.
- (B) The proposed use will not cause substantial injury to the value or beneficial use of other property in the vicinity where it is to be located or infringe the riparian rights of other littoral parcels.
- (C) The proposed use will be compatible with the adjoining property and require such conditions as may be necessary to afford protection for such adjoining property.
- (D) The proposed use will not impair navigational safety or unduly burden the free and open use of the waters bounding or within the Town of Huron to a distance of 1,500 feet from the shoreline.
- (E) The proposed use complies with all applicable requirements of town, state and federal laws, requirements, or the special permit is conditioned upon such compliance.
- (F) The requirements of the State Environmental Quality Review Act have been complied with.
- (G) The effect of the proposed use will not detrimentally impact upon the logical, efficient and economical provision of public services, such as police and fire protection, streets, water and sewer, public parking and public recreation facilities.
- (H) Conditions have been imposed as may be necessary to ensure that the intent of town, state and federal laws are complied with. Such conditions may include modification of the design, size and location of the proposed use, the minimizing of noxious, offensive or hazardous elements, and adequate standards for parking, lighting and sanitation.

7.2.4 Special Permit Duration. A special permit granted and issued under this law shall be for an indefinite duration, unless the Board of Appeals specifies an expiration date. Notwithstanding, the Board of Appeals may modify, suspend or revoke a permit for cause.

7.2.4.1 The Board of Appeals may reevaluate the circumstances and conditions of any permit issued under this law on its own motion, upon request of the grantee, a third party, or the Dock and Mooring Inspector.

7.2.4.2 The Board of Appeals may modify, suspend for a definite duration or revoke a permit as may become necessary in

consideration of public interest. Among the factors to be considered are

- (i) the extent of the compliance by the grantee with the terms and conditions of the permit;
- (ii) whether or not circumstances relating to the authorized activity have changed since issuance of the permit and the continuing adequacy of the permit conditions;
- (iii) whether or not there are significant objections to the authorized activity that did not exist earlier;
- (iv) revisions of applicable statutory or regulatory authorities; and
- (v) the extent to which modification, suspension or revocation would adversely affect plans, investments and actions the grantee has reasonably made or taken in reliance on the permit.

7.2.4.3 The Board of Appeals shall not modify, suspend for a definite duration or revoke any permit granted pursuant to this law until after a public hearing is held on such proposed action pursuant to Section 7.2.1.2. However, the Board of Appeals may order suspension of any permit prior to the public hearing where immediate action is required in the interest of navigational or public safety, health or welfare.

7.3 **Permit and Inspection Fees.** The Town Board shall set all fees relating to permit application and inspection.

8.0 **Office, Power and Duties of the Dock and Mooring Inspector.** The office of Dock and Mooring Inspector is hereby established. The Town Board shall appoint a Dock and Mooring Inspector, who shall serve at the pleasure of the Town Board, and who shall be responsible to enforce the provisions of this law.

8.1 **Inspections.** The Dock and Mooring Inspector shall periodically inspect all *structures* and *moorings* in any waters bounding or within the Town of Huron within a distance of 1,500 feet from the shoreline. The Dock & Mooring Inspector shall inspect all new construction, and altered (modified) or reconstructed structures for compliance with this Law and/or the conditions of any permit issued for such construction.

8.2 **Complaints.** The Dock and Mooring Inspector shall investigate all written, signed complaints received alleging violations of this law, within thirty (30) days of receipt. The Inspector will notify the complainant in writing of the

findings of the investigation of the complaint and corrective actions taken, if any.

8.3 **Intervention.** The Dock and Mooring Inspector may order that activity cease on any construction site where there are reasonable grounds to believe that the activity being undertaken fails to comply with the conditions of the permit issued for the work in question. Such notice shall be in writing to the persons actually engaged in the activity or to the person(s) responsible for engaging the activity, ordering immediate stoppage of work and shall remain in force until rescinded. Such notice will be conspicuously posted at the construction site with a copy hand delivered or sent by registered mail to the landowner.

8.4 **Records and Reporting.** The Dock and Mooring Inspector shall maintain records of all applications for a permit, with accompanying plans and documents, all verifications received, and all permits granted and issued, which become matters of public record. The Inspector shall make such reports as the Town Board requires and shall report to the Town Board all problems that arise in the administration of this Law.

8.5 **Permits.** The Dock and Mooring Inspector may issue permits as provided by this law. The Dock and Mooring Inspector shall receive and examine special permit applications and appeals for submission to the Board of Appeals.

9.0 **Appeal.** Any person aggrieved by any action of the Dock and Mooring Inspector, any officer, department, board or bureau of the Town of Huron, taken pursuant to the provisions of this law may appeal to the Board of Appeals. Such appeal shall be in the same manner as prescribed in the Town of Huron Zoning Law and in accordance with the rules and regulations of the Board of Appeals. The Board of Appeals shall hear the appeal and decide any question involving the interpretation of this law. The Board of Appeals may grant a variance from the requirements of this law, in accordance with the procedures and standards set forth in the Town of Huron Zoning Law.

10.0 **Enforcement.** The Dock and Mooring Inspector or any law enforcement officer, is empowered to enforce this law. Criminal action may be commenced against any person, firm, corporation or other entity who owns, places, locates, constructs or maintains any *dock, pier, boathouse, structure or mooring* buoy in violation of this law, or any other person who knowingly commits, takes part or assists in such violation.

10.1 **Penalties.** Any person found guilty of violating any provision of this Law, shall be liable for a fine up to but not exceeding \$150.00 (one hundred fifty dollars) or imprisonment not to exceed fifteen (15) days, or both. Each day's failure to comply with the provisions of this law shall constitute a separate violation. The Town of Huron Justice Court is vested with jurisdiction to hear and determine actions brought pursuant to this law.

10.2 Other Remedies. The Town of Huron may initiate an action or proceeding in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of any provision of this law. The Town may also undertake procedures, including a public hearing, under the Town of Huron Building Law for removal of an unsafe *dock* or *structure*.

11.0 Disclaimer. Nothing contained in this law shall impute responsibility or liability to the Dock and Mooring Inspector and/or the Town of Huron for any damage to person or property by reason of an inspection authorized herein or failure to inspect, as required by this law or a permit issued under this law. Nor shall there be any liability for damage to persons or property for the discretionary exercise of duty by the Dock and Mooring Inspector, as provided in this law.

12.0 Language. The language used in this law shall not be limited in application by the tense used, i.e., past, present or future. The use of the word “shall” wherever it appears, sets forth a mandatory condition. All text is understood to be gender neutral.

13.0 Glossary of Terms. The terms used in this law are defined as follows:

Berth – A waterside area adjoining any structure, dock or pier, used to provide wet storage of a boat, yacht or any other floating craft.

Berthing and Mooring Facility – A waterside area consisting of one or more structures, docks, piers or moorings or combination thereof, used to berth or moor boats, yachts or any other floating craft.

Boat Accessory Structure – An enclosed structure used to store boating accessories.

Boat Hoist – Any portable mechanical device used to lower a boat into or lift a boat out of the water.

Boathouse – A permanent enclosed structure that provides storage of boats with or without water access by hoist or rail, wholly or partially supported or constructed below the Mean High Water Level: A roof and one or more enclosed sides is characteristic.

Boat Station – A permanent open-sided boat hoist structure in the water, with a mechanical device to lower a boat into or lift a boat out of the water for storage.

Dock – A dock, wharf, structure or fixed platform extending out over the water, built on or supported by floats, columns, open timber, piles or similar supports.

Easement – A right or privilege a person may have in another’s land, such as a right-of-way or passage through or over.

Effective Date – The date this law becomes effective.

Floating Accommodation for Living – Houseboat, boat or barge or other floating facility designed to provide living accommodations.

Littoral Zone – (Littoral meaning “shore”) - the area bounded by the lot lines extended out over the water, measured from the Mean High Water level of a waterfront lot, for a distance of 1500 feet from the shore.

Mean High Water Level – *247.3 feet above sea level.

Mean Low Water Level – *243.3 feet above sea level.

Mooring or Dolphin– A place or structure to which a vessel is made fast.

Non-Residential Waterfront Parcels – Any waterfront parcel used for commercial or industrial purposes.

Pier – A structure extending out over the water built upon fill, which shall include but shall not be limited to, earth, clay, silt, sand, gravel, stone, rock, shale, concrete (whole or fragmentary), ashes, cinders, slag, metal: Framed, whether or not enclosed, by cribbing, crib work of wood, timber, logs, concrete or metal, bulkheads and cofferdams of timber sheeting, bracing or piling - steel sheet piling or steel H piling, separate or in combination.

Public Access Area – Public Rights-of-way – Streets or rights-of-way open to the public which allow access from land onto any waters bounding or within the town of Huron. These parcels may or may not be publicly owned.

Residential Waterfront Parcel – Any waterfront parcel with or without a structure used for dwelling, or used as a right of way for other parcels used for dwellings, and not used for commercial or industrial purposes.

Right-of-way – A right, license, easement, or lease allowing persons who are not owners or occupants of a waterfront lot to use the waterfront lot for access to the water. Such parcels are not typically municipally owned.

Riparian Zone – (Riparian meaning “bank”, such as riverbank) – the land area adjacent to the shoreline of a waterfront parcel.

Structure – Any facility, obstacle or obstruction located below the Mean High Water Level including but not limited to a pier, wharf, dolphin (buoy), dock, weir, boom, davits, breakwater, bulkhead, revetment, jetty, permanently moored dwelling, boathouse, boat station, permanently moored floating vessels, pilings, or aids to navigation.

* Water levels are those published by the Army Corps of Engineers.

TOWN OF HURON
COASTAL EROSION HAZARD AREA LAW
<http://townofhuron.org/content/Laws>

Local Law No. 4 of 2002
as amended by Local Law No. 4 of 2009

ARTICLE I
General Provisions

1.1. Legislative Authority. This law is enacted pursuant to the provisions of Article 34 of the New York State Environmental Conservation Law and Section 10 of the Municipal Home Rule Law.

1.2. Short Title. This law may be referred to as the “Town of Huron Coastal Erosion Hazard Area Law.”

1.3. Effective Date. This local law shall take effect immediately upon filing with the Secretary of State and certification by the Commissioner of the New York State Department of Environmental Conservation, pursuant to 6 N.Y.C.R.R. §505.16 and Section 34-0105 of the New York Environmental Conservation Law.

1.4. Purpose. By this law, the Town of Huron assumes the responsibility and authority to implement and administer a coastal erosion management program within its jurisdiction pursuant to Article 34 of the New York State Environmental Conservation Law. In addition, it is the purpose of this law to:

A. Establish standards and procedures for minimizing and preventing damage to structures from coastal flooding and erosion and to protect natural protective features and other natural resources.

B. Regulate in coastal areas subject to coastal flooding and erosion, land use and development activities so as to minimize or prevent damage or destruction to man-made property, natural protective features and other natural resources, and to protect human life.

C. Regulate new construction or placement of structures in order to place them a safe distance from areas of active erosion and the impacts of coastal storms to ensure that these structures are not prematurely destroyed or damaged due to improper siting, as well as to prevent damage to natural protective features and other natural resources.

D. Restrict public investment in services, facilities or activities which are likely to encourage new permanent development in erosion hazard areas.

E. Regulate the construction of erosion protection structures in coastal areas subject to serious erosion to assure that when the construction of erosion protection structures is justified, their construction and operation will minimize or prevent damage or destruction to

man-made property. private and public property, natural protective features and other natural resources.

1.5. Findings. The Town of Huron finds that the coastal erosion hazard area:

A. Is prone to erosion from action of Lake Ontario. Such erosion may be caused by the action of waves, currents running along the shore and wind-driven water and ice. Such areas are also prone to erosion caused by the wind, runoff of rainwater along the surface of the land or groundwater seepage, as well as by human activities such as construction, navigation and certain forms of recreation.

B. Experiences coastal erosion which causes extensive damage to publicly and privately owned property and to natural resources as well as endangering human lives. When this occurs, individuals and private businesses suffer significant economic losses, as do the town and the state economies, either directly through property damage or indirectly through loss of economic return. Large public expenditures may also be necessitated for the removal of debris and damaged structures and replacement of essential public facilities and services.

C. Experiences erosion-related problems that are often contributed to by man's building without considering the potential for damage to property, by undertaking activities which destroy natural protective features such as dunes or vegetation, by building structures intended for erosion prevention which may exacerbate erosion conditions on adjacent or nearby property and by water action produced by wakes from boats.

D. Is the subject of programs which foster erosion protection structures, either with private or public funds, which are costly, often only partially effective over time and may even be harmful to adjacent or nearby properties. In some sections of the Town major erosion protection structures of great length would be required to effectively reduce future damages due to erosion.

1.6. Definitions. The following terms used in this law have the meaning indicated unless the context clearly requires otherwise:

ADMINISTRATOR - The local official responsible for administering and enforcing this law. The Building Inspector is hereby designated as the Administrator. The powers and duties of this position are more fully described in Section 5.3.

BEACH -- The zone of unconsolidated earth that extends landward from the mean low-water line to the waterward toe of a dune or bluff, whichever is most waterward. Where no dune or bluff exists landward of a "beach," the landward limit of a "beach" is one hundred (100) feet landward from the place where there is a marked change in material or physiographic form or from the line of permanent vegetation, whichever is most waterward. Shorelands subject to seasonal or more frequent overwash or inundation are considered to be "beaches."

BLUFF -- Any bank or cliff with a precipitous or steeply sloped face adjoining a beach or a body of water. The waterward limit of a "bluff" is the landward limit of its waterward natural

protective feature. Where no beach is present, the waterward limit of a "bluff" is mean low water. The landward limit is twenty-five (25) feet landward of the receding edge or, in those cases where there is no discernible line of active erosion, twenty-five (25) feet landward of the point of inflection on the top of the "bluff." (The point of inflection is that point along the top of the "bluff" where the trend of the land slope changes to begin its descent to the shoreline.)

COASTAL EROSION HAZARD AREA MAP -- The final map and any amendments thereof issued by the Commissioner of the New York State Department of Environmental Conservation, which delineates boundaries of coastal erosion hazard areas subject to regulation under this law.

COASTLINE and COASTAL WATERS -- The lands adjacent to the town's coastal waters is the "coastline." The "coastal waters" are Lake Ontario, Great Sodus Bay, East Bay, Port Bay, and their connecting water bodies bays, harbors, shallows, and marshes.

DEBRIS LINE -- A linear accumulation of waterborne debris deposited on a beach by storm-induced high water or by wave action.

DUNE -- A ridge or hill or loose windblown or artificially placed earth, the principal component of which is sand.

EMERGENCY -- A natural or accidental manmade event which presents an immediate threat to life, health, safety, property or the environment.

EMERGENCY ACTIVITIES -- Proposed actions designed to provide structural support to buildings or structures that have incurred or are in imminent peril of occurring structural damage, without which such building or structures may suffer such further failure as may cause them to exacerbate erosion, or increase damage to other buildings, or structures, or to natural or manmade protective features by water or wind borne remnants and debris from such failed buildings or structures.

EROSION -- The loss or displacement of land along the coastline due to the action of waves, currents, wind-driven water, waterborne ice or other impacts of storms. It also means the loss or displacement of land due to the action of wind, runoff of surface waters or groundwaters or groundwater seepage.

EROSION HAZARD AREA -- An area of the coastline which is a structural hazard area or a natural protective feature area.

EROSION PROTECTION STRUCTURE -- A structure specifically designed to reduce or prevent erosion, such as a groin, jetty, revetment, breakwater or artificial beach nourishment project.

EXISTING STRUCTURE -- A structure and appurtenances in existence or one where construction has commenced or one where construction has not begun but for which a building permit has been issued prior to the effective date of this law.

GRADING -- A redistribution of sand or other unconsolidated earth to effect a change in profile.

MAJOR ADDITION -- An addition to a structure resulting in a twenty-five percent (25%) or greater increase in the ground area coverage of the structure other than an erosion protection structure or a pier dock or wharf. The increase will be calculated as the ground area coverage to be added, including any additions previously constructed under a coastal erosion management permit, divided by the ground area coverage of the existing structure as defined above.

MEAN LOW WATER -- The approximate average low water level for a given body of water at a given location determined by reference to hydrological information concerning water levels or other appropriate tests.

MOVABLE STRUCTURE -- A structure designed and constructed to be readily relocated with minimum disruption of the intended use. Mobile homes and structures built on skids or piles and not having a permanent foundation are example of "movable structures."

NATURAL PROTECTIVE FEATURE -- A nearshore area, beach, bluff, primary dune, secondary dune or marsh and their vegetation.

NATURAL PROTECTIVE FEATURE AREA -- A land and/or water area containing natural protective features, the alteration of which might reduce or destroy the protection afforded other lands against erosion or high water or lower the reserve of sand or other natural materials available to replenish storm losses through natural processes.

NEARSHORE AREA -- Those lands under water beginning at the mean low-water line and extending waterward in a direction perpendicular to the shoreline to a point where mean low water depth is fifteen (15) feet, or to a horizontal distance of one thousand (1,000) feet from the mean low-water line, whichever is greater.

NORMAL MAINTENANCE -- Periodic replacement or repair of same-kind structural elements or protective coatings which do not change the size, design or function of a functioning structure. A "functioning structure" is one which is fully performing as originally designed at the time that normal maintenance is scheduled to begin. "Normal maintenance" of a structure does not require a coastal erosion management permit.

PERSON -- Any individual public or private corporation, political subdivision, government agency, public improvement district, partnership, association, firm, trust, estate or any other legal entity whatsoever.

PRIMARY DUNE -- The most waterward major dune where there are two (2) or more parallel dunes within a coastal area. Where there is only one (1) dune present, it is the primary one. Occasionally one (1) or more relatively small dune formations exist waterward of the "primary dune." These smaller formations will be considered to be part of the "primary dune" for

the purposes of this law. The waterward limit of a "primary dune" is the landward limit of its fronting beach. The landward limit of the "primary dune" is twenty-five (25) feet landward of its landward toe.

RECEDING EDGE -- The most landward line of active erosion, or, in cases where there is no discernible line of active erosion, it is the most waterward line of permanent vegetation.

RECESSION RATE -- The rate, expressed in feet per year, at which an eroding shoreline moves landward.

REGULATED ACTIVITY -- The construction, modification, restoration or placement of a structure or addition to a structure or any action or use of land which materially alters the condition of land, including grading, excavating, dumping, mining, dredging, filling or other disturbance of soil. The terms "development" and "activity," when used in this law, have the same meaning as "regulated activity."

RESTORATION-- The reconstruction without modification of a structure, the cost of which equals or exceeds fifty percent (50%) of the estimated full replacement cost of the structure at the time of "restoration." Modifications, however, may be allowed if they do not exceed preexisting size limits and are intended to mitigate impacts to natural protective features and other natural resources.

SECONDARY DUNE -- The major dune immediately landward of the primary dune. The waterward limit of a "secondary dune" is the landward limit of its fronting primary dune. The landward limit of a "secondary dune" is twenty-five (25) feet landward of its landward toe.

SIGNIFICANT FISH AND WILDLIFE HABITAT -- Those habitats which are: essential to the survival of a large portion of a particular fish or wildlife population; support rare or endangered species; are found at a very low frequency within a geographic area; support fish or wildlife populations having significant commercial or recreational value; or that would be difficult or impossible to replace.

STRUCTURAL HAZARD AREA -- Those shorelands located landward of natural protective features and having shorelines receding at a long-term average recession rate of one (1) foot or more per year. The inland boundary of a structural hazard area is calculated by starting at the landward limit of the fronting natural protective feature and measuring along a line perpendicular to the shoreline a horizontal distance landward which is forty (40) times the long-term average annual recession rate.

STRUCTURE -- Any object constructed, installed or placed in, on or under land or water, including but not limited to: a building, permanent shed, deck, in-ground and aboveground pool, garage, mobile home; road; public service distribution, transmission or collection system, tanks, docks, piers, wharf, groins, jetties, seawalls, bulkheads, breakwaters, revetments, artificial beach nourishment, or any addition to or alteration of the same.

TOE -- The lowest surface point on a slope face of a dune or bluff.

UNREGULATED ACTIVITY -- Excepted activities which are not regulated by this law include but are not limited to: elevated walkways or stairways constructed solely for pedestrian use and built by an individual property owner for the limited purpose of providing noncommercial access to the beach; docks, piers, wharves or structures built on floats, columns, open timber piles or other similar openwork supports with a top surface area of less than two hundred (200) square feet or which are removed in the fall of each year; normal beach grooming or clean-up; maintenance of structures when normal and customary and/or in compliance with an approved maintenance program; planting vegetation and sand fencing so as to stabilize or entrap sand in primary dune and secondary dune areas, in order to maintain or increase the height and width of dunes; routine agricultural operations, including cultivation or harvesting, and the implementation of practices recommended in a soil and water conservation plan as defined in Section 3(12) of the Soil and Water Conservation Districts Law provided, however, that agricultural operations and implementation of practices will not be construed to include any activity that involves the construction or placement of a structure.

VEGETATION -- Plant life capable of surviving and successfully reproducing in the area or region and which is compatible with the environment of the coastal erosion hazard area.

ARTICLE II

Standards and Restrictions

2.1. Areas Established; Boundaries. The coastal erosion hazard area is hereby established to classify land and water areas within the Town of Huron based upon shoreline recession rates or the location of natural protective features. The boundaries of the area are established on the final map prepared by the New York State Department of Environmental Conservation under Section 34-0104 of the New York State Environmental Conservation Law and entitled "Coastal Erosion Hazard Area Map of the Town of Huron," including all amendments made thereto by the Commissioner of the New York State Department of Environmental Conservation pursuant to Section 34-0104 of the New York State Environmental Conservation Law.

2.2. Permit Required for Regulated Activities. No person may engage in any regulated activity in an erosion hazard area as depicted on the Coastal Erosion Hazard Areas Map of the Town of Huron, as amended, without first obtaining a coastal erosion management permit. No coastal erosion management permit is required for unregulated activities.

2.3. General Standards. A coastal erosion management permit will be issued only with a finding by the Administrator that the proposed regulated activity:

A. Is reasonable and necessary, considering reasonable alternatives to the proposed activity and the extent to which the proposed activity requires a shoreline location.

B. Is not likely to cause a measurable increase in erosion at the proposed site and at other locations.

C. Prevents, if possible, or minimizes adverse effects on natural protective features and their functions and protective values, existing erosion protection structures and natural resources.

2.4. Structural Hazard Area Restrictions. The following restrictions apply to regulated activities within structural hazard areas:

A. A coastal erosion management permit is required for the installation of public service distribution, transmission or collection systems for gas, electricity, water or wastewater. Systems installed along the shoreline must be located landward of the shoreline structures.

B. The construction of nonmovable structures or placement of major nonmovable additions to an existing structure is prohibited.

C. Permanent foundations may not be attached to movable structures and any temporary foundations are to be removed at the time the structure is moved. Below-grade footings will be allowed if satisfactory provisions are made for their removal.

D. No movable structure may be located closer to the landward limit of a bluff than twenty-five (25) feet.

E. No movable structure may be placed or constructed such that, according to accepted engineering practice, its weight places excessive ground loading on a bluff.

F. Plans for landward relocation of movable structures must be included with each application for a permit. Movable structures which have been located within a structural hazard area pursuant to a coastal erosion management permit must be removed before any part of the structure is within ten (10) feet of the receding edge. The last owner of record, as shown on the latest assessment roll, is responsible for removing that structure and its foundation, unless a removal agreement was attached to the original coastal erosion management permit. With the attachment of a removal agreement to the coastal erosion management permit the landowner or the signator is responsible for the landward relocation of movable structures. Removal agreements may be made when the last owner of record and the owner of the structure are different with the approval of the town, at the time the permit is issued.

G. Debris from structural damage which may occur as a result of sudden unanticipated bluff edge failure, dune migration or wave or ice action must be removed within sixty (60) days of the damaging event.

H. Any grading, excavation or other soil disturbance conducted within a structural hazard area must not direct surface water runoff over a bluff face.

2.5. Nearshore Area Restrictions. Nearshore areas dissipate a substantial amount of wave energy before it is expended on beaches, bluffs or dunes by causing waves to collapse or break. Nearshore areas also function as reservoirs of sand, gravel and other unconsolidated material for beaches. Sandbars, which are located in nearshore areas, control the orientation of incoming

waves and promote the development of ice cap formations which help protect shorelines during winter storms. The roots of aquatic vegetation in nearshore areas bind fine-grained silts, clays and organic matter to form a fairly cohesive bottom that resists erosion. The following restrictions apply to regulated activities in nearshore areas:

A. Excavating, grading, mining or dredging which diminishes the erosion protection afforded by nearshore area is prohibited, except construction or maintenance of navigation channels, bypassing sand around natural and man-made obstructions and artificial beach nourishment all of which require a coastal erosion management permit.

B. Clean sand or gravel of an equivalent or slightly larger grain size is the only material which may be deposited within nearshore areas. Any deposition will require a coastal erosion management permit.

C. All development is prohibited in nearshore areas unless specifically provided for by this law.

2.6. Beach Area Restrictions. Beaches buffer shorelands from erosion by absorbing wave energy that otherwise would be expended on the toes of bluffs or dunes. Beaches that are high and wide protect shorelands from erosion more effectively than beaches that are low or narrow. Beaches also act as reservoirs of sand or other unconsolidated material for longshore littoral transport and offshore sandbar and shoal formation. The following restrictions apply to regulated activities in beach areas:

A. Excavating, grading or mining which diminishes the erosion protection afforded by beaches is prohibited.

B. Clean sand or gravel of an equivalent or slightly larger grain size is the only material which may be deposited within beach areas. Any deposition will require a coastal erosion management permit, which may be issued only for expansion or stabilization of beaches.

C. Active bird nesting and breeding areas must not be disturbed unless such disturbance is pursuant to a specific wildlife management activity approved, in writing, by the New York State Department of Environmental Conservation.

D. All development is prohibited on beaches unless specifically provided for by this law, except that a coastal erosion management permit may be granted for a non-major addition to an existing structure.

E. The restoration of existing structures, on beaches, that are damaged or destroyed by events not related to coastal flooding or erosion, may be undertaken without a coastal erosion management permit.

2.7. Dune Area Restrictions. Dunes prevent overtopping and store sand for coastal processes. High, vegetated dunes provide a greater degree of protection than low, unvegetated ones. Dunes are of the greatest protective value during conditions of storm-induced high water.

Because dunes often protect some of the most biologically productive areas as well as developed coastal areas, their protective value is especially great. The key to maintaining a stable dune system is the establishment and maintenance of beachgrass or other vegetation on the dunes and assurance of a supply of nourishment sand to the dunes. The following restrictions apply to regulated activities in dune areas:

A. In primary dune areas:

- (1) Excavating, grading or mining of primary dunes is prohibited.
- (2) Clean sand of a compatible type and size is the only material which may be deposited. Any deposition requires a coastal erosion management permit.
- (3) All depositions must be vegetatively stabilized using species tolerant of the conditions at the site and must be placed so as to increase the size of or restore a dune or dune area.
- (4) Active bird nesting and breeding areas must not be disturbed unless such disturbance is pursuant to a specific wildlife management activity approved, in writing, by the New York State Department of Environmental Conservation.
- (5) Nonmajor additions to existing structures are allowed on primary dunes pursuant to a coastal erosion management permit and subject to permit conditions concerning the location, design and potential impacts of the structure on the primary dune.
- (6) Stone revetments or other erosion protection structures compatible with primary dunes will only be allowed at the waterward toe of primary dunes and must not interfere with the exchange of sand between primary dunes and their fronting beaches.

B. In secondary dune areas:

- (1) All depositions must be of clean sand of a compatible type and size, and all grading must be performed so as to increase the size of or restore a dune or former dune area.
- (2) Excavating, grading or mining must not diminish the erosion protection afforded by them.
- (3) Nonmajor additions to existing structures are allowed on secondary dunes pursuant to a coastal erosion management permit.
- (4) Permitted construction, reconstruction, restoration or modifications must be built on adequately anchored pilings such that at least three (3) feet of open space exists between the floor joists and the surface of the secondary dune, and the permitted activity must leave the space below the lowest horizontal structural members free of obstructions.

C. All other activities and development in dune areas are prohibited unless specifically provided for by this law.

D. The restrictions of Section 2.10, "Traffic Control," apply to dune areas.

E. The restoration of existing structures, on dunes, that are damaged or destroyed by events not related to coastal flooding or erosion, may be undertaken without a coastal erosion management permit.

2.8. Bluff Area Restrictions. Bluffs protect shorelands and coastal development by absorbing the often destructive energy of open water. Bluffs are a source of depositional material for beaches and other unconsolidated natural protective features.

A. The following activities are prohibited on bluffs:

(1) Excavating or mining except when in conjunction with conditions stated in a coastal erosion management permit issued for minor alterations in construction of an erosion protection structure or for provision of shoreline access.

(2) The restrictions of Section 2.10, "Traffic Control," apply to bluffs.

(3) All development unless specifically allowed by Section 2.8 of this law.

(4) Disturbance of active bird nesting and breeding areas unless such disturbance is pursuant to a specific wildlife management activity approved, in writing, by the Department of Environmental Conservation.

(5) Soil disturbance that directs surface water runoff over a bluff face.

B. Activities specifically allowed under this section are:

(1) Minor alteration of a bluff done in accordance with conditions stated in a coastal erosion management permit issued for new construction, modification or restoration of an erosion protection structure.

(2) Bluff cuts done in accordance with conditions stated in a coastal erosion management permit issued for the provision of shoreline access where:

(a) The cut is made in a direction perpendicular to the shoreline.

(b) The ramp slope may not exceed one to six (1:6).

(c) Side slopes may not exceed one to three (1:3) unless terraced or otherwise structurally stabilized.

(d) Side slopes and other disturbed nonroadway areas must be stabilized with vegetation or other approved physical means.

(e) The completed roadway must be stabilized and drainage provided for.

(3) New construction, modification or restoration of walkways or stairways done in accordance with conditions of a coastal erosion management permit.

(4) Nonmajor additions to existing structures may be allowed on bluffs pursuant to a coastal erosion management permit.

(5) The restoration of existing structures, on bluffs, that are damaged or destroyed by events not related to coastal flooding or erosion, may be undertaken without a coastal erosion management permit.

2.9. Erosion Protection Structures. The following requirements apply to the construction, modification or restoration or erosion-protection structures:

A. The construction, modification or restoration of erosion protection structures must:

(1) Not be likely to cause a measurable increase in erosion at the development site or at other locations.

(2) Minimize and, if possible, prevent adverse effects upon natural protective features, existing erosion-protection structures and natural resources, such as significant fish and wildlife habitats.

B. All erosion-protection structures must be designed and constructed according to generally accepted engineering principles which have demonstrated success or, where sufficient data is not currently available, a likelihood of success in controlling long-term erosion. The protective measures must have a reasonable probability of controlling erosion on the immediate site for at least thirty (30) years.

C. All materials used in such structures must be durable and capable of withstanding inundation, wave impacts, weathering and other effects of storm conditions for a minimum of thirty (30) years. Individual component materials may have a working life of less than thirty (30) years only when a maintenance program ensures that they will be regularly maintained and replaced as necessary to attain the required thirty (30) years of erosion protection.

D. A long-term maintenance program must be included with every permit application of construction, modification or restoration of an erosion-protection structure. The maintenance program must include specifications for normal maintenance of degradable materials. To assure compliance with the proposed maintenance programs, a bond may be required.

2.10. Traffic Control. Motorized and nonmotorized traffic must comply with the following restrictions:

A. Motor vehicles must not travel on vegetation, must operate waterward of the debris line and, when no debris line exists, must operate waterward of the waterward toe of the primary dune or bluff.

B. Motor vehicle traffic is prohibited on primary dunes, except for officially designated crossing areas, and on bluffs.

C. Pedestrian passage across primary dunes must utilize elevated walkways and stairways or other specially designed dune-crossing structures.

ARTICLE III Emergency Activities

3.1. Applicability to Emergencies. The requirements of this law do not apply to emergency activities that are necessary to protect public health, safety or welfare, including preventing damage to natural resources. Whenever emergency activities are undertaken, damage to natural protective features and other natural resources must be prevented, if possible, or minimized.

3.2. Emergency Authorization. Prior to commencement of any activity in response to an emergency the Administrator must be notified and must determine whether to grant approval pursuant to provisions of this law.

A. The person proposing to take the emergency action must provide, in written format, the following information:

(1) Description of the proposed action;

(2) Location map and plan of the proposed action at a scale and in sufficient detail to fully comprehend the nature and extent of the activity; and

(3) Reasons why the situation is an emergency.

B. Prior to issuing an emergency authorization, the Administrator must first determine that an emergency situation exists, and that the proposed action will cause the least impact to life, health, property and natural resources while providing the necessary structural support to threatened buildings or structures.

C. The Administrator must grant or deny the emergency authorization within 48 hours of receipt of the information described in paragraph A above.

D. Emergency authorizations may be issued for a maximum of 30 days, and may be renewed for only one term of a maximum of 30 days. If project activities are not concluded

within the maximum allowable 60-day period, the project proponent must file a complete coastal erosion management permit application and be subject to all the procedural requirements of this law.

3.3. Improper or Insufficient Notification. If the Administrator determines that a regulated activity has been undertaken without a coastal erosion management permit and does not meet the emergency activity criteria, then the Administrator shall order the immediate cessation of the activity. In addition, the Administrator may require:

A. Removal of any structure that was constructed or placed without a coastal erosion management permit; and

B. The return to former conditions of any natural protective feature that was excavated, mined or otherwise disturbed without a coastal erosion management permit.

ARTICLE IV Variances and Appeals

4.1. Standards for Variances. Strict application of the standards and restrictions of this law may cause practical difficulty or unnecessary hardship. When this can be shown, such standards and restrictions may be varied or modified, provided that the following criteria are met:

A. No reasonable, prudent, alternative site is available.

B. All responsible means and measures to mitigate adverse impacts on natural systems and their functions and values have been incorporated into the activity's design at the property owner's expense.

C. The development will be reasonably safe from flood and erosion damage.

D. The variance requested is the minimum necessary to overcome the practical difficulty or hardship which was the basis for the requested variance.

E. Where public funds are utilized, the public benefits must clearly outweigh the long-term adverse effects.

4.2. Variance Applications. Any application for a variance must be in writing and specify the standard, restriction or requirement to be varied and how the requested variance meets the criteria of Section 4.1 of this law. The burden of demonstrating that the requested variance meets those criteria rests entirely with the applicant.

4.3. Fees. Each variance request must be accompanied by the required fee or fees as established by the Town Board by separate resolution.

4.4. Expiration. Any construction activity allowed by a variance granted by the Coastal Erosion Hazard Board of Review must be completed within one (1) year from the date of approval or approval with modifications or conditions, unless a longer term is specified by that board. Variances expire at the end of this one-year period without further hearing or action by the Coastal Erosion Hazard Board of Review, but may be extended for up to one (1) year by the Coastal Erosion Hazard Board of Review, upon a showing of good cause.

4.5. Coastal Erosion Hazard Board of Review. The Zoning Board of Appeals is hereby designated as the Coastal Erosion Hazard Board of Review and has the authority to:

A. Hear, approve, approve with modification or deny requests for variances or other forms of relief from the requirements of this law.

B. Hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by the Administrator in the enforcement of this law, including any order requiring an alleged violator to stop, cease and desist.

4.6. Appeals to the Board. The Coastal Erosion Hazard Board of Review may, in conformity with the provisions of this law, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination of the Administrator, including stop or cease-and-desist orders. Notice of such decision will be given to all parties in interest. The rules and procedures for filing appeals are as follows:

A. Appeals must be filed with the Town Clerk within thirty (30) days of the date of the adverse decision.

B. All appeals made to the Coastal Erosion Hazard Board of Review must be in writing on standard forms prescribed by the Board. The Board will transmit a copy to the Commissioner of the New York State Department of Environmental Conservation for his information.

C. All appeals must refer to the specific provisions of this law involved, specify the alleged errors, the interpretation thereof that is claimed to be correct and the relief which the appellant claims.

4.7. Judicial Review. Any person or persons jointly or severally aggrieved by a decision by the Coastal Erosion Hazard Board of Review or any officer, department, board or bureau of the Town pursuant to this law may apply to the Supreme Court for review by a proceeding under Article 78 of the Civil Practice Law and Rules.

ARTICLE V

Administration and Enforcement

5.1. Coastal Erosion Management Permit. A coastal erosion management permit will be issued for regulated activities which comply with the general standards (Section 2.3), restrictions and requirements of the applicable sections of this law, provided that the following is adhered to:

A. The application for a coastal erosion management permit must be made upon the form provided by the Administrator and must include the following minimum information:

- (1) A description of the proposed activity.
- (2) A map drawn to a scale no smaller than one to twenty-four thousand (1:24,000), showing the location of the proposed activity.
- (3) Any additional information the Administrator may require to properly evaluate the proposed activity.

B. Each application for a coastal erosion management permit must be accompanied by the required fee or fees as established by the Town Board by separate resolution.

C. Permits will be issued by and bear the name and signature of the Administrator and will specify:

- (1) The activity or operation for which the permit is issued.
- (2) The address or location where the activity or operation is to be conducted.
- (3) The name and address of the permittee.
- (4) The permit number and date of issuance.
- (5) The period of permit validity. If not otherwise specified, a permit will expire one (1) year from the date of issuance.
- (6) The terms and conditions of the approval.

D. When more than one (1) coastal erosion management permit is required for the same property or premises under this law, a single permit may be issued listing all activities permitted and any conditions, restrictions or bonding requirements. Revocation of a portion or portions of such consolidated permits will not invalidate the remainder.

E. A coastal erosion management permit may be issued with such terms and conditions as are necessary to ensure compliance with the policies and provisions of Article 34 of the Environmental Conservation Law, the Coastal Erosion Management Regulations implementing Article 34 (6 N.Y.C.R.R. Part 505) and the laws and policies of the Town.

F. When an application is made for a coastal erosion management permit, variance, or other form of approval required by this law and such activity is subject to permit, variance, hearing or application procedures required by another federal, state or local regulatory agency pursuant to any federal, state or local law or ordinance, the Administrator shall, at the request of the applicant, consolidate and coordinate the application, permit, variance and hearing

procedures as required by each regulatory agency into a single, comprehensive hearing and review procedure. However, nothing contained in this section shall be deemed to limit or restrict any regulatory agencies which are properly a party to such a consolidated review proceeding from the independent exercise of such discretionary authority with respect to the issuance, denial or modification of such permits, variances or other forms of approval as they may have been granted by law.

5.2. Financial Security. The Town may require a bond or other form of financial security. Such bond or security must be in an amount, with such surety and conditions as are satisfactory to the town so as to insure compliance with the terms and conditions stated in the coastal erosion management permit.

5.3. Authority. The authority for administering and enforcing this law is hereby conferred upon the Administrator. The Administrator shall have the powers and duties to:

- A. Apply the regulations, restrictions and standards or other provisions of this law.
- B. Explain to applicants the map which designates the land and water areas subject to regulation and advise applicants of the standards, restrictions and requirements of this law.
- C. Review and take appropriate actions on completed applications
- D. Issue and sign all approved permits.
- E. Transmit written notice of violations to property owners or to other responsible persons.
- F. Prepare and submit reports.
- G. Perform compliance inspections.
- H. Serve as the primary liaison with the New York State Department of Environmental Conservation.
- I. Keep official records of all permits, inspections, inspection reports, recommendations, actions of the Coastal Erosion Hazard Board of Review and any other reports or communications relative to this law or request for information from the New York State Department of Environmental Conservation.
- J. Perform normal and customary administrative functions required by the Town relative to the Coastal Erosion Hazard Areas Act, Article 34 of the New York State Environmental Conservation Law, 6 N.Y.C.R.R. Part 505, and this law.
- K. Have, in addition, powers and duties as are established in or reasonably implied from this law as are necessary to achieve its stated purpose.

5.4. Construal of Provisions. The provisions, regulations, procedures and standards of this law will be held to be the minimum requirements necessary to carry out the purposes of this law.

5.5. Conflict With Other Laws. The provisions of this law will take precedence over any other laws, ordinances or codes in effect in the town to the extent that the provisions of this law are more stringent than such other laws, ordinances or codes. A coastal erosion management permit issued pursuant to this law does not relieve the permit applicant from the responsibility of obtaining other permits or approvals as may be necessary, nor does it convey any rights or interest in real property.

5.6. Environmental Quality Review. All regulated activities are subject to the review procedures required by the New York State Environmental Quality Review Act (SEQRA), Article 8 of the New York Environmental Conservation Law. The applicant may be required to submit information necessary for compliance with SEQRA in addition to information required under this law.

5.7. Penalties for Offenses. A violation of this law is hereby declared to be an offense punishable by a fine not exceeding two hundred fifty dollars (\$250.00) or imprisonment for a period not to exceed six (6) months, or both. Each day's continued violation of this law will constitute a separate additional violation. Nothing in this section shall prevent the proper local authorities of the Town from taking such other lawful actions or proceedings as may be necessary to restrain, correct or abate any violation of this law.

5.8. Severability. The provisions of this law are severable. If any clause, sentence, paragraph, subdivision or part is adjudged invalid by a court of competent jurisdiction, the effect of such order or judgment is confined to the controversy in which it was rendered. Such order or judgment does not affect or invalidate any other provisions of this law or their application to other persons or circumstances.

ARTICLE VI

Amendments

6.1. Procedure. The Town Board may, on its own motion or on petition or on recommendation from the Planning Board, amend, supplement or repeal the provisions, regulations, procedures or standards of this law. When an amendment is duly proposed, the Town Board must:

A. Notify the Commissioner of the New York State Department of Environmental Conservation, in writing, of all proposed amendments and request his advice as to whether such amendment is subject to his approval and, if so, whether such amendment conforms to the minimum standards of a certified program.

B. Issue public notice and conduct a hearing on all proposed amendments. The Town Board, by resolution, must cause notice of such hearing's time, date and place to be published in the official newspaper not less than ten (10) days prior to the date of the hearing.

C. Refer the proposed amendment at least thirty (30) days prior to the public hearing, in writing, to:

(1) The Planning Board, unless initiated by that board, for its review of the amendment and its report to the Town Board of recommendations on the amendment, including a full statement of reasons for such recommendations.

(2) The Wayne County Planning Board for its review and recommendations pursuant to Article 12-B, Section 239-m, of the New York State General Municipal Law.

6.2. Approval of Commissioner. After enactment, the amendment must be sent to the Commissioner of Environmental Conservation for certification.

6.3. Filing. After an amendment to this law has been initially reviewed and found to be in conformance by the Commissioner of the New York State Department of Environmental Conservation, the public hearing and intergovernmental review processes are completed, and it is finally approved and adopted by the Town Board and certified by the Commissioner, the Town Clerk shall file the amended law as prescribed by Section 27 of the Municipal Home Rule Law, and one copy with the Commissioner of the New York State Department of Environmental Conservation.

TOWN OF HURON SEPTIC LAW

<http://townofhuron.org/content/Laws>

Local Law No. 3 of 1996, as most recently amended by Local Law No. 1 of 2013

1. **Short Title.** This law may be referred to as the "Town of Huron Septic Law."
2. **Purpose.** In order to safeguard public health, safety, and welfare, and protect the environment, including the quality of ground and surface water, it is necessary to regulate and control all septic systems in the Town under this law.
3. **Other Law and Regulations.** This law is intended to supplement and expand the requirements for septic systems under the State Public Health Law and Regulations, including Part 75A, which is incorporated into this law by reference. To the extent this law conflicts with such regulations and other requirements under state law, the more restrictive law and regulations shall prevail. This septic law is intended to be construed as in harmony with the State Public Health Law and Regulations (including Part 75A), the Town Building Law, and the Town Zoning Law.
4. **Definitions.**
 - A. To the extent terms are not defined in this law but are defined in the State Public Health Law and Regulations, the Town Building Law, or the Town Zoning Law, the terms used in this law shall have the same meaning.
 - B. The following terms shall have the following meanings:
 - (1) **Aerobic System.** An Enhanced Treatment Unit (ETU), which provides for the biological decomposition of the organic portion of the wastewater by mechanical aeration of the wastewater. All aerobic systems shall have a label indicating compliance with the standards for a Class I unit as described in the National Sanitation Foundation (NSF) International Standard 40 or equivalent testing.
 - (2) **Alternative Systems.** Holding tanks and non-waterborne sewage disposal systems as described or defined in Part 75A, Section 75-A.10 including composting toilets, chemical and recirculating toilets and incinerator toilets.
 - (3) **Building Inspector.** The person who administers and enforces the New York State Uniform Fire Prevention and Building Codes, Town of Huron Building Law and Town of Huron Zoning Law.
 - (4) **Certificate of Compliance.** A form that certifies full compliance with this local law until the next inspection as provided by this law is required.

- (5) **Coastal Area.** Any beach, bluff, other natural protective feature, or coastline as those terms are defined in the Town of Huron Coastal Erosion Hazard Area Law (Local Law No. 4 of 2002, as amended), including the Crescent Beach Sandbar.
- (6) **Conditional Certificate of Acceptance.** A form that permits continued use of a septic system until the system is brought into full compliance and a Certificate of Compliance is issued.
- (7) **Enhanced Treatment.** The biological and physical treatment of wastewater to reduce the amount of biochemical oxygen demand (BOD) and total suspended solids (TSS) of wastewater prior to distribution to an absorption area.
- (8) **Enhanced Treatment Unit (ETU).** A pre-manufactured wastewater treatment system that provides Enhanced Treatment of wastewater prior to discharge to a subsurface soil absorption area. All ETUs shall have a label indicating compliance with the standards for a Class I unit as described in the National Sanitation Foundation (NSF) International Standard 40 or equivalent testing.
- (9) **Gray Water.** Wastewater not mixed with toilet waste, not including water softener discharges.
- (10) **Gray Water System.** A septic system for disposal, treatment, storage, dispersal, transmittal, or disposal of gray water, other than a discharge to a public sewer system or discharge to surface waters permitted by the New York State Department of Environmental Conservation.
- (11) **Holding Tank.** A water-tight tank that holds septage without an outflow.
- (12) **Increase in Living Area.** The addition of enclosed inside living area to an existing residential structure, which increases the load or potential load on the septic system.
- (13) **Leachate.** Liquid effluent discharged from a septic tank.
- (14) **Part 75A.** Title 10 of the New York Code, Rules and Regulations, Part 75A (10 N.Y.C.R.R. Part 75A), as it may be amended from time to time.
- (15) **Sewer System.** A common sewer system owned and operated by a private group of individuals, a municipality or public authority.
- (16) **Pump-out Records.** Receipts or written statements from a septic hauler licensed by the New York State Department of Environmental Conservation indicating dates and detail of work done.

- (17) **Septage.** All waste and material removed from a septic tank, raw sewage, and untreated effluent.
- (18) **Septic Board of Appeals.** A board appointed by the Town Board to hear written appeals arising under this law, also referred to as the "Board."
- (19) **Septic Inspection Report.** A report of a septic inspection on a form prescribed by the Town Board.
- (20) **Septic Inspector.** A person appointed by the Town Board who performs septic inspections as set forth in this law.
- (21) **Septic System.** A system for disposal, treatment, storage, dispersal, transmittal, or disposal of sewage or gray water, other than a discharge to a public sewer system or a discharge to surface waters permitted by the New York State Department of Environmental Conservation.
- (22) **Sewage.** All domestic wastewater, including any combination of human waste with water discharged to a plumbing system, waste from a flush toilet, bath, sink, lavatory, dishwasher or laundry machine, and waste carried by water from any other fixture, equipment or machine, but not storm drains, residential floor drains, sump pumps, eaves, or agricultural waste.
- (23) **State Public Health Law and Regulations.** The Public Health Law of the State of New York, and regulations promulgated pursuant to that law, including 10 N.Y.C.R.R. Part 75A, as they may be amended from time to time.
- (24) **Town.** The Town of Huron, Wayne County.
- (25) **Town Board.** The Town Board of the Town of Huron, Wayne County.
- (26) **Town Building Law.** Town of Huron Building Law, enacted as Local Law No.1 of 1989, as amended.
- (27) **Town Zoning Law.** Town of Huron Zoning Law, enacted as Local Law No. 1 of 1973, as amended.
- (28) **Transfer of Ownership.** A transfer of real property title from one person to another.
- (29) **Wastewater.** Any water discharged through a plumbing fixture to include, but not limited to, sewage and any water or waste from a device which is produced in the house or property.

5. **General Provisions.**

- A. **Effect.** Completion of a septic inspection or Septic Inspection Report, and issuance of a Building Permit, Certificate of Occupancy or Compliance, or Conditional Certificate of Acceptance, does not constitute any representation or certification of the Town to anyone other than the applicant.
- B. **Work Requirements.** All work shall be done in accordance with this law and the State Public Health Law and Regulations. The property owner shall be responsible for all actions and costs required to comply with this law, including inspections, design, maintenance, repairs, and installation.
- C. **Septic Inspection Report.** The Town Board shall approve the form of a Septic Inspection Report, which shall be used to document the results of all septic inspections conducted pursuant to this law. All such reports shall be filed with the Town Building Inspector, and a copy furnished to the property owner.
- D. **Delegation of Authority.** While the Town Board has primary authority to administrate and enforce this law, it may delegate authority under this law to Town officers, employees, or agents as it sees fit.
- E. **Septic Inspector.** The Town Board shall, by resolution, appoint a Septic Inspector to administer this law. The Septic Inspector is authorized to conduct inspections under this law. The Town Board may also designate one or more Deputy Septic Inspectors to assist the Septic Inspector and act in his or her absence. The Building Inspector or his or her deputy may also serve as Septic Inspector.
- F. **Fees.** The Town Board may, by resolution, establish fees that shall be paid to the Town for inspections, certificates, or other actions by the Town under this law.
- G. **Deeded Rights-of-Way or Easements.** If new construction, replacement, modification or upgrade of a septic system, in whole or in part, results in part of the system or its components being installed on property not owned by the applicant, a deeded right-of-way to allow that use shall be obtained and recorded at the Wayne County Clerk's Office, and a copy filed with any permit application.
- H. **Land Application of Waste.** Dumping, spreading or other land spreading of human septage, whether by commercial application or individual application, is prohibited within the Town.
- I. **Maintenance Contracts.** Whenever a maintenance or service contract is required for all or part of a septic system, the property owner shall provide the Town with a current copy of the contract, and maintain written evidence of continuous contract coverage satisfactory to the Town. Maintenance contracts are required

for ETUs, and may be required by the Town for other systems. Maintenance contracts for ETUs shall require, at a minimum, semi-annual inspections and subsequent necessary adjustments by the manufacturer or a certified manufacturer's representative for the life of the system. Maintenance contracts for ETUs shall include the cost of regular pumping, the frequency of which shall be recommended by the manufacturer or its certified representative, based on the semi-annual inspections of the system. In no case shall the time between pump-outs exceed three years, unless specifically recommended otherwise by the manufacturer or its certified representative. Within ten (10) business days of any ETU inspection, the Town shall be provided with a written report documenting the results of the inspection including a written certification from the manufacturer or its certified representative that the system is fully functional and operating property; or that repairs or system replacement is warranted.

6. New Construction.

- A. Applicability.** This section applies to septic systems associated with new construction, including installation of temporary septic systems, and seasonal or permanent structures.
- B. Permit Requirements.** Pursuant to the Town Building Law, a Building Permit is required prior to commencement of any construction, including installation of a new septic system, and a Certificate of Occupancy is required prior to commencement of use or occupancy, including use of any septic system. Furthermore, any work in the Coastal Area, including the Crescent Beach Sandbar, or any other coastal erosion hazard area, may require a permit under the Town of Huron Coastal Erosion Hazard Area Law (Local Law No. 4 of 2002, as amended).
- C. System Compliance.** All new septic system installations shall comply with the State Public Health Law and Regulations, including Part 75A, and this law. All new installations shall meet the following additional requirements:
 - (1) All septic tanks shall have a wastewater filter installed on the outlet of the tank.
 - (2) All distribution boxes shall be equipped with speed levelers.
 - (3) All new septic systems installed in Coastal Areas shall be aerobic systems, unless it is clearly demonstrated that the requirements of Part 75A can be satisfied with another type of system.
 - (4) Due to the limited lot sizes and unique physical configuration of the Crescent Beach Sandbar, all aerobic systems installed on the Crescent Beach Sand Bar shall include ultra-violet (UV) disinfection. Chlorine disinfection will be an acceptable alternative provided that there are no

health, environmental, or water quality related regulatory constraints that prohibit its use. Further, any chlorine disinfection system must include an accompanying de-chlorination system to eliminate chlorine residual prior to discharge. The UV or chlorine disinfection system shall be designed by a New York State licensed professional engineer and be bundled with the aerobic system as an integral part of the overall pre-manufactured treatment system.

- (5) Alternative Systems will be permitted provided that they are designed and installed in compliance with Part 75A and this law and that all gray water is treated with a gray water system in compliance with Part 75A and this law. Gray water systems in Coastal Areas shall comply with Section 6 (C) of this law.

D. Submittals. With an application for a Building Permit, the property owner shall submit design plans, sealed by a New York State licensed professional engineer, for the septic system including the following:

- (1) Date, North point and scale. The plan shall be at a scale of no more than 100 feet to the inch.
- (2) Name of owner of the property.
- (3) Name of the engineer, surveyor, or architect responsible for the plans.
- (4) Contours at vertical intervals no greater than 5 feet as determined by a topographic survey.
- (5) Delineation of any land exceeding a slope of 10%, land within a New York State designated freshwater wetland, or land within a FEMA Special Flood Hazard Zone.
- (6) Delineation of limits of any land to be disturbed in any manner including areas to be cut, filled, excavated, or graded and contours, both existing and proposed, at vertical intervals of no more than 5 feet.
- (7) Location and description of all swales, ponds, basins, fences, dikes or other devices to control soil erosion and sedimentation.
- (8) Datum to which contour elevations refer. Where reasonably practical, datum shall refer to USGS established elevations.
- (9) All existing watercourses, tree masses, and other significant natural features.

- (10) All existing buildings, sewers, water mains, culverts, wells, and other significant man-made features and utilities.
- (11) All existing property lines, easements and rights-of-way and the purpose for which the easements or rights-of-way have been established.
- (12) As required by Part 75A, the results and locations of deep hole tests and percolation tests to determine soil percolation capabilities and deep soil profiles.
- (13) Detailed design and layout of all components of the septic system including all necessary information to document compliance with Part 75A.
- (14) A legible location map.
- (15) A map revision box.
- (16) A map legends/key.
- (17) A signature block for the Town Building Inspector.

E. Inspection of Septic System Installation. All work performed shall be left open for inspection. Prior to backfilling any newly installed septic system, the Building Inspector shall visually inspect for compliance with the septic system design, Part 75A, and this law.

7. Replacement, Modification or Upgrade of an Existing Septic System.

- A. Applicability.** This section shall apply to the total or partial replacement, modification or upgrade to an existing septic system.
- B. Permit Requirements.** Pursuant to the Town Building Law, a Building Permit is required prior to commencement of any construction, including installation of a new septic system, and a Certificate of Occupancy is required prior to commencement of use or occupancy, including use of any septic system.
- C. System Compliance.** All existing septic systems must be functional, and as a minimum, provide for separation of solids and grease, and adequate percolation. Existing systems that are replaced, modified, or upgraded shall comply, to the extent reasonably feasible, with design requirements of Part 75A and this law, and shall meet the following additional requirements:
 - (1) All septic tanks shall have a wastewater filter installed on the outlet of the tank.

- (2) All distribution boxes shall be equipped with speed levelers.
- (3) All replacement septic systems installed in Coastal Areas shall be aerobic systems unless it is clearly demonstrated that the requirements of Part 75A can be met with another type of system.
- (4) Due to the limited lot sizes and unique physical configuration of the Crescent Beach Sandbar, all aerobic systems installed on the Crescent Beach Sand Bar shall include ultra-violet (UV) disinfection. Chlorine disinfection will be an acceptable alternative provided there are no health, environmental, or water quality related regulatory constraints that prohibit its use. Further, any chlorine disinfection system must include an accompanying de-chlorination system to eliminate chlorine residual prior to discharge. The UV or chlorine disinfection system shall be designed by a New York State licensed professional engineer and be bundled with the aerobic system as an integral part of the overall pre-manufactured treatment system.
- (5) All existing ETUs, as of the effective date of this law, shall be modified as necessary so as to be in compliance with Part 75A, to the extent practical, and this law.
- (6) Alternative Systems will be permitted provided that they are designed and installed in compliance with Part 75A and this law and that all gray water is treated with a gray water system in compliance with Part 75A and this law. Existing Gray water systems in Coastal Areas shall comply with Section 7 (C) of this law.
- (7) All repairs to existing septic systems, downstream of the distribution box shall be designed and supervised by a New York State licensed professional engineer. The plans for such repairs shall be submitted to the Building Inspector per the requirements of subdivision 6 (D) of this law.

D. Partial Replacement, Repair, Upgrade or Modification.

- (1) Any partial replacement, repair, upgrade or modification of a component of a septic system shall comply with this section 7.
- (2) If fifty (50%) percent or more of a septic system is replaced, repaired, upgraded or modified, the complete system shall comply with subdivision 7(E) of this law.

E. Complete Replacement. Complete replacements of existing septic systems are subject to the following requirements:

- (1) **Percolation Tests.** The property owner (or his or her designee) shall

perform a percolation (perk) test in the planned location of all leach fields. At the request of the Building Inspector, he or she shall be allowed to be present at the inspection.

- (2) **System Design.** Design of replacement systems and components shall, to the extent practical, comply with Part 75A and this law. On existing sites where full compliance with Part 75A is determined by the Town to be unattainable, the Town may allow reduced design requirements, to the extent appropriate, as follows:

- (a) For ETUs only, a reduction of up to thirty-three (33%) percent of the required leach lines. For aerobic systems in Coastal Areas, a further reduction may be permitted, depending upon site constraints and the design of the system.
- (b) Reduced property line setbacks, but not less than four feet.
- (c) Reduced setbacks between a septic tank and structure, but not less than two feet.
- (d) Reduced mean high water (MHW) setbacks, but not less than 40 feet.
- (e) Continuation of preexisting gray water discharge to one or more separate septic tanks or disposal systems, provided that each system provides for separation of oils and greases, and has an adequate leaching facility.

- (3) **Submittals.** With an application for a Building Permit, the applicant shall submit design plans, sealed by a New York State licensed professional engineer, meeting the requirements of Subdivision 6(D) of this law. In addition, for a complete replacement of an existing system with a conventional septic system incorporating a mechanical pump, proof must be submitted that the pump station has an engineered design and is sized for the septic system application.

F. Inspection of Septic System Installation. All work performed shall be left open for inspection. Prior to backfilling any modification, upgrade or replacement of an existing septic system, the Building Inspector shall visually inspect for compliance with the septic system design, Part 75A, and this law.

G. Septic Inspection Report. Prior to issuance of a Certificate of Compliance, the Building Inspector shall complete and file a Septic Inspection Report with the Town, which shall document conformance of the installation with the system design and observed conditions and use. The property owner shall be furnished a copy of the Septic Inspection Report and any Certificate of Compliance.

8. Inspection of Existing Septic Systems.

- A. Required Inspections.** A septic inspection of all septic systems serving an existing residence, or commercial or industrial facility, as provided by this section, shall be completed by the Septic Inspector periodically as provided by subdivision 8(D) of this law, and prior to:
- (1) Increase in living area or increase in effluent volume.
 - (2) Change in type of use.
 - (3) Change in intensity of a commercial use that increases the number of employees or occupants, or increases the discharge of sewage.
 - (4) Transfer of ownership for systems that have not been inspected under this law.
 - (5) Modification or construction resulting in at least a fifty (50%) percent increase in the interior floor space of a principal structure.
- B. System Compliance.** All existing septic systems must be functional, consistent with the existing or proposed use. At a minimum, all existing septic systems must provide for separation of solids and grease, and adequate percolation.
- C. Mandatory System Upgrade.** The existing septic system shall be upgraded, in accordance with section 7 of this law, to be in compliance, to the extent reasonably feasible, with design requirements of Part 75A, whenever one of the following occurs:
- (1) Results of a septic inspection indicate that the existing septic system has failed, or is failing to protect public health and safety of the environment based on one or more of the following criteria:
 - (i) The dye test required by subdivision 8(D) of this law results in the presence of dye on the ground surface, the septic tank inlet or any inlets or outlets to the distribution box.
 - (ii) There is a back-up of sewage into the home, building or facility as a result of an overloaded or clogged leach field.
 - (iii) There is a discharge of effluent directly or indirectly to the ground surface and ponding, surface outbreaks and damp soils are frequently or seasonally observed over the leach field.
 - (iv) The level of liquid in the distribution box is above the level of the

outlet invert.

- (v) The septic tank requires pumping more than four times per year and/or sewage is observed running back into the septic tank from the leach field during pumping.
 - (vi) The septic system is clearly non-compliant with the design criteria and one or more of the requirements of Part 75A, whether or not there is obvious visual evidence of system failure.
- (2) Increase in living area.
 - (3) Change in intensity of a commercial use that increases the number of employees or occupants, or increases the discharge of sewage.
 - (4) Transfer of Ownership, if at such time the septic inspection reveals that system upgrade is required.

D. Periodic Inspection. Periodic inspections shall be performed by Septic Inspector as set forth in this subdivision.

- (1) **Commercial Properties.** Commercial properties shall be inspected at the time of any fire inspection required under the Town of Huron Building Law, or New York State Uniform Fire Prevention and Building Code, and in any case at least once every two years. If a property passes inspection, it shall be issued a Certificate of Compliance that expires on the deadline for the next mandated fire inspection.

(a) **Access.** The business or property owner or his or her agent shall:

- (i) Provide access to all structures on the property to ascertain where plumbing exits each structure.
- (ii) Uncover all tanks, inspection ports and outlet baffles for inspection. The tank shall be pumped so that an inspection of the tank can be performed. If the tank is over twelve inches below grade, riser installation may be required.

(b) **Inspection Criteria.**

The Septic Inspector may determine that the existing septic system has failed or is failing to protect public health and the environment based on a combination of one or more of the following criteria:

- (i) A dye test shall be conducted to ascertain if all fixtures are connected to the tank and to ascertain if effluent is being

discharged to the surface or surface waters. However, a dye test will not be an inspection criteria on the Crescent Beach Sandbar or any other area where the Septic Inspector determines that dye testing would be inconclusive due to the hydrogeologic conditions of the area.

- (ii) There is a back-up of sewage into the house, building or facility as a result of an overloaded or clogged leach field.
- (iii) There is a discharge of effluent directly or indirectly to the ground surface and ponding, surface outbreaks and damp soils are frequently or seasonally observed over the leach field.
- (iv) The level of liquid in the distribution box is above the level of the outlet invert.
- (v) General condition of the septic tank including its age, size and condition, any evidence of effluent back-up or leakage into or out of the tank, or evidence that the septic tank requires pumping more than four (4) times per year and/or sewage is observed running back into the septic tank from the leach field during pumping.
- (vi) The septic system is clearly non-compliant with the design criteria and one or more of the requirements of Part 75A, whether or not there is obvious visual evidence of system failure.
- (vii) The distribution box shall only be exposed if a problem is found and further evaluation is required.
- (viii) Leach lines and seepage pits shall only be exposed if a problem is found and further evaluation is required.
- (ix) The holding tank shall be maintained, and pump-out records shall be presented at time of inspection, which document holding tank maintenance. The Septic Inspector shall witness a pump-out to ascertain if the tank is water tight.
- (x) At time of inspection, the Septic Inspector shall verify that ETUs have been serviced by the maintenance provider at the frequency, and in accordance with the requirements of subdivision 5(I) of this law.

(c) **Failed Systems.** Commercial properties shall be brought into compliance by date of the next required inspection. Repeated failures found in a subsequent inspection shall be corrected within 45 days. In the event of direct discharge of raw sewage to the surface or surface water, the Building Inspector shall order that the discharge be terminated immediately, and if the septic system has a tank, the outlet shall be sealed, and the tank used as a holding tank until the system is brought into compliance. The Building Inspector may also take further enforcement action, or refer the matter to the Town Board of Health, as provided in section 11 of this law.

(d) **Demonstrated Compliance.** If a Building Permit and Certificate of Occupancy, or a Certificate of Compliance (after proper inspection under this law) are issued for a new or upgraded septic system, no inspection shall be required for two (2) years after issuance of the Certificate of Occupancy.

(2) **Residential and Other Non-Commercial Properties.** All other properties shall be inspected at least once every ten (10) years, except that properties in Coastal Areas shall be inspected at least once every five (5) years. If a property passes inspection, it shall be issued a Certificate of Compliance that expires ten years after the inspection, except that Certificates of Compliance issued for properties in Coastal Areas shall expire five years after the inspection. However, if a Conditional Certificate of Acceptance is issued rather than a Certificate of Compliance, the Septic Inspector may require an inspection at such time as the Septic Inspector deems appropriate.

(a) **Property Owner.** The property owner or his or her agent shall:

- (i) Provide access to all structures that have plumbing.
- (ii) Uncover all tanks and outlet ports so that a dye test may be performed, and if the tank is over twelve inches below grade, ensure that risers have been installed.

(b) **Inspection Criteria.**

The Septic Inspector may determine that the existing septic system has failed or is failing to protect public health and the environment based on a combination of one or more of the following criteria:

- (i) A dye test shall be performed using 25 gallons of water per bedroom introduced into the septic system to ascertain if effluent is discharging to the surface or surface waters, and

if the system has a working leach system. However, a dye test will not be an inspection criteria on the Crescent Beach Sandbar or any other area where the Septic Inspector determines that dye testing would be inconclusive due to the hydrogeologic conditions of the area.

- (ii) Any of the criteria listed in paragraph 8(D)(1) of this law.
- (iii) The holding tanks must be maintained, and pump-out records shall be presented at time of inspection, which document that the holding tank is being maintained. The Septic Inspector shall witness a pump-out to ascertain if the tank is water tight.
- (iv) At time of inspection, the Septic Inspector shall verify that ETUs have been serviced by the maintenance provider at the frequency, and in accordance with the requirements of subdivision 5(I) of this law.

(c) **Failed Systems.** Failures shall be brought into compliance within two years from the date of initial inspection. Repeated failures found in a subsequent inspection shall be corrected within 45 days. In the event of direct discharge of raw sewage to the surface or surface water, the Building Inspector shall order that the discharge be terminated immediately, and if the septic system has a tank, the outlet shall be sealed, and the tank used as a holding tank until the system is brought into compliance immediately. The Building Inspector may also take further enforcement action, or refer the matter to the Town Board of Health, as provided in section 11 of this law.

(d) **Demonstrated Compliance.** If a Building Permit and Certificate of Occupancy, or a Certificate of Compliance (after proper inspection under this law) are issued for a new or upgraded septic system, no inspection shall be required for five (5) years after issuance of the Certificate of Occupancy.

E. Property Transfer Inspections. Inspection is to be performed by the Building Inspector or his or her designated Septic Inspector.

(1) **Property Owner.** Prior to inspection, the property owner or his or her agent shall:

- (a) Provide access to all structures on the property to ascertain where plumbing exits each structure.

- (b) Uncover all tanks, inspection ports and outlet baffles for inspection.
- (c) If the tank is over twelve inches below grade, riser installation may be required.

(2) Inspection Criteria.

The Septic Inspector may determine that the existing septic system has failed or is failing to protect public health and the environment based on a combination of one or more of the following criteria:

- (a) **General.** Any of the criteria listed in paragraph 8(D)(1) of this law.
- (b) **Tank.** The tank inspection shall include, but not be limited to:
 - (i) Determination of the proper liquid level in tank.
 - (ii) General condition of the tank including its age and size, and any evidence of effluent back-up or leakage into or out of the tank.
 - (iii) A dye test shall be performed using 75 gallons of water per bedroom introduced into the septic system to ascertain house fixtures are connected to the tank and to ascertain if effluent is discharging to the surface or surface waters, and if the system has a working leach system. However, a dye test will not be an inspection criteria on the Crescent Beach Sandbar or any other area where the Septic Inspector determines that dye testing would be inconclusive due to the hydrogeologic conditions of the area.
 - (iv) The tank shall be pumped completely by a septic hauler to ascertain if tank is water tight and if the baffles are correctly installed. If the Building Inspector determines that the tank may float, then the tank shall only be pumped to a level to support baffle inspection.
 - (v) The volume of the tank shall be determined. If the volume of the tank is less than 1,000 gallons, the tank shall be replaced with a tank with a minimum volume of at least 1,000 gallons. Furthermore, the volume of the tank shall be in accordance with Part 75A and this law.
- (c) **Distribution Box.** The distribution box shall be located and

exposed and its condition characterized including any evidence of solids carryover, leakage into and out of the distribution box, unequal diversion of flow, or any evidence of back-up.

- (d) **Leach Lines.** Leach lines shall only be exposed if a problem is found and further evaluation is required. However, the overall condition of the leach field will be observed including any signs of hydraulic failure, condition of surface vegetation, and ponding within the disposal area.
- (e) **Seepage Pits.** Seepage pits are allowed if effluent is passed through a septic tank before the seepage pit, and shall only be exposed if a problem is found and further evaluation is required.
- (f) **Holding Tank.** The holding tank shall be maintained, and pump-out records shall be presented at time of inspection, which document holding tank maintenance. The Building Inspector or his or her designated septic inspector shall witness a pump-out to ascertain if the tank is water tight.
- (g) **ETUs.** It will be the responsibility of the property owner or his or her agent to arrange for an inspection of ETUs, with a written report of such inspection to be furnished to the Building Inspector or his or her designated septic inspector at the time of property transfer. At time of inspection, adequate proof shall be produced that ETUs have been serviced by the maintenance provider at the frequency, and in accordance with the requirements of subdivision 5(I) of this law.
- (h) **Demonstrated Compliance.** If a Building Permit and Certificate of Occupancy, or a Certificate of Compliance (after proper inspection under this law) have been issued within two (2) years prior to the transfer of ownership for commercial properties or three (3) years prior to the transfer of ownership for residential or other properties, no additional inspection shall be required until the time of the next periodic inspection,
- (i) **Winter Inspections.** Winter inspections shall only be conducted when the area is free of snow and frozen ground. On waterfront properties, winter inspections shall not be conducted when the adjoining waterway is frozen over. A partial inspection of the septic tank and exposed components may be conducted for property transfer inspections, and a Conditional Certificate of Acceptance issued, provided that a full inspection is completed when conditions permit.

- (j) **Failed Systems.** Failed systems shall be brought into compliance, to the extent practical, to comply with Part 75A and this law before transfer of ownership or re-occupation of the structure.

F. Septic Inspection Report. Within fifteen (15) days of the inspection, the Septic Inspector shall file a completed Septic Inspection Report with the Town which shall document observed conditions and use. The property owner shall be furnished a copy of the Septic Inspection Report and any Certificate of Compliance that is issued.

9. Enforcement Action Upon Complaint. The Building Inspector is authorized to investigate all written complaints or concerns regarding compliance with this law.

A. Voluntary Cooperation. If the Building Inspector finds a reasonable basis to investigate such complaints or concerns, he or she shall first make efforts to notify the property owner of the complaint or concerns, and then proceed to visually inspect the septic system. The Building Inspector shall attempt to obtain the cooperation of the property owner to validate and resolve any concerns, and may request permission from the property owner to inspect the septic system or property. If permission is denied, except in exigent circumstances, the Building Inspector shall not enter the property to conduct an inspection without an administrative search warrant, which may be issued by the Town of Huron Justice Court.

B. Enforcement Action. If the Building Inspector determines that a septic system is not functioning properly, or is not in compliance with applicable legal requirements, he or she is authorized to order: (i) replacement of the tank; (ii) pumping of the tank; or (iii) other repairs or improvements; to the extent reasonably necessary to restore functionality and compliance with legal requirements. The property owner shall be responsible for all actions and costs necessary to support system inspection and repairs. If a violation of applicable legal requirements is found to exist, the Building Inspector shall order the property owner to terminate use of the septic system and discharge of sewage either immediately; or within thirty (30) days. If deficiencies are not resolved within thirty (30) days, the property owner shall also submit a schedule for compliance to the Building Inspector, who may order compliance with such schedule or such other schedule as he or she deems appropriate to protect public health, welfare and the environment. The Building Inspector may also take further enforcement action, or refer the matter to the Town Board of Health, as provided in section 11 of this law.

10. Variances. Variances from the requirements of this law may be granted by the Septic Board of Appeals, in accordance with this section.

A. Septic Board of Appeals. The Zoning Board of Appeals shall act as the Septic Board of Appeals.

B. Standard. The Septic Board of Appeals may grant a variance where the requirements of this law pose a practical difficulty or unnecessary hardship, and the Board finds that the variance will safeguard public health, safety, and welfare, and protect the environment, including the quality of ground and surface water. The Septic Board of Appeals shall consider the following factors and make applicable findings regarding:

- (1) Whether the use or activity to be authorized by the waiver or variance is in harmony with the purpose and intent of this law.
- (2) Whether a substantial change will be produced in the general condition of the water quality or a substantial risk to groundwater quality or quantity will be created because of the variance.
- (3) Whether the hardship or difficulty can be alleviated by some other method that is feasible for the applicant to pursue.
- (4) Whether the variance requested is the minimum variance necessary to afford relief. To this end, the Septic Board of Appeals may recommend a lesser variance than that applied for.
- (5) Whether the hardship or difficulty has been created by the applicant.

C. Exemption for Areas Proposed to Be Served by a Sewer System. In addition, if the owners of fifty (50%) percent of the assessed valuation of an area of the Town propose that a sewer system be installed to serve that area, they may apply for a variance giving that area a general exemption from the requirements of this law. If the Septic Board of Appeals finds that a reasonable plan to pursue the sewer system is presented, the Board may grant such a variance for up to three years, subject to annual review, except that septic systems in the area would still be subject to inspection, including dye tests, to ensure that they were not discharging raw sewage. If a septic system is discharging raw sewage, upgrades or repairs shall be made to eliminate such discharges. Such a variance may, upon application, be extended by the Board for additional periods of up to three years each, subject to annual review, provided significant progress in the pursuit of a sewer system is demonstrated.

D. General Procedures.

- (1) **Applications.** The Septic Board of Appeals shall prescribe the form for applications for a variance. The application shall include:
 - (a) The applicant's name, address and his interest in the subject property; and if not the property owner the owner's name and address and the owner's signed consent to file the application.

- (b) A narrative description of the proposed use or action together with any other pertinent information that may be necessary to adequately review the application.
 - (c) A sketch plan illustrating all proposed site alterations, all structures existing on site, the existing uses and zoning of adjacent parcels, site contours and drainage patterns.
 - (d) A statement articulating the hardship or difficulty imposed by the enforcement and administration of this law with specific reference to the factors listed in paragraph 10(B).
 - (e) A statement assessing the potential impact on water quality or the use or activity to be authorized by the variance.
- (2) **Hearing.** The Septic Board of Appeals shall fix a reasonable time for the hearing of any application for a variance within sixty-two (62) days from the day an application is filed.
 - (3) **Notice.** The Septic Board of Appeals shall give notice of the hearing on any application for a variance by the publication of a notice of such hearing in a newspaper of general circulation in the Town at least five (5) days prior to the date the hearing, and mailing notice to the applicant at least ten (10) days prior to the date of the hearing.
 - (4) **Meetings.** All meetings of the Septic Board of Appeals shall be held at the call of the Chairperson and at such other times as such Board may determine. All meetings of such Board shall be open to the public. The concurring vote of a majority of the members of the Board shall be necessary for the Board to act.
 - (5) **Oaths.** The Chairperson, or in absence of the Chairperson, the Acting Chairperson, may administer oaths and compel the attendance of witnesses.
 - (6) **Meetings, Minutes, Records.** Meetings of the Septic Board of Appeals shall be open to the public to the extent provided in Article Seven of the Public Officers Law. The Septic Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions.
 - (7) **Decision.** The Septic Board of Appeals shall make its decision within sixty-two (62) days of the hearing; provided, however, the time within which the Board must render its decision may be extended by mutual

consent of the applicant and the Board.

- (8) **Conditions.** The Septic Board of Appeals may impose such reasonable conditions and restrictions as are directly related to and incidental to achievement of the purposes of this law and the standards for a variance.
- (9) **Filing.** Every decision or determination of the Board shall be filed immediately in the office of the Town Clerk, and shall be a public record

11. **Violations.**

- A. **Inspections.** If a property owner refuses to allow access to his or her property to conduct an inspection as required by this law, the Building Inspector shall not enter the property to conduct an inspection without an administrative search warrant, which may be issued by the Town of Huron Justice Court.
- B. **Abatement.** In case any septic system is constructed, reconstructed, altered, converted or maintained or used, or any property is transferred, in violation of this law, or any order of the Building Inspector under this law is not complied with, the Building Inspector or the Town Board (acting as the Town Board of Health), in addition to other remedies, may institute any appropriate action to restrain, correct, or abate such violation, prevent the use of such septic system, or enforce this law or requirements under the State Public Health Law and Regulations, and the Building Inspector may revoke a Certificate of Compliance or Occupancy.
- C. **Hearing.** The Town Board (acting as the Town Board of Health) may schedule a hearing on an alleged violation, and if the conditions arising from the violation are found to be a threat to public health, safety, or welfare of the community, the Board may order the violation corrected. Alternatively, the Board may direct that the Town take corrective action and assess all costs and expenses incurred by the Town in connection with the proceedings and correction of the violation upon the property, provided it utilizes the same procedure as set forth in section 9 of the Town Building Law for unsafe structures.
- D. **Criminal Penalties.** Any person, firm or corporation who violates, disobeys, neglects, refuses to comply with or resists the enforcement of any provision of this law or any written order of Building Inspector issued under this law shall be guilty of an offense, and upon conviction of such offense may be subject to a fine of not more than five hundred dollars, or imprisonment for a period of not more than fifteen days, or both such fine and imprisonment for each offense. However, a person, firm or corporation convicted of a second or other repeated violation of this law, with at least one previous violation occurring within the period of five (5) years immediately preceding the latest violation, may be guilty of a misdemeanor, and may be subject to a fine of not more than one thousand dollars, or imprisonment for not more than six months, or both such fine and

imprisonment for each offense. The Building Inspector is authorized to issue appearance tickets for violations of this law requiring appearance by the alleged violator in Huron Town Justice Court.

- E. Civil Penalties.** Any person, firm or corporation who violates, disobeys, neglects, refuses to comply with or resists the enforcement of any provision of this law or any written order of the Building Inspector issued under this law shall be deemed to have violated this local law, and may be liable to pay the Town a civil penalty of up to one thousand dollars for each such violation. Such a civil penalty may be assessed in any action or proceeding brought by the Septic Inspector or the Town Board to enforce the provisions of this law.
 - F. Continuous Violations.** Each day a violation or offense is continued or not corrected shall be deemed a separate violation or offense.
- 12. Recourse.** Any person or persons, jointly or severally aggrieved by any decision or action of the Septic Board of Appeals or any officer, department, board or bureau of the Town arising under this law, may apply to the Supreme Court for review by a proceeding under Article 78 of the Civil Practice Law and Rules. Such a proceeding against the Septic Board of Appeals must be instituted within 30 days after the filing of a decision of the Septic Board of Appeals in the office of the Town Clerk, and against any other officer, Department, board or bureau of the Town within 30 days of the decision or action.
 - 13. Savings Clause.** If any part of this law is held unconstitutional, invalid or ineffective, the remainder of this law shall be valid.
 - 14. Effective Date.** This local law shall take effect within 20 days after filing with the Secretary of State.

of Camanche with regard to Camanche Lake, or in the town of Canadota or Richmond with regard to Montoyo Lake until all respective lakeshore municipalities unanimously agree by resolution to a set of uniform standards that fix the maximum length and density of docks, the number of docks or boat slips allowed per front foot of lakeshore for various uses, the number of moorings and boatbarns allowed for various land uses, and the allowable dimensions and

locations for docks, and provided further that no such local law shall take effect until it shall have been submitted to and approved in writing by the commissioner of parks, recreation and historic preservation and provided further that no future amendments to the uniform standards shall take effect until all respective lakeshore townships have unanimously agreed by resolution to the revised set of uniform standards and such revised standards have already been submitted to and approved in writing by the commissioner.

(2) The local legislative body of any city, town or village which is a participating community as defined in subdivision (a) of section 44-0103 of the environmental conservation law may adopt, amend and enforce local laws, rules and regulations not inconsistent with the laws of this state or the United States or with the Hudson river valley greenway compact, with respect to the construction and regulation of the manner of construction and location of boathouses, moorings and docks in any waters within or bound by the aforementioned greenway to a distance of fifteen hundred feet from the shoreline. Nothing in this subdivision as in article four-eleven of the environmental conservation law or in the Hudson river valley greenway compact executed pursuant to such articles, shall be deemed to affect, impair or supersede the provisions of any charter, local law, rule or other local requirements and procedures heretofore or hereafter adopted by such participating community, including, but not limited to, any such provisions relating to the zoning and use of any or any waters within or bound by such participating community to a distance of fifteen hundred feet from the shoreline.

(3) c. The local legislative bodies of the towns of Barrington, Jerusalem, Milo, Fulton, Urbana and Wayne and the villages of Hammondsport and Penn Yan in the counties of Seneca and Yates may adopt, amend and enforce local laws, rules and regulations not inconsistent with the laws of the United States, with respect to the construction and regulation of the manner of construction and location of boathouses, moorings and docks in any waters within or bound by the aforementioned towns and villages to a distance of fifteen hundred feet from the shoreline.

d. No such local law, rule or regulation shall take effect in the towns of Barrington, Jerusalem, Milo, Fulton, Urbana or Wayne and the villages of Hammondsport and Penn Yan with regard to Hooks Lake, until all respective lakeshore townships have unanimously agreed by resolution to a set of uniform standards for use as a minimum the length and depth of docks, the number of houses or boat slips allowed per lot, the number of boatshows for various land uses, the number of moorings and boatshaws allowed for various land uses, and the allowable dimensions and locations for docks, and provided further that no such local law shall take effect until it shall have been submitted to and approved in writing by the commissioner and provided further that no future amendments to the uniform standards shall take effect until all respective lakeshore townships have unanimously agreed by resolution to the revised set of uniform standards and such revised standards have already been submitted to and approved in writing by the commissioner.

The provisions of this section shall be non-revoking notwithstanding any contrary provisions of law.

2010 Property Maintenance Code of New York State (excerpt)

Chapter 3 - General Requirements

SECTION 302 EXTERIOR PROPERTY AREAS

302.1 Sanitation.

302.2 Grading and drainage.

302.3 Sidewalks and driveways.

302.4 Weeds.

302.5 Rodent harborage.

302.6 Exhaust vents.

302.7 Accessory structures.

302.8 Motor vehicles.

302.1 Sanitation.

302.2 Grading and drainage.

302.3 Sidewalks and driveways.

302.4 Weeds.

302.5 Rodent harborage.

302.6 Exhaust vents.

302.7 Accessory structures.

302.8 Motor vehicles.

302.1 Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

302.2 Grading and drainage. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon. Exception: Approved retention areas and reservoirs.

302.3 Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

302.3.1 Off street parking lots. Whenever a person, firm or corporation performs the following work in an off street parking lot, within a six month period of time, the design of designated accessible parking shall be in accordance with the requirements of the Building Code of New York State Section 1106 and the design features found in this section.

1. Repave or repaint more than one half of the total number of parking spaces in an off street parking lot, which contains designated accessible parking spaces.
2. Creates designated accessible parking spaces in an off street parking lot.
3. Repave or repaint more than one half of the total number of designated accessible parking spaces in an off street parking lot.

Designated accessible parking spaces shall incorporate the following design features:

Spaces

The parking space shall be 96 inches (2438 mm) wide minimum and shall have an adjacent access aisle of 96 inches (2438 mm) wide minimum.

Two parking spaces shall be permitted to share a common access aisle.

Access aisle shall extend the full length of the parking space they serve and shall have a surface slope not steeper than 1:48.

Signage

Each accessible parking space shall be provided with signage displaying the international symbol of accessibility.

Each access aisle shall be provided with signage reading, "No Parking Anytime." Signs shall be permanently installed at a clear height of between 60 inches (1525 mm) and 84 inches (2185 mm) above grade and shall not interfere with an accessible route from an access aisle.

302.4 Weeds. All premises and immediate exterior property shall be maintained free from weeds or plant growth in excess of 10 inches (254 mm). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

302.5 Rodent harborage. All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

302.6 Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

302.7 Accessory structures. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

302.8 Motor vehicles. Except as otherwise provided for in statute or other regulations, two or more inoperative or unlicensed motor vehicles shall not be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

APPENDIX C – INFORMATION ON PARKS AND TRAILS

➤ Lake Ontario Public Boat Launches- Wayne County

- 11 - Sodus Bay Site - On Route 14, at the end of Margaretta Road. Concrete ramp. Parking for 20 cars and trailers. Operated by the Village of Sodus Point.
- 12 - East Bay South Site - On Slaght Road, 1 mile west of the Hamlet of North Huron. Gravel ramp. Parking for 5 cars and trailers. Operated by the DEC.
- 13 - East Bay North Site - On North Huron Road, 2 miles north of the Hamlet of North Huron. Car top boat launch. Parking for 8 cars. Operated by the DEC.
- 14 - Port Bay West Site - Off West Port Bay Road, 5 miles north of Village Wolcott. Parking for 35 cars and trailers. Concrete launching ramp. Operated by the DEC.
- 15 - Port Bay South Site - Off West Port Bay Road, 3 miles north of Village Wolcott. Hard surface ramp. Parking for 28 cars & trailers. Operated by the DEC.
- 16 - Black Creek Site - In the Black Creek Unit of Lake Shore Marshes Wildlife Management Area. Access road to boat launch is off Kakat Road 1.3 miles west of Blind Sodus Road. The intersection of Kakat Road and Blind Sodus Road is 0.5 miles north of Route 104A in Fair Haven. Car top boat launch. Parking for 5 cars. Operated by the DEC.

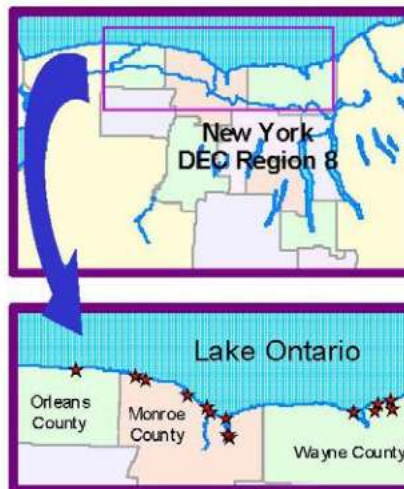
Fish Management

Fish species present in Lake Ontario include chinook salmon, coho salmon, brown trout, rainbow trout, lake trout, smallmouth bass, largemouth bass, walleye, northern pike, and a variety of panfish such as yellow perch, black crappie, rock bass, white perch and brown bullhead. Each year the New York State Department of Environmental Conservation (NYSDEC) stocks over 425,000 brown trout, 500,000 lake trout, 1,600,000 chinook salmon, 615,700 rainbow trout (steelhead), 245,000 coho salmon, 50,000 Atlantic salmon and 208,700 walleye in Lake Ontario.



DEC

Public Boat Launches **Lake Ontario**



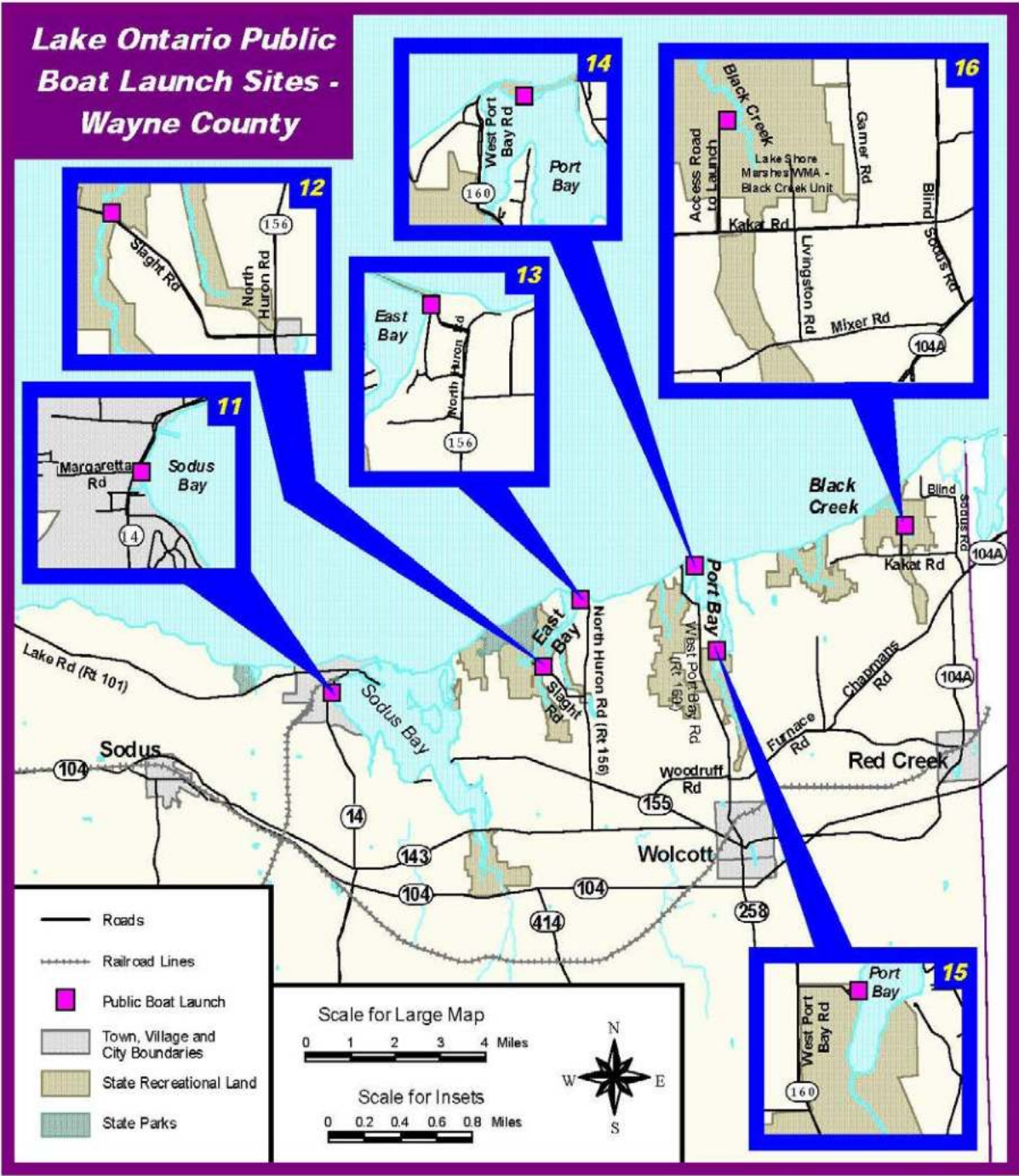
Lake Ontario is the smallest of the Great Lakes. The Lake Ontario's diverse fishery offers anglers many opportunities to take advantage of some of New York State's best fishing. This brochure describes 16 public boat launch sites offered on Lake Ontario in Orleans, Monroe and Wayne Counties.



Smallmouth Bass

New York State
Department of Environmental
Conservation
www.dec.ny.gov

Ver 4: 3/11



➤ Chimney Bluffs State Park Information

Facilities

DAY USE: Permitted activities are posted by the Garner Road and East Bay Road entrances.
Picnic Area: Tables and grills
Interpretive Signs
Comfort Stations
Hiking Trails

While the park is open year-round, most facilities and activities are only available on a seasonal basis. Please check with the Fair Haven Beach park office (315-947-5205) before arriving at the park. Vehicle access is available on a seasonal basis.



Accessible parking spaces and restrooms are available. Contact the Fair Haven Beach park office (315-947-5205) for specific information.

NEARBY STATE PARKS:

Camping and Day-use Facilities:
Fair Haven Beach: N.Y.S. Rte. 104A, in Fair Haven
Cayuga Lake State Park: N.Y.S. Rte. 89, 3 miles east of Seneca Falls
Day-Use Facilities Only:
Seneca Lake State Park: N.Y.S. Rtes. 5 & 20, east of Geneva

Directions to Chimney Bluffs from Fair Haven Beach

1. Turn right onto Rte. 104A off the park road, and continue to the junction with Rte. 104. Turn right onto Rte. 104.
2. Drive 9.5 miles west on Rte. 104, and turn right onto Lake Bluff Road (there is a flashing yellow light at the intersection.)
3. Travel north on Lake Bluff Road for 3 miles to Garner Road. Lake Bluff Road takes a sharp left, but you will continue straight onto Garner Road until you see the main park entrance on your left. To reach the East Bay parking lot, continue on Garner Road, take a left onto East Bay Road to reach the parking lot near the lakeshore.

The Finger Lakes Story

Sparkling lakes, breathtaking waterfalls and rolling pastoral land dominate the landscape of the Finger Lakes Region. Over thousands of years, gigantic glaciers and coursing streams carved this landscape shared by generations of people. Located along the south shore of Lake Ontario, Chimney Bluffs State Park is one of 29 facilities of the Finger Lakes State Parks Region where you can enjoy these treasured landscapes and discover the lives of people of the past.

Earthen spires and chimneys rise like badlands 150 feet above the ocean-like expanse of Lake Ontario that extends 50 miles north to Canada, beyond the horizon. This park features over four miles of trails. Enjoy a stroll along the lakeshore below the towering chimneys or walk on the Bluff Trail above. Top off your hiking experience with a picnic lunch overlooking the vast expanse of Lake Ontario.

The Nature of Chimney Bluffs

To the geologist, Chimney Bluffs have "Ice Age" written all over them. Lake Ontario was left in an enormous, shallow bedrock pan eroded by the most recent continental glacier, which melted from New York 12,000 years ago. The Chimney Bluffs form the north end of a glacier-made hill called a "drumlin."

There are more than 10,000 drumlins south and east of Lake Ontario. They are made of "glacial till," a mixture of sand, clay, silt, gravel, cobbles and boulders that were scraped, pulverized, pasted, smeared and dumped on the land beneath the passing

mountain of ice. It is thought that the drumlins were created when the overriding glacier worked glacial till into hills that ran parallel to the direction of ice movement under ideal conditions of temperature, melting, ice thickness and land slope. The central New York drumlin field is one of the most extensive in the world and Chimney Bluffs are its most spectacular example. But, the story does not end there.

Imagine a dome of ice as high as the Rocky Mountains covering Ontario and New York, sloping upwards to its greatest height in northern Canada. Then imagine how heavy this must have been, so heavy that the land sank beneath it. When the ice melted away, the depressed land began to rebound and has been rising ever since, though at a decelerating rate (about a foot a century). The rising land tilted Lake Ontario southward and flooded the drumlin field between Sodus and Oswego, creating bays, marshes, islands and wave-eroded drumlins.

For thousands of years, waves have pounded the northern edge of this drumlin, causing the packed glacial earth to collapse. Rain and melting snow wash out gullies between the chimneys. The whole cliff-face is eroding into the lake, as much as three to five feet annually in places. This is quicker than vegetation can get a foothold, leaving the bluffs bare and vulnerable to yet more erosion. Soil is washed into the lake and stones are left behind on the shore.

Forest grows atop Chimney Bluffs, supporting a rich community of spring wildflowers. West and south of the bluff, natural vegetation is slowly replacing former orchards and farmland that took advantage of the lake's moderating effect on temperature extremes. The top of the bluffs is a good place to watch for migrating birds in spring, including hawks, which follow the lakeshore eastward on their way to Canada.

CHIMNEY BLUFFS STATE PARK

Garner Road
Wolcott, New York 14590
Park Office: 315-594-6770
For additional information: 315-947-5205
Regional Office and Park Police:
607-387-7041
Joe Keeler, Park Manager

IN AN EMERGENCY

Park Police.....1-800-255-3577
Police, Ambulance, Fire.....911

Special Passes

The Access Pass is available to New Yorkers with qualifying disabilities. The Golden Park Program allows New York State residents 62 years of age or older unlimited weekday and non-holiday access to all state parks by showing a NYS driver's license or non-driver identification. The Empire Passport provides unlimited vehicle entry to most state parks and recreation areas. Passes can be purchased in person at most state parks or recreation areas, or by mail from State Parks, Albany, NY 12238.

"Carry In-Carry Out" Parks

Our facilities are designated "Carry In-Carry Out." Please take your trash and recyclables home with you for proper disposal.

www.nysparks.com



State of New York
Office of Parks,
Recreation, and Historic Preservation
An Equal Opportunity/Affirmative Action Agency

Produced by JMF Publishing
30 Burr Ave., New York Mills, NY 13417
For sponsorship information call 315-768-7137

Chimney Bluffs STATE PARK



Wolcott, New York



Finger Lakes Region
2011

People and Chimney Bluffs

Chimney Bluffs have been a significant landmark for ships on Lake Ontario for centuries. During Prohibition, Canadian smugglers brought bootleg liquor across the lake at night and dropped it off at the bluffs where men took it to barns and other places to be stored until sold.

Chimney Bluffs was an informal, privately-owned recreation area until New York State acquired the property in 1963.

TO ALL OUR GUESTS

Trails:

Park trails are for pedestrian use only. Bicycles and horses are not allowed on the trails.

Pets:

Family pets must be leashed and attended at all times. Proof of rabies vaccination must be by veterinarian's certificate-the collar tag will not be accepted as proof.

Respecting Wildlife:

Please do not feed or harass any wildlife while visiting the park. If you see any wildlife that appears ill, leave it where it is and contact park personnel immediately. If you come in physical contact with an animal, report it to a park employee right away.

➤ Chimney Bluffs State Park – trail maps

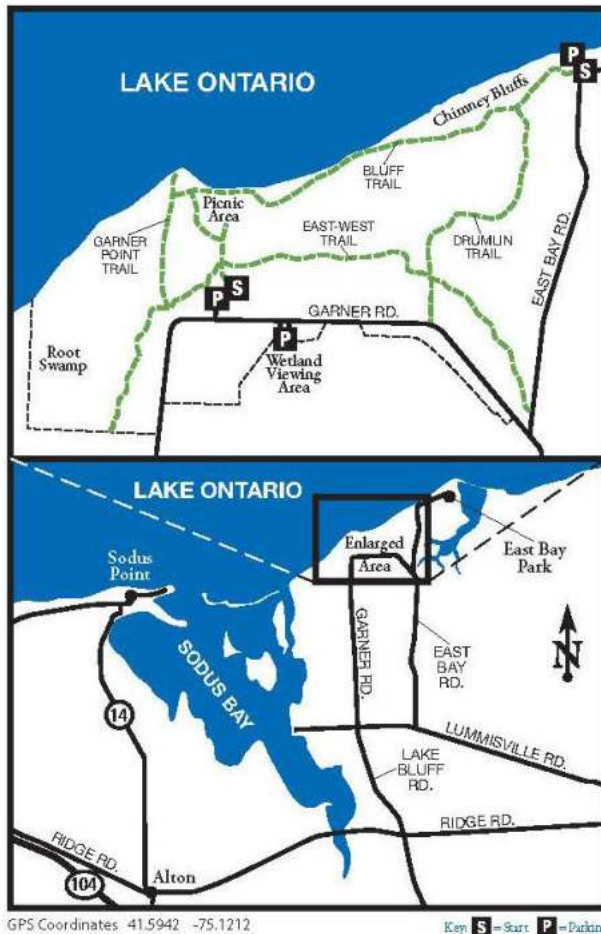
55 Chimney Bluffs State Park Huron, NY

Towering 150 feet above Lake Ontario in the Town of Huron, Wayne County, NY these bluffs, which are a large clay drumlin formed six to ten thousand years ago by a glacier, then eroded by waves and weather are now part of 597 acres acquired by New York State in 1963 to create Chimney Bluffs State Park. Hike the trails or walk the shoreline, either one will leave you awestruck! Pack a picnic lunch and enjoy the beauty Nature provided.

This park offers several hikes and is a photographer's paradise. The western half of the park has mowed grass trails through fields and scrubland. The eastern half is wooded with 6 to 8 foot-wide forest trails. The bluffs face Lake Ontario with a narrow dirt trail along their edge. The highest point of land is in the northeast part of the park.

Distance .2 to 3 miles

Difficulty ★ ★ ★
to ★ ★ ★



S 7700 Garner Rd, Huron, NY



Chimney Bluffs State Park

7700 Garner Road, Wolcott, NY 14590

Park Office: (315) 947-5205
Finger Lakes Regional Office: (607) 387-7041
Park Police: (607) 387-7081
In Case of Emergency: 911



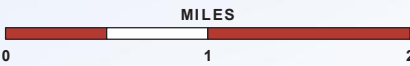
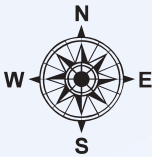
Legend

- Bridge
- Comfort Station
- Kiosk
- Parking Area
- Picnic Area
- Scenic View
- Trail color varies
- Roads
- State Park Land
- DEC land
- Sand
- Parking
- Water
- Wetlands

Trails

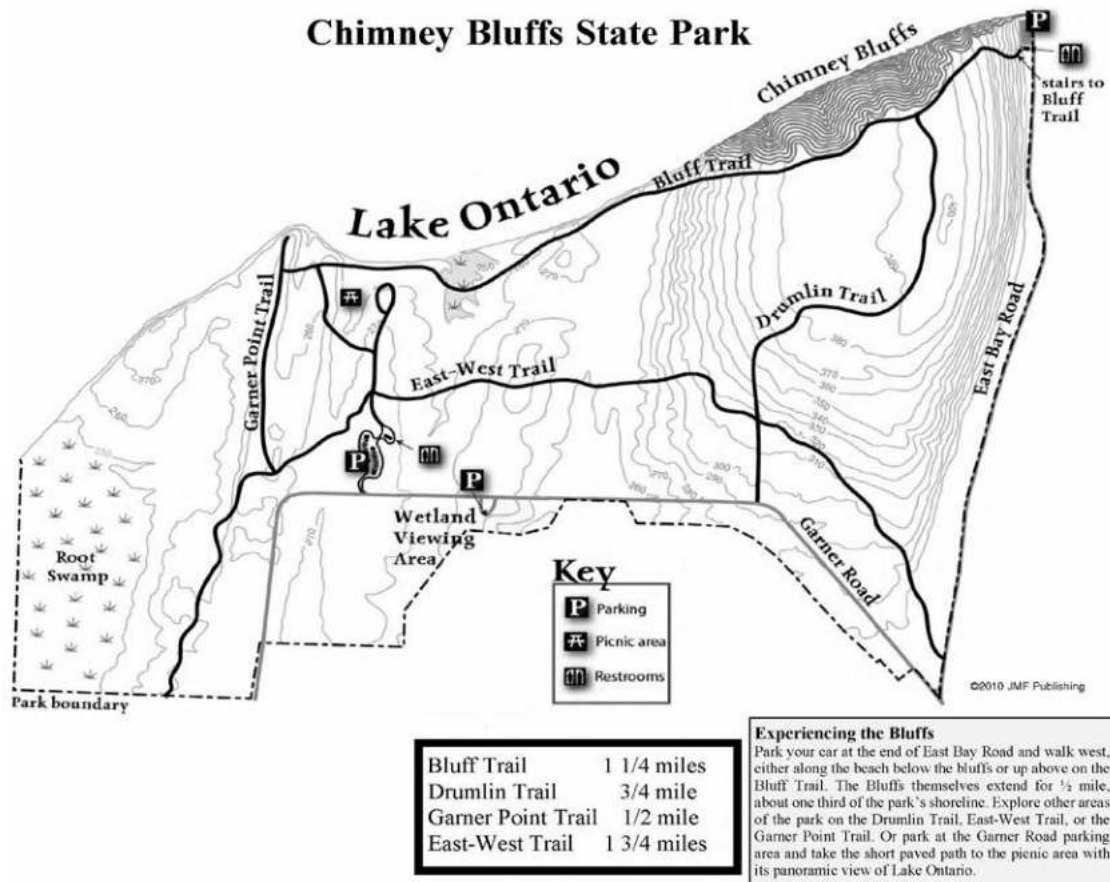
- BT - Bluff Trail - 1.25 Miles
- DT - Drumlin Trail - 0.75 Miles
- EW - East-West Trail - Red - 1.75 Miles
- GP - Gamer Point Trail - 0.50 Miles
- MT - Meadow Trail - 0.12 Miles

Please be considerate of other park users.
Please report any accident or incident immediately to park police.
All boundaries and trails are shown as approximate.
Be aware of changing trail conditions.



Map produced by NYSOPRHP GIS Bureau, September 29, 2015.





➤ **Lake Shore Marshes Wildlife Management Area**



History and Features:

The Lake Shore Marshes Wildlife Management Area is located between Rochester and Oswego in the northeastern part of Wayne County. This complex is composed of several units, is bounded on the north by Lake Ontario and contains approximately 6,179 acres of wetlands and adjacent uplands.

Development has included the construction of small water impoundments and parking areas at scenic locations overlooking areas used by migrating waterfowl. Other developments consist of boat access sites and trails available to fishermen, hunters, hikers and naturalists.

The area offers a unique combination of lake-bay marsh environments providing varied habitats for many species of fish, mammals, songbirds, shorebirds and waterfowl. Management objectives emphasize waterfowl utilization of this area. Public recreational uses of a non-conflicting nature is encouraged. Black ducks, mallards, wood ducks and teal are the principal waterfowl species along with a variety of diving ducks on the open water areas.

Public Use:

Management units are identified with appropriate signs. Most of the area is available for public use with certain sections reserved as waterfowl refuge areas. Regulations governing public use have been designed to preserve the integrity of the wildlife habitat. Camping is not allowed. During the hunting season, pheasants, rabbits, woodcock, squirrels, deer and waterfowl are taken in good numbers. Fishing for smallmouth and largemouth bass, northern pike and panfish is popular. Muskrats and mink are common furbearers and provide trapping recreation. Bird watching is excellent on the various units.

Bring along your binoculars and camera for added enjoyment while enjoying the natural flora and fauna which characterize this complex.

**Lake Shore Marshes Facility
Information**

Activity	Availability
Upland	Yes
Wetland	Yes
Hiking Trails*	Yes
Nature Trails*	No
Boat Access	Yes
Parking Lot	Yes
Viewing Tower	No
Scenic Vistas	Yes
Picnic Areas	No
Restrooms	No
Birdwatching	Yes
Camping	No
X-Country Skiing	Yes
Snowshoeing	Yes
Hunting	Yes
Fishing	Yes
Trapping	Yes
Endangered Species	No
Unusual Plants	Yes

** A nature trail can be used as a hiking trail, a hiking trail differs from a nature trails in that a nature trail usually has printed information along the trails and often has a brochure*

➤ Bicycle Tour of the Bay Sodus Point, NY

30 Tour of the Bay Sodus Point, NY

Distance 36.4 miles

Difficulty ★ ★ ★

Sodus Bay is at the heart of this tour. Cyclists will skirt the edges of its majestic waters while passing by the site of the Sodus Shaker Community and the Chimney Bluffs Park. Formed centuries ago by glacier activity and molded by weather and age, this natural wonder is a must see. Be sure to bring along your camera! Continuing on to the Village of Wolcott, riders will marvel at its beautiful landscape and rural farmland. In addition, the route is peppered with marinas, boating services, shops, restaurants and farm markets that are sure to make this tour even more enjoyable.

Attractions:

Chimney Bluffs State Park, Garner Rd., Huron
Lakeshore Marshes Wildlife Area, Huron
Thorpe Vineyard, Chimney Heights Blvd., Huron
Sodus Point Lighthouse, Ontario St., Sodus Point

Food:

Sodus Point and Wolcott Business Districts
Orchard View Country Market, Ridge Rd., Huron



Turn left out of parking lot
Turn right onto Wickham Blvd. 0.3 mi
Turn left onto Bay St. Ext. 0.1 mi
Turn right onto Bay St. 0.3 mi
Turn left onto Rt. 14S 2.6 mi
Turn left onto Red Mill Rd. 1.6 mi
Turn right onto Shaker Tract Rd. 1.6 mi
Turn left onto Ridge Rd. 1.2 mi
Turn left onto Lake Bluff Rd. 1.8 mi
Turn left onto Lummisville Rd. 1.6 mi
Turn right onto Sloop Landing Rd. 0.3 mi
Turn right onto Lake Bluff Rd. 0.6 mi
Turn left onto Garner Rd. continue bearing right
onto East Bay Rd. 2.7 mi
Turn left onto Slaght Rd. 2.3 mi
Turn right onto Dutch St. 2.4 mi
Turn left onto Richardson Rd.
turns into Clapper Rd. 0.5 mi
Turn left onto Teller Rd. 2.0 mi
Turn right onto West Port Bay Rd. 0.7 mi
Turn left onto Furnace Rd. 0.3 mi
Turn right onto East Port Bay Rd. 0.5 mi
Turn right onto Oswego St. 0.2 mi
Veer right onto Main St. which becomes Ridge
Rd. 8.6 mi
Turn right onto Rt. 14 4.2 mi
Turn right onto Bay St. and retrace route back
to park.



Another reason,
I ♥ NY.



**Let's Go
Bike**

For more information on trails
and attractions within this area:
Wayne County Tourism
9 Pearl Street Suite 3
Lyons, NY 14489

waynecountytourism.com
800-527-6510

➤ Wayne County - Snowmobile Trails Map



APPENDIX D – SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS

- **Lake Shore Marshes SCFWH**
- **Sodus Bay SCFWH**
- **East Bay SCFWH**
- **Port Bay SCFWH**

COASTAL FISH & WILDLIFE HABITAT RATING FORM

Name of Area: **Lake Shore Marshes**
Designated: **October 15, 1987**
County: **Wayne**
Town(s): **Huron, Wolcott**
7½' Quadrangle(s): **Rose, NY; Sodus Point, NY; North Wolcott, NY; Wolcott, NY**

<u>Score</u>	<u>Criterion</u>
--------------	------------------

- | | |
|------------|--|
| 64 | Ecosystem Rarity (ER)
An extensive complex of undeveloped coastal wetland ecosystems; unusual in New York State. |
| 16 | Species Vulnerability (SV)
Black tern (SC) nesting; least bittern (SC) and sedge wren (SC) possible, but not confirmed. |
| 9 | Human Use (HU)
Waterfowl hunting opportunities attract visitors from throughout central New York. |
| 9 | Population Level (PL)
Concentrations of marsh nesting birds and migrant waterfowl unusual in the Great Lakes Plain ecological region. |
| 1.2 | Replaceability (R)
Irreplaceable. |

SIGNIFICANCE VALUE = [(ER + SV + HU + PL) X R] = **118**

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

BACKGROUND

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

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

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

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

DESIGNATED HABITAT: LAKE SHORE MARSHES

LOCATION AND DESCRIPTION OF HABITAT:

Lake Shore Marshes is located along the southern shore of Lake Ontario, between Sodus Bay and Little Sodus Bay, in the Towns of Huron and Wolcott, Wayne County (7.5' Quadrangles: Sodus Point, N.Y.; Rose, N.Y.; North Wolcott, N.Y.; and Wolcott, N.Y.). The fish and wildlife habitat consists of ten relatively discrete units, each encompassing a sizeable coastal wetland area. From west to east, these units are: South Sodus Bay (approximately 225 acres); Hog Island (50 acres); Root Swamp (160 acres); East Bay (730 acres); Brush Marsh (80 acres); Beaver Creek (350 acres); Cottrell Marsh (75 acres); Port Bay (430 acres); Red Creek (380 acres); and Black Creek (500 acres). Most of these areas are located within the NYSDEC's Lake Shore Marshes Wildlife Management Area; only Brush Marsh and a portion of the Black Creek area are privately owned. The various units are generally dominated by emergent wetland vegetation, but relatively large areas of scrub-shrub and forested wetlands also occur. Open water in the area exists primarily in the form of various low-gradient, warmwater streams; Sodus Creek, Wolcott Creek, and Red Creek are the largest tributaries emptying into Lake Shore Marshes, with each draining approximately 20-30 square miles of agricultural and rural residential lands. These streams bisect most of the wetland units and serve as a primary hydrologic connection to Lake Ontario; however, Brush Marsh and Root Swamp are only connected to the lake via under-ground seepage through a barrier beach. The land area surrounding Lake Shore Marshes is rural in nature, including upland deciduous forest, abandoned fields, active agricultural lands, and low density residential development. State ownership of Lake Shore Marshes (and much of the adjacent lands) has protected the area from significant human disturbance.

FISH AND WILDLIFE VALUES:

Lake Shore Marshes encompasses some of the largest, undeveloped, coastal wetlands in the Great Lakes Plain ecological region of New York. These areas comprise an extensive natural area complex that is rare in New York State. The large size, ecological diversity, and lack of human disturbance of Lake Shore Marshes are important factors contributing to the fish and wildlife values of this area.

Lake Shore Marshes offers a unique combination of wetland and aquatic environments that provides valuable habitats for a variety of fish and wildlife species. Although there have been few documented studies of the area, Lake Shore Marshes is known to be a very productive nesting area for waterfowl and other marsh birds, including great blue heron (14 nesting pairs in Cottrell Marsh in 1985), green-backed heron, American bittern, mallard, wood duck, sora, common moorhen, black tern (SC), common snipe, marsh wren, common yellowthroat, red-winged blackbird, and swamp sparrow. Least bittern (SC) and sedge wren (SC) have also been observed in the area, but breeding has not been confirmed. Concentrations of waterfowl (especially dabbling ducks) also use the area for feeding and resting during spring and fall migrations; this is a primary management objective for State-owned portions of Lake Shore Marshes. Lake Shore Marshes supports sizeable populations of several furbearing species, including muskrat, beaver, raccoon, and mink. Other wildlife species occurring in the area include wood-cock, ring-necked pheasant, white-tailed deer, gray squirrel, snapping turtle,

painted turtle, northern water snake, bullfrog, and northern leopard frog. The close proximity of the various wetland units to one another allows many species to move between areas to meet their daily and seasonal habitat requirements.

Lake Shore Marshes is a productive fish spawning and nursery area, supporting concentrations of various warmwater species, such as northern pike, brown bullhead, rock bass, bluegill, pumpkinseed, white crappie, and largemouth bass. White sucker, smallmouth bass, and various salmonids (coho and chinook salmon, and steelhead) also occur in some of these wetlands, but these species generally spawn upstream in major tributaries, such as Sodus Creek and Wolcott Creek. Lake Shore Marshes serves as a major reproductive habitat for fish populations in several adjoining bays, and contributes significantly to the maintenance of Lake Ontario fisheries resources.

The abundance and diversity of fish and wildlife species in Lake Shore Marshes provide many potential opportunities for human use of the area. Most of the marshes are available for public use, with certain sections reserved as waterfowl refuge areas. Access for passive recreational uses is available from several locations within the Wildlife Management Area, as well as from developed boat launch facilities in Sodus Bay, East Bay, and Port Bay. Hunting, fishing, trapping, birdwatching, and informal nature study, attract a significant number of visitors to the area. Of these activities, waterfowl hunting is one of the most important, attracting many sportsmen from the Rochester and Syracuse metropolitan areas.

IMPACT ASSESSMENT:

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

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

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

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

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

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

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

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

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

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

Any activity that substantially degrades water quality, increases turbidity or sedimentation, reduces water levels, alters flows, or increases water level fluctuations in any part of Lake Shore Marshes would adversely affect a variety of fish and wildlife species. Discharges of sewage or stormwater runoff containing sediments or chemical pollutants (including fertilizers, herbicides, or insecticides) could result in adverse impacts on fish and wildlife resources of the area. Elimination of wetland habitats, or substantial human encroachment into the area, as a result of dredging, filling, construction of roads, or motor-boat access development, would severely reduce its value to fish and wildlife. However, habitat management activities, including water level management or expansion of shallow open water areas, may be designed to maintain or enhance populations of certain fish or wildlife species. Any significant disturbance of Lake Shore Marshes between March and July, when most warmwater fish are spawning and incubating, would be especially detrimental. Barriers to fish migration in major stream channels, whether physical or chemical, could have significant effects on fish populations within the wetlands, and in connected waters.

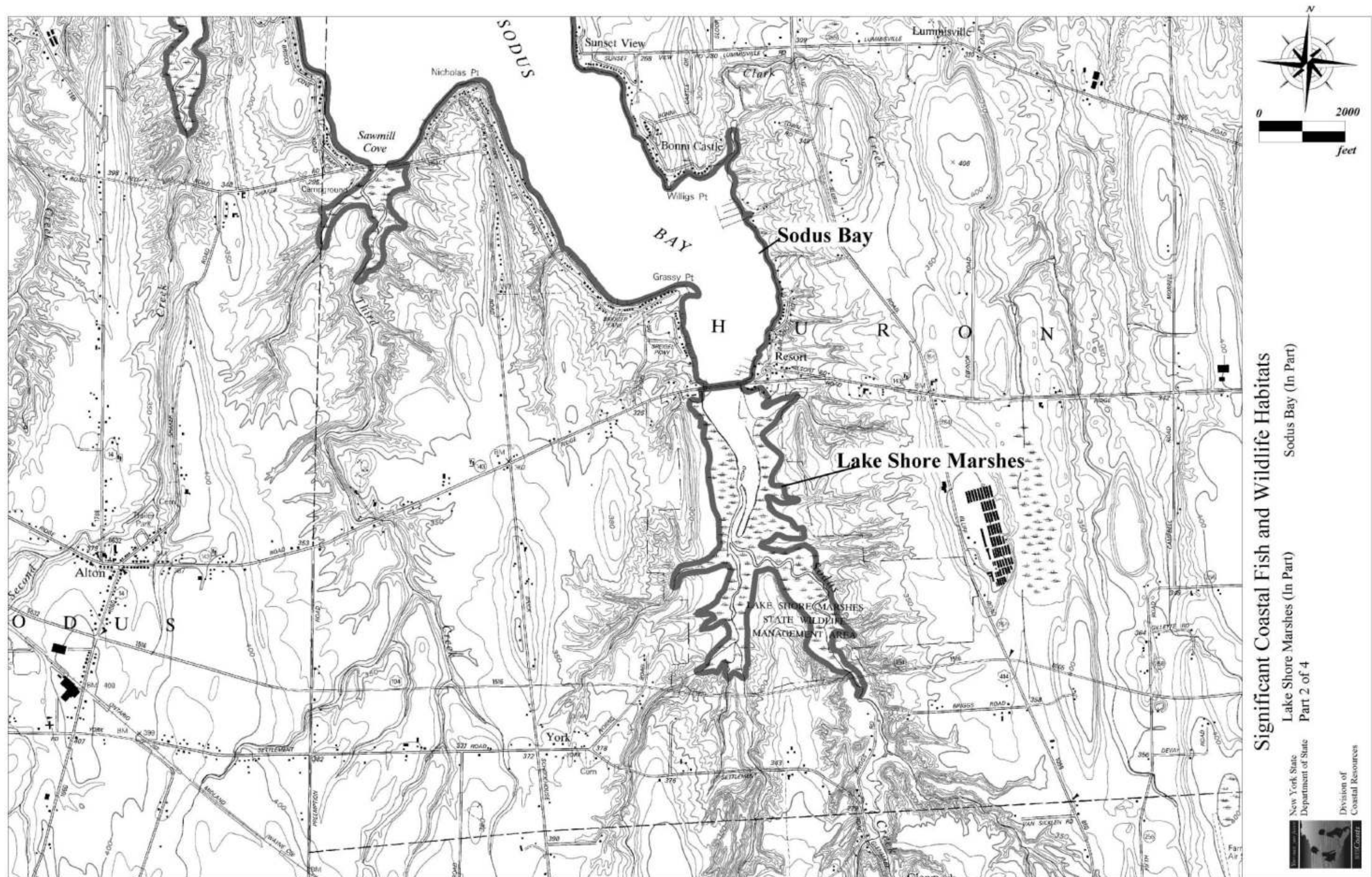
Existing woodlands and undeveloped areas bordering the marshes should be maintained for their value as cover, perching sites, and buffer zones. The integrity of the sand dunes sheltering many of these areas from wave action should be maintained to protect fish and wildlife habitats. Incompatible disturbance of the area, including use of motorized vehicles (including boats), camping, and swimming, should be restricted through enforcement of existing Wildlife Management Area regulations.

KNOWLEDGEABLE CONTACTS:

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Significant Coastal Fish and Wildlife Habitats

Sodus Bay (In Part)

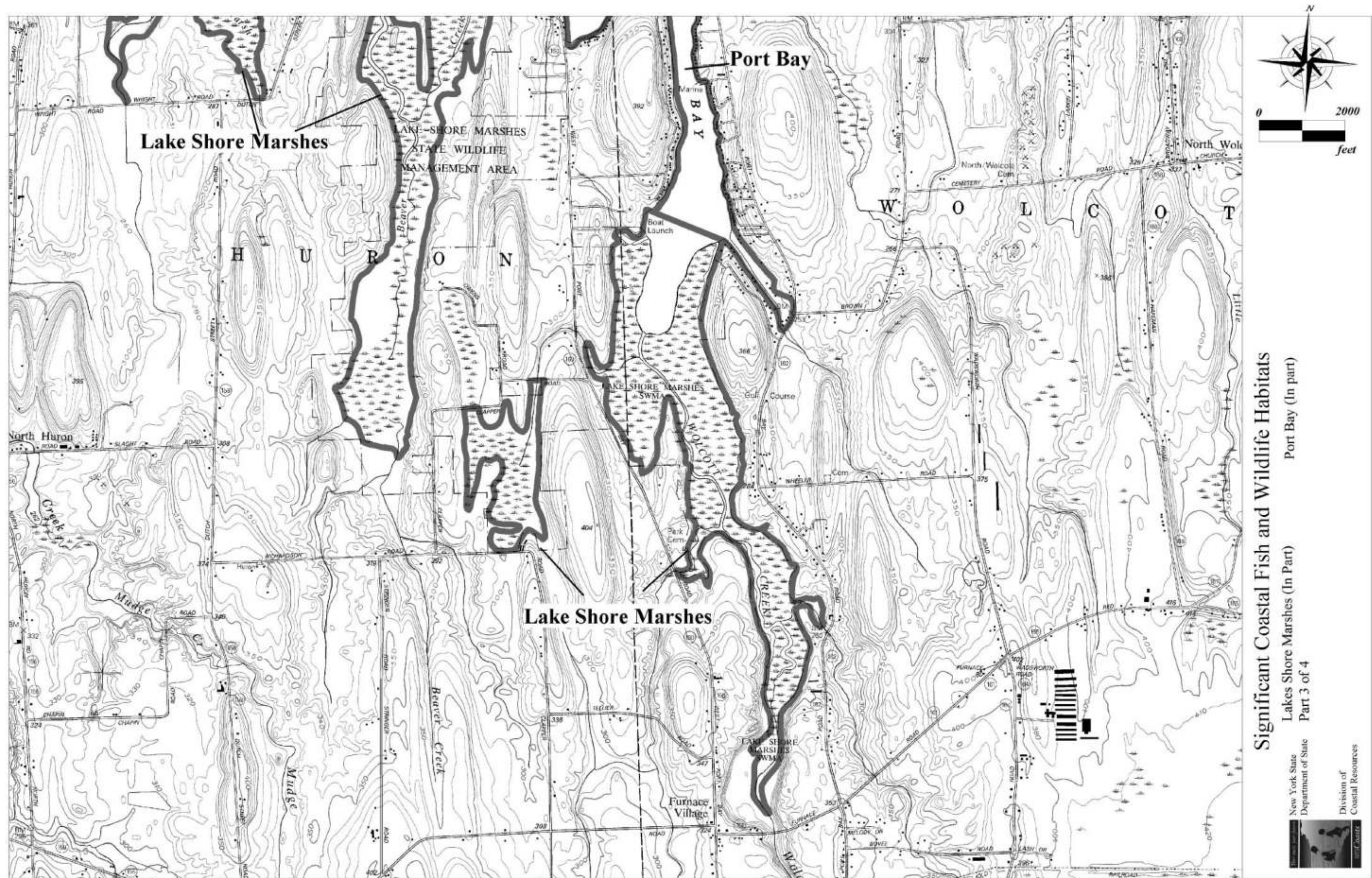
Lake Shore Marshes (In Part)

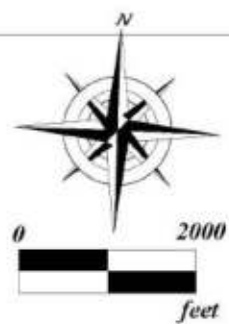
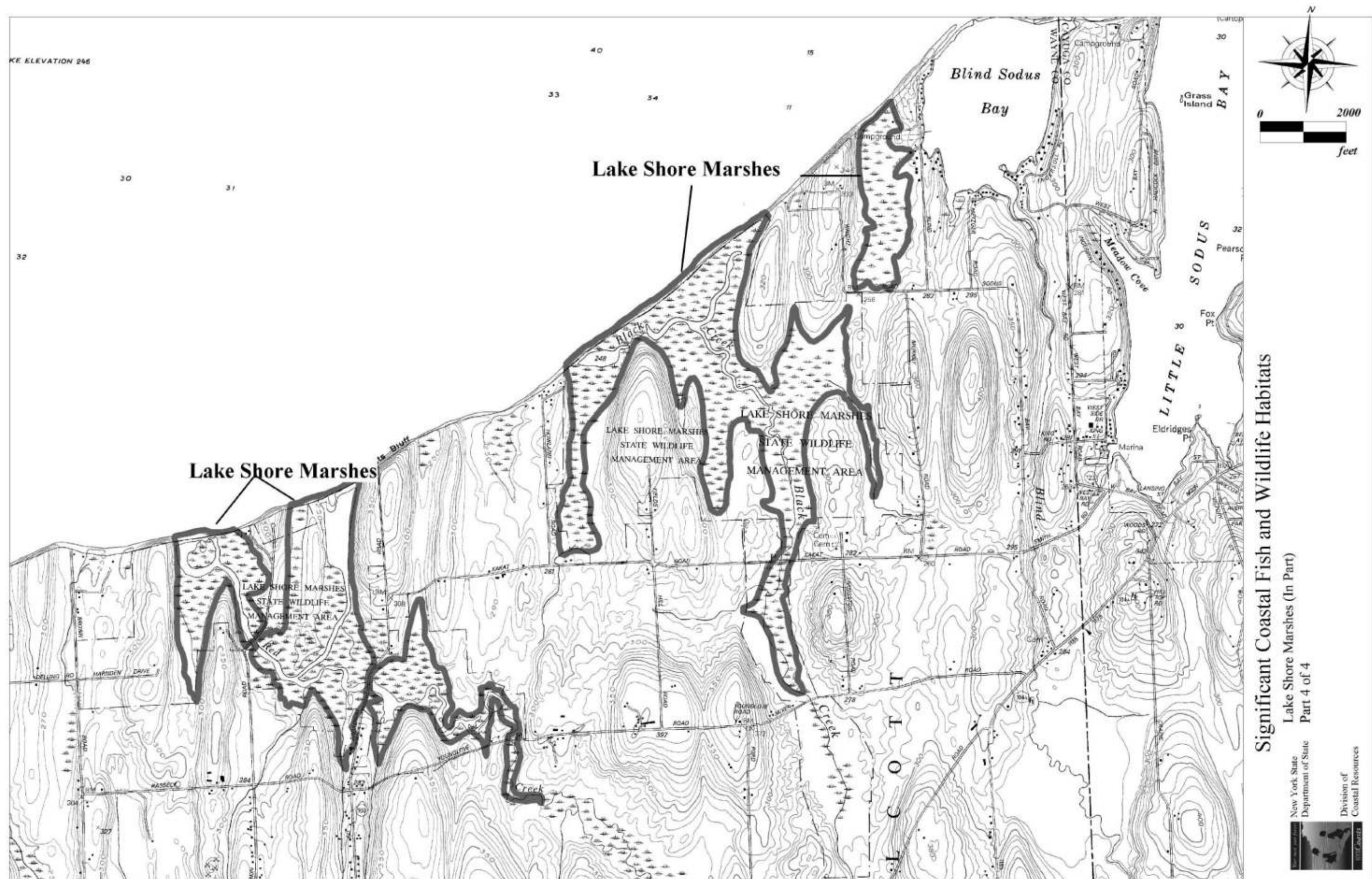
Part 2 of 4

New York State
Department of State

Division of
Coastal Resources







Significant Coastal Fish and Wildlife Habitats

Lake Shore Marshes (In Part)
Part 4 of 4



COASTAL FISH & WILDLIFE HABITAT RATING FORM

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

<u>Score</u>	<u>Criterion</u>
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- | | |
|------------|--|
| 20 | Ecosystem Rarity (ER)
One of the largest sheltered bay ecosystems on the Great Lakes, but rarity reduced by human disturbance. Geometric mean: $(16 \times 25)^{\frac{1}{2}}$ |
| 0 | Species Vulnerability (SV)
No endangered, threatened or special concern species reside in the area. |
| 18 | Human Use (HU)
Recreational fishery attracts visitors from throughout New York State; a significant number of yellow perch caught are sold to local commercial markets. Additive division: $16 + 4/2$ |
| 9 | Population Level (PL)
One of the major spawning and nursery areas for yellow perch and other warmwater fish species in Lake Ontario. |
| 1.2 | Replaceability (R)
Irreplaceable. |

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

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

BACKGROUND

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

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

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

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

DESIGNATED HABITAT: SODUS BAY

LOCATION AND DESCRIPTION OF HABITAT:

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

FISH AND WILDLIFE VALUES:

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

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

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

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

IMPACT ASSESSMENT:

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

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

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

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

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

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

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

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

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

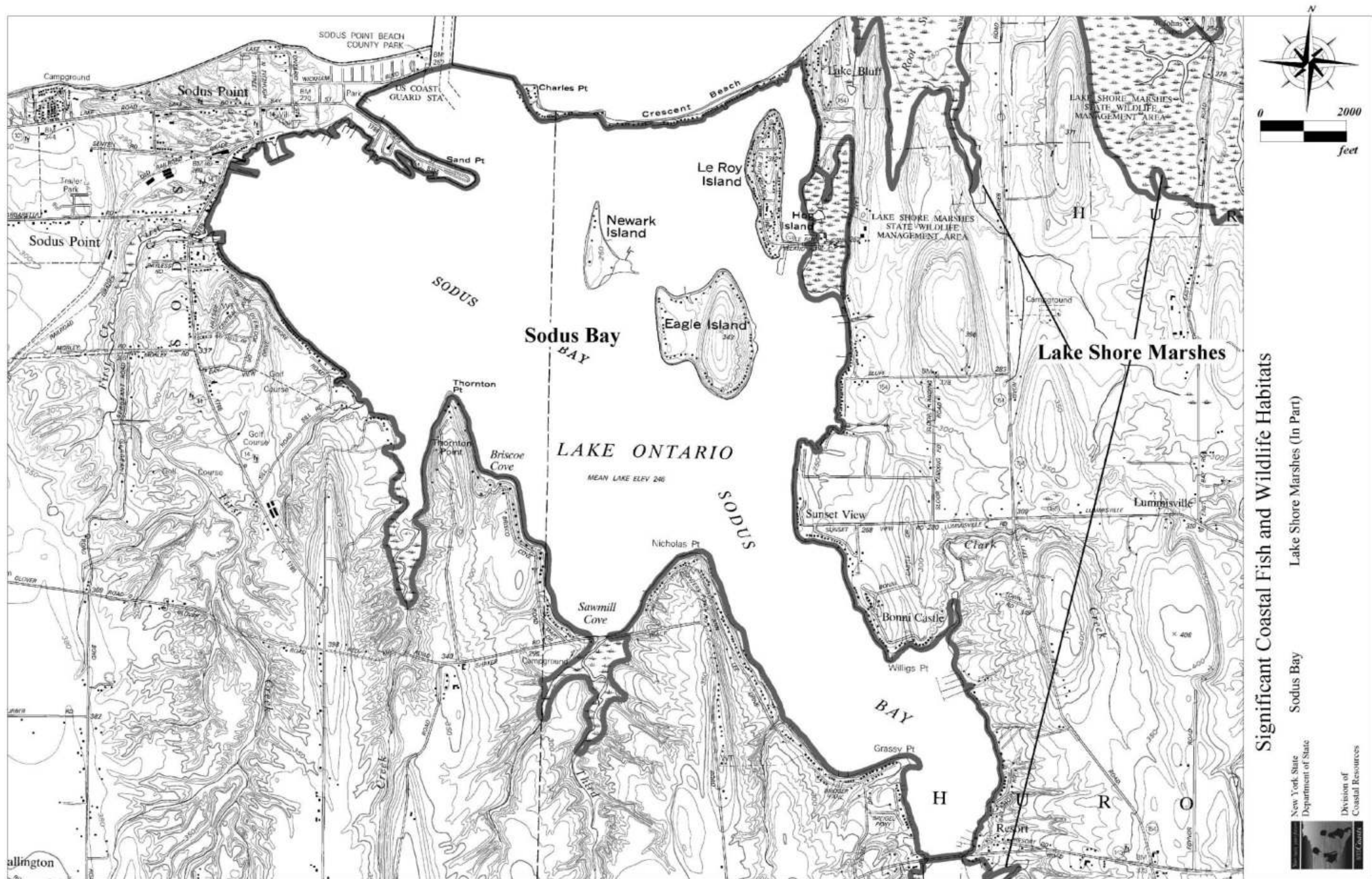
Any activity that substantially degrades water quality, increases temperature or turbidity, alters water depths, reduces inflows, or increases water level fluctuations in Sodus Bay would adversely affect a variety of fish and wildlife species. Discharges of sewage or stormwater runoff containing sediments or chemical pollutants (including fertilizers, herbicides, or insecticides) could result in adverse impacts on fish and wildlife resources of the area. Habitat disturbances would be especially detrimental during fish spawning and nursery periods (March - July for most warmwater species, and September - November for most salmonids) and wildlife breeding seasons (April - July for most species). Elimination of wetland habitats (including submergent aquatic beds) as a result of dredging or filling, would reduce the value of this area to fish and wildlife. Construction and maintenance of shoreline structures, such as docks, piers, bulkheads, or revetments, in areas not previously disturbed by development, could have a significant impact on the habitat. Existing areas of natural vegetation bordering the bay should be maintained for their value as cover for wildlife, perch sites, and buffer zones. Barriers to fish migrations between Sodus Bay, Lake Ontario, and any tributary stream, could have significant effects on fish populations in the area and in connected waters. Any substantial physical alteration of the outlet or barrier beach formation would affect the fisheries resources, and human use of the area. However, public access to Sodus Bay should be maintained or enhanced to ensure that adequate opportunities for compatible human uses of the fish and wildlife resources are available.

KNOWLEDGEABLE CONTACTS:

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COASTAL FISH & WILDLIFE HABITAT RATING FORM

Name of Area: **East Bay**
Designated: **October 15, 1987**
County: **Wayne**
Town(s): **Huron**
7½' Quadrangle(s): **Sodus Point, NY**

<u>Score</u>	<u>Criterion</u>
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- | | |
|------------|--|
| 12 | Ecosystem Rarity (ER)
A sizable, shallow, sheltered bay; unusual in Lake Ontario, but several larger areas exist in Wayne County. Geometric mean: $(9 \times 16)^{1/2}$ |
| 0 | Species Vulnerability (SV)
No endangered, threatened or special concern species reside in the area. |
| 4 | Human Use (HU)
Warmwater fishery is popular among Wayne County residents. |
| 0 | Population Level (PL)
No unusual concentrations of any fish or wildlife species occur in the area. |
| 1.2 | Replaceability (R)
Irreplaceable. |

SIGNIFICANCE VALUE = $[(ER + SV + HU + PL) \times R] = 19$

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

BACKGROUND

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

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

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

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

DESIGNATED HABITAT: EAST BAY

LOCATION AND DESCRIPTION OF HABITAT:

East Bay is located on the southern shore of Lake Ontario, approximately five miles east of the Village of Sodus Point, in the Town of Huron, Wayne County (7.5' Quadrangle: Sodus Point, N.Y.). The fish and wildlife habitat is an approximate 120 acre open water portion of the bay, situated north of the NYSDEC's Lake Shore Marshes Wildlife Management Area (East Bay Unit), and separated from the lake by a narrow, undeveloped, barrier beach. East Bay is relatively shallow (less than 10 feet deep), with dense beds of submergent aquatic vegetation, and a fringe of emergent wetland vegetation. The bay is intermittently connected to Lake Ontario by a very small inlet through the beach, and receives inflow from several small, low gradient, warmwater streams. Sizeable areas of emergent wetland vegetation have developed at the lower ends of these tributaries. East Bay and nearly all of the lands bordering it are privately owned, resulting in some adjacent residential development. However, there has been only limited disturbance of shoreline habitats, and a relatively large area of the bay remains in a natural condition. East Bay receives light recreational use (e.g., fishing, swimming, boating) during the summer months.

FISH AND WILDLIFE VALUES:

East Bay is one of the least disturbed of several large, sheltered, coastal bay ecosystems on Lake Ontario. Extensive littoral areas, such as those found in East Bay, are uncommon in Lake Ontario, although they are very abundant in eastern Wayne County. Because human disturbance of the bay has not been severe, it provides high quality habitats for many fish and wildlife species.

East Bay is a productive area for a variety of resident and lake-based fisheries resources. The dense beds of aquatic vegetation, high water quality, sandy substrates, and freshwater tributaries, create highly favorable conditions for spawning and nursery use by many species. Warmwater fishes found in the area include brown bullhead, white sucker, yellow perch, largemouth bass, pumpkinseed, bluegill, rock bass, and northern pike. When the inlet is open, various salmonid species may occur in East Bay prior to and after spawning runs in the major tributaries. The diverse and productive fisheries in this area provide excellent opportunities for recreational fishing. However, due to limited public access, and the availability of similar areas in the vicinity, most of the fishing pressure on East Bay is provided by residents of Wayne County.

Wetland areas within and bordering East Bay contribute significantly to the productive fisheries in the bay, and support a variety of wildlife species. These wetlands serve as nesting and feeding areas for waterfowl and other marsh birds, including green-backed heron, great-blue heron, mallard, wood duck, belted kingfisher, marsh wren, red-winged blackbird, and swamp sparrow. Concentrations of various waterfowl species, as well as loons, grebes, gulls, and terns, may occur in East Bay during spring and fall migrations (March-April and September-November, respectively). Other wildlife species found around East Bay include white-tailed deer, beaver, raccoon, mink, muskrat, green frog, northern leopard frog, and painted turtle. However, no unusual concentrations of any wildlife species have been reported in the area.

IMPACT ASSESSMENT:

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

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- ! significantly impair the viability of a habitat.

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

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

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

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

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

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

Any activity that substantially degrades water quality, increases temperature or turbidity, alters water depths, reduces inflows, or increases water level fluctuations in East Bay would adversely affect a variety of fish and wildlife species. Discharges of sewage or stormwater runoff containing sediments or chemical pollutants (including fertilizers, herbicides, or insecticides) could adversely impact on fish and wildlife resources of the area. Habitat disturbances would be especially detrimental during fish spawning and nursery periods (April - July for most warmwater species) and wildlife breeding seasons (April - July for most species). Elimination of wetland habitats (including submergent aquatic beds), as a result of dredging or filling, would severely reduce the value of this area to fish and wildlife. Construction and maintenance of shoreline structures, such as docks, piers, bulkheads, or revetments, in areas not previously disturbed by development, could have a significant impact on the habitat. Existing areas of natural vegetation bordering the bay should be maintained for their value as cover, perch sites, and buffer zones. Barriers to fish migrations between East Bay, Lake Ontario, and tributary streams, could have significant effects on fish populations in the area, although periodic closure of the outlet appears to occur naturally. Establishment of a permanent outlet to the lake may enhance the fisheries resources in East Bay, but would also significantly increase human use and disturbance of the area. The overall integrity of the barrier beach which shelters East Bay must be maintained, primarily by restricting human activities, to protect the fish and wildlife habitat. Use of motorized vehicles, camping, and swimming, on the beach should be restricted. On the other hand, it may be desirable to increase public access to East Bay to provide greater opportunities for compatible human uses of the fish and wildlife resources in this area.

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Avon, N.Y. 14414
Phone: (716) 226-2466

NYSDEC - Information Services
700 Troy-Schenectady Road
Latham, NY 12110
Phone: (518) 783-3932

COASTAL FISH & WILDLIFE HABITAT RATING FORM

Name of Area: **Port Bay**
Designated: **October 15, 1987**
County: **Wayne**
Town(s): **Huron, Wolcott**
7½' Quadrangle(s): **North Wolcott, NY**

<u>Score</u>	<u>Criterion</u>
--------------	------------------

- | | |
|------------|---|
| 16 | Ecosystem Rarity (ER)
Relatively large, shallow, sheltered bay; unusual in the Lake Ontario subzone. |
| 0 | Species Vulnerability (SV)
No endangered, threatened or special concern species reside in the area. |
| 9 | Human Use (HU)
Recreational fishery attracts anglers from throughout central New York. |
| 9 | Population Level (PL)
One of the major spawning and nursery areas for yellow perch in Lake Ontario. |
| 1.2 | Replaceability (R)
Irreplaceable. |

SIGNIFICANCE VALUE = [(ER + SV + HU + PL) X R] = **41**

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

BACKGROUND

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

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

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

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

DESIGNATED HABITAT: PORT BAY

LOCATION AND DESCRIPTION OF HABITAT:

Port Bay is located on the southern shore of Lake Ontario, approximately five miles north of the Village of Wolcott, in the Towns of Huron and Wolcott, Wayne County (7.5' Quadrangle: North Wolcott, N.Y.). The fish and wildlife habitat is an approximate 400 acre open water portion of the bay, situated north of the NYSDEC's Lake Shore Marshes Wildlife Management Area (Port Bay Unit), and separated from the lake by a barrier beach formation. Port Bay is relatively shallow (less than 25 feet deep), with dense beds of submergent aquatic vegetation. The bay is connected to Lake Ontario by a small outlet through the beach, and receives inflow primarily from Wolcott Creek. Wolcott Creek is a relatively large, medium gradient, warmwater stream, draining approximately 27 square miles of rural farmland. Port Bay and nearly all of the land area bordering it are privately owned, resulting in extensive development of residential areas, marinas, and bulkheads, and considerable disturbance of shoreline habitats. The western segment of the barrier beach, and wetlands located in the State Wildlife Management Area, remain in a natural condition. Port Bay receives heavy recreational use (e.g., fishing, swimming, boating) during the summer months.

FISH AND WILDLIFE VALUES:

Port Bay is one of several large, sheltered, coastal bays on Lake Ontario. Extensive littoral areas, such as those found in Port Bay, are uncommon in the lake. Although human activities in the area have resulted in considerable habitat disturbance, the bay still serves as a very productive area for many fish and wildlife species.

Port Bay has outstanding habitat values for resident and lake-based fisheries resources. The dense beds of aquatic vegetation, high water quality, sandy substrates, and freshwater inflow create highly favorable conditions for spawning and nursery use by many species. Wetland areas within and bordering Port Bay contribute significantly to fisheries production in the area. Warmwater fishes found in the bay include brown bullhead, white perch, yellow perch, largemouth bass, pumpkinseed, bluegill, rock bass, and northern pike. Port Bay is a major concentration area for yellow perch in Lake Ontario. Concentrations of white sucker, smallmouth bass, and various salmonid species (e.g., coho and chinook salmon, and steelhead) occur in Port Bay prior to and after spawning runs in Wolcott Creek.

The diverse and productive fisheries in this area provide excellent opportunities for recreational fishing. Public access to Port Bay is available from several locations, and there is heavy fishing pressure throughout the year. Anglers from throughout central New York State are attracted to the area, especially for the yellow perch ice fishery and the spring salmonid and bullhead fisheries.

IMPACT ASSESSMENT:

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

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

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

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

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

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

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

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

1. physical parameters such as living space, circulation, flushing rates, tidal amplitude, turbidity, water temperature, depth (including loss of littoral zone), morphology, substrate type, vegetation, structure, erosion and sedimentation rates;

2. biological parameters such as community structure, food chain relationships, species diversity, predator/prey relationships, population size, mortality rates, reproductive rates, meristic features, behavioral patterns and migratory patterns; and,
3. chemical parameters such as dissolved oxygen, carbon dioxide, acidity, dissolved solids, nutrients, organics, salinity, and pollutants (heavy metals, toxics and hazardous materials).

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

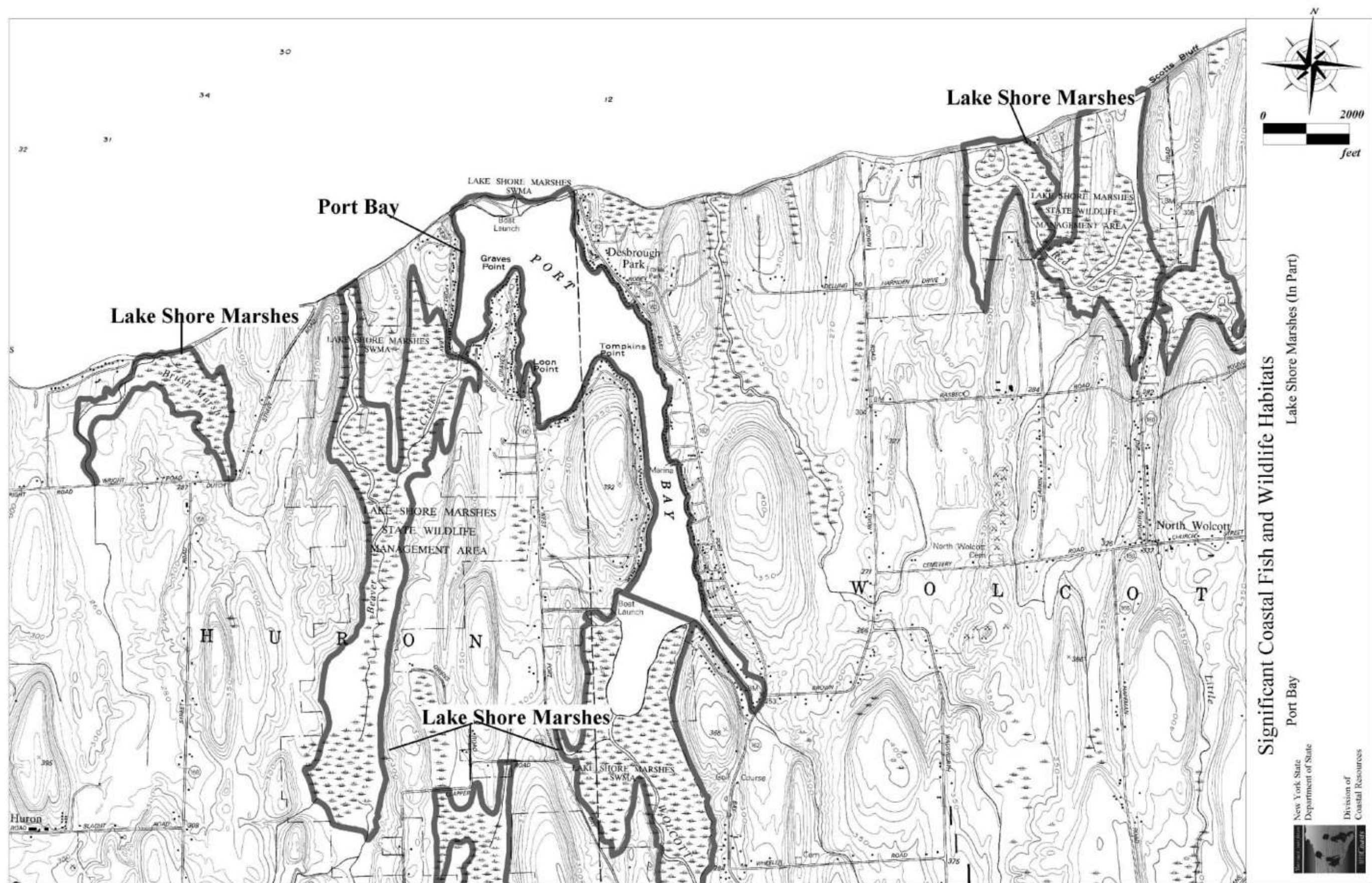
Any activity that substantially degrades water quality, increases temperature or turbidity, alters water depths, reduces inflows, or increases water level fluctuations in Port Bay would adversely affect a variety of fish and wildlife species. Discharges of sewage or stormwater runoff containing sediments or chemical pollutants (including fertilizers, herbicides, or insecticides) could adversely impact on fish and wildlife resources of the area. Habitat disturbances would be especially detrimental during fish spawning and nursery periods (March - July for most warmwater species, and September - November for most salmonids). Elimination of wetland habitats (including submergent aquatic beds), through dredging or filling, would reduce fisheries production in Port Bay. Construction and maintenance of shoreline structures, such as docks, piers, bulkheads, or revetments, in areas not previously disturbed by development, could have a significant impact on the habitat. Existing areas of natural vegetation bordering the bay should be maintained for their value as cover, perching sites, and buffer zones. Barriers to fish migrations between Port Bay, Lake Ontario, and Wolcott Creek, could have significant effects on fish populations in all three areas. Establishment of a permanent outlet to the lake may enhance the fisheries resources in Port Bay, but would also increase human use and disturbance of the area. The overall integrity of the barrier beach which shelters Port Bay should be maintained, by stabilizing vegetative cover and restricting certain human activities including use of motorized vehicles, camping, and swimming. However, public access to Port Bay should be maintained or enhanced to ensure that adequate opportunities for compatible human uses of the fish and wildlife resources are available.

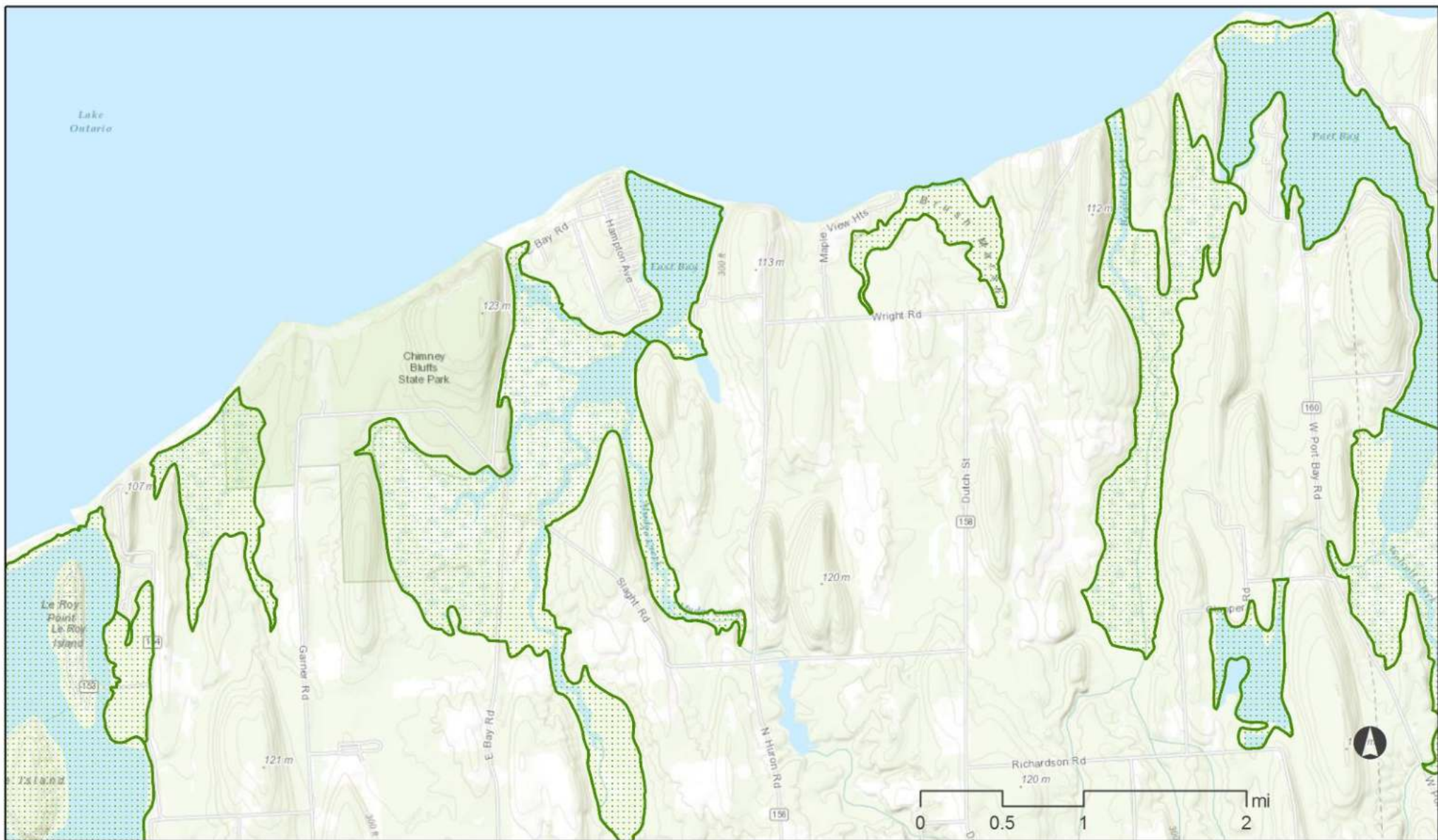
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Significant coastal fish & wildlife habitats - NYS Dept of State



**Department
of State**

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APPENDIX E – EXCERPTS FROM LOCAL AND REGIONAL PLANS

- **2012 Huron Master Plan (excerpt)**
- **2008 Joint Great Sodus Bay Harbor Management Plan – maps**
- **NOAA Nautical Maps**
- **Total Maximum Daily Load (TMDL) for Phosphorus in Port Bay (2011)**

Lake Ontario

East Bay

Port Bay

Lake Bluff

North Huron

Sodus Bay

Huron

Resort

Legend

- Agricultural Residential
- Resource Conservation
- Resort Residential
- Resort Commercial
- Medium Density Residential
- Highway Commercial
- Industrial

0 0.5 1 2 Miles



Basemap data provided by Wayne County Planning Department and Office of Real Property Services. Map Projection: NAD 1983 State Plane Coordinate: New York Central; FIPS 3102 Feet. Map created by Rima Shamleh

Town of Huron, N.Y. Master Plan Future Land Use

July 1, 2011

Issues and Recommendations Included in the Huron Master Plan Relevant to the Huron LWRP

General Relation to LWRP

Specific Relation to LWRP

Community Character

A. Goal: Ensure retention of the scenic beauty and rural agricultural character of the Town of Huron

Objective 1: Develop new growth management tools to better protect the scenic character of the Town.

Recommendation 1a: Identify and map important scenic viewsheds within the Town and determine their vulnerability to development and investigate mechanisms for protecting them.

Recommendation 1b: Provide better protection for existing resort residential areas by creating separate RES-Residential and RES-Business zoning districts to for resort business development.

Recommendation 1c: Reduce the area zoned HB-Highway Business at the intersection of NYS Rte 104 and NYS Rte 414 to eliminate potential large scale, out-of-character retail commercial development.

Recommendation 1d: Adopt regulations to better control outdoor lighting, reduce the impacts of light glare, light trespass on adjoining properties and upward-cast light into the night sky.

Recommendation 1e: Adopt specific site design standards, setbacks and landscape provisions to ensure that commercial and industrial developments are designed and constructed in a manner that enhances the aesthetic character of the community.

Recommendation 2b: Identify and document historic structures and other landmarks within the Town and that should be preserved, and support private and public initiatives to highlight and protect them.

Objective 2: Encourage larger scale residential development in and adjacent to local hamlets and villages to enhance their vitality while better protecting agricultural land resources and scenic character.

Recommendation 2a: Revise zoning regulations to increase residential development densities in the vicinity of Wolcott.

B. Goal: Define the Town of Huron as a distinct place within Wayne County and Upstate New York

Objective 1: Create an identity for the Town in the eyes of the motoring public, whether permanent residents, summer residents or tourists visiting the region.

Recommendation 1a: Create distinctive gateways at key entrances to the Town of Huron to establish a stronger identity and distinct sense of arrival for visitors and residents.

Recommendation 1b: Develop and implement a plan for a system of distinctive directional and informational signage along NYS Rte 104 and Ridge Road to raise the profile of businesses and scenic and recreational assets in the Town.

Objective 2: Maintain an attractive and stimulating landscape for residents and visitors to the Town.

Issues and Recommendations Relevant to the Huron LWRP Draft Huron Master Plan, November 2011

Recommendation 2a: Work with NYS Department of Transportation to improve the aesthetics of NYS Rte 104 corridor, including provision of additional landscape plantings, preservation of viewsheds outside the highway right-of-way and creation where feasible new viewsheds.

Open Space and Environmental Resources

A. Goal: Enhance the water quality of streams and bays by minimizing erosion and sedimentation, nutrient loading and stormwater discharges from development

Objective 1: Identify and eliminate sources of nutrient loading in the watersheds of the bays, both in the Town and upstream of the Town.

Recommendation 1a: In collaboration with Wayne County, the Town of Butler, Town of Rose, Town of Sodus and Town of Wolcott, and other agencies, develop a comprehensive approach for addressing septic system and other point source and non-point source pollution.

Recommendation 1b: Continue work with partner agencies and surrounding towns to implement the recommendations of the Sodus Bay Harbor Management Plan.

Recommendation 1c: Work with the farm community to ensure the use of best management practices to reduce nutrient loading from agricultural operations.

Objective 2: Protect the aquatic resources of the town and enhance their natural functions in the ecology.

Recommendation 2a: Identify and map wetlands utilizing criteria established by New York and federal agencies for identifying and delineating wetlands subject to government jurisdiction.

Recommendation 2b: Adopt Town policies and practices in the development review and permitting process that prevent development of areas that contain wetlands.

Recommendation 2c: Work with State and County agencies to identify areas of degraded and eroded stream channels and to restore them.

B. Goal: Protect the agricultural land resources and promote the long-term economic viability of the agricultural community.

Objective 1: Protect agricultural land resources and farm operations from large-scale residential and commercial development

Recommendation 1a: Revise the A5A - Agriculture District regulations to remove land uses such as manufactured home parks, industry, junkyards, quarries and sand and gravel pits, and permit these uses under the existing M-Industry district and a new manufactured housing zoning district.

Recommendation 1b: Support applications by farmers who wish to participate in state and county purchase of development rights (PDR) programs to protect agricultural lands.

Objective 2: To the extent possible enhance the economic viability of agricultural enterprises in the Town of Huron.

Issues and Recommendations Relevant to the Huron LWRP Draft Huron Master Plan, November 2011

Recommendation 2a: Review and where needed update Town zoning regulations to provide for direct marketing opportunities, agri-tourism and other agriculture-related enterprises to supplement conventional farm operation revenue streams.

Recommendation 2b: Review and revise where necessary provisions of the zoning ordinance to ensure conformance with Section 305(a) of the Agriculture and Markets Law, which provides farmers and agricultural operations located within State agricultural districts specific protections against local zoning regulation that may be unreasonably restrictive and cause undue interference with legitimate agricultural practices as defined by State law.

Objective 3: Ensure good relations between the farming community and non-farm residents of the town.

Recommendation 3a: Work with Cornell Cooperative Extension to support public education programs for the nonfarm public that highlight the economic, land use, heritage and local foods benefits of agriculture in the Town of Huron.

Housing

A. Goal: Ensure that a variety of high-quality housing options are available for members of the community.

1. **Objective 1:** Update zoning regulations as necessary to provide for a wider variety of housing options to meet the needs of a more diverse Town population.

Recommendation 1a: Update zoning and subdivision regulations to permit creative design in residential development that would permit new development while making efficient use of existing infrastructure and protecting scenic and open space assets.

Recommendation 1b: Increase residential development densities in the vicinity of Wolcott to encourage additional residential development in close proximity to the village.

Recommendation 1c: Create a new zoning district for manufactured housing parks that includes design standards to ensure quality design of such communities and adequate protection from potential impacts of such development.

Recommendation 1d: Ensure that the Town of Huron property maintenance codes effectively protect the public health and safety, and character of the community from blight and deteriorated structures.

Infrastructure

A. Goal: Develop and maintain a transportation system that meets the needs of both residents and non-residents.

Objective 1: Maintain and upgrade Town streets and highways as necessary.

Recommendation 1a: Review the current Town highway maintenance schedule and assess whether it sufficiently addresses resident and non-resident needs.

Issues and Recommendations Relevant to the Huron LWRP Draft Huron Master Plan, November 2011

Recommendation 1b: Develop a strategic plan for bikeways in the Town, including making connections to existing bikeway networks.

Recommendation 1c: Develop policies and where possible modify Town roads to encourage multiple use of such roads by bicycles and other non-motorized vehicles.

B. Goal: Provide a wide variety of recreational opportunities for all Town residents.

Objective 1: Develop public park facilities to increase access to waterfront and other outdoor recreational opportunities.

Recommendation 1a: Work with the state and private not-for-profit open space advocacy groups to expand low impact uses of Chimney Bluffs State Park and Lakeshore Marshes Wildlife Management Area properties.

Recommendation 1b: As part of an overall plan for bikeways identify opportunities for connecting existing public open space with bicycle and pedestrian trail linkages.

Recommendation 1c: Identify and acquire a suitable location for a public waterfront park and boat launching facility at Resort.

Recommendation 1d: Cooperate wherever feasible with adjacent municipalities and private organizations to jointly provide active recreational facilities such as baseball, softball and soccer fields.

C. Goal: Develop and maintain a system of services and supporting infrastructure that meets the needs of residents' quality of life in the Town

Objective 1: Optimize public investments in infrastructure.

Recommendation 1a: Identify whenever possible opportunities to partner with adjacent municipalities and state agencies for funding infrastructure projects.

Recommendation 1b: Continue to work with Wayne County Water and Sewer Authority to extend public water services to areas of identified need.

Recommendation 1c: Work with public and private sector partners to expand high-speed internet services Town-wide.

Objective 2: Ensure the provision of a comprehensive system of fire, police and emergency services.

Recommendation 2a: Continue to work with fire companies to upgrade Town fire protection and prevention services, and reduce response times.

Recommendation 2b: Work with the State, County, adjoining municipalities and residents' association to develop an effective system of communicating information during public emergencies.

Recommendation 2c: Establish minimum design standards for private roads and jointly owned driveways.

Objective 3: Support North Rose-Wolcott Central School District in its mission to provide a high-quality education for children in the Town.

Issues and Recommendations Relevant to the Huron LWRP Draft Huron Master Plan, November 2011

Recommendation 3a: Establish ongoing dialogue with North Rose-Wolcott Central School District to identify opportunities to partner in programs to enhance educational opportunities for students.

Recommendation 3b: Encourage North Rose-Wolcott Central School District and the Board of Cooperative Educational Services to provide training programs geared toward employment in the agricultural sector.

Economy

A. Goal: Expand the local economic base by building on existing strengths in agriculture and tourism, and unmet retail and services needs in the Town.

Objective 1: Increase the number of tourist and other visitors to the Town of Huron and its businesses.

Recommendation 1a: Develop a unified design motif for and install attractive and directional signage along NYS Rte 104 and Ridge Road to raise the profile of recreation and agri-tourism businesses and scenic/recreational assets in the Town.

Recommendation 1b: Utilize the Seaway Trail designation for Ridge Road to enhance marketing of destinations in the Town.

Recommendation 1c: Create new zoning and other incentives to promote redevelopment of the Bay Bridge area as a mixed use tourism destination and residential community.

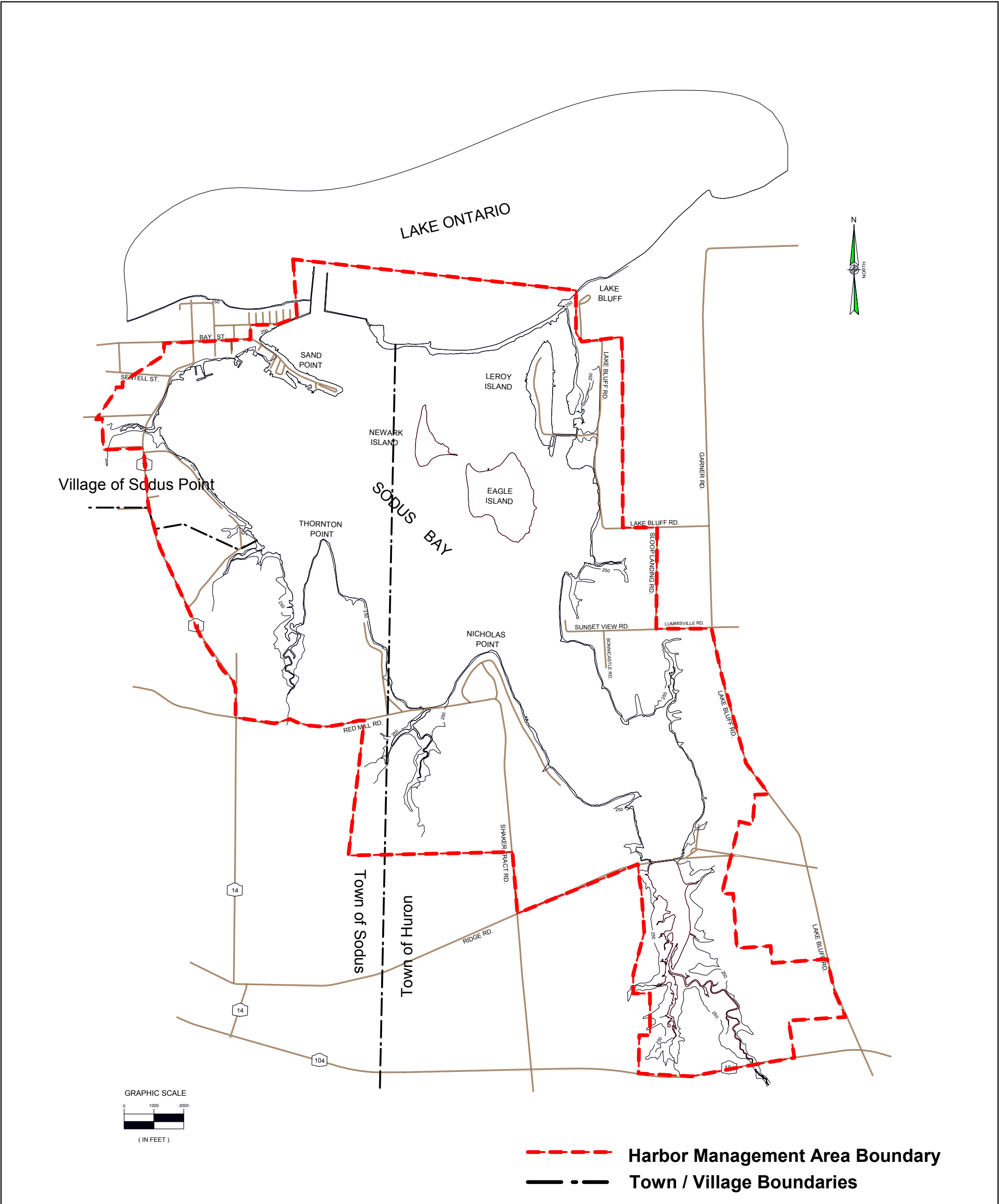
Recommendation 1d: Work with the state to expand low impact uses such as picnic areas and hiking paths at the Chimney Bluffs State Park and Lakeshore Marshes Wildlife Management Area properties.

Objective 2: Promote additional industrial development and employment opportunities in non-tourism economic sectors.

Recommendation 2a: Establish additional areas of M-Industrial zoning in the southeastern corner of the Town adjacent to Wolcott Village.

Recommendation 2b: Revise Town zoning regulations to provide for direct marketing opportunities, agri-tourism and other agriculture-related enterprises to supplement conventional farm operation revenue streams.

Recommendation 2c: Work with public and private sector partners to expand high-speed internet services Town-wide.



Great Sodus Bay Harbor Management Plan www.sodusbayhmp.org	Date November 2005	Scale as shown
Harbor Management Area Map	F-E-S Associates 18 Glenhill Drive Rochester, NY 14618	

FIGURE 2

- 1 - Sodus Point Park (Wayne Co)

2 - Oscar Fuerst & Willow Parks (Sodus Pt V)

3 - Street End Rights-of-Way

4 - Harriman Park (Town of Sodus)

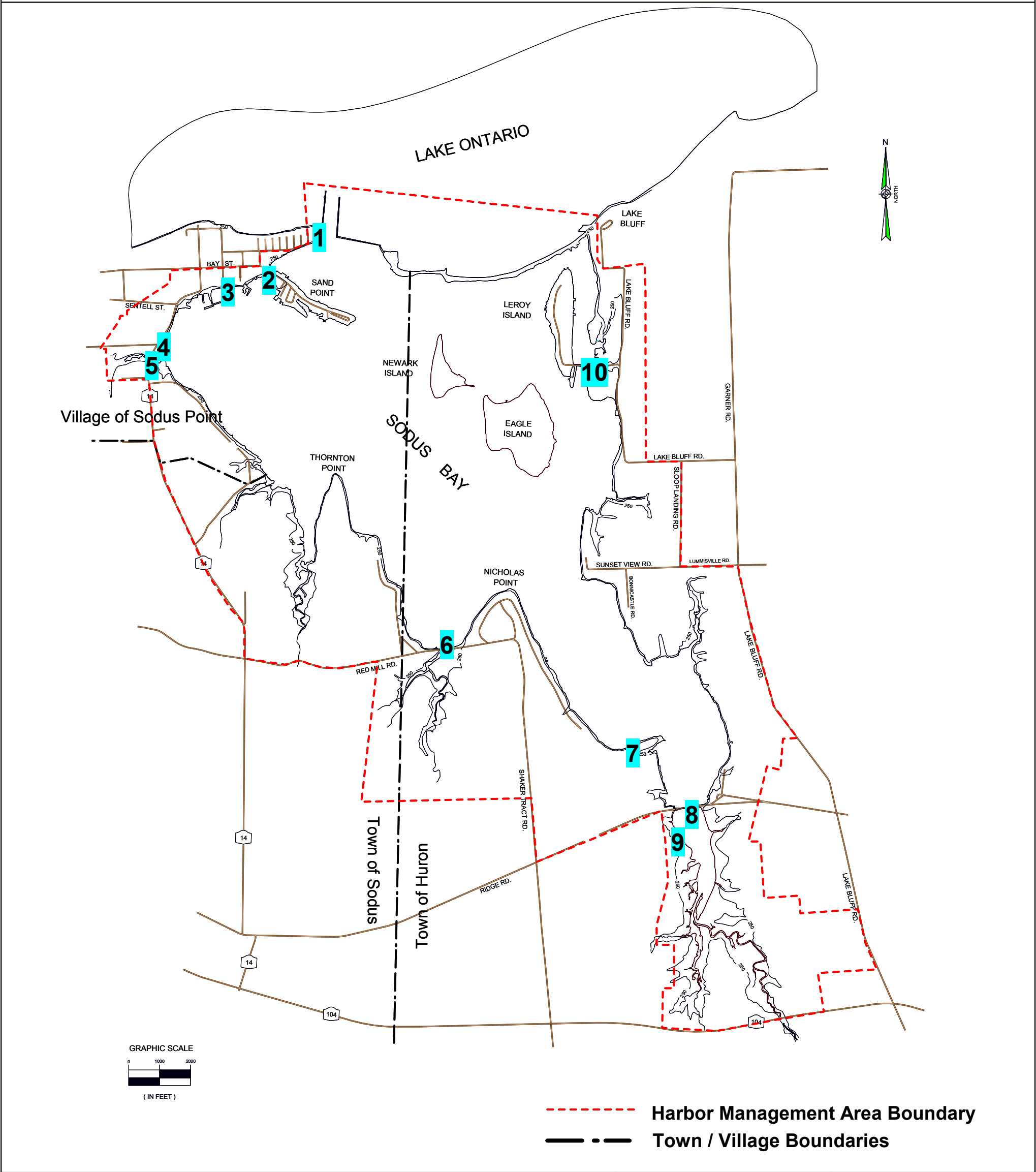
5 - Rte. 14 at First Creek (NYS)
- 6 - Saw Mill Cove

7 - Speigel Dr Street End (Huron T)

8 - Bay Bridge

9 - Lake Shore Marshes WMA (NYS)

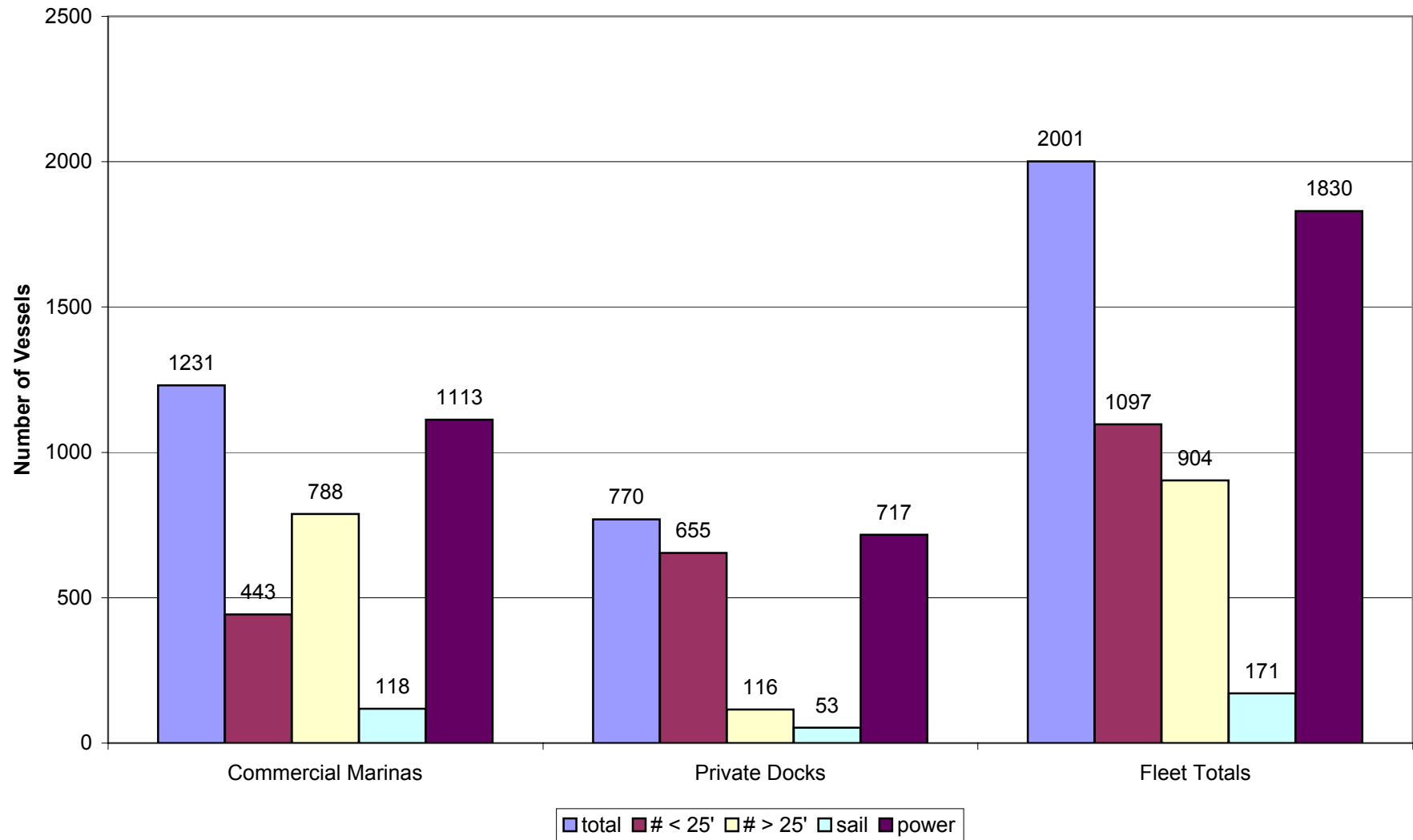
10 - LeRoy Island Bridge

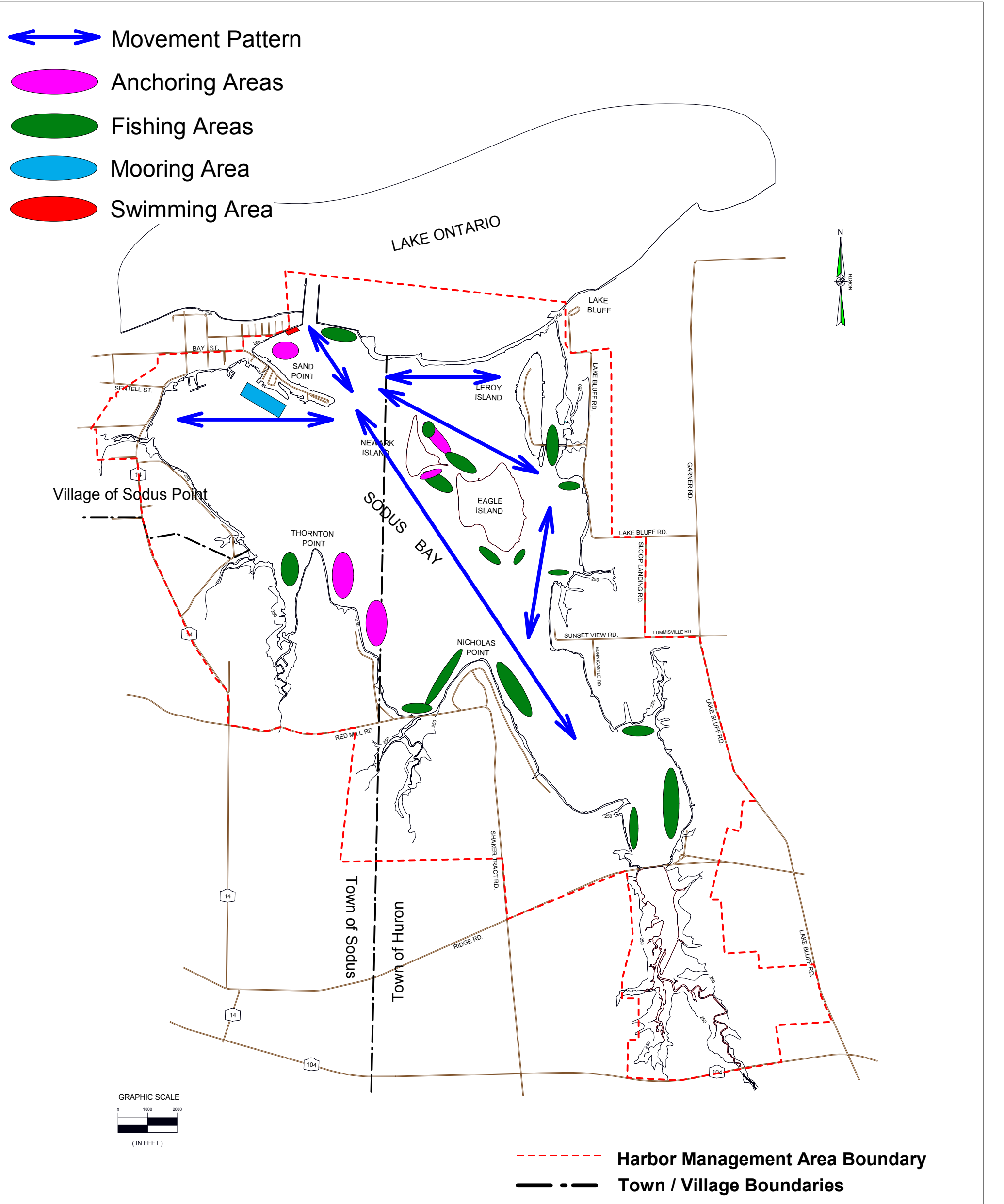


<div>Great Sodus Bay Harbor Management Plan</div> <div>www.sodusbayhmp.org</div>	<div>Date</div> <div>November 2005</div>	<div>Scale</div> <div>as shown</div>
<div>Public Water</div> <div>Access Locations</div>	<div>F-E-S Associates</div> <div>18 Glenhill Drive</div> <div>Rochester, NY 14618</div>	

FIGURE 5

Figure 6
Sodus Bay Fleet





Great Sodus Bay Harbor Management Plan www.sodusbayhmp.org	Date November 2005	Scale as shown
Primary Movement and Anchoring Patterns	F-E-S Associates 18 Glenhill Drive Rochester, NY 14618	

FIGURE 7

Figure 9
Bay Total Use By Time of Day

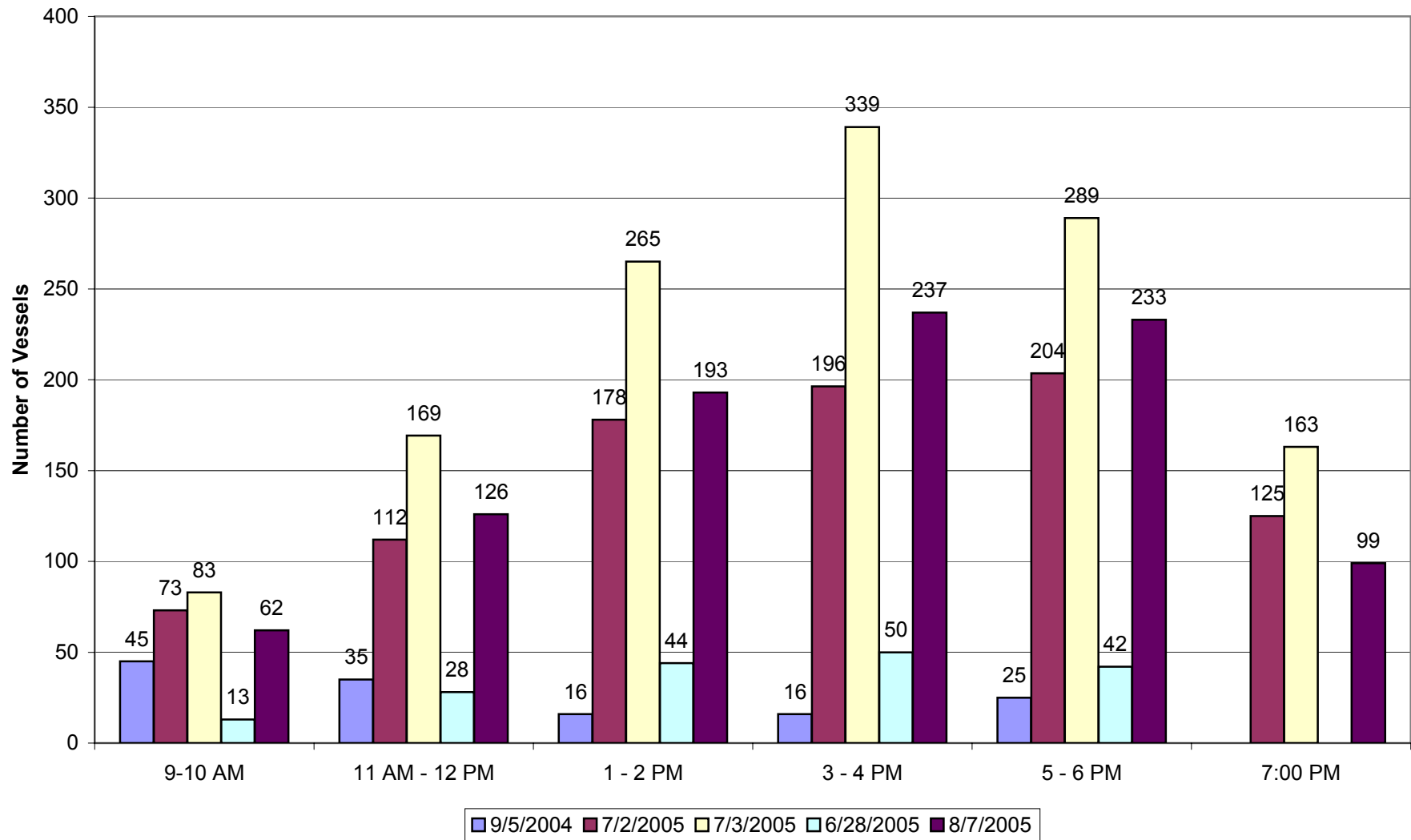


Figure 10
Weekend Average Use by Sector and Time

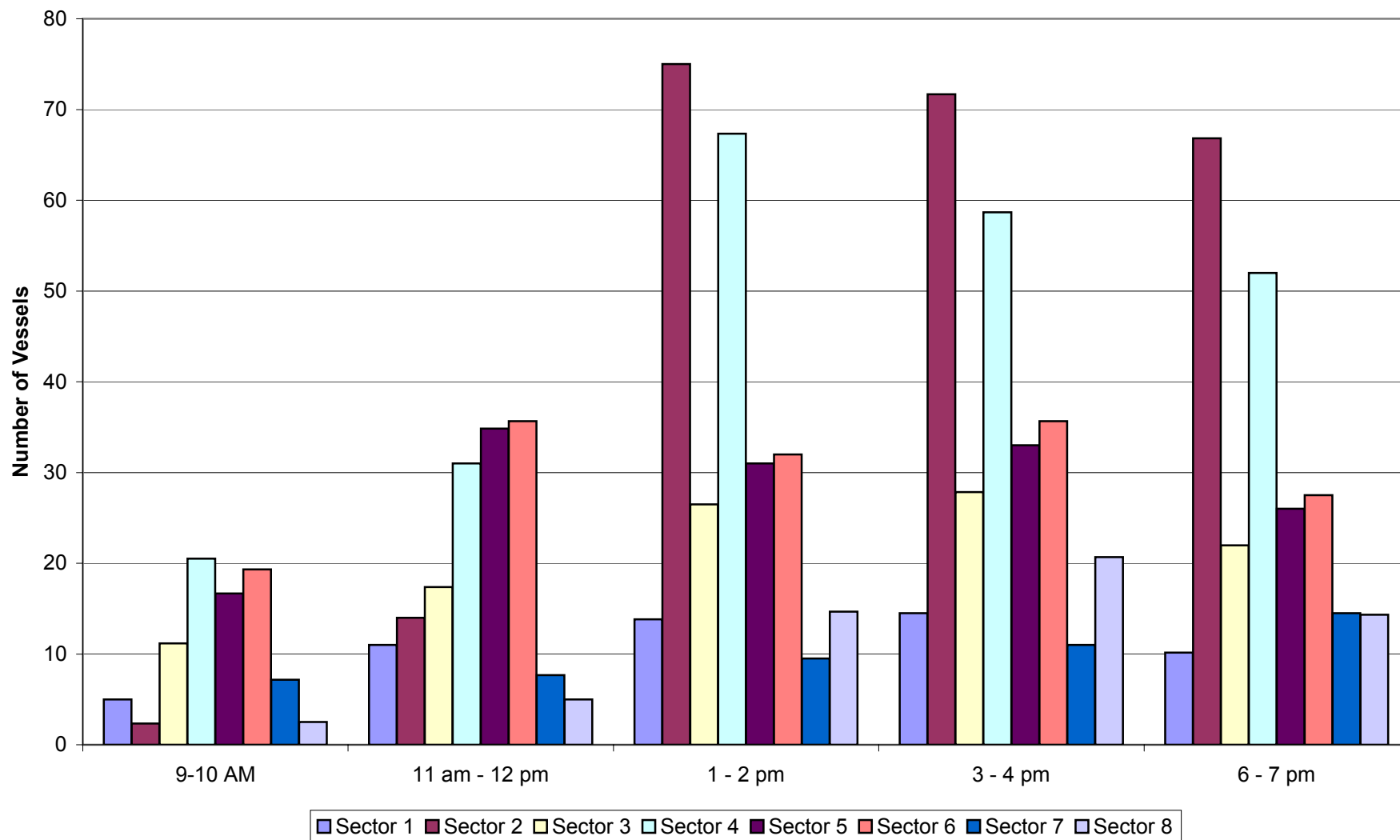


Figure 11
Summer Weekday Area Demand
by Sector and Time

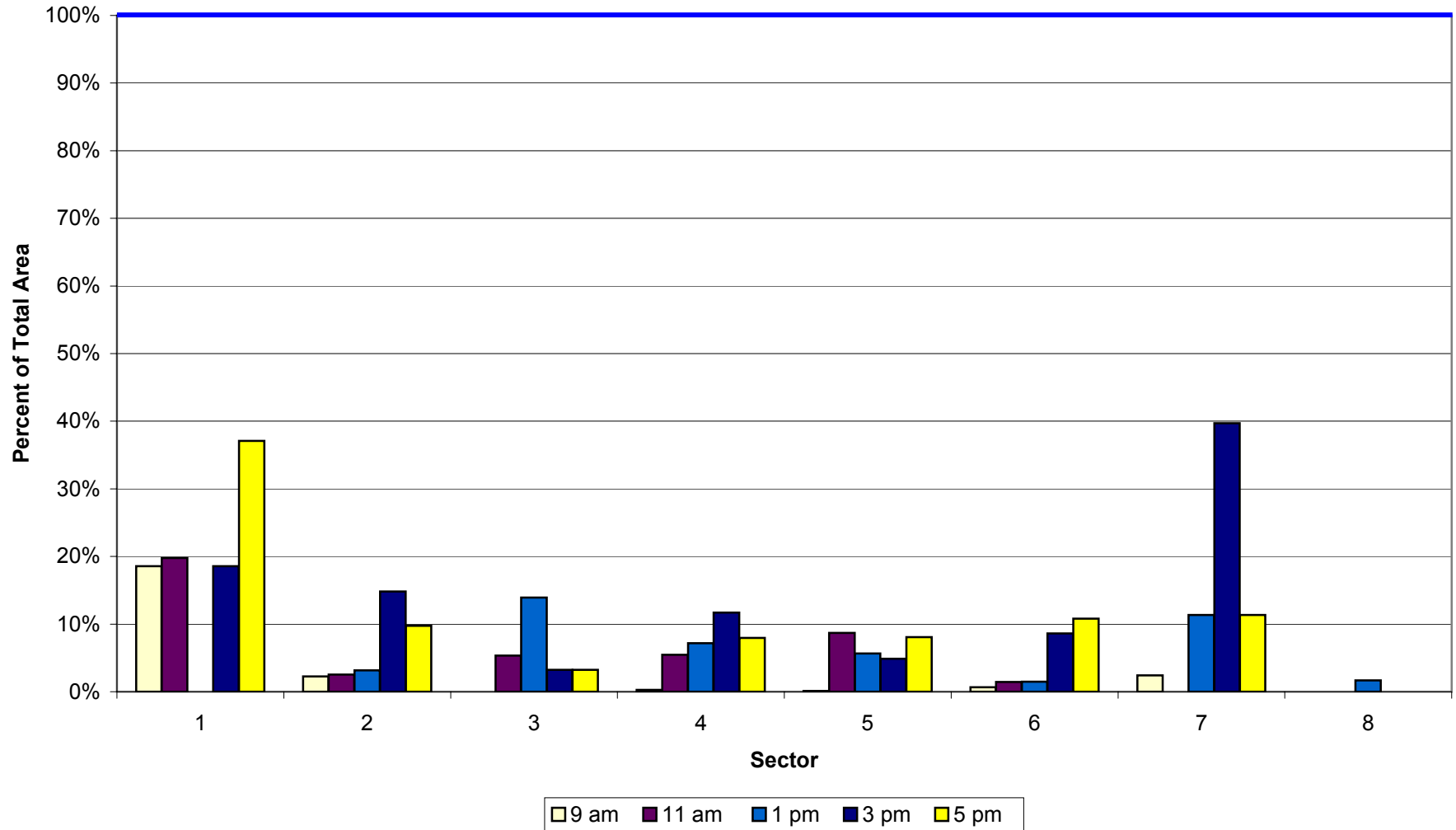


Figure 12
Weekend Average Area Demand
by Sector and Time

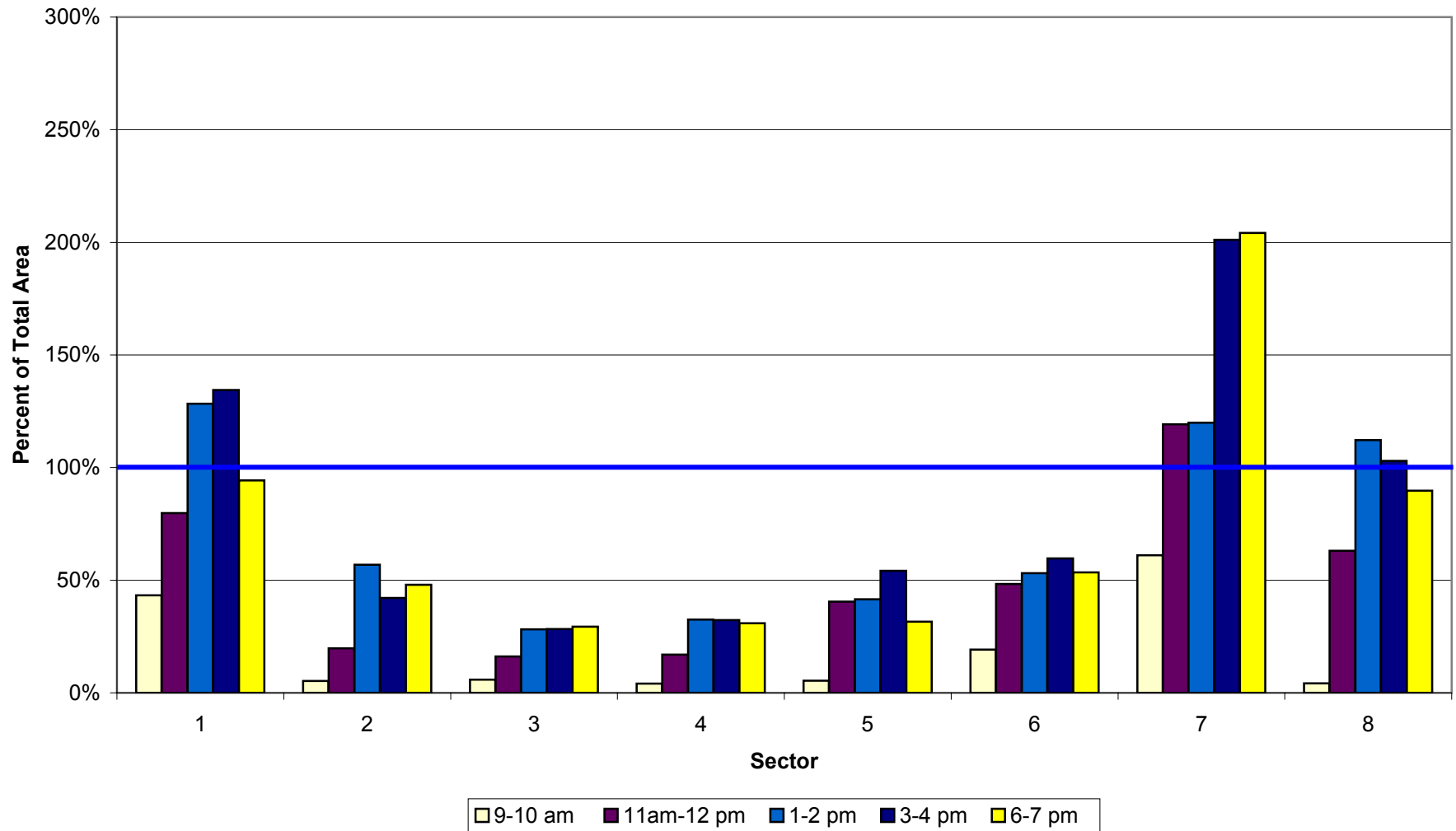
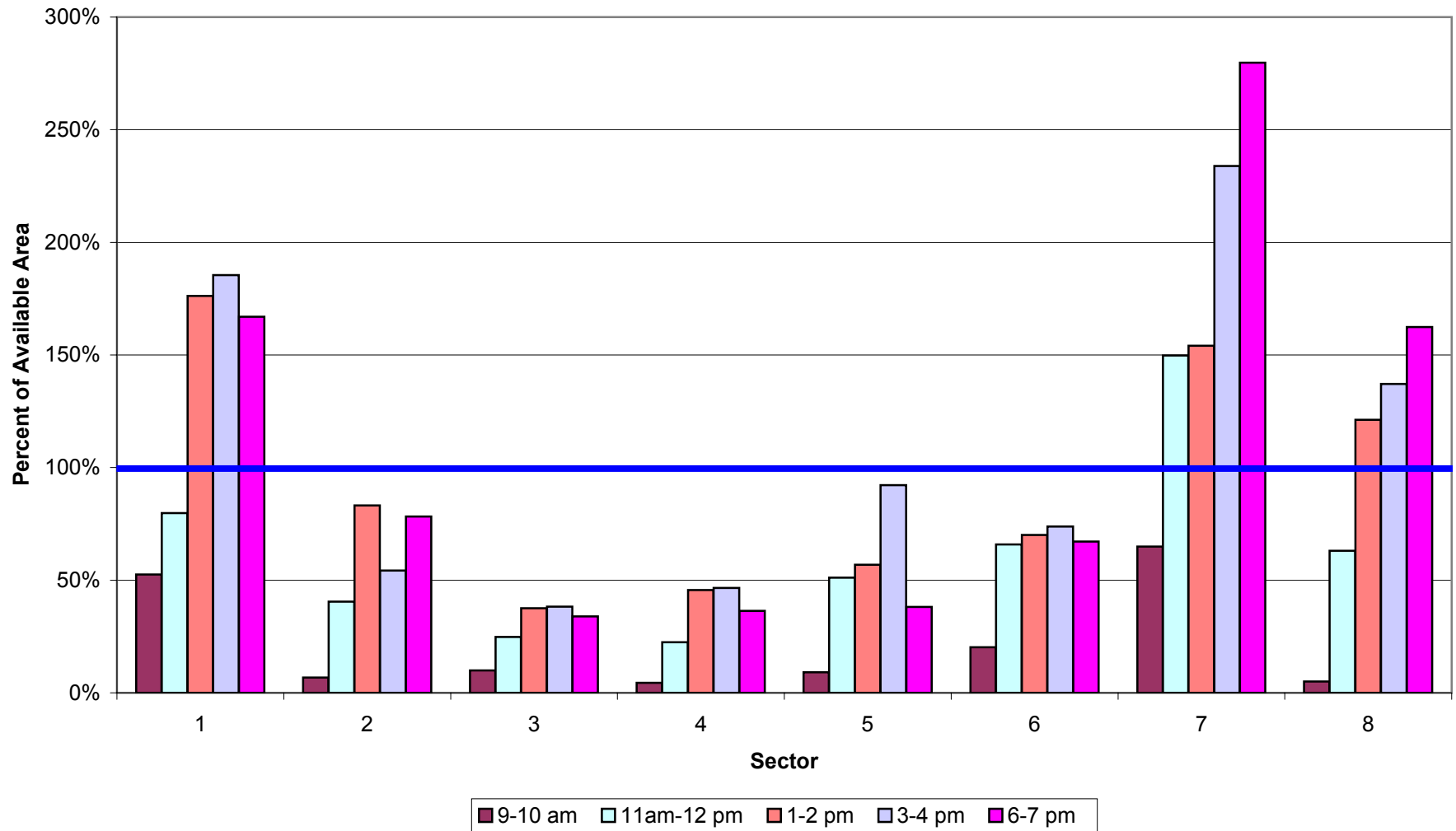
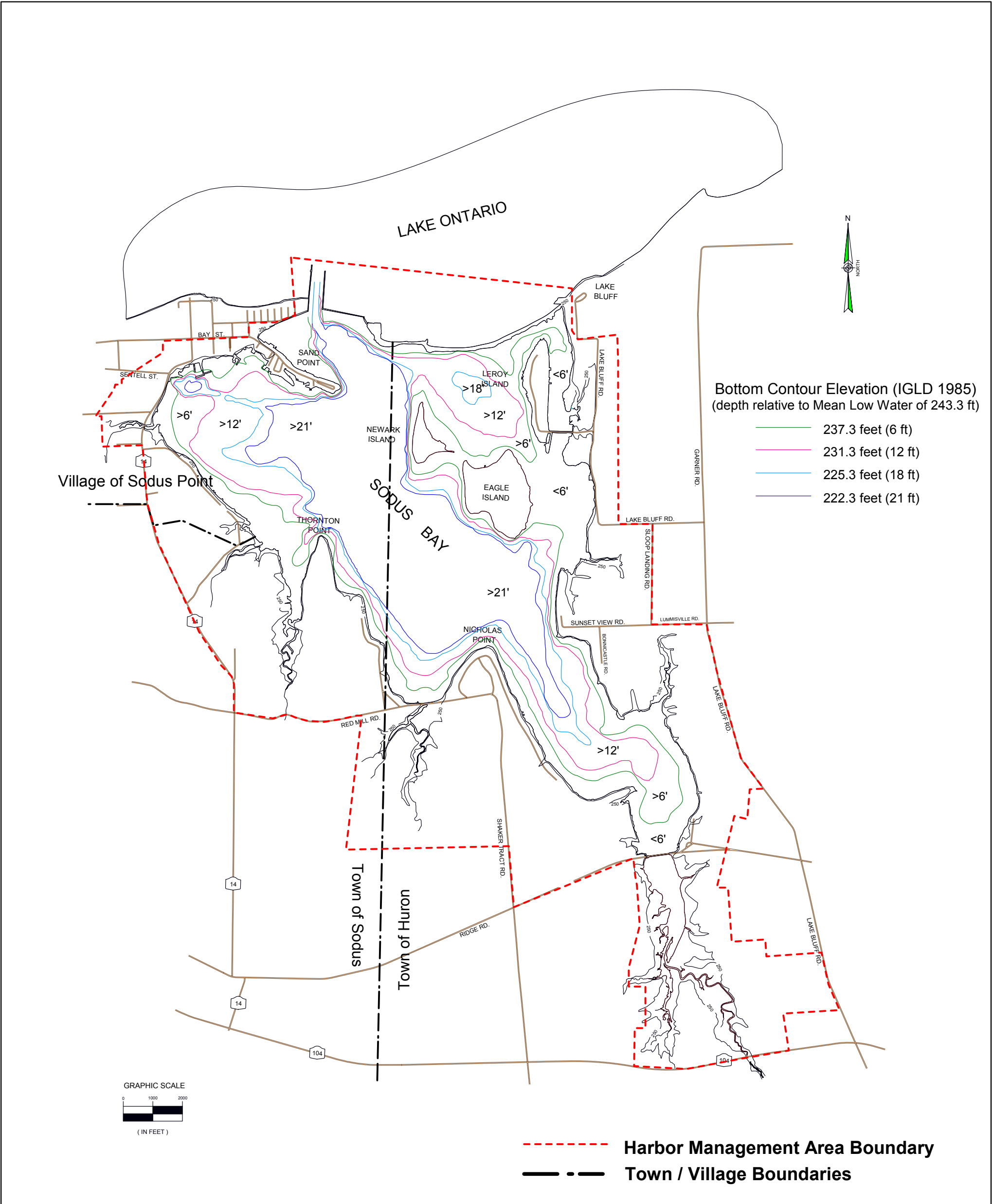


Figure 13
Weekend Peak Area Demand
by Sector and Time

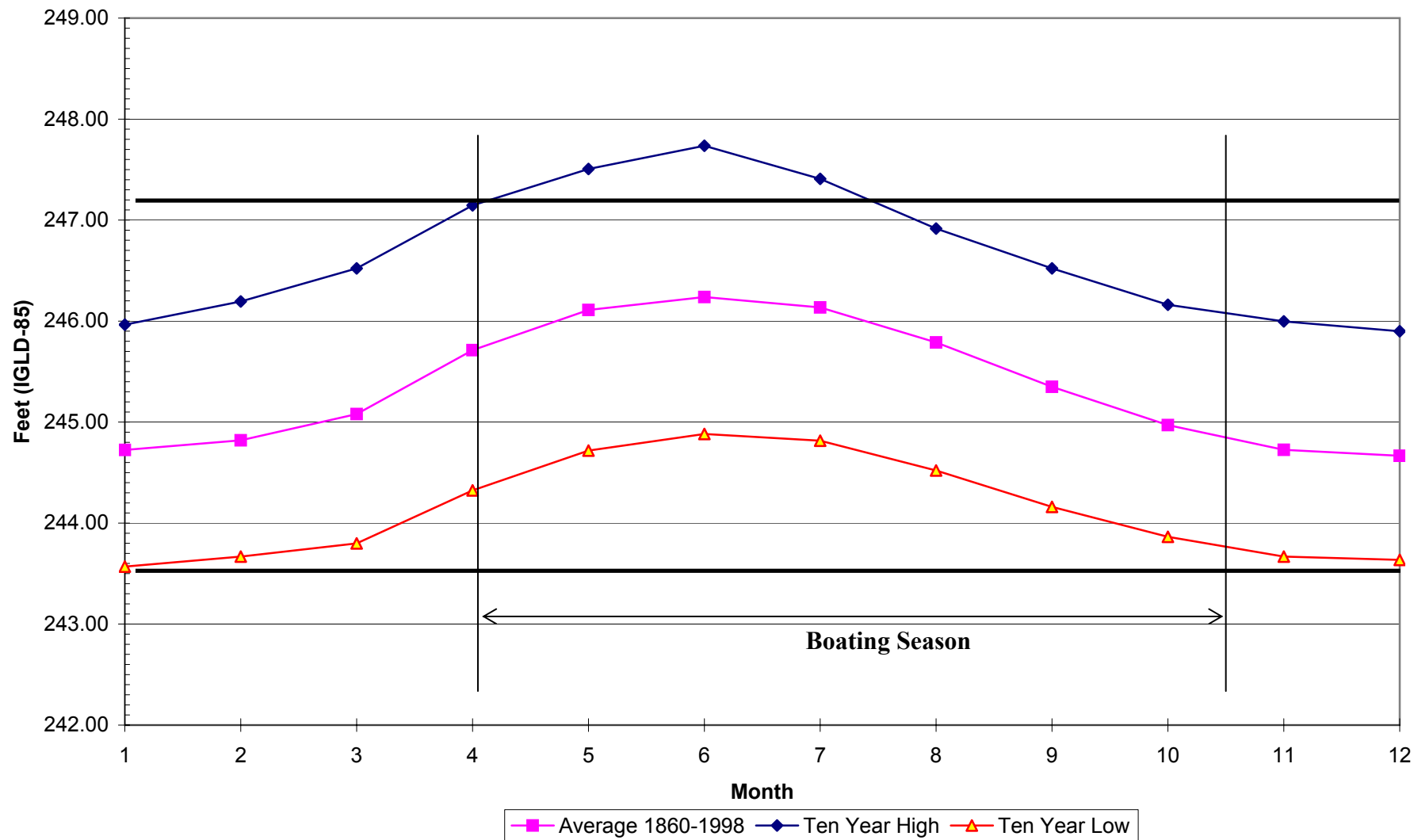




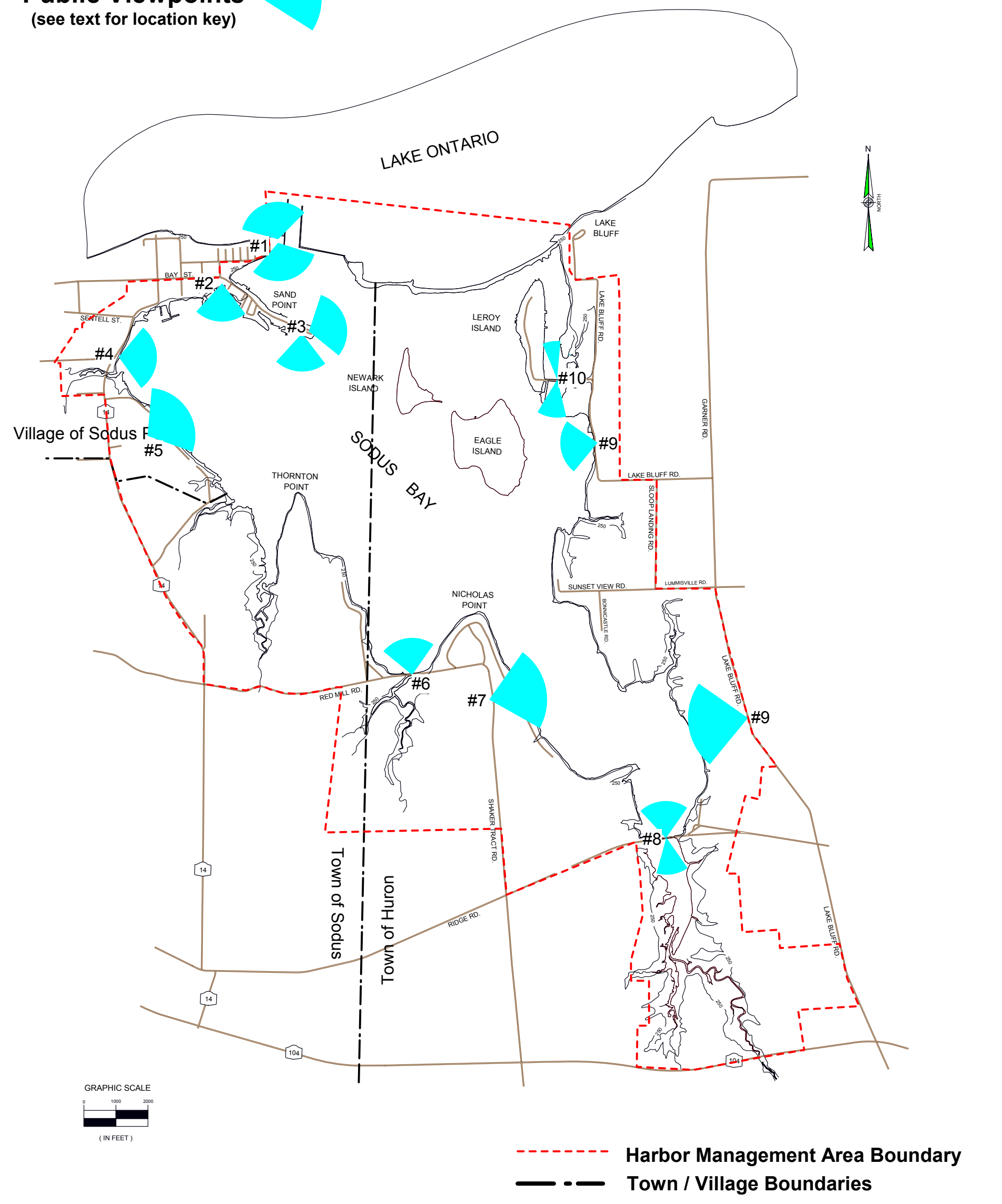
Great Sodus Bay Harbor Management Plan www.sodusbayhmp.org	Date November 2005	Scale as shown
Bay Bottom Elevations	F-E-S Associates 18 Glenhill Drive Rochester, NY 14618	

FIGURE 14

Figure 15
Lake Ontario
Mean and Ten-Year Return Levels



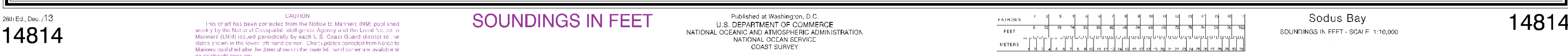
Public Viewpoints
(see text for location key)



--- Harbor Management Area Boundary
- - - Town / Village Boundaries

Great Sodus Bay Harbor Management Plan www.sodusbayhmp.org	Date November 2005	Scale as shown
Public Viewpoints	F-E-S Associates 18 Glenhill Drive Rochester, NY 14618	

FIGURE 17



To ensure that this chart was printed at the proper scale, the line below should measure six inches (152 millimeters). If this line does not measure six inches (152 millimeters), this copy is not certified exact for evaluation.



Total Maximum Daily Load (TMDL) for Phosphorus in Port Bay

Wayne County, New York

April 2011

Prepared for:

U.S. Environmental Protection Agency
Region 2
290 Broadway
New York, NY 10007

New York State Department of
Environmental Conservation
625 Broadway, 4th Floor
Albany, NY 12233



Prepared by:



Table 1. Land Use Acres and Percent in Port Bay Drainage Basin

Land Use Category	Acres	% of Drainage Basin
Open Water	98	0.47%
Agriculture	8,437	40.0%
<i>Hay & Pasture</i>	4,698	22.3%
<i>Cropland</i>	3,739	17.7%
Developed Land	1,333	6.33%
<i>Low Intensity</i>	1,277	6.06%
<i>High Intensity</i>	56	0.27%
Forest	10,022	47.6%
Wetlands	1,178	5.6%
TOTAL	21,068	100%

Figure 3. Percent Land Use in Port Bay Drainage Basin

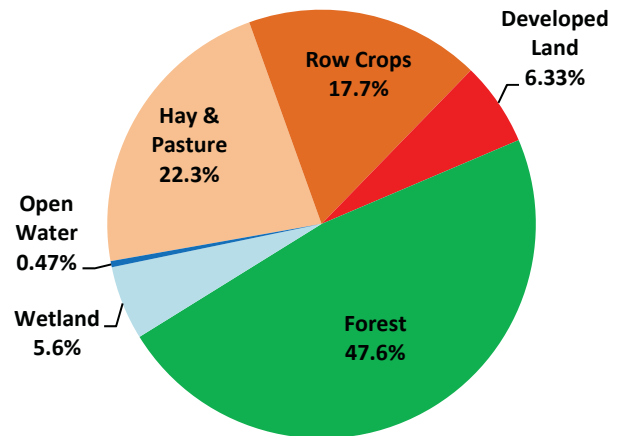


Figure 4. Land Use in Port Bay Drainage Basin

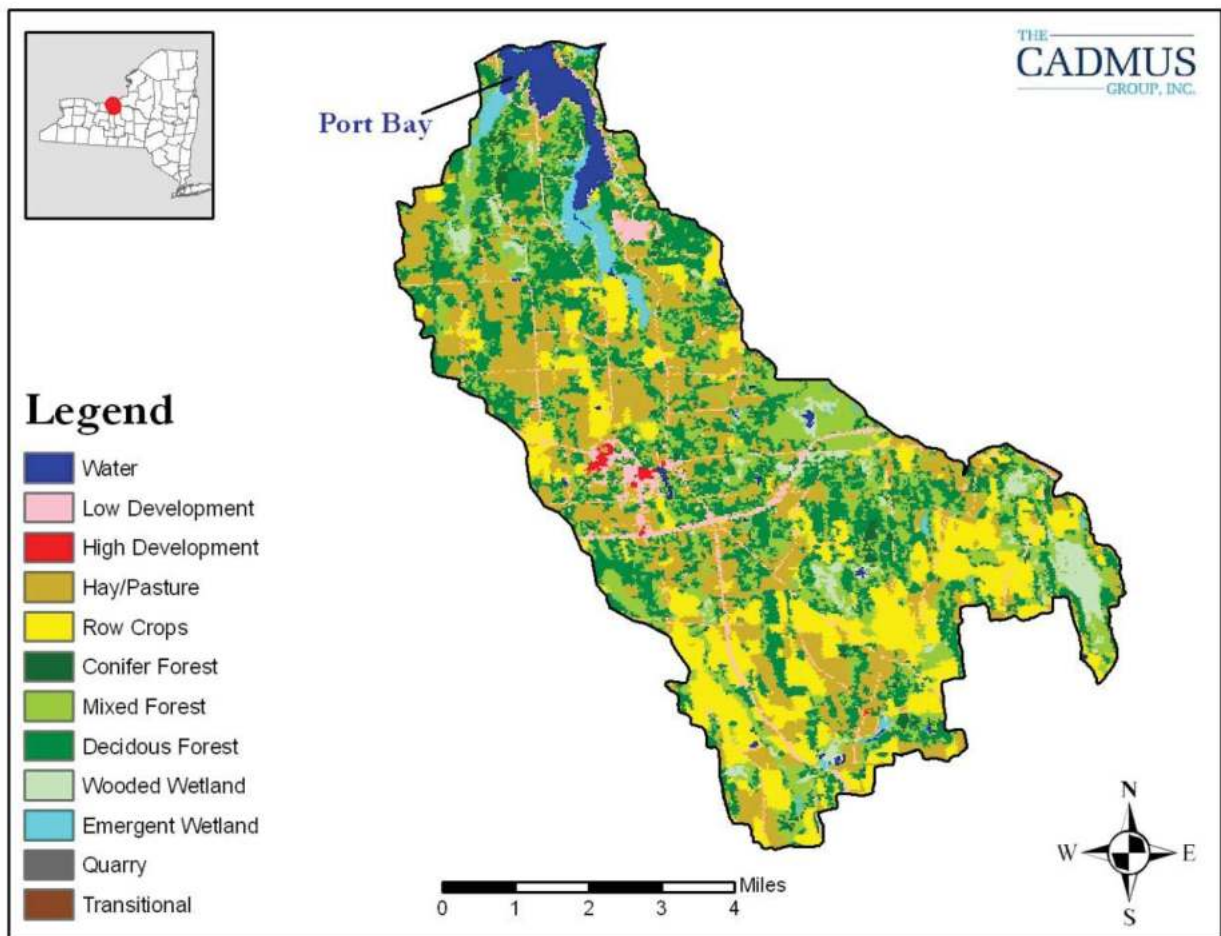
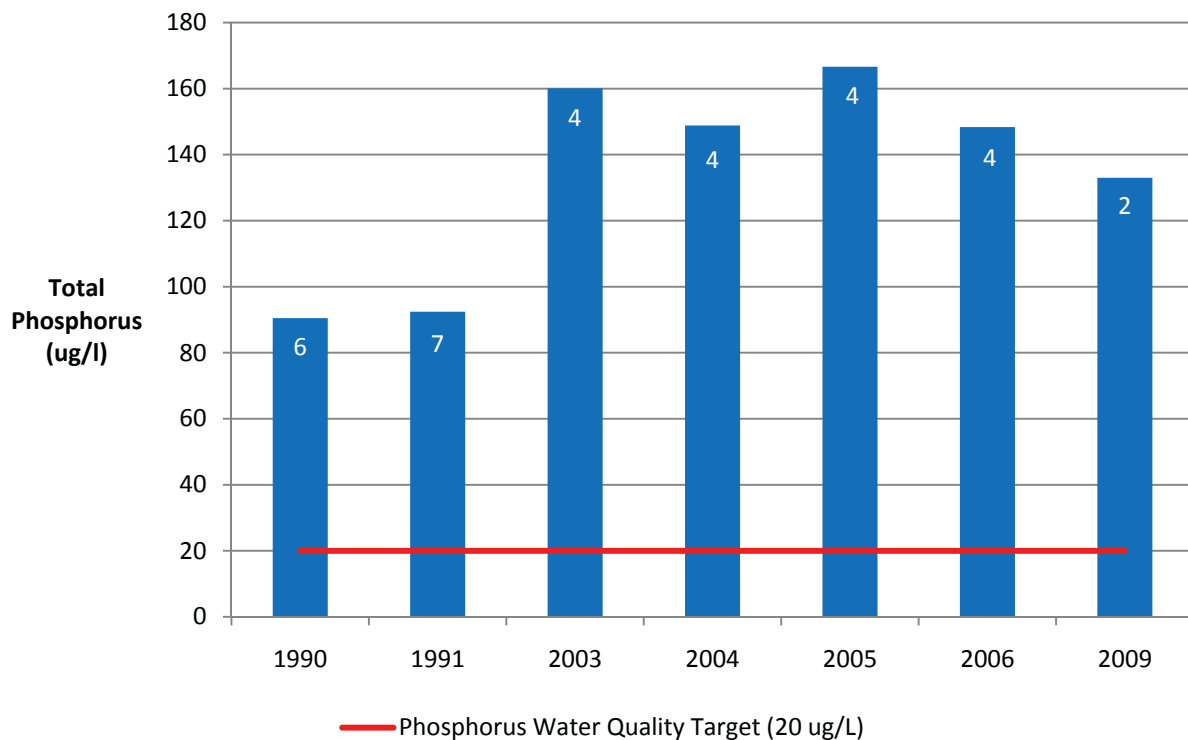


Figure 6. Summer Mean Epilimnetic Total Phosphorus Levels in Port Bay



3.0 NUMERIC WATER QUALITY TARGET

The TMDL target is a numeric endpoint specified to represent the level of acceptable water quality that is to be achieved by implementing the TMDL. The water quality classification for Port Bay is *B*, which means that the best usages of the lake are primary and secondary contact recreation and fishing. The lake must also be suitable for fish propagation and survival. New York State has a narrative standard for nutrients: “none in amounts that will result in growths of algae, weeds and slimes that will impair the waters for their best usages” (6 NYSCRR Part 703.2). As part of its Technical and Operational Guidance Series (TOGS 1.1.1 and accompanying fact sheet, NYS, 1993), NYS DEC has suggested that for waters classified as ponded (i.e., lakes, reservoirs and ponds, excluding Lakes Erie, Ontario, and Champlain), the epilimnetic summer mean total phosphorus level shall not exceed 20 µg/L (or 0.02 mg/L), based on biweekly sampling, conducted from June 1 to September 30. This guidance value of 20 µg/L is the TMDL target for Port Bay.

4.0 SOURCE ASSESSMENT

4.1. Analysis of Phosphorus Contributions

The MapShed watershed model was used in combination with the BATHTUB lake response model to develop the Port Bay TMDL. This approach consists of using MapShed to determine mean annual phosphorus loading to the bay, and BATHTUB to define the extent to which this load must be reduced to meet the water quality target. MapShed incorporates an enhanced version of the

Generalized Watershed Loading Function (GWLF) model developed by Haith and Shoemaker (1987) and the RUNQUAL model also developed by Haith (1993). GWLF and RUNQUAL simulate runoff and stream flow by a water-balance method based on measurements of daily precipitation and average temperature. The complexity of the two models falls between that of detailed, process-based simulation models and simple export coefficient models that do not represent temporal variability. The GWLF and RUNQUAL models were determined to be appropriate for this TMDL analysis because they simulate the important processes of concern, but do not have onerous data requirements for calibration. MapShed was developed to facilitate the use of the GWLF and RUNQUAL models via a MapWindow interface (Evans, 2009). Appendix A discusses the setup, calibration, and use of the MapShed model for lake TMDL assessments in New York.

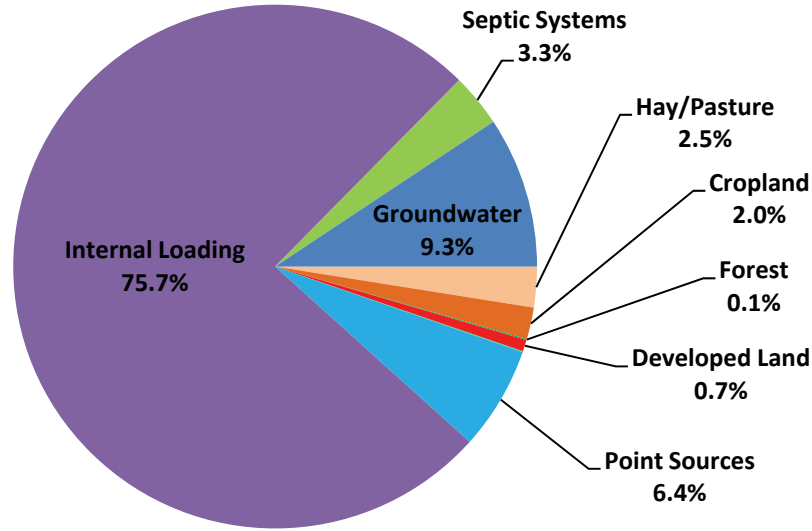
4.2. Sources of Phosphorus Loading

MapShed was used to estimate long-term (1990-2007) mean annual phosphorus (external) loading to Port Bay. Additionally, estimates for internal loading were calculated (see Section 4.2.7). The estimated mean annual external load of 41,899 lbs/yr of total phosphorus that enters Port Bay comes from the sources listed in Table 3 and shown in Figure 7. Appendix A provides the detailed simulation results from MapShed.

Table 3. Estimated Sources of Phosphorus Loading to Port Bay

Source	Total Phosphorus (lbs/yr)
Hay/Pasture	1,052
Cropland	817
Forest	30
Wetlands	6
Developed Land	295
Stream Bank	19
Septic Systems	1,376
Groundwater	3,906
Village of Wolcott WWTP (NY0020303)	1,902
Reckitt Benckiser, Inc. (NY0078531)	772
Merrell Farms Inc. (NYA000120)	0
Internal Loading	31,724
TOTAL	41,899

Figure 7. Estimated Sources of Total Phosphorus Loading to Port Bay



4.2.1. Wastewater Treatment Plants

The following two wastewater treatment plants are located in the Port Bay drainage basin: 1) Wolcott Wastewater Treatment Facility (SPDES ID: NY0020303); and 2) Reckitt Benckiser, Inc. (SPDES ID: NY0078531). Estimated monthly total phosphorus concentrations and flows were calculated by NYS DEC for these facilities; these estimates are provided in Appendix D. This information is used in MapShed to calculate phosphorus loading from the point sources. Estimated total phosphorus loading from the point sources (combined) is 2,674 lbs/yr (6.4% of the total external loading to Port Bay). Reckitt Benckiser, Inc. is no longer operating and the permit has been discontinued. Therefore, this facility will not be a future source of phosphorus.

4.2.2. Residential On-Site Septic Systems

Residential on-site septic systems contribute an estimated 1,376 lbs/yr of phosphorus to Port Bay, which is about 3.3% of the total loading to the bay. Residential septic systems contribute dissolved phosphorus to nearby waterbodies due to system malfunctions. Septic systems treat human waste using a collection system that discharges liquid waste into the soil through a series of distribution lines that comprise the drain field. In properly functioning (normal) systems, phosphates are adsorbed and retained by the soil as the effluent percolates through the soil to the shallow saturated zone. Therefore, normal systems contribute very little phosphorus loads to nearby waterbodies. A ponding septic system malfunction occurs when there is a discharge of waste to the soil surface (where it is available for runoff); as a result, malfunctioning septic systems can contribute high phosphorus loads to nearby waterbodies. Short-circuited systems (those systems in close proximity to surface waters where there is limited opportunity for phosphorus adsorption to take place) also contribute significant phosphorus loads; septic systems within 250 feet of the lake are subject to potential short-circuiting, with those closer to the lake more likely to contribute greater loads. Additional details about the process for estimating the population served by normal and malfunctioning systems within the lake drainage basin is provided in Appendix A.

GIS analysis of orthoimagery for the basin shows approximately 101 houses within 50 feet of the shoreline and 302 houses between 50 and 250 feet of the shoreline; all of the houses are assumed to have septic systems. Additionally, 85 houses were identified as directly abutting stream banks in the watershed. Within 50 feet of the shorelines and on stream banks, 100% of septic systems were categorized as short-circuiting. Between 50 and 250 feet of the shoreline, 80% of septic systems were categorized as short-circuiting, 5% were categorized as ponding systems, and 15% were categorized as normal systems. To convert the estimated number of septic systems to population served, an average household size of 2.61 people per dwelling was used based on the circa 2000 USCB census estimate for number of persons per household in New York State. To account for seasonal variations in population, data from the 2000 census were used to estimate the percentage of seasonal homes for the town(s) surrounding the bay. Approximately 78% of the homes around the bay are assumed to be year-round residences, while 22% are seasonally occupied (i.e., June through August only). The estimated population in the Port Bay drainage basin served by normal and malfunctioning systems is summarized in Table 4.

Table 4. Population Served by Septic Systems in the Port Bay Drainage Basin

	Normally Functioning	Ponding	Short Circuiting	Total
September – May	92	31	871	994
June – August (Summer)	118	39	1116	1273

4.2.3. *Agricultural Runoff*

Agricultural land encompasses 8,437 acres (40.0%) of the bay's drainage basin and includes hay and pasture land (22.3%) and row crops (17.7%). Overland runoff from agricultural land is estimated to contribute 1,869 lbs/yr of phosphorus loading to Port Bay, which is 4.5% of the total phosphorus loading to the bay.

In addition to the contribution of phosphorus to the bay from overland agriculture runoff, additional phosphorus originating from agricultural lands is leached in dissolved form from the surface and transported to the bay through subsurface movement via groundwater. The process for estimating subsurface delivery of phosphorus originating from agricultural land is discussed in the Groundwater Seepage section (below). Phosphorus loading from agricultural land originates primarily from soil erosion and the application of manure and fertilizers. Implementation plans for agricultural sources will require voluntary controls applied on an incremental basis.

4.2.4. *Urban and Residential Development Runoff*

Developed land comprises 1,333 acres (6.3%) of the bay's drainage basin. Stormwater runoff from developed land contributes 295 lb/yr of phosphorus to Port Bay, which is about 0.7% of the total phosphorus loading to the bay. This load does not account for contributions from malfunctioning septic systems.

In addition to the contribution of phosphorus to the bay from overland urban runoff, additional phosphorus originating from developed lands is leached in dissolved form from the surface and transported to the bay through subsurface movement via groundwater. The process for estimating

subsurface delivery of phosphorus originating from developed land is discussed in the Groundwater Seepage section (below).

Phosphorus runoff from developed areas originates primarily from human activities, such as fertilizer applications to lawns. Shoreline development, in particular, can have a large phosphorus loading impact to nearby waterbodies in comparison to its relatively small percentage of the total land area in the drainage basin.

4.2.5. *Forest Land Runoff*

Forested land comprises 10,022 acres (47.6%) of the bay's drainage basin. Runoff from forested land is estimated to contribute about 30 lbs/yr of phosphorus loading to Port Bay, which is about 0.1% of the total phosphorus loading to the bay. Phosphorus contribution from forested land is considered a component of background loading.

4.2.6. *Groundwater Seepage*

In addition to nonpoint sources of phosphorus delivered to the bay by surface runoff, a portion of the phosphorus loading from nonpoint sources seeps into the ground and is transported to the bay via groundwater. Groundwater is estimated to transport 3,906 lbs/yr (9.3%) of the total phosphorus load to Port Bay. With respect to groundwater, there is typically a small background concentration owing to various natural sources. In the Port Bay drainage basin, the model-estimated groundwater phosphorus concentration is 0.058 mg/L. The GWLF manual provides estimated background groundwater phosphorus concentrations for $\geq 90\%$ forested land in the eastern United States, which is 0.006 mg/L. Consequently, about 10% of the groundwater load (404 lbs/yr) can be attributed to natural sources, including forested land and soils.

The remaining amount of the groundwater phosphorus load likely originates from agricultural or developed land sources (i.e., leached in dissolved form from the surface). It is estimated that the remaining 3,501.5 lbs/yr of phosphorus transported to the bay through groundwater originates from developed land (477.4 lbs/yr) and agricultural sources (3,024.1 lbs/yr), proportional to their respective surface runoff loads. Table 5 summarizes this information.

Table 5. Sources of Phosphorus Transported in the Subsurface via Groundwater

	Total Phosphorus (lbs/yr)	% of Total Groundwater Load
Natural Sources	404.0	10.35%
Agricultural Land	3,024.1	77.43%
Developed Land	477.4	12.22%
TOTAL	3,905.5	100.00%

4.2.7. *Internal Loading*

Port Bay has been exposed to nutrient loading that is much higher than its assimilative capacity. Over time, much of this excess phosphorus has been deposited into the bottom sediments. Internal phosphorus loading from lake sediments can be an important component of the phosphorus budget for lakes, especially shallow lakes. Excess phosphorus in a lake's bottom sediments is available for

release back into the water column when conditions are favorable for nutrient release. Such conditions can include re-suspension of sediments by wind mixing or rough fish activity (e.g., feeding off bottom of lake), sediment anoxia (i.e., low dissolved oxygen levels near the sediment water interface), high pH levels, die-offs of heavy growths of curly-leaf pond weeds, and other mechanisms that result in the release of poorly bound phosphorus.

Accurate simulation of internal phosphorus loading is an uncertain science and a generally applicable method has yet to be identified. Several existing methods were considered for estimating internal loading in Port Bay. However, a lack of sufficient data hindered the ability to verify the ability of these methods to accurately simulate the internal loading process. Therefore, once all external sources of phosphorus loading were identified, the remaining load was assumed to be originating from internal sources (i.e., lake bottom sediments). Based on this determination, internal loading is currently estimated to contribute about 31,724 lbs/yr (75.7%) of phosphorus to Port Bay.

4.2.8. *Other Sources*

Atmospheric deposition, wildlife, waterfowl, and domestic pets are also potential sources of phosphorus loading to the bay. All of these small sources of phosphorus are incorporated into the land use loadings as identified in the TMDL analysis (and therefore accounted for). Further, the deposition of phosphorus from the atmosphere over the surface of the bay is accounted for in the bay model, though it is small in comparison to the external loading to the bay.

5.0 DETERMINATION OF LOAD CAPACITY

5.1. Lake Modeling Using the BATHTUB Model

BATHTUB was used to define the relationship between phosphorus loading to the bay and the resulting concentrations of total phosphorus in the bay. The U.S. Army Corps of Engineers' BATHTUB model predicts eutrophication-related water quality conditions (e.g., phosphorus, nitrogen, chlorophyll a, and transparency) using empirical relationships previously developed and tested for reservoir applications (Walker, 1987). BATHTUB performs steady-state water and nutrient balance calculations in a spatially segmented hydraulic network. Appendix B discusses the setup, calibration, and use of the BATHTUB model.

5.2. Linking Total Phosphorus Loading to the Numeric Water Quality Target

In order to estimate the loading capacity of the bay, simulated phosphorus loads from MapShed and calculated internal loads were input to the BATHTUB model, which was then used to simulate water quality in Port Bay. MapShed was used to derive a mean annual phosphorus loading to the bay for the period 1990-2007. Using this external load and the calculated internal load as input, BATHTUB was used to simulate water quality in the bay. The results of the BATHTUB simulation were compared against the average of the bay's observed summer mean phosphorus concentrations for the years 1990-1991 and 2003-2006. Year-specific loading was also simulated with MapShed for external loading and calculated for internal loading, run through BATHTUB, and compared against the observed summer mean phosphorus concentration for years with observed in-lake data. The combined use of MapShed, BATHTUB, and internal loading estimates provides a decent fit to the observed data for Port Bay (Figure 8).

APPENDIX F GUIDELINES FOR NOTIFICATION AND REVIEW

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

I. PURPOSES OF GUIDELINES

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

II. DEFINITIONS

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

2. That will minimize all adverse effects on the policies or purposes of the Huron LWRP to the maximum extent practicable; and
 3. That will result in an overriding regional or statewide public benefit.
- C. **Local Waterfront Revitalization Program** or **LWRP** means a program prepared and adopted by the Town of Huron and approved by the Secretary of State pursuant to Executive Law, Article 42; which program contains policies on the management of land, water and man-made resources, proposed land uses and specific projects that are essential to program implementation.
- D. **Municipal chief executive officer** is the Town Board of the Town of Huron.
- E. **Local program coordinator** or the **Building Inspector** of the Town of Huron is the designated person responsible for the preliminary review of proposed actions within the waterfront area for consistency with the approved Huron LWRP and consistency recommendations for the final determination of consistency that will be made by the Town Board.

III. **NOTIFICATION PROCEDURE**

- A. When a state agency is considering an action as described in II.DEFINITIONS, the state agency shall notify the Town of Huron Town Board.
- B. Notification of a proposed action by a state agency:
1. Shall fully describe the nature and location of the action;
 2. Shall be accomplished by use of existing state agency notification procedures, or through an alternative procedure agreed upon by the state agency and Town of Huron;
 3. Should be provided to the Town of Huron as early in the planning stages of the action as possible, but in any event at least 30 days prior to the agency's decision on the action. The timely filing of a copy of a completed Waterfront Assessment Form with the Town Board of the Town of Huron should be considered adequate notification of a proposed action.
- C. If the proposed action will require the preparation of a draft environmental impact statement, the filing of this draft document with the Town Board can serve as the state agency's notification to the Town of Huron.

IV. **LOCAL GOVERNMENT REVIEW PROCEDURE**

- A. Upon receipt of notification from a state agency, the Town Board will be responsible for evaluating a proposed action against the policies and purposes of its approved LWRP. Upon request of the Building Inspector, the state agency should promptly provide the Town of Huron with whatever additional information is available which will assist the Town Board to evaluate the proposed action.

- B. If the Town Board cannot identify any conflicts between the proposed action and the applicable policies and purposes of the approved Huron LWRP, it should inform the state agency in writing of its finding. Upon receipt of the Town Board finding, the state agency may proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600.
- C. If the Town Board does not notify the state agency in writing of its finding within the established review period, the state agency may then presume that the proposed action does not conflict with the policies and purposes of Huron's approved LWRP.
- D. If the Town Board notifies the state agency in writing that the proposed action does conflict with the policies and/or purposes of the approved Town of Huron LWRP, the state agency shall not proceed with its consideration of, or decision on, the proposed action as long as the Resolution of Conflicts procedure established in V. RESOLUTION OF CONFLICTS shall apply. The Town Board shall forward a copy of the identified conflicts to the Secretary of State at the time when the state agency is notified. In notifying the state agency, the Town Board shall identify the specific policies and purposes of the LWRP with which the proposed action conflicts.

V. RESOLUTION OF CONFLICTS

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

4. Within 30 days following the receipt of a request for assistance, the Secretary, or a Department of State official or employee designated by the Secretary, will discuss the identified conflicts and circumstances preventing their resolution with appropriate representatives from the state agency and the Town of Huron.
5. If agreement among all parties cannot be reached during this discussion, the Secretary shall, within 15 days, notify both parties of his/her findings and recommendations.
6. The state agency shall not proceed with its consideration of, or decision on, the proposed action as long as the foregoing Resolution of Conflicts procedures shall apply.

Procedural Guidelines for Coordinating NYS Department of State (DOS) and LWRP Consistency Review of Federal Agency Activity

I FEDERAL AGENCY ACTIVITIES

- A. After acknowledging the receipt of a consistency determination and supporting documentation from a federal agency, DOS will forward copies of the determination and other descriptive information on the proposed federal activities to the Building Inspector and the Town Board.
- B. This notification will indicate the date by which all comments and recommendations must be submitted to DOS and will identify the Department's principal reviewer for the proposed federal activity.
- C. The review period will be about twenty-five (25) days. If comments and recommendations are not received by the date indicated in the notification, DOS will presume that the municipality has "no opinion" on the consistency of the proposed federal activity with the approved Huron LWRP policies.
- D. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the Town of Huron, DOS will contact the Building Inspector and the Town Board to discuss any differences of opinion or questions prior to agreeing or disagreeing with the federal agency's consistency determination on the proposed federal activity.
- E. A copy of DOS' "concurrence" or "objection" letter to the federal agency will be forwarded to the Building Inspector and the Town Board.

II ACTIVITIES REQUIRING FEDERAL LICENSES, PERMITS AND OTHER REGULATORY APPROVALS

- A. DOS will acknowledge the receipt of an applicant's consistency certification and application materials. At that time, DOS will forward a copy of the submitted documentation to the Building Inspector and will identify the Department's principal reviewer for the proposed federal activity.
- B. Within thirty (30) days of receiving such information, the Building Inspector will contact the principal reviewer for DOS to discuss: (a) the need to request additional information for review purposes; and (b) any possible problems pertaining to the consistency of a proposed federal activity with the approved Huron LWRP policies.

- C. When DOS and the Building Inspector agree that additional information is necessary, DOS will request the applicant to provide the information. A copy of this information will be provided to the Building Inspector upon receipt.
- D. Within thirty (30) days of receiving the requested information or discussing possible problems of a proposed federal activity with the principal reviewer for DOS, whichever is later, the Building Inspector of the Town of Huron will notify DOS of the reasons why a proposed federal activity may be inconsistent or consistent with the approved Huron LWRP policies.
- E. After the notification, the Building Inspector will submit the Town of Huron written comments and recommendations on a proposed federal activity to DOS before or at the conclusion of the official public comment period. If such comments and recommendations are not forwarded to DOS by the end of the public comment period, DOS will presume that the Town of Huron has "no opinion" on the consistency of the proposed federal activity with the Huron LWRP policies.
- F. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the Town of Huron on a proposed federal activity, DOS will contact the local Building Inspector to discuss any differences of opinion prior to issuing a letter of "concurrence" or "objection" to the applicant.
- G. A copy of DOS' "concurrence" or "objection" letter to the applicant will be forwarded to the Building Inspector.

III FEDERAL FINANCIAL ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

- A. Upon receiving notification of a proposed federal financial assistance, DOS will request information on the federal financial assistance from the applicant for consistency review purposes. As appropriate, DOS will also request the applicant to provide a copy of the application documentation to the Building Inspector. A copy of this letter will be forwarded to the Building Inspector and will serve as notification that the proposed federal financial assistance may be subject to review.
- B. DOS will acknowledge the receipt of the requested information and provide a copy of this acknowledgement to the Building Inspector. DOS may, at this time, request the applicant to submit additional information for review purposes.
- C. The review period will conclude thirty (30) days after the date on DOS' letter of acknowledgement or the receipt of requested additional information, whichever is later. The review period may be extended for major federal financial assistance.
- D. The Building Inspector must submit the municipality's comments and recommendations on the proposed federal financial assistance to DOS within twenty days (or other time agreed to by DOS and the Building Inspector) from the start of the review period. If

comments and recommendations are not received within this period, DOS will presume that the Town of Huron has "no opinion" on the consistency of the proposed federal financial assistance with the approved Huron LWRP policies.

- E. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the municipality, DOS will contact local Building Inspector to discuss any differences of opinion or questions prior to notifying the applicant of DOS' consistency decision.
- F. A copy of DOS' consistency decision letter to the applicant will be forwarded to the local Building Inspector.