

Town of Hamlin Local Waterfront Revitalization Program

Adopted: Town of Hamlin: DATE

Approved: NYS Secretary of State, NAME, DATE

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INTRODUCTION

What is an LWRP?

A Local Waterfront Revitalization Program (LWRP) is a locally prepared comprehensive land and water use plan to protect valuable water and environmental resources, improve public waterfront accessibility, and foster economic development. LWRPs are prepared in conjunction with the New York State Department of State (DOS) in accordance with the New York State Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Article 42 of the Executive Law). A LWRP includes an inventory of local conditions, examines local issues, and articulates waterfront development policies and objectives—ultimately outlining specific local projects to achieve the collective vision. Projects outlined in the LWRP are eligible for funding through the LWRP program.

The document establishes a process to ensure that all actions proposed for the Town of Hamlin’s waterfront revitalization area are consistent with the policies and goals of the LWRP.

LWRP Overview

The Town of Hamlin, situated on Lake Ontario in a State Coastal Area, has prepared this LWRP to express its vision for the waterfront area and protect and build upon its valuable water-related assets. This document includes seven sections and an appendix, as summarized below.

Section I: Waterfront Revitalization Area Boundary

This section describes the boundary of the local Waterfront Revitalization Area (WRA) covered by the Hamlin LWRP, and includes a boundary map.

Section II: Inventory and Analysis

This section describes the existing conditions within the Hamlin WRA, and includes an analysis of opportunities and constraints to protect local waterfront resources while promoting further development of the WRA.

Section III: Waterfront Revitalization Policies

This section outlines the policies that will guide actions within the boundary area.

Section IV: Proposed Land and Water Uses and Proposed Projects

This section provides an action strategy for the LWRP by defining physical plans and projects for the Waterfront Revitalization Area.

Section V: Techniques for Local Implementation

This section outlines the strategy the Town of Hamlin will follow for implementation.

Section VI: State and Federal Actions and Programs Likely to Affect Implementation of the LWRP

This section outlines the local, state and federal actions required for implementation.

Section VII: Local Commitment and Consultation

This section outlines the actions taken throughout this process to collect and incorporate public and stakeholder input.

APPENDIX A: LWRP CONSISTENCY REVIEW LAW

SECTION I: WATERFRONT REVITALIZATION AREA BOUNDARY

The proposed Town of Hamlin LWRP amendment covers the waterfront revitalization area (WRA) illustrated in Map 1 and described below. To include the entire Sandy Creek Significant Coastal Fish and Wildlife Habitats (SCFWH) within the Town of Hamlin municipal boundaries, the upland portion of the Hamlin WRA was expanded. The Sandy Creek SCFWH was 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), and subsequently included in the State's coastal area and incorporated into the Coastal Management Program under authority provided by the Federal Coastal Zone Management Act.

A. WATERSIDE BOUNDARY

The waterside boundary of the Town of Hamlin waterfront revitalization area coincides with the mean high landward line along Lake Ontario, beginning from the Town of Hamlin's westward boundary with the County of Orleans to its easterly boundary with the Town of Parma; then,

- the boundary continues north for 1,500 into Lake Ontario along a line perpendicular on the shoreline, before turning westerly; then,
- it continues along a line parallel and 1,500 feet away from the shoreline to the intersection with the western county line and extension of town boundary, where it turns south; then,
- the Hamlin WRA boundary continues along the western county line for 1,500 feet to the point of the beginning, the intersection of the town's western boundary with Lake Ontario shoreline.

B. INLAND BOUNDARY

The proposed Hamlin WRA boundary starts at the intersection of Hamlin's municipal boundary with the Town of Kendall and the town's shoreline with Lake Ontario. Then, the WRA boundary follows the centerline of Route 272/Monroe Orleans County Line Road for approximately 5,365 feet before turning east at the intersection with County Road 211; then,

- the Hamlin WRA boundary continues for 17,920 feet along the centerline of County Route 211/Moscow Road to the intersection with the centerline of County Route 234/Lake Road West Fork; then,
- the boundary turns south and continues for 4,073 feet along County Route 234/Lake Road West Fork to a point of intersection with the centerline of County Route 209/North Hamlin Road, where it turns east; then,
- it continues along the County Route 209/North Hamlin Road for 2,215 feet to a point 500' west of the centerline of Sandy Creek;

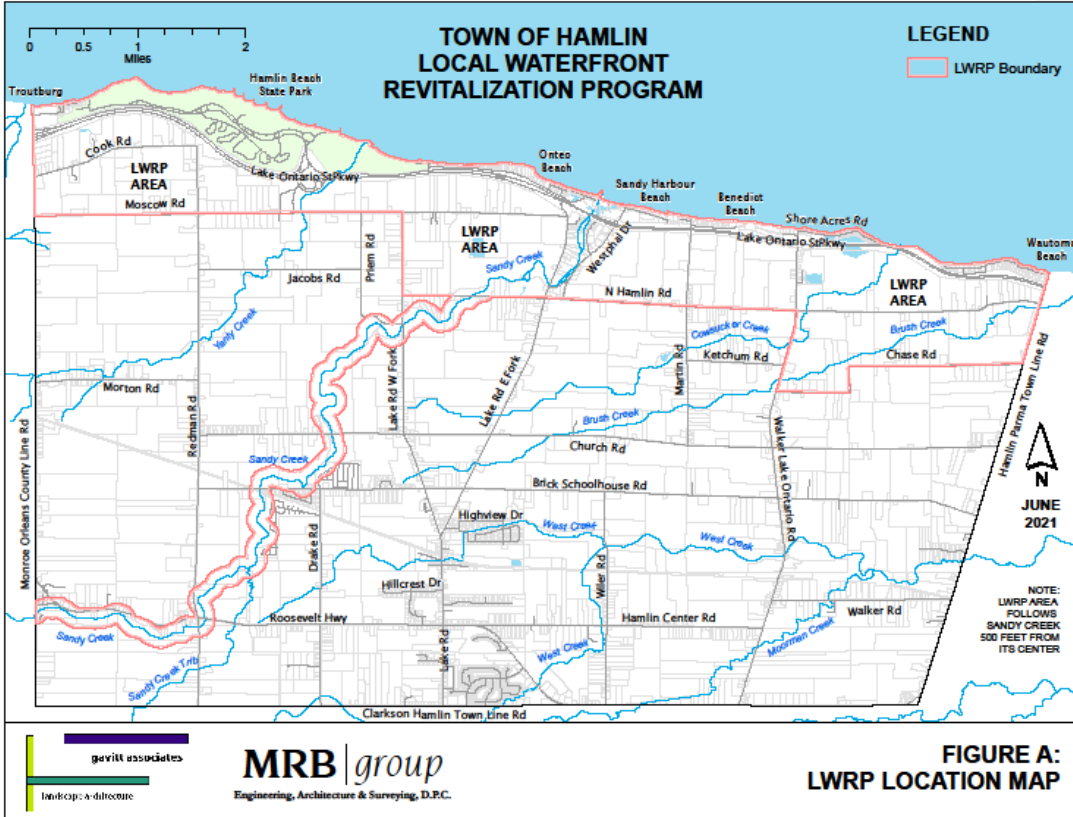
- then continues southerly and westerly following a line 500' off of the centerline of the Sandy Creek until it meets with the western boundary of the town;
- then turns south along the town boundary 1,000' to the opposite side of Sandy Creek;
- then follows at a 500' offset of the centerline of Sandy Creek easterly and northerly until intersecting again with the centerline of North Hamlin Road; then,
- follows east along the centerline of Route 209/North Hamlin Road 14,844 feet to the intersection of the centerline of Walker Lake Ontario Road; then,
- continues south 4,100 feet to the intersection of Chase Road; then,
- continues east 12,930 feet to the intersection of the centerline of Hamlin Parma Townline Road, then north 4,625 feet to the point where the centerline of the road meets the shoreline; then,
- continues westerly along the shoreline to the point of beginning.

C. UPDATE CLARIFICATION FROM PREVIOUS BOUNDARY AREA

The boundary has remained unchanged except for the elimination of sub-areas within it, and for the new clarification of the Sandy Creek Zone. Previously, the Sandy Creek Zone was described in writing only, and with no articulation of the edges. It now is defined to encompass a distance 500' from the centerline of the stream on both sides and is reflected as such on the map.

Map 1: Hamlin Waterfront Revitalization Area Boundary

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SECTION II: INVENTORY AND ANALYSIS

A. REGIONAL CONTEXT AND HISTORICAL DEVELOPMENT PATTERNS

The Town of Hamlin is rural in nature and lies in the northwest corner of Monroe County, bounded on the west by Orleans County and on the north by Lake Ontario. It is Monroe County's second largest town with a land area of 44.4 square miles and is largely agricultural, containing no incorporated villages. As one of the "outer ring" towns relatively far from the City of Rochester, Hamlin has experienced a slow rate of growth.

The terrain is level throughout most of the town, although in the northern portion and in the vicinity of Sandy Creek, it is slightly rolling. Toward the lake, as the land descends to the water, an extensive recreational facility exists, the Hamlin Beach State Park.

The soil in the town is rich and well suited for growing fruits, vegetables, and grains. In fact, much of the land bordering the lake is classified and mapped as Class 6 soil, the best possible for agricultural purposes. Dairy farms, once a prevalent use, are now scarce. Apple farming has emerged as an agricultural industry.

Hamlin was originally part of the Town of Northampton. In 1807 this large town was divided, and Hamlin became part of the Town of Murray. Clarkson and the land to become Hamlin separated from Murray in 1819, and this arrangement remained unchanged until 1852 when the Town of Union broke away from Clarkson. In 1861, Union changed its name to Hamlin after Hannibal Hamlin, Abraham Lincoln's vice president.

Eventually, areas of the town were cleared of trees, and drainage to the lake was established. Once the swampy areas were made tillable, the soil of the town was found to be unusually fertile. Combined with a mild climate due to the proximity of the lake, this assured Hamlin's development as a prime agricultural area. The lack of transportation facilities, however, remained a serious detriment to prosperity. The construction of the Erie Canal in the early 1820s provided some relief, although roads to the canal were few and difficult to travel.

By the 1830s, there was one sawmill for every mile of Sandy Creek and two grist mills, one close to the lake. In spite of all this industry, the first real influx of population to the waterfront area did not occur until 1844 when members of the Clarkson Phalanx (a Fourier commune) purchased 1,600 acres of land at the mouth of Sandy Creek. Ultimately, they hoped for a federal grant to open the mouth of the creek to light shipping. The grant never came, and the group disbanded in 1846. Some of the 400-plus members, however, remained in the area.

In the early 1870s, grain raising continued to be a major occupation, but by this time the growing of fruit became equally important. In 1875, prompted by the success of this new industry, the Lake

Ontario branch of the Rome, Watertown and Ogdensburg Railroad was extended through the town, providing a much-needed transportation route to commercial markets. Soon thereafter Hamlin would boast the largest twenty-ounce apple orchard in the world, just north of North Hamlin Road and entirely within the town.

Before the Civil War, people from the surrounding towns would travel to Troutburg, a small community on the lake at the Hamlin-Orleans County line. Here they would picnic or stay in the Ontario House. Some would even take a cruise to Canada on the steamboat that tied up at a large pier there. After the Civil War, and with the help of the railroad, more visitors joined the pleasure seekers in Hamlin. These visitors were mostly interested in the mouth of Sandy Creek. Many sportsmen clubs and hotels to accommodate the influx sprang up all along the Hamlin shore of Lake Ontario. Only three buildings from the nine or ten resorts of that era remain today: the Cady House at Troutburg, the Morgan House east of the mouth of the Creek, and the Brockport Yacht Club.

In the summer of 1935, the Civilian Conservation Corps (CCC), a federally funded program growing out of the Great Depression, moved into a seven-year-old county park on Lake Ontario in the Town of Hamlin and began a six-year building project. They transformed Northwest Beach Park into what officially became Hamlin Beach State Park in 1938. The work camp, located just east of Moscow Road, closed in 1941, but was used briefly as a farm labor camp and prisoner of war camp before the close of World War II. In 1961, the last section of the Lake Ontario Parkway was completed, connecting the park with the City of Rochester. In 1962, additional land was purchased east of Yanty Creek, bringing the total parkland acreage to 1,117.73. (Reference material (The History of Hamlin Beach State Park))

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There is also evidence of the existence of human settlement in the area of the town going back to 9,000 B.C. Of particular interest are two Clovis points (prehistoric tools) found in what is now Hamlin Beach State Park. The area due south of Devil's Nose just south of Cook Road, and another area south of Priem Road on Sandy Creek, also have archeological value because of archaic point findings. Large quantities of these points can be found almost anywhere in the area from Sandy Creek east to Walker Lake Ontario Road and north of North Hamlin Road. Evidence of more recent native settlements was found close to the inland roads. According to Brian Nagel of the Rochester Museum and Science Center, there are significant Native American sites on both sides of Sandy Creek as it flows into Lake Ontario, and there is every reason to believe that similar sites can be found at the mouth of Yanty Creek.

In 1806, Aretas Hascall established residence in the Town, becoming Hamlin's first permanent white settler. A few other pioneers followed, but emigration to the Town was extremely slow and difficult. No major transportation routes existed, the vast swamps induced unhealthy conditions, the area was remote from even small commercial centers, and the forests were practically impregnable. As a result, Hamlin was the last of Monroe County's towns to be permanently settled and organized.

Today, farming and farm-related businesses have continued to be major economic activities within the Town, although currently many of the Town's residents are employed in and commute to

nearby metropolitan Rochester employment centers.

Waterfront Development

Waterfront development within the WRA in the Town of Hamlin has been in the form of seasonal cottages to support water-related recreation as well as year-round homes for people desiring a water-oriented housing environment. The Troutburg beach area was initially developed for lakeside recreation. A large hotel and some support buildings remain in a state of disrepair from the early days of lakeside development. With the addition of public water and sewer, interest may be generated to refurbish or redevelop the property.

Development along Sandy Creek has predominantly been in the form of water-related businesses. These include the several privately owned marinas, the Brockport Yacht Club and docks, and a few additional commercial establishments.

B. OVERVIEW OF PLANNING EFFORTS IMPACTING THE WRA

Town of Hamlin Comprehensive Plan 2007

This document was updated in 2007 and builds upon the original Hamlin Planning Inventory of 1974. It was previously updated in 1987 and again in 1997. It is intended to seek a balance between preserving the environment while maintaining the town's heritage, character and charm.

IJC – International Joint Commission

The International Joint Commission (IJC) regulates and oversees the Great Lakes system. The IJC was created by a 1907 U.S./Canadian treaty to balance various interests in these bodies of water. It regulates the level and outflows of Lake Ontario to balance the following interests:

1. Power
2. Navigation and shipping
3. Flooding and ice management
4. Various riparian interests including those of Lake St. Louis, Montreal Harbor, St. Lawrence River, and Lake Ontario shoreline property owners

The IJC implemented "Plan 2014" to guide management of water levels and outflows. Since its implementation, two major, season-long flooding events occurred, in 2017 and 2019. These coincided with higher-than-normal seasonal rainfall, but were also attributed by many to the new IJC rules. There are ongoing reviews of these policies. The Town of Hamlin has no control over this process but will be impacted by its policies.

Strategic Plan for Hamlin Beach State Park

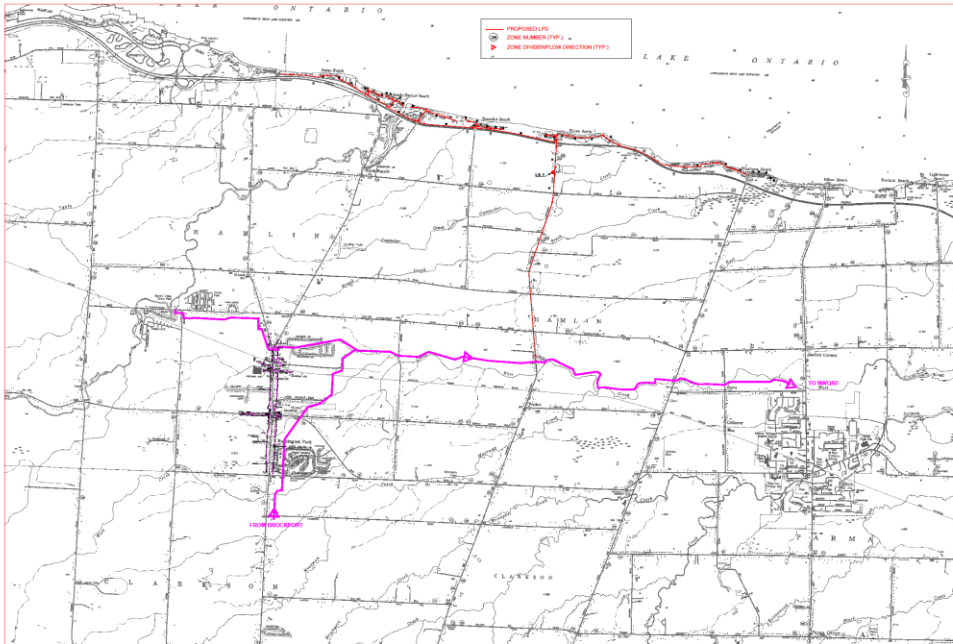
State parks take on their own planning processes, and as such will impact this WRA. Hamlin Beach State Park provides a variety of recreational opportunities and has the capacity to provide more. The park controls over a third of waterfront area in the town and is the major public access to Lake Ontario. Decisions within the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) that impact this site will have a significant effect on the Town of Hamlin LWRP, making ongoing Town coordination with OPRHP important.

Sewers planned for shoreline properties in the WRA

Following a wastewater study, a new Lakeshore Sewer District is being planned to service all the lakefront properties. Bidding for construction was underway as of summer 2021. Hamlin Beach has an on-site treatment plant, but is joining in with Troutburg and the Town of Kendall to cover the Kendall Lakeshore and pump to the Monroe County Public Works trunk sewer in Hamlin. The addition of sewer in the lakefront area will open up development opportunity while protecting water quality.

Proposed Sewer Map:

Town of Hamlin Local Waterfront Revitalization Program



Rochester Embayment Remedial Action Plan

The Town of Hamlin resides within one of three major watersheds that make up the Rochester Embayment of Lake Ontario. Hamlin is in the Lake Ontario West Sub-Basin. The areas of concern in this plan are located around the Long Pond area and do not focus on the Lake Ontario West Sub-Basin.

Monroe County Hazard Mitigation Plan

The Disaster Mitigation Act of 2000 establishes a new requirement for local hazard mitigation plans and provides a framework for linking pre- and post-disaster mitigation planning and initiatives with public and private interests to ensure an integrated, comprehensive approach to disaster loss reduction. It requires all local governments to have an approved All-Hazard Mitigation Plan in place to be eligible to receive Hazard Mitigation Grant Program project funding. The Federal Emergency Management Agency (FEMA) approved the Monroe County Hazard Mitigation Plan on February 7, 2017, and the Monroe County Legislature adopted the Plan on May 9, 2017.

<https://www.monroecounty.gov/oem>

Monroe County Farmland Protection Plan

The Western Agricultural District (#5) covers 94,077 acres across the towns of Chili, Clarkson, Gates, Greece, Hamlin, Ogden, Parma, Riga, Sweden, and Wheatland. The plan was last updated in 2016.

<https://www.monroecounty.gov/planning-farmland#ExecutiveSummary>;
<https://www.monroecounty.gov/files/planning/farm-FarmlandProtectionPlan99.pdf>.

Monroe County Land Use Report

In response to the need to monitor proposed development, the Genesee Transportation Council and the Monroe County Planning and Development Department initiated a process to identify all proposed projects and approved major projects within a computerized database that can be updated on an annual basis. The updated data is then compiled into an annual Municipal Land Use (MLU) Report.

<https://www.monroecounty.gov/planning-planning#landuse-report>.

Monroe County Community Development Annual Action Plan

Monroe County maintains an Annual Action Plan for suburban area housing and community development priorities low- and moderate-income residents. The plan guides the local deployment of funds from various U.S. Department of Housing and Urban Development (HUD) programs.

<https://www.monroecounty.gov/files/Action%20plan%20draft.pdf>

Monroe County Comprehensive Plan

This plan was completed in 1975 and is undergoing an update that is scheduled to be completed in 2022.

Monroe County Active Transportation Plan

This is under development and is targeted for completion in 2022.

NYS CLEAR – Coastal Lakeshore Economy and Resiliency Initiative.

The Coastal Lakeshore Economy and Resiliency (CLEAR) Initiative supports local communities dealing with persistent high water levels along Lake Ontario, the lower Niagara River and the upper St. Lawrence River. It supports the development of comprehensive resiliency strategies and plans to institute critical long-term protective measures and strengthen existing investments. CLEAR plans will reflect the diverse perspectives, needs, interests and watersheds within each region, and participation will reflect the socio-economic and geographic diversity of the regions, including vulnerable and under-served populations. Planning firms along with state experts will supplement local capacity and engage communities in scenario planning to help conceptualize the potential impacts from future changes and identify opportunities to enhance connections and access to the water while increasing resiliency to potential stressors. The CLEAR plans will include regional strategies and recommend local actions such

as updated zoning, installation of green infrastructure, more sustainable water-dependent businesses, and the development of actions and projects that will increase the resiliency of lakeshore communities and businesses.

Monroe County's CLEAR plan is under development as of the time of this writing.

<https://dos.ny.gov/coastal-lakeshore-economy-and-resiliency-clear-initiative>

<https://www.monroecountyclear.com/>

Lake Ontario Resiliency and Economic Development Initiative (REDI)

This NYS program was created to increase resiliency and economic development of shoreline communities. There are five regions, with Monroe County being one of them. Several projects have been approved in this region. Specifically, the Lakeshore Sewer District received a 95% grant from REDI.

<https://www.governor.ny.gov/programs/lake-ontario-resiliency-and-economic-development-initiative-redi>

C. DEMOGRAPHIC AND ECONOMIC CONSIDERATIONS

The Town of Hamlin's population experienced significant growth between 1950 and 1990—from 2,321 to 9,355. Since that period, there has been a generally stable population with a small loss recorded. The 2010 census recorded 9,045 people. The population is 96.5% white.

According to 2019 U.S. Census data, the median value of an owner-occupied house in the Town of Hamlin is \$118,000, as compared to \$148,400 in Monroe County. The median household income in Hamlin is \$62,561, as compared to \$60,075 for Monroe County. The estimated poverty rate is 8.6% for the town compared to 12.7% for the county.

D. EXISTING LAND USE AND ZONING RESTRICTIONS

The WRA primarily constitutes Hamlin Beach State Park, shoreline residential units, the Lake Ontario State Parkway including a state boat launch at the mouth of Sandy Creek, and agricultural lands with some rural residential housing. There are wetland areas around the creeks and outflows into Lake Ontario as well as along the Parkway system. There are few businesses establishments, including the Yacht Club at the mouth of Sandy Creek and a couple of marinas along Sandy Creek.

PUBLICLY HELD LANDS

Hamlin Beach State Park covers a third of the 10-mile shoreline for the Hamlin WRA and occupies 730 acres north of the Lake Ontario Parkway. The State Park area also includes land south of the parkway, though that land is technically part of the Lake Ontario State Parkway right-of-way. It includes extensive sandy beach areas, a guarded swim area, 264 camp sites, parking for over 2,000 cars, multiple pavilions and picnic areas, trails, and a historic area that showcases the Civilian Conservation Corps/POW camp that previously existed on the property. This park is known to fill to parking capacity during the summer in nice weather. As a state park, there is a fee for cars to enter during the high season.

The **Lake Ontario State Parkway** extends across the entire WRA, separating the lakefront properties and the heart of the State Park from the remainder of the town. The right-of-way for the parkway varies in width ranging from just over 300' at its narrowest to well over 500' in many places. It is even wider in areas that accommodate the Hamlin Beach State Park entry, adjacent ponds or marshy areas, and the lakeshore area at the Cowsucker Creek outlet. The parkway is maintained by NYS DOT but is owned by the NYS Parks Department. Overall, the parkway runs approximately 10 miles across the northern part of the town and averages 584' right-of-way width. The area totals almost 700 acres of land. The road itself has very low traffic levels relative to its designed capacity. A 2003 traffic count by the NYS DOT suggests that the highest count was 5,546 cars/ per day for the segment just east of Rt. 19. The paved roadway is a divided four lane highway with significant shoulders on all edges. There is a substantial median that separates the east traveling lanes from the west traveling lanes. There are drainage culverts under the highway that encourage flow from the town into the lake. It is reported that the drainage does not work properly, and upland flooding around the culverts is a common occurrence. A state boat launch is located within this right-of-way at the mouth of Sandy Creek. Numerous wetlands exist in the right-of-way.

The **NYS Department of Environmental Conservation (DEC)** owns a 10 acre site adjacent to the boat launch and bordering inland water at the mouth of the Sandy Creek outlet.

Monroe County Water Authority owns an unused water treatment plant on the lakeshore, immediately adjacent and directly east of Hamlin Beach State Park. It may be used as a pumping station. This site is 2.89 acres with about 560' of lake frontage.

LAKE SHORELINE RESIDENTIAL

Approximately half of the 10-mile shoreline is occupied by lakefront residential units over approximately 293 parcels. These are primarily small lots that have access off of dead-end streets that run parallel to the Lake Ontario State Parkway. The properties are almost entirely single-family units, and vary in size and value. These properties have experienced severe flooding conditions in recent years, and many have endured lakefront erosion. These properties will all soon have access to public sewer.

REMAINING LAKE SHORELINE USES

There are a few significant pieces of land that exist on the lakeshore that are not occupied by the State Park or residential subdivisions. These include a 27.86-acre site at the western border of the WRA in the Troutburg area. This site has 1,233 feet of lakeshore frontage, as well as over 800' of access to Monroe Orleans County Line Road. It also abuts the Hamlin Beach State Park property, but not at the shoreline. This site was formerly a hotel and has multiple buildings still in existence in various states of use and disrepair. This site is well-positioned for redevelopment.

The Lake Ontario State Parkway right-of-way has lake frontage in two separate places within the WRA. One is at the mouth of Sandy Creek, and encompasses one of two piers extending out from the shoreline. (The second pier is owned by the Brockport Yacht Club.) The second segment of land where the parkway abuts the shoreline is in the vicinity of the Cowsucker Creek outflow. Here the parkway is aligned closer to the shoreline and has about a 3,000' shoreline. There is room for some limited recreational uses here such as scenic viewing or kayak launching on the land between the parkway and the shoreline.

There are also a few privately owned properties along the shoreline that do not seem suitable for residential construction, likely due to wet or marshy soils. These properties remain undeveloped.

SANDY CREEK SHORELINE

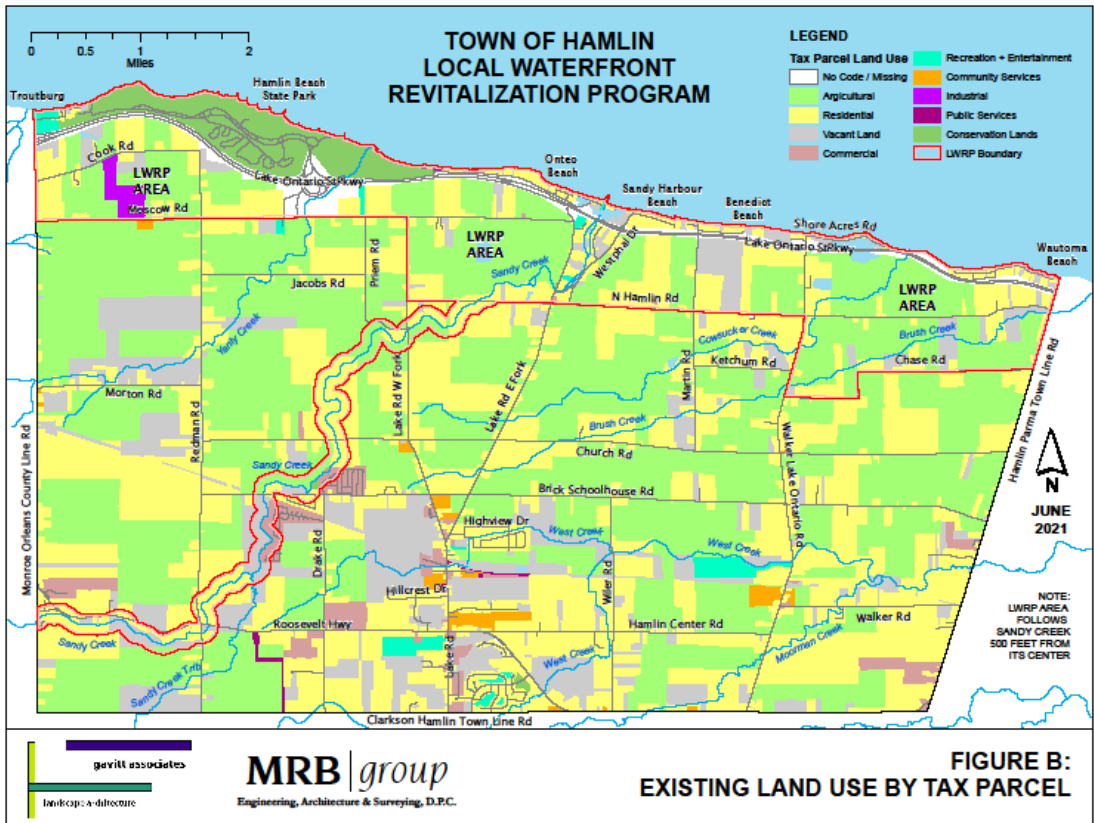
There is a cluster of residential housing on smaller lots and a couple of marinas that have frontage along the banks of Sandy Creek just south of the Parkway. This area seems to be the most densely built area outside of the lakefront subdivisions north of Lake Ontario State Parkway. As Sandy Creek extends further away from the lake, the density of development along its shores returns mostly to agricultural and rural residential. Following the creek inland a few miles, there are clusters of residential development to the immediate north and south of Brick Schoolhouse Road. From this area to the town line, the creek generally flows through undeveloped, wooded land.

AGRICULTURAL LAND USE

Much of the land area within the Hamlin WRA is within an agricultural district and features prime and unique farmland. Agriculture is a predominant activity within Hamlin and accounts for the major commitment of land. Areas not identified as "prime" or "unique" farmland are predominantly those areas prone to frequent or prolonged flooding. Areas that have not been identified within an agricultural district include all of the Hamlin shoreline and other areas with dense housing. Areas of the town to the north of Lake Ontario State Parkway are not included in a designated agricultural district.

Agricultural use has risen in recent years, and the active use of the land does create runoff conditions that need to be monitored for their impact on water quality.

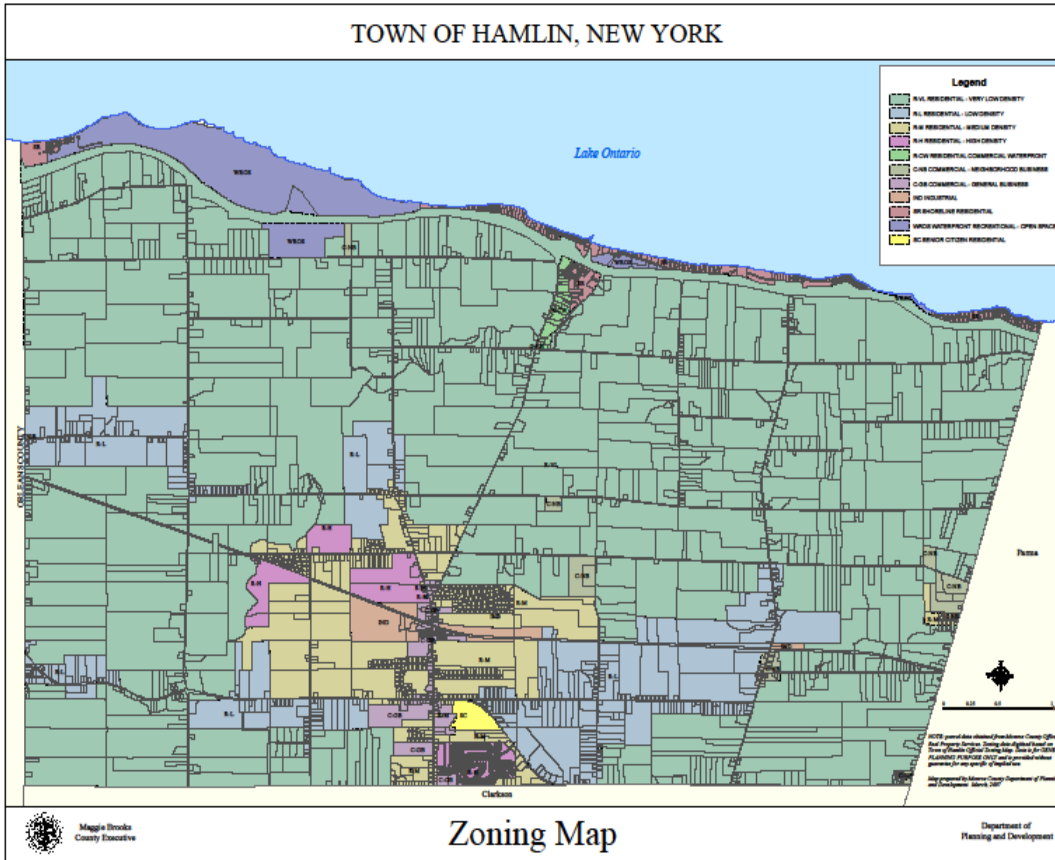
Land Use Map



ZONING

The Town of Hamlin’s zoning law allocates uses throughout the Town of Hamlin, including its coastal area. Some areas are to be retained essentially as open space where certain recreational and agricultural uses are to be continued. Other areas are identified as suitable for more intensive water-related development (portions of Sandy Creek shoreline). The balance is devoted to relatively low-density residential uses. Proposals within the WRA are reviewed for consistency with the zoning and the policies of the L.W.R.P.

Town of Hamlin Local Waterfront Revitalization Program



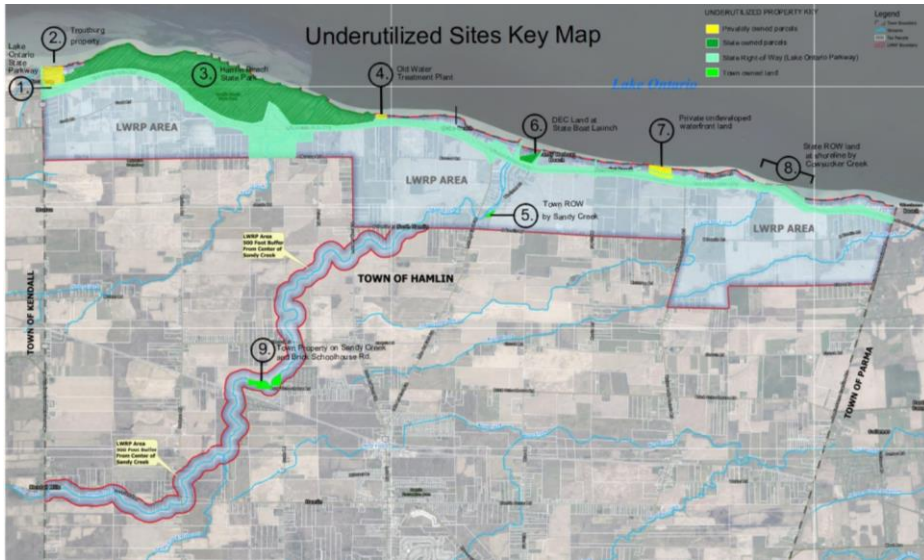
E. LAND OWNERSHIP

There are over 1,400 acres of publicly owned land in the WRA and in the immediate vicinity of the lakeshore. These publicly owned lands comprise approximately 21,000' or about 4 miles of waterfront. The majority of land in the WRA is privately owned agricultural parcels, while the remainder is private development, consisting almost entirely of residential housing.

F. UNDERUTILIZED SITES WITH POTENTIAL FOR DEVELOPMENT

Public feedback indicated a need for the Hamlin community to have better access to Lake Ontario. Also noted was the lack of businesses and services near the lakefront that could more fully support a

recreational lakeshore community. A few sites have been identified for redevelopment that could increase public access to the waterfront and support some of the desired services and amenities. They are indicated on the following map, and then each discussed in turn.



Site 1: Lake Ontario Parkway Building and Lands. There are almost 700 acres of land that make up the right-of-way for this parkway. The land is currently owned by NYS Parks but is maintained by NYS DOT. This ten mile linear property averages over 500' width. There is an interesting abandoned stone building that was a part of the original entrance to the State Park that exists in the median of the parkway. There is abundant land for recreational and ecological programming that could take place in the linear system of the right-of-way. The current design for parkway traffic far exceeds its use, leaving the possibility of a redesign that incorporates additional uses. The parkway lands connect all the lakeshore sites and can be used in conjunction with the redevelopment of those sites.



Site 2: Troutburg Parcel. The Troutburg property mentioned in previous sections is a 27.86 acre privately owned site with 1,233' of lake frontage, has direct street access, and has some property line in common with Hamlin Beach State Park.



This site was a multi-faceted playground during the fair-weather months from shortly before the Civil War until the early 1930s. From the 1860s through the 1890s, Troutburg's piers were the embarkation point for steamboat excursion to Oak Orchard, New York, and Coburg and Port Hope, Canada, as well as the docking area for Canadian boats bringing lumber and imported goods. Throughout its history, it has drawn large crowds of bathers, boaters, fisherman, picnickers and cottages, often peaking on July 4th with 3,000-5,000 people in attendance. Particularly after Troutburg's three hotels "went dry" in 1897, its three temperance hotels hosted Sunday school picnics for almost all of the churches within a 25-mile radius. The Ontario House dance hall was particularly popular with young adults.

This site averages approximately 255 feet above sea level, according to OSGS topographic maps. It is located within a flood prone area, and therefore any proposed development must provide for protection against possible flooding and erosion. Possible uses for this site include but are not limited to:

1. New tourist attraction – lighthouse
2. Boat launch and other water-related recreation
3. Picnic areas
4. Scenic overlook
5. Hotel / restaurant
6. Stores – bait shop or food shop
7. Hamlin Beach State Park extension

Site 3: Hamlin Beach State Park. With 729 acres and 3.3 miles of shoreline, the existing state park could provide additional opportunities for increased water access, sporting venues, cultural events, and services (food and other).



Site 4: Old Water Treatment Plant. This 2.89 acre site with 560' of lake frontage abuts Hamlin Beach State Park on its eastern edge. Some of the old facilities still exist on the property, and it is presently owned by the Monroe County Water Authority, but is not in use. It has public road access and should be evaluated for lake access and service functions.



Site 5. A small area used for fishing access along the east side of Sandy Creek provides an opportunity for improvement. This site is located within public street right-of-way of Westphall Drive. It is approximately 0.5 acres with a shoreline length of approximately 385 feet. It contains some trees and has a steep bluff that falls to the creek. It is owned by the Town of Hamlin and is used by fishermen for parking.



Site 6. The sixth underutilized site is a large undeveloped area on the east side of Sandy Creek adjacent to the NYSDEC boat launch. This area is owned by the State of New York. It has road access, lake access through Sandy Creek, and wildlife habitats. It abuts the Westphal Road right-of-way which extends all the way to the lakeshore. Additional public fishing opportunities may be possible from the shore or piers. Other recreation opportunities might include picnic facilities and nature trails. This site could be used in combination with a redesign of the state boat launch site in general. Much of the site appears to be wetland, suggesting that raised boardwalks might be a possible program element.



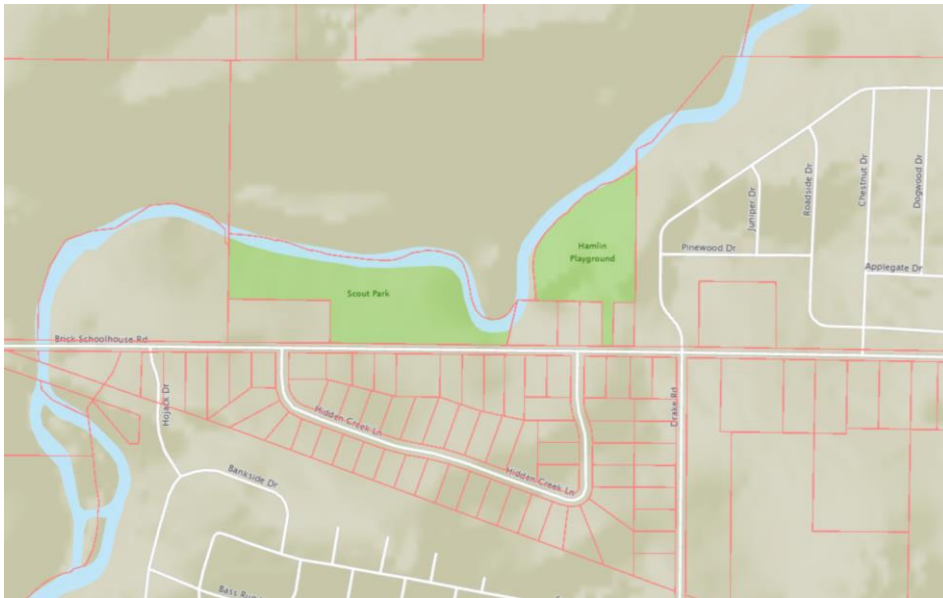
Site 7. Another undeveloped area lies just east of Benedict Beach. This parcel contains about 5 acres and has a shoreline area of approximately 1,300 feet. The lot is split by street right-of-way and also abuts the Lake Ontario State Parkway. This area is mainly low-lying and contains some standing water, tall grasses and wooded areas. The entire area is within a Class 1 wetland (HM-14). It is privately owned, but might be suitable for limited access for interpretive and educational purposes.



Site 8: State Parkway Waterfront at Cowsucker Creek. A large undeveloped area of land is located on the Lake Ontario shoreline flanking the mouth of Cowsucker Creek. This area is within the Lake Ontario State Parkway right-of-way. The property begins at the eastern end of Shore Acres and continues westward for a length of 3,000 feet to the Summerhaven residential development. This area could potentially provide for a scenic overlook with a viewing area near the parkway, or provide kayak access. Improvements would need to take into account possible wetlands on the site, possibly using a waterfront boardwalk or path. Development of this area would necessitate a review of safety setback requirements due to its proximity to the road. Fishing access to Cowsucker Creek might be possible south of the parkway.



Site 9: Town properties at Brick Schoolhouse Road and Sandy Creek. The town owns two properties on the north side of Brick Schoolhouse Road roughly between Redman Road and Locust Drive, as shown below in green. The eastern parcel, formerly the site of a waste water treatment plant, is being used as a park, and the western is undeveloped wooded land adjacent to Sandy Creek. There is opportunity for the community to develop additional access to the Creek for recreational uses at this location.



G. EXISTING WATER USE

Water uses in the Hamlin WRA, excluding public drinking water, are recreational in nature. Sport fishing has become a key use of the WRA. The development of the trout and salmon sport fishing industry and general increases in recreational boating have created significant demand for improved lake access, dockage and additional support facilities. In addition to sport fishing, the recreational uses of the water include wind surfing, boating, water skiing and swimming.

Docking now occurs at the Brockport Yacht Club and private marinas. There is a free two-lane boat launch constructed by NYSDEC on the east side of Sandy Creek and one pay-for-launch at East Fork Marina. Cartop launching is available at Hamlin Beach State Park for wind surfers and canoes. Swimming also takes place at the park, as well as other water related summer activities.

Areas in Hamlin which are most appropriate for expansion of water use and access are Hamlin Beach State Park (launching and docking), Sandy Creek (docking), and undeveloped sites. Provisions should be made for a legal and safe parking area for those seeking to fish and take pictures at Cowsucker Creek outlet.

UNDERWATER LAND USES

Under the Public Trust Doctrine, the State of New York generally holds title to the foreshore, tidal waters and submerged land under tidal waters below the mean high water line. As trustee for the public, the State must administer the use of these lands in the public interest. In New York State, the courts have interpreted the Public Trust Doctrine to mean that the public has the right to use public trust lands and waters for bathing, boating, fishing and other lawful purposes. The courts have recognized that recreation is a valid and protected public trust purpose.

Upland property owners whose lands abut public trust resources have rights. The public cannot gain access to public trust land across private land without the owner's permission. Additionally, these owners possess riparian rights of access to navigable water. These rights are limited as to the type of use which may be placed in the water, and they must be reasonably exercised. By the nature of location over the water, the exercise of these rights almost always interferes with public use of the water and lands subject to the Public Trust Doctrine.

In New York State, adjacent upland owners can also apply to purchase or lease underwater lands. In the 18th and 19th centuries, the State sold large expanses of public trust lands and waters to adjacent landowners to promote the development of commerce. In many cases, these owners placed fill in the lake to create new land. In more recent years, private uses of public trust waters included marinas, commercial fishing operations, and docks and piers for shipping, and recreational boating.

While the courts have consistently recognized the Public Trust Doctrine as a sovereign right held for the people, they have also recognized the validity of grants of public trust land to riparian owners. 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.

The importance of the public trust lands for public access and as a recreational resource have recently been re-emphasized, as has been the use of the Public Trust Doctrine to better protect New York's coastal areas, their living resources, and the public's rights to access and enjoy them. The use of trust lands by the public generates billions of dollars for the State economy. The foreshore and underwater

lands of the coast are used for recreation, boating, fishing, swimming and visual enjoyment. Private actions that interfere with these activities diminish the public's use and enjoyment of these commercially and recreationally productive resources.

In 1992, the NYS Legislature passed Chapter 791, codifying, in part, the public trusts in underwater lands. The Legislature found that regulation of projects and structures proposed to be constructed in or over State-owned land underwater was necessary to responsibly manage the State's proprietary interests in trust lands. The intent of the Chapter 791 was also to ensure that waterfront owners' reasonable exercise of riparian rights and access to navigable waters did not adversely affect the public's rights. The Legislature stated that the use of public 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 underwater lands of the State.

Before considering any development activity or land purchases along the waterfront area, prospective developers and owners are advised to check on the ownership of the adjacent underwater lands. This must be done at the NYS Office of General Services (OGS) office in Albany. OGS is the administrator of State lands, including underwater lands, and 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 entities.

When undertaking regulatory review of development proposals, it is important to understand the nature of the ownership of underwater lands and the roles of municipal, state, and federal agencies in implementing the Public Trust Doctrine. In many cases it can provide a rationale for modifying or denying permits when an activity would impair public trust resources or when the proposed use is inconsistent with the Public Trust Doctrine. Where areas have been illegally filled, state agencies can seek to have the area restored to its original condition and configuration or require the provision of compatible public trust opportunities elsewhere. 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. In addition, the federal government has tremendous powers under the federal doctrine of navigable servitude to regulate, and even absolutely prohibit, activities in the navigable waters of United States, which include Lake Ontario.

H. HARBOR MANAGEMENT AREA

Sandy Creek Harbor is the only designated marina and public motor boat access point in the WRA. There are two piers flanking the access into the Lake for wave protection. These are in need of maintenance and better lighting. The outlet to Sandy Creek is dredged to maintain access for boats. The Brockport Yacht Club is positioned on the western side of the outlet, and this organization helps maintain functionality for access. NYS DEC owns the land at the State Boat Launch site and includes some extensive wetlands on the eastern side of the outlet. The community

and DEC have agreed that there is a need to improve the boat launch area to accommodate changing lake water levels.

I. PUBLIC ACCESS & RECREATION

Hamlin Beach State Park contains roughly 35% (18,500 feet) of Lake Ontario shoreline within the Town of Hamlin. The balance of the town's Lake Ontario shoreline (approximately 34,260 acres) has been used for residential development or remains undeveloped. Excluding Hamlin Beach State Park, approximately 5,000 feet of the WRA's shoreline remains undeveloped. This represents 10% of the total shoreline within the waterfront revitalization area.

Public access to the Lake Ontario shoreline outside the park is limited due to the development of private residences in the beach areas. Almost all public access to the water is in Hamlin Beach State Park, which experiences high usage in the summer months. Over 384,000 people visited the park in 2020.

The Lake Ontario State Parkway made Hamlin's shoreline more accessible by car for most of Monroe County. However, the construction of this highway destroyed valuable lands and divided the rest of the town from the waterfront. It may be possible to develop new access points for fishing and hiking on undeveloped streets and rights-of-way.

Sandy Creek offers the primary access to the lake for boaters within the Town of Hamlin. However, the present inlet to the lake is narrow, restricted and shallow with depths ranging from two feet to six feet. The channel mouth has been designated as a "harbor of refuge" presently maintained by a private organization (Brockport Yacht Club).

There is a roughly defined bikeway trail within the WRA that runs along the Lake Ontario State Parkway, North Hamlin Road, Walker Lake Ontario Road and Hamlin-Parma Town Line Road. This bike route is not considered a popular or particularly safe option. Other towns along Lake Ontario have created well-designated bike routes that attract large numbers of cyclists. There is opportunity to develop a separate bike path within the right-of-way of the Parkway.

Sandy Creek is a major recreational fishing habitat. Fishing now occurs near the DEC boat launch, off Lake Road East Fork, and in the town park off Brick Schoolhouse Road. Fishing also occurs from bridges over various creeks in the Town of Hamlin.

J. NATURAL RESOURCES AND MANAGEMENT

WATER RESOURCES

Lake Ontario

The predominant water resource in the Town is Lake Ontario. Other important water resources include Sandy Creek and Yanty Creek. A number of other minor creeks and streams of intermittent flow discharge into the lake. These include Cowsucker Creek and Brush Creek.

The sub-drainage basin affecting the lake in the Hamlin area extends from the City of Rochester to the hamlet of Olcott Beach. The terrain of this basin area is generally gently rolling. The flat portion in the north part of the section lies in the Ontario Plain. To the south, a prominent east-west ridge known as the Niagara Escarpment marks the boundary of this plain. Stream gradients are generally gradual, except where the escarpment is crossed. In this region, the larger streams have their source south of the Niagara Escarpment and flow across the escarpment in a northeasterly direction to the lake.

Sandy Creek

Sandy Creek and East Cove, near their juncture with Lake Ontario, are important water bodies in the Town of Hamlin. The total shoreline of Sandy Creek within the WRA, including its normal curves and undulations, is approximately 99,600 feet. A major portion of the creek and surrounding banks is a federally protected wetland.

The creek enters Lake Ontario at Sandy Harbor 0.3 miles east of the junction of Lake Ontario State Parkway and the extension of NY-19. The east branch of Sandy Creek joins the west branch of Sandy Creek at a point 0.1 miles south of U.S. Route 104 and 0.1 miles west of Groth Road at Murray in Orleans County. This intersection delineates the beginning point for Sandy Creek. Numerous tributaries and ponds located above this intersection join to create the creek. The lower portion of Sandy Creek is used as a harbor of refuge for watercraft with drafts up to five feet, when the water level is normal.

Yanty Creek

Yanty Creek enters Lake Ontario from the south at Hamlin Beach State Park 0.5 miles west of the Monroe County Water Plant. Tributaries extend south of Kendall Morton Road and West into Orleans County.

Cowsucker Creek

Cowsucker Creek is a tributary of Lake Ontario, originating north of (German) Church Road and east of East Lake Road and traveling in a northeasterly direction for a distance of approximately 24,000 feet. The creek ultimately discharges into the lake east of Shore Acres Beach.

Brush Creek

Brush Creek drains an area immediately south of Cowsucker Creek. Brush Creek flows in a northeasterly direction, through the federally designated wetland known as PM-1, and discharges into Lake Ontario in the Town of Parma, approximately 2,000 feet east of Hamlin-Parma Town Line Road.

WATER QUALITY

The classifications of streams identified and referenced in the Hamlin WRA were assigned by NYS DEC.

Lake Ontario is classified A Special (A-S) (International Boundary Waters). This classification, the most stringent, restricts activities and regulates actions that could adversely affect the water quality of the lake. Overall lake water quality has improved as a result of regulations under the State Pollutant Discharge Elimination Act. Sandy Creek and East Cove have been classified as level C. Tributaries of Sandy Creek, both east and west branches, have various classifications from B to C. Yanty Creek is classified as level B from the lake to the Redman Road crossing 1.5 miles northeast of Morton and C to its source. Cowsucker Creek, normally an intermittent flowing stream, and Brush Creek are classified as C.

Hamlin Beach State Park has recently added a new sewage treatment system that collects, treats, and discharges its own wastewater on site. The Hamlin Beach State Park has not had problems with water quality in the swim areas.

Monroe County developed the Rochester Embayment Remedial Action Plan (RAP), which outlined actions needed to protect and improve water quality in the Embayment and in the watershed that flows to it. The Embayment includes that portion of Lake Ontario from Bogus Point in Parma to Nine Mile Point in Webster.

One recommendation in the RAP was that the basin plan for the Lake Ontario West watershed be completed, but with a focus on plans for individual stream watersheds within the basin.

Monroe County has indicated it would welcome the nomination of a Hamlin watershed for the next watershed plan. The County would work with representatives of the Town of Hamlin and other towns, agencies and interest groups that the selected watershed encompasses in the preparation and implementation of such a plan.

Monroe County has established a Water Quality Management Committee to serve as the overall steering committee for the Rochester Embayment Remedial Action Plan project. This committee coordinates implementation and pursues grants for water quality efforts in the County. A Lake Ontario West Basin Subcommittee was also formed to serve as the advisory group for the West Basin planning effort. The Town of Hamlin has been invited to participate in activities of this subcommittee, thus allowing the Town to coordinate local planning efforts with the basin planning effort. The Town of Hamlin has appointed a Conservation Board / Hamlin Waterfront Advisory Committee Member as its designated representative.

Another recommendation made in the RAP was to institute streambank erosion control programs. A project coordinated by the Monroe County Soil and Water Conservation District has resulted in the

development of an inventory of streambank erosion problems in the County. The latest inventory information about streambank erosion problems in Hamlin can be obtained from the Soil and Water Conservation District.

Other RAP recommendations that could be used by the Town to protect the Hamlin lakeshore include:

- Enter into intermunicipal agreements with the County and municipalities that share the same watersheds to protect water quality and/or wetlands
- Convert existing dry stormwater basins to wetlands to manage stormwater quality
- Stencil storm drains with the message “Do Not Dump, Drains to Stream”
- Initiate pollution prevention measures at Town facilities
- Revise parking regulations or encourage cluster development to address impacts of impervious surfaces
- Promote lawn care education

SOILS

The soils in the Town of Hamlin are dominated by glacial till formation. They are deep to shallow deposits that range from gravely fine sandy loam to clay in texture, and are nearly level to moderately sloping. The predominant soil group association found in the WRA, Collamer-Hilton-Niagara, is described as level to undulating lake plain that extends from the Genesee River west along Lake Ontario to the Orleans County line. The ridges and knolls of glacial till that cross this association generally run in an east-west direction. They are a conspicuous part of the landscape; some of them are identified drumlins.

Collamer soils are deep, nearly level to moderately sloping, and moderately well drained, having a medium-textured surface layer and a medium-textured to moderately fine-textured subsoil. They are generally at an elevation intermediate between the low areas of the lake plain and the higher areas of the till ridges. Collamer soils pose severe limitations for disposal of septic tank effluent because of moderately slow to slow permeability below a depth of 14 inches. These soils pose moderate limitations for homesites because of a seasonal high water table of 1/2-2 feet below the surface.

Hilton soils are deep, nearly level to gently sloping, moderately well drained soils that have a medium-textured or moderately coarse textured surface layer and medium-textured to moderately fine-textured subsoil. They formed in firm calcareous glacial till. These soils are on the higher ridges and knolls that rise above the general elevation of the lake plain. Hilton soils pose severe limitations for disposal of septic tank effluent because of moderately slow to slow permeability below a depth of 17 inches (and in some cases to a depth of 10-17 inches). These soils pose moderate limitations for home sites because of a seasonal high water table of 1.5-2 feet below the surface.

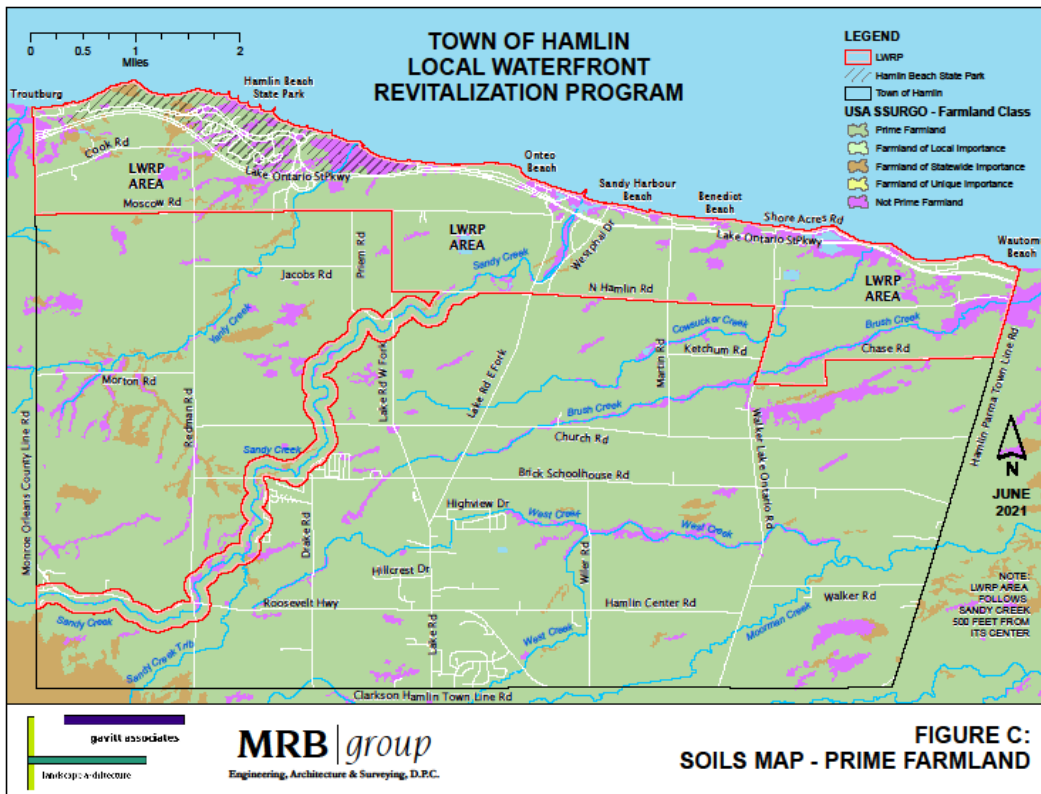
Niagara soils are deep, level to nearly level, somewhat poorly drained soils that have a medium-textured

surface layer and a medium-textured to moderately fine-textured subsoil. They formed in silty lacustrine deposits commonly on the lake plain down slope from the Collamer soils where runoff accumulates. Niagara soils pose severe limitations for disposal of septic tank effluent because of moderately slow to slow permeability below a depth of about 25 inches and a seasonal high water table of 1/2-1 foot below the surface. These soils pose severe limitations for home sites.

Minor soils of this association are Canandaigua, Lakemont, Cazenovia and Appleton series and are found scattered throughout the more dominant soil groups described previously. These minor soils have similar limitations for disposal of septic tank effluent and home sites.

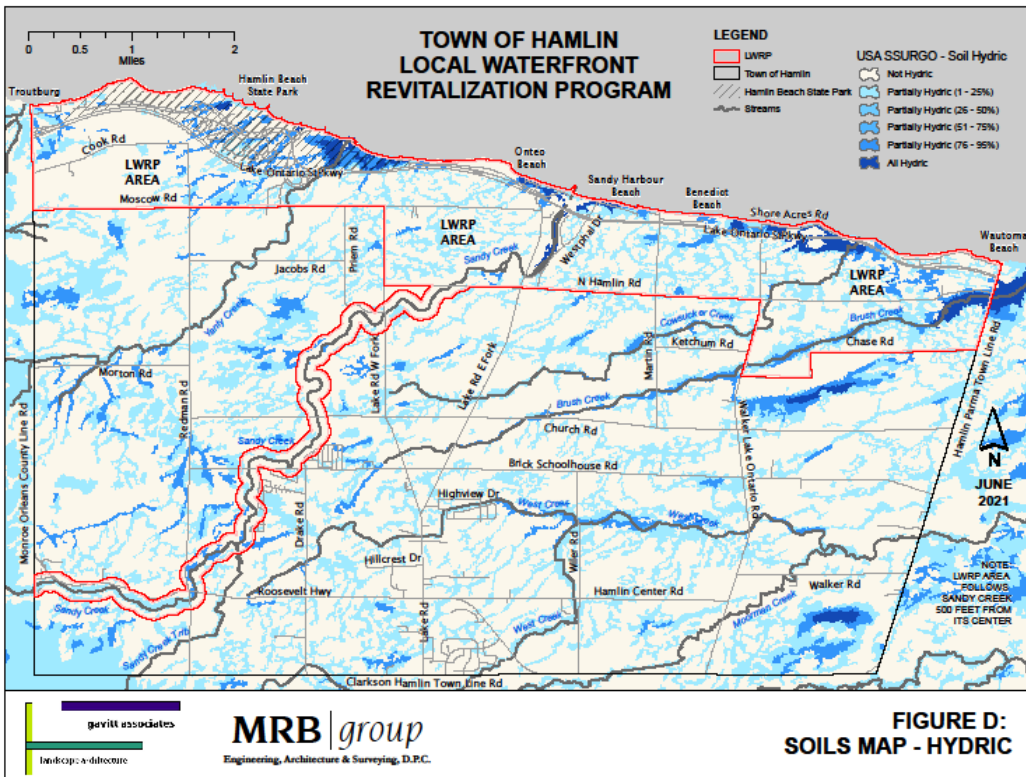
The dominant soils in the Troutburg and Hamlin Beach State Park area are Collamer, Arkport and Galen. These soils are sandy and subject to sloughing.

Soils Map



**FIGURE C:
SOILS MAP - PRIME FARMLAND**

Hydric Soils



**FIGURE D:
SOILS MAP - HYDRIC**

TOPOGRAPHY

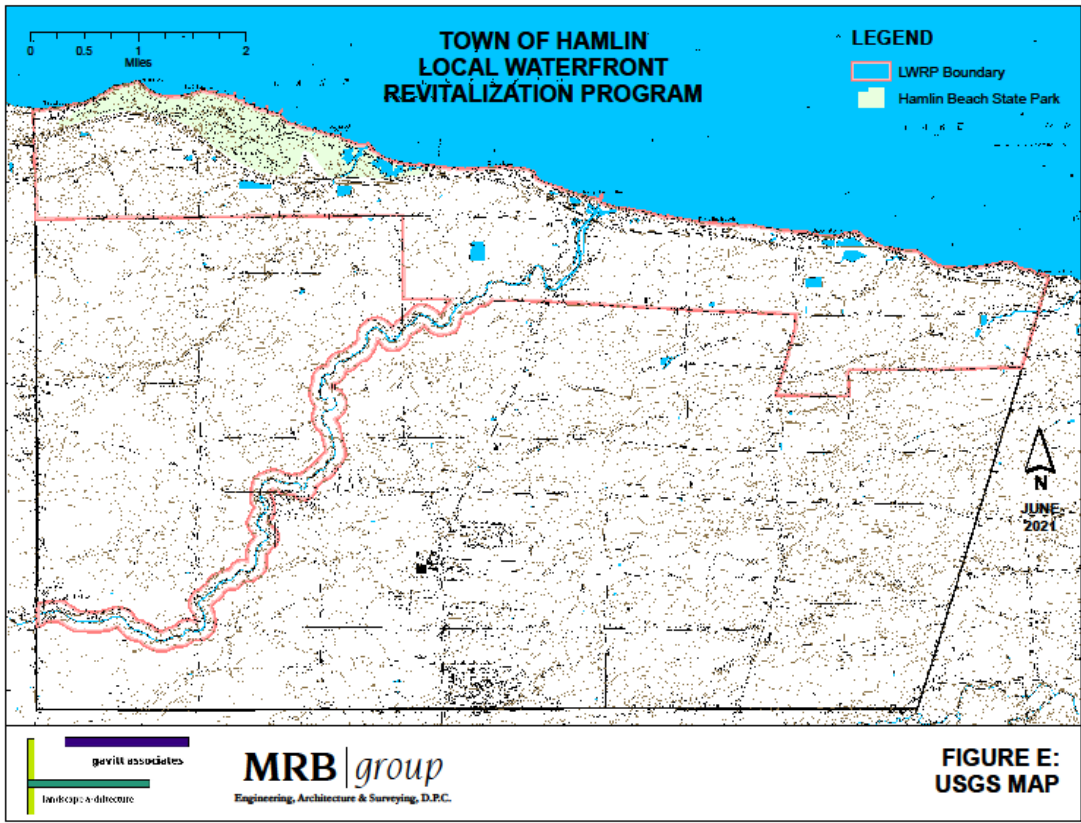
The topography of the Hamlin shoreline area exhibits characteristics of the soil associations present, which create a gently sloping moderate rolling landscape.

The general direction of the slope is from south to north. Typical slopes identified in the WRA average 10 feet of fall for every 2,000 to 2,500 feet in the south to north direction. The topography of the shoreline varies in elevation, with the greatest variation occurring in the area of Devil's Nose, where the bluffs climb to an elevation of approximately 325 feet from a surrounding low elevation of approximately 275 feet above mean sea level (AMSL). Slumping and erosion problems have occurred in this area. Portions have given way due to erosion. Beach Bluff, located within the Hamlin Beach State Park, is the second highest

point along the Hamlin shoreline, and reaches an elevation of approximately 275 AMSL.

Typical elevation for the balance of the shoreline inclusive of the Yanty Creek and Sandy Creek swamp and wetland areas is approximately 250 feet AMSL. This is a mere 4 feet above the high water elevation for the lake and as such is prone to local flooding during extreme storm events.

Topographic map



FLOODING/EROSION

A. FLOOD PRONE AREAS

A review of Hamlin's flood prone areas by the Federal Emergency Management Agency shows that the entire Lake Ontario shoreline within the WRA is within the 100-year flood zone (A1). The base flood elevation is generally 251 feet. The shoreline west of Hamlin Beach State Park is between 251 and 252

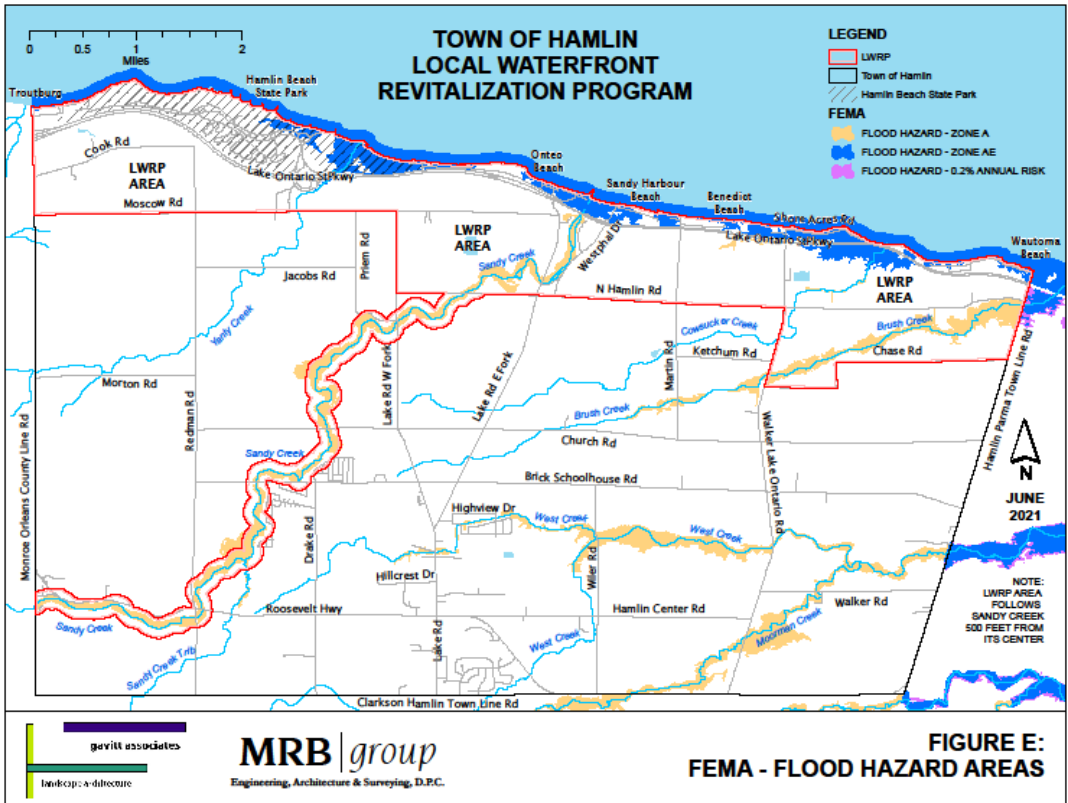
feet. Hamlin Beach State Park has not been identified on the Flood Insurance Rate maps. However, it is logical to assume that areas within the park that exhibit contours similar to those adjacent to park lands would be similarly affected by flood waters. The 100-year flood zone area extends various distances from the shoreline southward. The minimum distance is approximately 200 feet. The maximum distance is nearly 1,600 feet.

Areas with greatest flooding potential are adjacent to Sandy Creek and Brush Creek. These areas are identified on the flood maps and lie within the 100-year flood zone. An additional flood prone area is Yanty Creek Marsh within Hamlin Beach State Park. Yanty Marsh is a natural protective feature, according to the NYS DEC Coastal Erosion Hazard Area maps. This area is also a State Designated Freshwater Wetland.

Although not specifically identified as flood prone since it lies within the state park boundaries, Yanty Creek Marsh should be affected in much the same way as Sandy and Brush Creeks during flood instances. Personal property damage would not be a factor for this area. However, some drainage to state park facilities could affect lake access. Such damage can happen long before flood level is reached if storms with high winds affect the area. [Note: The western half of the Yanty Creek Marsh was provided with a revetment to prevent such damage in the fall of 1998, and it was recommended that the eastern half be similarly protected.]

Emergency Actions:

In cases of lakeshore flooding emergencies, the Town of Hamlin gets in contact with the NYS Office of Emergency Management – Field Operations (585) 371-9013. The Town of Hamlin also reports activity on the Monroe County Office of Emergency Management Website. As of March 2022, the Town had 10,000 sandbags and 50 cubic yards of sand on hand for emergencies.



B. COASTAL EROSION HAZARD AREAS

In 1981 the Coastal Erosion Hazard Areas Act (CEHA) (Article 34 of the NYS Environmental Conservation Law) was enacted. Its purpose is to identify coastal erosion hazard areas and prevent exacerbation of erosion hazards by restricting activities within the hazard areas. These areas are further defined as either natural protective features or structural hazard areas.

According to regulations implementing Article 34 (6 NYCRR Part 505), local governments may regulate erosion hazard areas within their jurisdictions by adopting a local program that has been certified by the Commissioner of the Department of Environmental Conservation. Hamlin has such a local program (Code of Town Hamlin Chapter 42).

Specific activities within an erosion hazard area (either a structural hazard area or a natural protective feature) can be prohibited, allowed pursuant to a Coastal Erosion Management Permit, or allowed as of right. The Town's Coastal Erosion Hazard Area Law in Chapter 42 of Town of Hamlin Code defines structural hazard areas as shorelands, landward of natural protective features where the shoreline is

receding at an average annual rate of one foot or more per year. Natural protective features are defined as nearshore areas, beaches, bluffs and wetlands.

C. EFFECTS OF LAKE LEVELS ON EROSION

The southerly and easterly shores of Lake Ontario are subject to erosion throughout their entire length of 294 miles. Although rock is exposed at or above the lake level for approximately one-third of the length of the shore, it does not rise to sufficient heights to provide full protection during high lake stages. The bluffs along the southwest shore of the lake range from 10 to 60 feet high and are composed of glacial till consisting largely of silt and clay with lesser amounts of sand and gravel. Sand and gravel beaches that border the lake are derived from coarser materials eroding from the bluffs. These beaches are generally too narrow and too low to provide protection against erosion of the bluffs.

Lake levels in each of the Great Lakes are constantly varying depending on climatic conditions and lake regulation.

High levels have been recorded for Lake Ontario in recent years. Storms arriving on top of such high levels have the potential to result in substantial shoreline flooding and erosion damage. Flooding and erosion directly impact natural features and structures in low-lying areas and increase the probability of bluff failure. High lake levels and resulting erosion are of continuing concern to the Town of Hamlin.

D. EXISTING SHORELINE PROTECTION

A large portion of the Town of Hamlin shoreline has shoreline protection. This protection varies in construction, appearance, maintenance and repair. Shoreline protection is a major concern within the Hamlin LWRP area. The following illustrates, via 2020 pictometry, the shoreline conditions from West to East:

Photo 1: Troutburg Area - There is no permanent shoreline protection from the western town line to the residential frontage. Some residents have stone rip rap in place.

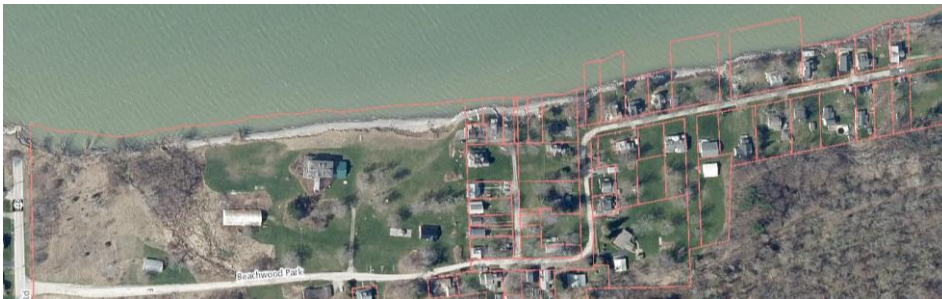


Photo 2: Western end of Hamlin Beach State Park. Steep slopes, natural edge leading up to Devil's Nose shown at eastern edge of photo. This area has experienced erosion of the shoreline and is in need of protection.



Photo 3: Hamlin Beach State Park from Devil's Nose East. Natural steep shoreline edge transitions to a rip rap reinforced shoreline for about 1000' between parking/lawn area and water.



Photos 4 & 5: Hamlin Beach State Park natural shoreline transitions to wide sand beaches with a series of 7 man-made stone jetties.

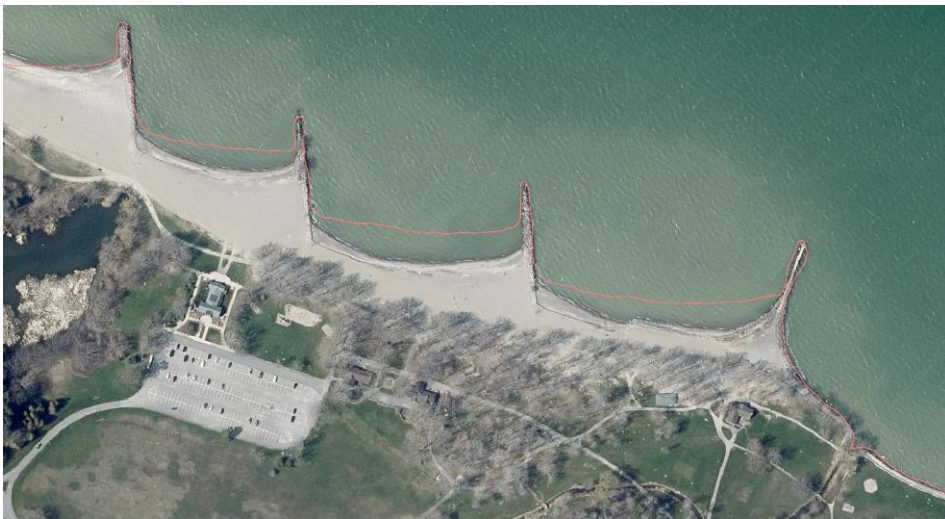


Photo 6: Hamlin Beach State Park. Stone rip rap edges shoreline and small jetties exist near drainage outlets.

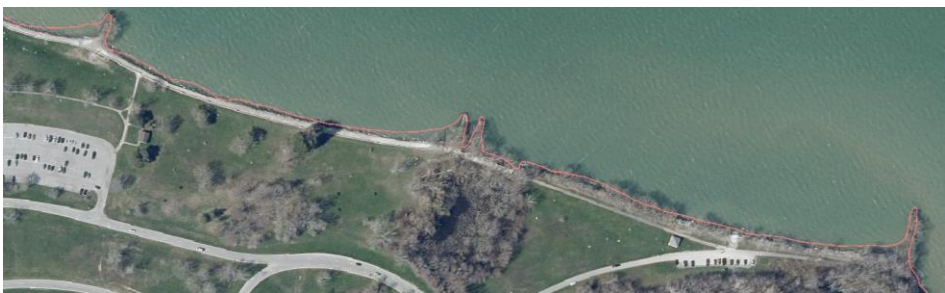


Photo 7: Hamlin Beach State Park at Yanty Creek Outlet. Shoreline west of the creek outlet are reinforced with rip-rap. Shoreline east of the outlet is not reinforced.



Photo 8: East edge of Hamlin Beach State Park is not reinforced. The Monroe County Water Authority Property at the east edge of the photo has shoreline walls and gabion shore protection that are in a state of disrepair.



Photos 9, 10 & 11: The Newco Beach area adjacent to Newco Drive. Much of this area has gabion erosion protection between residents and shoreline. Current conditions of this area vary by property.

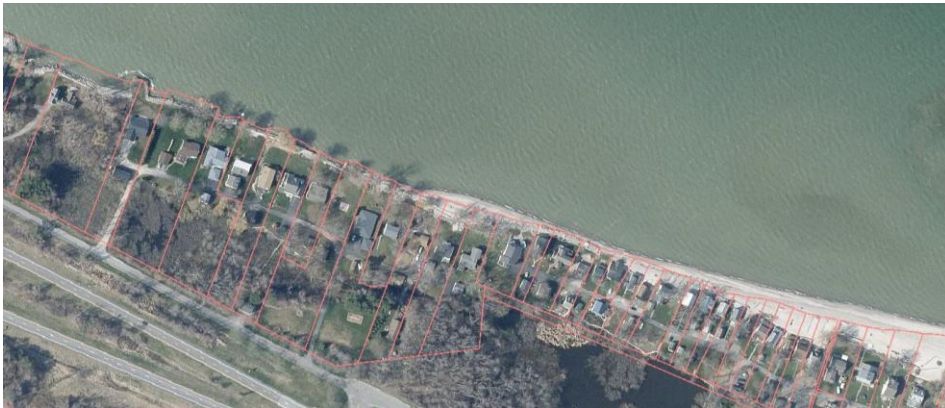


Photo 12: Brockport Yacht Club and Sandy Creek Outlet area. Gabion structures protect the outlet and rip rap reinforces the shoreline west of the outlet. Rip rap reinforces shoreline between residential and shoreline.



Photo 13 & 14: Benedict Beach area: Most residential properties are reinforced with stone rip rap or gabions in various conditions.



Photo 15: Greenwood Parkway Area: Much of the shoreline is wetland and undeveloped. The only areas that contain shoreline reinforcement are the residential properties.



Photos 16 & 17: Shore Acres Road. Many of the residential properties have some form of shoreline protection, most of it in gabion structures. The conditions vary by property. The eastern edge of this area beyond the residences has some stone rip rap and some area near the Cowsucker Creek outlet that has experienced erosion.

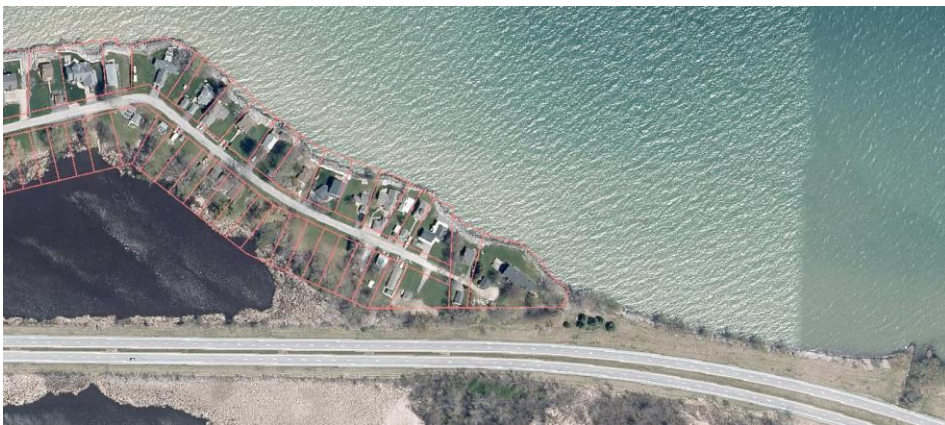


Photo 18: Cowsucker Creek outlet and Public right-of-way shoreline east of outlet. This shoreline has experienced a large amount of erosion. Previous sandy beaches have disappeared.

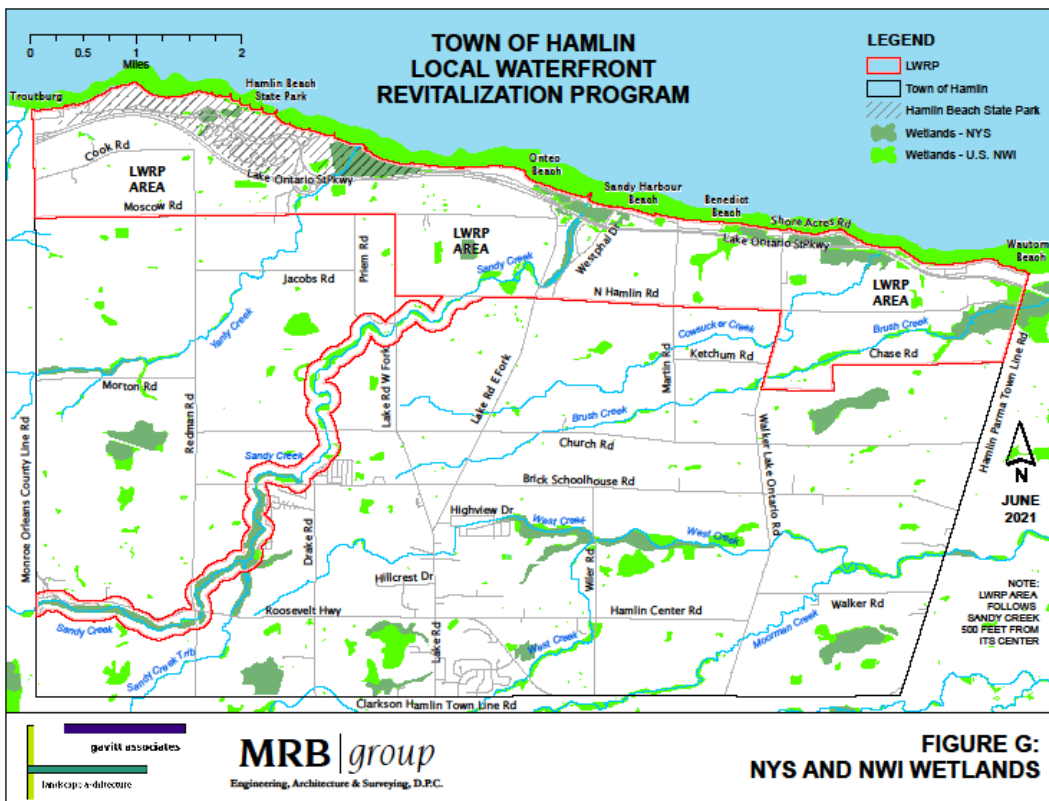


Photos 19 & 20: Residential properties between Cowsucker Creek and the Eastern town line: These properties vary greatly, with some being reinforced with gabion structures, some with no reinforcement, and some with a bit of rock/rip rap edge. Conditions of the reinforcement vary as well.



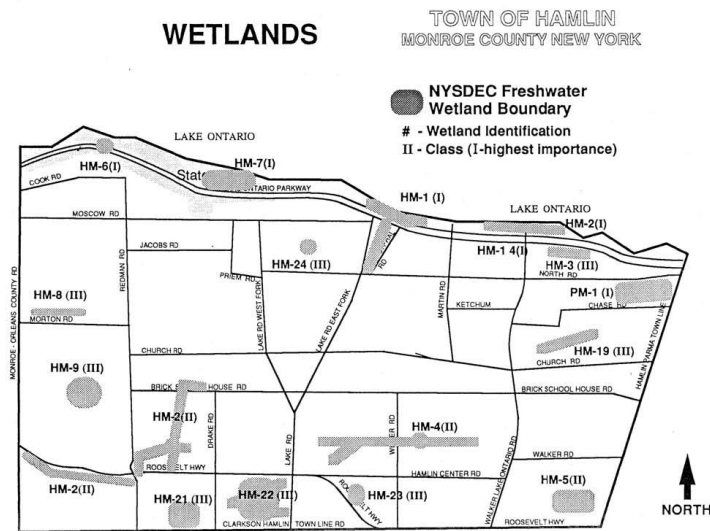
6. WETLANDS

Article 24 of the New York State Environmental Conservation Law requires the New York State Department of Environmental Conservation (DEC) to identify, protect and conserve freshwater wetlands within the State. "Freshwater wetland, or woodland" means lands and waters of the State which meet the definition provided in Section 24-0107(1) of the law and have an area of at least 12.4 acres, or if smaller, have unusual local importance as determined by the Commissioner of DEC pursuant to Section 24-0301(l) of the law.



State designated wetland areas in the Hamlin WRA include: HM-6 and HM-7 in the state park area; HM-1 at the outlet of Sandy Creek, HM-14, HM-2 and HM-3 in the vicinity of the Cowsucker Creek outlet; HM-4 along the Sandy Creek basi; and a federally designated wetland, PM-11 is located south of the parkway near the eastern border of the town.

The HM-14 wetland is of interest for water-related uses. This generally undeveloped wetland area extends from the Lake Ontario State Parkway northward to the lakeshore. The HM-7 wetland is located predominantly within the Yanty Creek Marsh and, like HM-6, lies within the boundaries of Hamlin Beach State Park.



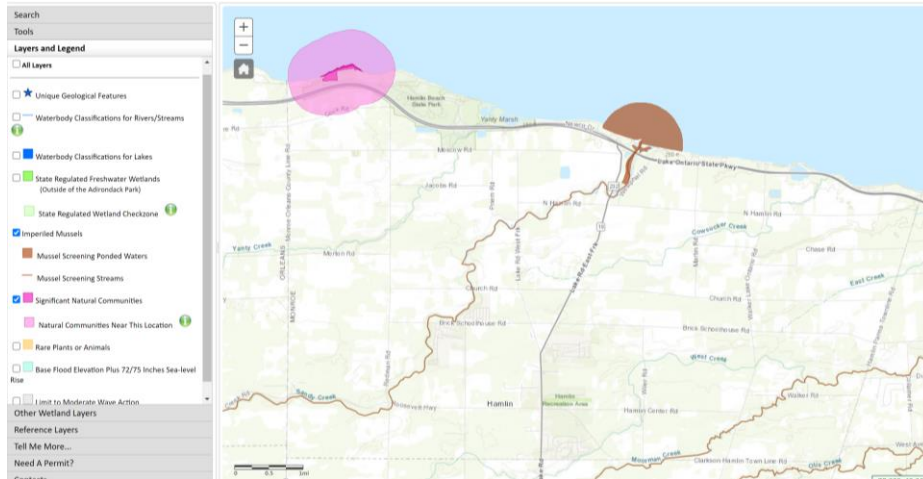
Wetland area HM-2, which is located on the lakeside of the parkway, does not border the lakeshore, and is not hydraulically connected to the lake. Wetland areas HM-3 and HM-1 are bordered by agricultural districts and active farming and orchard areas.

The presence of wetland HM-1 could affect decisions about, but should not eliminate entirely, planned water related activities along the west side of Sandy Creek or improvements planned for the East Cove of Sandy Creek. This wetland area extends southward to the intersection of Lake Road East Fork and Creekview Drive.

NYSDEC requires a permit for regulated activities occurring within designated wetland areas and any activities that have not been exempted as defined in the regulations. The Town of Hamlin, in its adoption of the Conservation Overlay in 1991 recognizes environmentally sensitive areas and addresses some protections that may not be regulated by the DEC.

7. FISH AND WILDLIFE

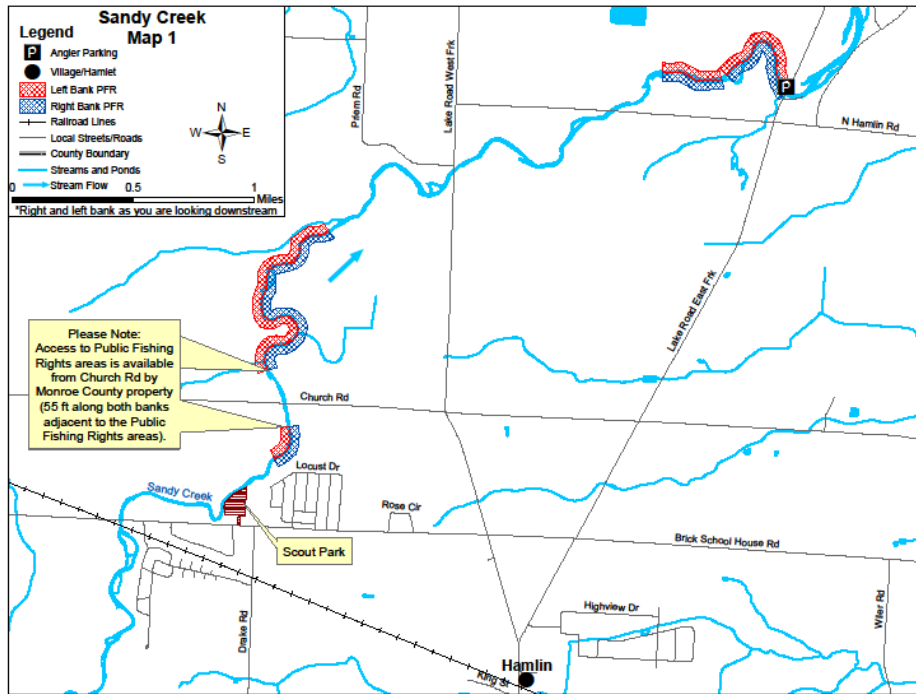
DEC Environmental Map – Significant Natural Communities and Imperiled Mussels



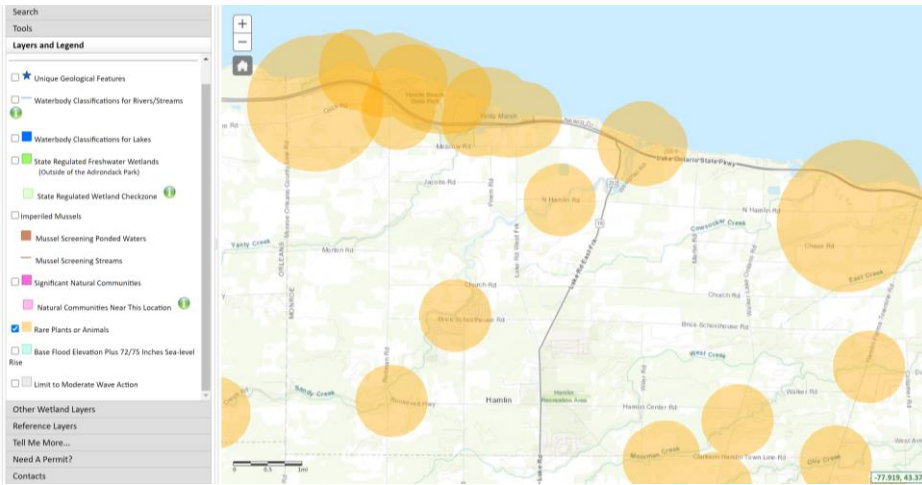
Significant coastal fish and wildlife habitats are evaluated, designated and mapped pursuant to the Waterfront Revitalization and Coastal Resources Act (Executive Law of New York, Article 42). NYS DEC evaluates the significance of coastal fish and wildlife habitats, and following a recommendation from the DEC, the Department of State designates and maps specific areas.

Sandy Creek has been designated as a significant fish and wildlife habitat. The habitat includes the creek and associated wetlands and islands extending around 14 miles from the mouth of the confluence of the east and west branches. It flows through Orleans and Monroe Counties, emptying into Lake Ontario in the Town of Hamlin. The New York State Department of Environmental Conservation identifies fall runs of coho salmon, brown trout and chinook salmon in the stream. Runs of rainbow trout (steelhead) occur in late fall and early spring. Each year the NYSDEC stocks over 100,000 chinook salmon, 26,000 coho salmon and 14,650 rainbow trout in Sandy Creek.

The following map of public fishing access is provided by NYSDEC:



DEC Environmental Map – Rare Plants or Animals:



Several areas both offshore and inland within the Hamlin LWRP area contain locally significant fish and wildlife habitats. The above map illustrates locations of rare plants or animals. A list of species of fish and wildlife that may be found in the Hamlin LWRP area may be supplied as needed by DEC.

K. AIR QUALITY

There are no ongoing air quality issues to report in the Town of Hamlin.

L. HISTORIC RESOURCES

There are no historic structures of national, State or regional importance within the Hamlin waterfront area. There is a marker within Hamlin Beach State Park identifying this area as one of the training sites for the Battle of 1812. There is also an old Civilian Conservation Corps camp that was also used as a Prisoner of War camp located within the Hamlin Beach State Park in the region south of the Parkway. This area is open to the public with interpretive signage and pathways that highlight its history.

According to the NYS Historic Preservation Office Archeological Site file map, there are two locations on the waterfront area which may contain significant archeological resources. One exists in the vicinity of the mouth of Sandy Creek; the other exists inland, south of Chase Road, in the vicinity of the

intersection of Walker Lake Ontario Road and Brick Schoolhouse Road.

M. VISUAL AND AESTHETIC RESOURCES

Lake Ontario and local streams provide the most significant visual resource in the Hamlin WRA. There are opportunities to view the lake intermittently along the Lake Ontario State Parkway, and a few locations identified earlier within this document could be developed as parking/scenic viewing areas. Hamlin Beach State Park allows the most access to the lake view, though admission is required for cars during the summer season. The mouth of Sandy Creek also offers visual access to the creek and the lake. This area could be improved for more access opportunities.

N. TRANSPORTATION

Primary transportation access is provided by the automobile, as no public transportation serves the LWRP area. Public parking facilities are provided within Hamlin Beach State Park. The only additional public parking area within the LWRP area exists at the DEC boat launch facility adjacent to Sandy Creek in sub-area 5. This facility has the capacity for 50 cars with boat trailers.

O. HEALTH AND EMERGENCY SERVICES

The Town of Hamlin has a volunteer ambulance service located at 1483 Lake Road North in Hamlin.

P. DRINKING AND WATER SUPPLY QUALITY

There are currently no water district extensions or improvements planned. The Monroe County Water Authority took over the Town of Hamlin's municipal water system around 2008.

All housing units along the Lake Ontario Shoreline are now served by public water. Public water is available within Hamlin Beach State Park. West of the State Park in the Troutburg area, public water is being proposed through joint water with the Town of Kendall.

Q. WASTEWATER COLLECTION AND TREATMENT

A new Lakeshore Sewer District is being planned to service all lakefront properties. Hamlin Beach State Park has an on-site treatment plant but is joining in with Troutburg and the Town of Kendall to cover the Kendall Lakeshore and pump to the Monroe County Public Works trunk sewer in Hamlin. The addition of sewer in the lakefront area will open up development opportunity while protecting water quality.

The primary method of stormwater collection and diversion is through the drainage system that supports the Lake Ontario State Parkway. Localized flooding is common because natural watercourses were interrupted with the construction of the parkway, and culverts for handling runoff are undersized and sometimes partially clogged. High lake levels further impede stormwater drainage and runoff. In the Wautoma-Summerhaven area, parkway drainage has been diverted onto private property, introducing the potential for flooding.

A review of the culvert capacities and development of regular cleaning and maintenance schedules could improve stormwater management and reduce localized flooding within the LWRP area.

R. SOLID WASTE AND HAZARDOUS WASTE MANAGEMENT

Solid waste collection and disposal of household generated refuse is through individual contracts with independent haulers. Recycling is in accordance with Monroe County policies and is consistent with the required DEC Part 360 guidelines and regulations on solid waste.

S. SUMMARY OF PUBLIC AND STAKEHOLDER INPUT

The public meetings for this planning process yielded significant turnout, and valuable feedback was recorded and synthesized into the following categories: economic development, environmental issues, and municipal/maintenance issues. Some of the concerns and solutions overlap, but the following public feedback outline provides a framework for developing LWRP projects and policies.

ECONOMIC DEVELOPMENT

Issue: Connectivity to waterfront and lack of related services and amenities – The town has few/no public access points outside the state park, which requires a fee for entry. The business center is not connected to the waterfront. The parkway acts as a physical barrier between the town and the waterfront. The waterfront area lacks services and amenities to support a recreational waterfront experience. There are also gaps in goods and services, while underutilized properties persist.

Solutions/ideas:

- Re-imagine parkway: Reduce traffic lanes, add bike, skating, pedestrian and drainage solutions holistically.
- Develop more public access points for viewing and kayak launching.
- Add programs and services to state park; lease space to private businesses for food, sports tournaments, etc.

- Redevelop underutilized properties such as Troutburg, Parkway median building, old water treatment plant to create public access and add services.
- Create public access in areas where parkway abuts waterfront.
- Create boardwalk experience at Sandy Creek near public boat launch.
- Businesses needed: Boat and camper storage, bank, bait and tackle shop; keep rural character of area, restrict big box retail.
- Food services: restaurants, food trucks, concessions needed. Could be private development and/or more food services can be offered within the State Park.
- Recreational needs/ideas: Bicycle and kayak rentals, glamping, lake viewing for public, cross country ski trails, access to pierheads (rebuild ones at Sandy Creek), nature center, aquarium, theatre shows and music venues.

ENVIRONMENTAL ISSUES

Issue: Drainage, flooding and erosion – There has been flooding along the shoreline and around the parkway. Residents are concerned about protecting their property/shoreline. Some open pond wetland areas on privately owned land are now filled in and functioning differently. Culverts under parkway may be problematic. Parkway in general is a drainage barrier. Need to protect water quality.

Solutions/ideas:

- Conduct a drainage study for the area to pinpoint issues and solutions.
- Consider using the linear parkway property as a solution to the drainage issues.
- Consider retention areas south of the parkway.
- Extend jetties at Sandy Creek – rebuild east jetty to high water level.
- Clean out drainage canal from South Pond of Parkway to Cowsucker Creek. Benefits Shore Acres homeowners and wildlife restoration Plan 2014. Future flood relief.
- Convert all properties to sewer.
- Build new break walls to protect shoreline property owners.

Issue: Agricultural land protection – Preserve agricultural function and character while addressing flooding across properties. Runoff from farms carrying chemicals and fertilizers needs to be properly managed.

Solutions/ideas:

- Drainage and water quality study.
- Create guidelines for solar farms.

MUNICIPAL / MAINTENANCE ISSUES

Issue: Maintenance – Several areas have suffered from lack of maintenance and need to be addressed.

Solutions/ideas:

- Study and improve NY Rt. 19 into and through town as a primary corridor.
- Study and improve drainage and conditions along parkway.
- Convert all properties to sewer.
- Install better signage, or maintenance to control garbage in park.
- Clean out and fix drainage culverts on parkway.
- Improve NYS public boat launch.

Issue: Communication – Processes for improvements are burdensome, and residents need more clear communications and processes with regulatory entities.

Solutions/ideas:

- Need a communication/support system for flooding events.
- Need to communicate to town reasons and purpose of LWRP.
- Need better awareness of public meetings.
- Need a clear and efficient process for dealing with permits/improvements/repairs.

Conditions related to soils, erosion, wave action, wetlands, habitat and flood zones in the waterfront area constrain development. The addition of sewer along the waterfront opens more opportunity, but many limitations still exist. The recent large flooding events of 2017 and 2019 also highlight the vulnerability of the waterfront. These factors influence what should be considered appropriate uses for underutilized sites. For instance, passive recreation, fishing access, nature trails, interpretation/education facilities, boat launches, docking and similar activities could work with the existing land conditions.

SECTION III: WATERFRONT REVITALIZATION PROGRAM POLICIES

This section includes the State Coastal Policies, and an indication of which policies are applicable within the Town of Hamlin Waterfront Revitalization Area described in Section I of this LWRP. Following the policy statement is an explanation of the policy, including local refinement necessary to relate to the Hamlin WRA. Each Policy either promotes the beneficial use of natural and cultural resources, prevents their impairment, or deals with major activities that substantially affect numerous resources within the WRA. The policies are the basis for local, State, and federal consistency determinations for activities affecting the waterfront revitalization area. Actions within the WRA must not be inconsistent with any of the coastal policies below.

It is important to note that no policy applies to the exclusion of the others, in applying these policies to a given action, all policies relevant to the action are to be adhered to.

The policies are presented below and organized under eleven categories: development, fish and wildlife, flooding and erosion hazards, general public access, recreation, historic and scenic resources, agricultural lands, energy and ice management, water and air resources, and wetlands.

The following is a list of the Town of Hamlin LWRP policies:

Development Policies

- POLICY 1 Restore, revitalize, and redevelop deteriorated and underutilized waterfront areas for commercial, industrial, cultural, and other compatible uses.
- POLICY 2 Facilitate the siting of water-dependent uses and facilities on or adjacent to coastal waters.
- POLICY 3 Further develop the State's major ports of Albany, Buffalo, New York, Ogdensburg, and Oswego as centers of commerce and industry, and encourage the siting, in these port areas, including those under the jurisdiction of State public authorities, of land use and development which is essential to, or in support of, the waterborne transportation of cargo and people.
- POLICY 4 Strengthen the economic base of smaller harbor areas by encouraging the development and enhancement of those traditional uses and activities which have provided such areas with their unique maritime identity.

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POLICY 5 Encourage the location of development in areas where public services and facilities essential to such development are adequate.

POLICY 6 Expedite permit procedures in order to facilitate the siting of development activities at suitable locations.

Fish and Wildlife Policies

POLICY 7 Significant coastal fish and wildlife habitats will be protected, preserved, and where practical, restored so as to maintain their viability as habitats.

POLICY 7 A The Sandy Creek Habitat shall be protected, preserved, and, where practical, restored so as to maintain its viability as a habitat.

POLICY 7B Yanty Creek Marsh, as a locally significant habitat, shall be protected, preserved and, where practical, restored so as to maintain its viability as a habitat.

POLICY 8 Protect fish and wildlife resources in the coastal area from the introduction of hazardous wastes and other pollutants which have been found to bioaccumulate in the food chain or which cause significant sublethal or lethal effect on those resources.

POLICY 9 Expand recreational use of fish and wildlife resources in coastal areas by increasing access to existing resources, supplementing existing stocks, and developing new resources.

POLICY 10 Further develop commercial finfish, shellfish, and crustacean resources in the coastal area by encouraging the construction of new, or improvement of existing on-shore commercial fishing facilities, increasing marketing of the State's seafood products, maintaining adequate stocks, and expanding agricultural facilities.

Flooding and Erosion Hazards Policies

POLICY 11 Buildings and other structures will be sited in the coastal area so as to minimize damage to property and endangering of human lives caused by flooding and erosion.

Town of Hamlin Local Waterfront Revitalization Program

- POLICY 12 Activities or development in the coastal area will be undertaken so as to minimize damage to natural resources and property from flooding and erosion by protecting natural protective features., including beaches, dunes, barrier islands, and bluffs.
- POLICY 13 The construction or reconstruction of erosion protection structures shall be undertaken only if they have a reasonable probability of controlling erosion for at least thirty years as demonstrated in design and construction standards and/or assured maintenance or replacement programs.
- POLICY 14 Activities and development, including the construction or reconstruction of erosion protection structures, shall be undertaken so that there will be no measurable increase in erosion or flooding at the site of such activities or development, or at other locations.
- POLICY 15 Mining, excavation or dredging in coastal waters shall not significantly interfere with the natural coastal processes which supply beach materials to land adjacent to such waters and shall be undertaken in a manner which will not cause an increase in erosion of such land.
- POLICY 16 Public funds shall only be used for erosion protection structures where necessary to protect human life, and new development which requires a location within or adjacent to an erosion hazard area to be able to function, or existing development; and only where the public benefits outweigh the long term monetary and other costs including the potential for increasing erosion and adverse effects on natural protection features.
- POLICY 17 Non-structural measures to minimize damage to natural resources and property from flooding erosion shall be used whenever possible.
- POLICY 18 To safeguard the vital economic, social and environmental interests of the State and its citizens, proposed major actions in the coastal area must give full consideration to those interests, and to the safeguards which the State has established to protect valuable coastal resource areas.

Public Access Policies

- POLICY 19 Protect, maintain and increase the levels and types of access to public water-related recreation resources and facilities.

POLICY 20 Access to the publicly-owned foreshore and to lands immediately adjacent to the foreshore or the water's edge that are publicly-owned shall be provided and it shall be provided in a manner compatible with adjoining uses.

Recreation Policies

POLICY 21 Water-dependent and water-enhanced recreation will be encouraged and facilitated, and will be given priority over non-water-related uses along the coast.

POLICY 22 Development, when located adjacent to the shore, will provide for water-related recreation, whenever such use is compatible with reasonably anticipated demand for such activities, and is compatible with the primary purpose of the development.

Historic and Scenic Resources Policies

POLICY 23 Protect, enhance and restore structures, districts, areas or sites that are of significance in the history, architecture, archeology or culture of the state, its communities or the Nation.

POLICY 24 Prevent impairment of scenic resources of statewide significance.

POLICY 25 Protect, restore or enhance natural and man-made resources which are not identified as being of statewide significance, but which contribute to the overall scenic quality of the coastal area.

POLICY 26 Conserve and protect agricultural lands in the State's coastal area.

POLICY 27 Decisions on siting and construction of major energy facilities in the coastal area will be based on public energy needs, compatibility of such facilities with the environment and the facility's need for a shoreline location.

POLICY 28 Ice management practices shall not interfere with the production of hydroelectric power, damage significant fish and wildlife and their habits, or increase shoreline erosion or flooding.

Town of Hamlin Local Waterfront Revitalization Program

- POLICY 29 The development of offshore uses and resources, including renewable energy resources, shall accommodate New York's long-standing ocean and Great Lakes industries, such as commercial and recreational fishing and maritime commerce, and the ecological functions of habitats important to New York.
- POLICY 30 Municipal, industrial and commercial discharge of pollutants, including but not limited to toxic and hazardous substances, into coastal waters will conform to state and national water quality standards.
- POLICY 31 State coastal area policies and management objectives of approved Local Waterfront Revitalization Programs will be considered while reviewing coastal water classifications and while modifying water quality standards, however, those waters already overburdened with contaminants will be recognized as being a development constraint.
- POLICY 32 Encourage the use of alternative or innovative sanitary waste systems in small communities where the costs of conventional facilities are unreasonably high given the size of the existing tax base of these communities.
- POLICY 33 Best management practices will be used to ensure the control of storm water runoff and combined sewer overflows draining into coastal waters.
- POLICY 34 Discharge of waste materials into coastal waters from vessels subject to State jurisdiction will be limited so as to protect significant fish and wildlife habitat, recreational areas and water supply areas.
- POLICY 35 Dredging and filling in coastal waters and disposal of dredged material will be undertaken in a manner that meets existing State dredging permit requirements, and protects significant fish and wildlife habitats, scenic resources, natural protective features, important agricultural lands, and wetlands.
- POLICY 36 Activities related to the shipment and storage of petroleum and other hazardous materials will be conducted in a manner that will prevent or at least minimize spills into coastal waters; all practicable efforts will be undertaken to expedite the cleanup of such discharges; and restitution for damages will be required when these spills occur.

Town of Hamlin Local Waterfront Revitalization Program

- POLICY 37 Best management practices will be utilized to minimize the non-point discharge of excess nutrients, organics and eroded soils into coastal waters.
- POLICY 38 The quality and quantity of surface water and groundwater supplies will be conserved and protected, particularly where such waters constitute the primary or sole source of water supply.
- POLICY 39 The transport, storage, treatment and disposal of solid wastes, particularly hazardous wastes, within coastal areas will be conducted in such a manner so as to protect groundwater and surface water supplies, significant fish and wildlife habitats, recreation areas, important agricultural lands and scenic resources.
- POLICY 40 Effluent discharged from major steam electric generating and industrial facilities into coastal waters will not be unduly injurious to fish and wildlife and shall conform to state water quality standards.
- POLICY 41 Land use or development in the coastal area will not cause national or state air quality standards to be violated.
- POLICY 42 Coastal management policies will be considered if the state reclassifies land areas pursuant to the prevention of significant deterioration regions of the Federal Clean Air Act.
- POLICY 43 Land use or development in the coastal area must not cause the generation of significant amounts of acid rain precursors: nitrates and sulfates.
- POLICY 44 Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas.

Development Policies

POLICY 1

Restore, revitalize, and redevelop deteriorated and underutilized waterfront areas for commercial, industrial, cultural, recreational and other compatible uses.

Explanation of Policy

State and federal agencies must ensure that their actions further the revitalization of urban waterfront areas. The transfer and purchase of property; the construction of a new office building, highway or park; the provision of tax incentives to businesses; and establishment of enterprise zones, are all examples of governmental means for spurring economic growth. When any such action or similar action is proposed, it must be analyzed to determine if the action would contribute to or adversely affect a waterfront revitalization effort.

It must be recognized that revitalization of once dynamic waterfront areas is one of the most effective means of encouraging economic growth in the State, without consuming valuable open space outside of these waterfront areas. Waterfront redevelopment is also one of the most effective means of rejuvenating or at least stabilizing residential and commercial districts adjacent to the redevelopment area.

In responding to this policy, several other policies must be considered: (1) Uses requiring a location abutting the waterfront must be given priority in any redevelopment effort. (Refer to Policy 2 for the means to effectuate this priority); (2) As explained in Policy 5, one reason for revitalizing previously dynamic waterfront areas is that the costs for providing basic services to such areas is frequently less than providing new services to areas not previously developed; (3) The likelihood for successfully simplifying permit procedures and easing certain requirements (Policy 6) will be increased if a discrete area and not the entire urban waterfront is the focus for this effort. In turn, ease in obtaining permits should increase developers' interest to invest in these areas. Further, once this concentrated effort has succeeded, stabilization and revitalization of surrounding areas is more likely to occur.

Local governments through waterfront revitalization programs have the primary responsibility for implementing this policy. Though local waterfront revitalization programs need not be limited to redevelopment, local governments are urged to identify areas as suitable for redevelopment, and establish and enforce redevelopment programs.

1. When a Federal or State action is proposed to take place in an urban waterfront area regarded as suitable for redevelopment, the following guidelines will be used:
 - a. Priority should be given to uses which are dependent on a location adjacent to the water (see Policy 2)
 - b. The action should enhance existing and anticipated uses. For example, a new highway should be designed and constructed so as to serve the potential access needs for desirable industrial development
 - c. The action should serve as a catalyst to private investment in the area

- d. The action should improve the deteriorated condition of a site and, at a minimum, must not cause further deterioration. For example, a building could not be abandoned without protecting it against vandalism and/or structural decline
- e. The action must lead to development which is compatible with the character of the area, with consideration given to scale, architectural style, density, and intensity of use
- f. The action should have the potential to improve the existing economic base of the community and, at a minimum, must not jeopardize this base. For example, waterfront development meant to serve consumer needs would be inappropriate in an area where no increased consumer demands were expected and existing development was already meeting demand
- g. The action should improve adjacent and upland views of the water, and, at a minimum, must not affect these views in an insensitive manner
- h. The action should have the potential to improve the potential for multiple uses of the site

2. If a State or Federal action is proposed to take place outside of a given deteriorated, underutilized urban waterfront area suitable for redevelopment, and is either within the relevant community or adjacent coastal communities, the agency proposing the action must first determine if it is feasible to take the action within the deteriorated, underutilized urban waterfront area in question. If such an action is feasible, the agency should give strong consideration to taking the action in that area. If not feasible, the agency must take the appropriate steps to ensure that the action does not cause further deterioration of that area.

The Town of Hamlin's waterfront is principally agricultural and recreational in character, with areas of intense residential use along portions of the Lake Ontario shoreline. While the waterfront cannot be considered deteriorated or underutilized, there are undeveloped areas which offer opportunities for development or reuse. These are identified in the Inventory and Analysis as areas U1 through U8.

1. The following guidelines shall be applied to actions proposed in waterfront areas regarded as suitable for development and shall be considered in preparing the land use plan(s):
- a. Priority should be given to uses which are dependent on or enhanced by a location adjacent to the water.
 - b. The action should enhance existing and anticipated uses. For example, new access roads shall be designed and constructed sufficiently to serve the potential needs for proposed development.
 - c. The action should serve as a catalyst to private investment in the area.

- d. The action, when public, should improve the deteriorated condition of the area and, at a minimum, must not cause further deterioration (i.e., a building could not be abandoned without protecting it against vandalism and/or structural decline).
- e. The action must lead to development which is compatible with the character of the area, with consideration given to scale, architectural style, density, and intensity of use.
- f. The action should have the potential to improve the existing economic base of the community and, at a minimum, must not jeopardize this base.
- g. The action should improve adjacent and upland views of the water and, at a minimum, must not affect these views in an insensitive manner.
- h. The action should have the potential to improve the possibilities for multiple uses of sites within these areas.
- i. Development must respect the environmental constraints or opportunities for preservation present in the area or on the site.

2. If a State or Federal action is proposed to take place outside of a given deteriorated, underutilized urban waterfront area suitable for redevelopment, and is either within the relevant community or adjacent coastal communities, the agency proposing the action must first determine if it is feasible to take the action within the deteriorated, underutilized urban waterfront area in question. If such an action is feasible, the agency should give strong consideration to taking the action in that area. If not feasible, the agency must take the appropriate steps to ensure that the action does not cause further deterioration of that area. If an action is proposed to take place outside the underused areas covered by this policy and is either within the Town of Hamlin or adjacent coastal communities, the involved Town, State or Federal agency must first determine if it is feasible to take the action within the areas covered by this policy. If feasible, strong consideration should be given to taking the action in such areas. If not feasible, appropriate steps must be taken to ensure that the action does not adversely affect areas covered by this policy. (See Policies 2, 5, 11, 19, 21, 37)

POLICY 2

Facilitate the siting of water-dependent uses and facilities on or adjacent to coastal waters.

Explanation of Policy

There is a finite amount of waterfront space suitable for development purposes. Consequently, while the demand for any given piece of property will fluctuate in response to varying economic and social conditions, on a statewide basis, the only reasonable expectation is that long-term demand for waterfront space will intensify.

The traditional method of land allocation, i.e., the real estate market, with or without local land use controls, offers little assurance that uses which require waterfront sites will, in fact, have access to the State's coastal waters. To ensure that such "water-dependent" uses can continue to be accommodated within the State, State agencies will avoid undertaking, funding, or approving non-water dependent uses when such uses would preempt

the reasonably foreseeable development of water dependent uses; furthermore, agencies will utilize appropriate existing programs to encourage water dependent activities.

Water dependent activities shall not be considered a private nuisance, provided such activities were commenced prior to the surrounding activities and have not been determined to be the cause of conditions dangerous to life or health and any disturbance to enjoyment of land and water has not materially increased.

A water dependent use is an activity which can only be conducted on, in, 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.

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

1. Uses which depend on the utilization of resources found in coastal waters (for example: fishing, mining of sand and gravel, mariculture activities)
2. Recreational activities which depend on access to coastal waters (for example: swimming, fishing, boating, wildlife viewing)
3. Uses involved in the sea/land transfer of goods (for example: docks, loading areas, pipelines, short-term storage facilities)
4. Structures needed for navigational purposes (for example: dams, locks, lighthouses)
5. Flood and erosion protection structures (for example: breakwaters, bulkheads)
6. Facilities needed to store and service boats and ships (for example: marinas, boat repair, boat construction yards)
7. Uses requiring large quantities of water for processing and cooling purposes (for example: hydroelectric power plants, fish processing plants, pumped storage power plants)
8. Uses that rely heavily on the waterborne transportation of raw materials or products which are difficult to transport on land, thereby making it critical that a site near to shipping facilities be obtained (for example: coal export facilities, cement plants, quarries)
9. Uses which operate under such severe time constraints that proximity to shipping facilities become critical (for example: firms processing perishable foods)
10. Scientific/educational activities which, by their nature, require access to coastal waters (for example: certain meteorological and oceanographic activities)
11. Support facilities which are necessary for the successful functioning of permitted water-dependent uses (for example: parking lots, snack bars, first aid stations, short-term storage facilities). Though these uses must be near the given water dependent use they should, as much as possible, be sited inland from the water dependent use rather than on the shore.

In addition to water dependent uses, those uses which are enhanced by a waterfront location should be encouraged to locate along the shore, though not at the expense of water dependent uses. A water enhanced use is defined as a use or activity which does not require a location adjacent to or over coastal waters, but whose

location on land adjacent to the shore adds to the public use and enjoyment of the water's edge. Water enhanced uses are primarily recreational, cultural, retail, or entertainment uses. A restaurant which uses good site design to take advantage of a waterfront view is an example of a water enhanced use.

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

In the actual choice of sites where water-dependent uses will be encouraged and facilitated, the following guidelines should be used:

1. Competition for space - competition for space, or the potential for it, should be indicated before any given site is promoted for water dependent uses. The intent is to match water dependent uses with suitable locations and thereby reduce any conflicts between competing uses that might arise. Not just any site suitable for development should be chosen as a water dependent use area. The choice of a site should be made with some meaningful impact on the real estate market anticipated. The anticipated impact could either be one of increased protection to existing water dependent activities or else the encouragement of water dependent development.
2. In-place facilities and services - most water dependent uses, if they are to function effectively, will require basic public facilities and services. In selecting appropriate areas for water-dependent uses, consideration should be given to the following factors:
 - a) The availability of public sewers, public water lines and adequate power supply;
 - b) Access to the area for trucks and rail, if heavy industry is to be accommodated; and
 - c) Access to public transportation, if a high number of person trips are to be generated.
3. Access to navigational channels - if commercial shipping, commercial fishing, or recreational boating are planned, the locality should consider setting aside a site, within a sheltered harbor, from which access to adequately sized navigation channels would be assured.
4. Compatibility with adjacent uses and the protection of other coastal resources – water dependent uses should be located so that they enhance, or at least do not detract from, the surrounding community. Consideration should also be given to such factors as the protection of nearby residential areas from odors, noise and traffic. Affirmative approaches should also be employed so that water dependent uses and adjacent uses can serve to complement one another. For example, a recreation-oriented water dependent use area could be sited in an area already oriented towards tourism. Clearly, a marina, fishing pier or swimming area would enhance, and in turn be enhanced by, nearby restaurants, motels and other non-water oriented tourist activities. Water dependent uses must also be sited so as to avoid adverse impacts on the significant coastal resources.

5. Preference to underutilized sites: The promotion of water-dependent uses should serve to foster development as a result of the capital programming, permit expediting and other State and local actions that will be used to promote the site. Nowhere is such a stimulus needed more than in those portions of the State's waterfront areas which are currently underutilized.
6. Providing for expansion - a primary objective of the policy is to create a process by which water dependent uses can be accommodated well into the future. State agencies and localities should therefore give consideration to long-term space needs and, where practicable, accommodate future demand by identifying more land than is needed in the near future.

In promoting water dependent uses, the following kinds of actions will be considered:

1. Favored treatment to water dependent use areas with respect to capital programming. Particular priority should be given to the construction and maintenance of port facilities, roads, railroad facilities, and public transportation within areas suitable for water dependent uses.
2. When areas suitable for water dependent uses are publicly owned, favored leasing arrangements should be given to water dependent uses.
3. Where possible, consideration should be given to providing water dependent uses with property tax abatements, loan guarantees, or loans at below market rates.
4. State and local planning and economic development agencies should actively promote water dependent uses. In addition, a list of sites available for non-water dependent uses should be maintained in order to assist developers seeking alternative sites for their proposed projects.
5. Local, State and Federal agencies should work together to streamline permitting procedures that may be burdensome to water dependent uses. This effort should begin for specific uses in a particular area.
6. Local land use controls, especially the use of zoning districts exclusively for waterfront uses, can be an effective tool of local government in assuring adequate space for the development of water dependent uses.

A number of water-dependent uses are already located in the Town's coastal area. These include the swimming beaches and car top boat launch on Lake Ontario at Hamlin Beach State Park. Private and commercial docking facilities located on the west side of Sandy Creek including a Yacht Club, and several marinas. A public boat launch operated by New York State is also located on the east side of Sandy Creek at Westphal Dr. These uses are permitted, and shall be encouraged to continue.

Development of water-dependent and enhanced recreation in the Town's waterfront area is to receive higher priority than development of any other type of use. This water-related development is to be increased, provided it is consistent with the preservation and enhancement of such important coastal resources as fish and wildlife habitats, aesthetically significant areas, historic and cultural resources, agriculture and significant mineral and fossil deposits. Also, such uses must not impair water quality, reduce slope stability or cause erosion or sedimentation problems. In addition, water-dependent recreation uses (especially boating services) shall generally

have a higher priority than water-enhanced recreation uses. A variety of commercial and public facilities are to be encouraged; therefore, each proposal to develop a water-dependent or enhanced use will require careful analysis.

There is a limited amount of land in Hamlin still available for new water-dependent or enhanced uses. On Lake Rd. E. Fork and Westphal, development of new water-dependent uses shall not extend south of North Hamlin Road. (See Policy 9 for further discussion of fishing access.)

On Lake Ontario development of new water-dependent and enhanced uses (where appropriate) are encouraged in Hamlin Beach State Park and Troutburg. Within the Hamlin Beach State Park, there is a need for additional boat launch capacity. There is also a need for cabins and a nature educational center. Appropriate options for the continued protection of water-dependent uses along the shoreline, including those at a Yanty Marsh need to be identified. At the eastern end near the Coast Guard Auxiliary station additional parking is needed for their new facility due to the increase usage of the structure for meetings and educational classes. On the Lake Ontario State Parkway, rehabilitation of the only service building could be considered, and there is a need for expanding the fishing access at Cowsucker Creek.

The following guidelines shall be used to determine the consistency of a proposed action with this policy. In Hamlin, new or expanded water-dependent or enhanced uses:

1. Shall be compatible with existing land and water uses and shall be constructed and maintained in a manner which does not degrade or conflict with adjacent shoreline uses;
2. Shall preserve and, if possible, enhance Sandy Creek as a significant habitat and scenic resource (see also Policies 7, 25 and 34)
3. Shall not degrade surface and subsurface water quality
4. Shall not be located in such a way that they are susceptible to serious damage from flooding and erosion (see Policy 11)
5. Shall be located and designed so as to provide adequate access to public roads. Any large-scale recreational project will be reviewed in terms of its traffic generation potential and provision for parking
6. Shall provide adequate off-street parking spaces to meet the anticipated needs of the development, in addition to adequate space for dry storage (e.g., boats)
7. Shall only be developed where adequate waste water treatment, drinking water and power are available; and
8. Shall not prevent public access to public lands and navigable waters nor hinder safe navigation.

Guidelines specifically related to marinas and yacht clubs are as follows:

1. The siting of marinas and yacht clubs will conform to New York State Freshwater Wetlands Act regulations.
2. The design of marinas and yacht clubs shall minimize the need to dredge. In addition, dredging and dredge spoil disposal shall not adversely impact surface or groundwater quality, aquatic and upland habitats, historic or archeological resources, visual quality, or navigation in adjacent areas. In the case of excavated marinas, the impact on groundwater levels in adjacent upland areas will be taken into consideration.
3. Marina and yacht club basin design shall promote maximum flushing and exchange of waters to minimize accumulation of contaminants and sediments. This will entail giving consideration to prevailing winds and currents and, in the case of excavated marina basins, to the grading of the basin and the shape of its perimeter.
4. Upland portions of the marina or yacht club shall be designed to address storm water runoff so as to prevent the contamination of the marina basin.
5. In the construction of excavated marinas, excavated material should not be allowed to enter adjacent water bodies. All marina basin excavation should be done prior to basin flooding. A dike shall be maintained between the excavation site and adjoining open water. Dikes or equivalent shall be kept in place until completion of basin construction. This shall include stabilization of exposed earth banks around the basin. All designs for marinas and yacht clubs shall be designed and sealed by a licensed professional engineer quality, aquatic and upland habitats, historic or archeological resources, visual quality, or navigation in adjacent areas. In the case of excavated marinas, the impact on groundwater levels in adjacent upland areas will be taken into consideration.
6. Marina and yacht club basin design shall promote maximum flushing and exchange of waters to minimize accumulation of contaminants and sediments. This will entail giving consideration to prevailing winds and currents and, in the case of excavated marina basins, to the grading of the basin and the shape of its perimeter.
7. Upland portions of the marina or yacht club shall be designed to address storm water runoff so as to prevent the contamination of the marina basin.
8. In the construction of excavated marinas, excavated material should not be allowed to enter adjacent water bodies. All marina basin excavation should be done prior to basin flooding. A dike shall be maintained between the excavation site and adjoining open water. Dikes or equivalent shall be kept in place until completion of basin construction. This shall include stabilization of exposed earth banks around the basin.
9. All designs for marinas and yacht clubs shall be designed and sealed by a licensed professional engineer.

Guidelines specifically related to marina service and repair facilities, charter boat fishing facilities, and enclosed rack boat storage facilities are as follows:

1. Dismantled boats, engines, all parts or supplies, goods, materials, refuse, garbage or debris shall be compatibly screened from view from the road and from Sandy Creek.
2. Boat maintenance activities, including washing, sanding, painting, draining bilge water, and servicing motors, shall not discharge waste water or other substances into any water body, nor shall any waste materials be disposed of in such a manner that they run over-ground and into a water body. The operator shall demonstrate that waste water and boat/engine maintenance residues will be contained and handled to prevent pollution of coastal waters.
3. Outdoor storage of boats, equipment, or similar uses shall be screened using evergreen plantings, berms, fences, or a combination thereof.
4. Commercial excursion and charter fishing facilities shall make adequate provision for fish cleaning stations and entrails disposal.
5. Enclosed rack storage of boats shall be screened from view and from public right-of- ways and from Sandy Creek by permanent year-round vegetation.

Guidelines specifically related to Sandy Creek piers, docks and wharves are as follows:

1. All docks and piers shall be constructed of sturdy, durable and stable materials capable of maintaining position and location, supporting pedestrian traffic, and resisting lateral loads resulting from wind, wave, and impact forces. Docks and piers shall be constructed, where possible, to permit the free circulation of water, reduce the effects of fluctuating water levels, and prevent adverse modification of the shoreline.
2. Docks and piers shall at all times be maintained in a sturdy, durable condition.
3. The length of piers, docks or wharves that are clearly accessory and incidental to single family residential uses shall be no more than 16 feet. Piers, docks and wharves that are not accessory to single family residential may be greater than 16 feet, provided:
 - a. Such structures shall not reduce stream navigability.
 - b. Such structures shall not infringe on the riparian rights of adjacent property owners.

4. The width of piers, docks or wharves that are accessory to single family residential uses shall be at least 2.5 feet but no greater than 4 feet. The width of piers, docks and wharves that are not accessory to single family development may be greater than 4 feet provided:
 - a. Such structures shall not reduce stream navigability.
 - b. Such structures shall not infringe on the riparian rights of adjacent property owners.
5. All docks, piers and wharves shall provide a safe pedestrian surface at all times parallel to the water surface, except for gangways onto such docks or piers from the shoreline or extensions thereof, which gangways shall have a nonskid surface.
6. All docks, piers and wharves shall have a minimum clearance of ten (10) feet from adjacent parcel lines. (Chapter 125-66)
7. The berthing of a boat, yacht, or watercraft from any dock or pier shall be within the area allowed for location of such dock or pier.
8. All docks and piers shall have night markers for easy determination at the end of each structure.
9. There shall be no more than one dock or pier for each residentially zoned littoral parcel with less than seventy-five (75) feet of shoreline. One additional dock or pier is allowed for each additional seventy-five (75) feet of shoreline.
10. There shall be no permanent structure located on or above the decks of piers, docks, or wharves.
11. In the case of shore parcels bounding a substantially straight shoreline, docks and piers shall be located in the area fixed by projection of parcel lines at right angles from the shoreline.
12. In the case of parcels on a concave or convex shoreline, docks and piers shall be located in the area fixed by projection of the parcel lines along the line bisecting the angle formed by the shoreline at its intersection with the parcel line. Where such projections do not allow access to the line of navigability (that line marking the minimum depth for navigation) the converging lines shall instead run to the line of navigability. The line of navigability shall be divided among the littoral parcels in proportion to their respective shares of the shoreline and permit all shoreline parcels practicable access to the navigable waters.

POLICY 3

Further develop the State's major ports of Albany, Buffalo, New York, Ogdensburg, and Oswego as centers of commerce and industry, and encourage the siting, in these port areas, including those under the jurisdiction of State public authorities, of land use and development which is essential to, or in support of, the waterborne transportation of cargo and people.

Explanation of Policy

The Town of Hamlin waterfront revitalization area is not designated as one of the State's major ports, Therefore, this policy is not applicable to the Hamlin WRA.

POLICY 4

Strengthen the economic base of smaller harbor areas by encouraging the development and enhancement of those traditional uses and activities which have provided such areas with their unique maritime identity.

Explanation of Policy

This policy recognizes that the traditional activities occurring in and around numerous smaller harbors throughout the State's coastal area contribute much to the economic strength and attractiveness of these harbor communities. Thus, efforts of state agencies shall center on promoting such desirable activities as recreational and commercial fishing, ferry services, marinas, historic preservation, cultural pursuits, and other compatible activities which have made smaller harbor areas appealing as tourist destinations and as commercial and residential areas. Particular consideration will be given to the visual appeal and social benefits of smaller harbors which, in turn, can make significant contributions to the State's tourism industry.

The following guidelines shall be used in determining consistency:

1. The action shall give priority to those traditional and/or desired uses which are dependent on or enhanced by a location adjacent to the water.
2. The action will enhance or not detract from or adversely affect existing traditional and/or desired anticipated uses.
3. The action shall not be out of character with, nor lead to development which would be out of the character with, existing development in terms of the area's scale, intensity of use, and architectural style.
4. The action must not cause a site to deteriorate, e.g., a structure shall not be abandoned without protecting it against vandalism and/or structural decline.
5. The action will not adversely affect the existing economic base of the community e.g., waterfront development designed to promote residential development might be inappropriate in a harbor area where the economy is dependent upon tourism and commercial fishing.
6. The action will not detract from views of the water and smaller harbor area, particularly where the visual quality of the area is an important component of the area's appeal and identity.
7. In applying the above guidelines, the information in harbor management plans being developed by local governments pursuant to Article 42 of the Executive Law and local laws that would implement them shall be considered.

POLICY 5

Encourage the location of development in areas where public services and facilities essential to such development are adequate.

Explanation of Policy

By its construction, taxing, funding and regulatory powers, government has become a dominant force in shaping the course of development. Through these government actions, development, particularly large-scale development, in the coastal area will be encouraged to locate within, contiguous to, or in close proximity to, existing areas of concentrated development where infrastructure and public services are adequate, where topography, geology, and other environmental conditions are suitable for and able to accommodate development.

The above policy is intended to accomplish the following:

- strengthen existing residential, industrial and commercial centers;
- foster an orderly pattern of growth where outward expansion is occurring;
- increase the productivity of existing public services and moderate the need to provide new public services in outlying areas;
- preserve open space in sufficient amounts and where desirable
- foster energy conservation by encouraging proximity between home, work, and leisure activities.

For any action that would result in large scale development or an action which would facilitate or serve future development, a determination shall be made as to whether the action is within, contiguous to, or in close proximity to an area of concentrated development where infrastructure and public services are adequate. The following guidelines shall be used in making that determination:

1. Cities, built-up suburban towns and villages, and rural villages in the coastal area are generally areas of concentrated development where infrastructure and public services are adequate.
2. Other locations in the coastal area may also be suitable for development, if three or more of the following conditions prevail:
 - a. Population density of the area surrounding or adjacent to the proposed site exceeds 1,000 persons per square mile;
 - b. Fewer than 50% of the buildable sites (i.e., sites meeting lot area requirements under existing local zoning regulations) within one-mile radius of the proposed site are vacant;
 - c. Proposed site is served by or is near to public or private sewer and water lines;
 - d. Public transportation service is available within one mile of the proposed site; and
 - e. A significant concentration of commercial and/or industrial activity is within one-half mile of the proposed site.

3. The following points shall be considered in assessing the adequacy of an area's infrastructure and public services:
 - a. Streets and highways serving the proposed site can safely accommodate the peak traffic generated by the proposed land development;
 - b. Development's water needs (consumptive and firefighting) can be met by the existing water supply system;
 - c. Sewage disposal system can accommodate the wastes generated by the development;
 - d. Energy needs of the proposed land development can be accommodated by existing utility systems;
 - e. Storm water runoff from the proposed site can be accommodated by on-site and/or off-site facilities; and
 - f. Schools, police and fire protection, and health and social services are adequate to meet the needs of the population expected to live, work, shop, or conduct business in the area as a result of the development.

It is recognized that certain forms of development may and/or should occur at locations which are not within or near areas of concentrated development. Thus, this coastal development policy does not apply to the following types of development projects and activities.

1. Economic activities which depend upon sites at or near locations where natural resources are present, e.g., lumber industry, quarries.
2. Development which, by its nature, is enhanced by a non-urbanized setting, e.g., a resort complex, campgrounds, second home developments.
3. Development which is designed to be a self-contained activity, e.g., a small college, an academic or religious retreat.
4. Water dependent uses with site requirements not compatible with this policy or when alternative sites are not available.
5. Development which because of its isolated location and small scale has little or no potential to generate and/or encourage further land development.
6. Uses and/or activities which because of public safety consideration should be located away from populous areas.
7. Rehabilitation or restoration of existing structures and facilities.
8. Development projects which are essential to the construction and/or operation of the above uses and activities.

In certain urban areas where development is encouraged by this policy, the condition of existing public water and sewage infrastructure may necessitate improvements. Those State and federal agencies charged with allocating funds for investments in water and sewer facilities should give high priority to the needs of such urban areas so that full advantage may be taken of the rich array of their other infrastructure components in promoting waterfront revitalization.

POLICY 6

Expedite permit procedures in order to facilitate the siting of development activities at suitable locations.

Explanation of Policy

It is recognized that permit procedures must be rational and efficient to promote proper and orderly growth. Further, unnecessary overlap between different levels of government causes delay and confusion. Every effort shall be made to simplify and organize permit procedures.

For specific types of development activities and in areas suitable for such development local, State and Federal agencies will make every effort to coordinate and synchronize existing permit procedures and regulatory programs, as long as the integrity of the regulations' objectives is not jeopardized.

These procedures and programs will be coordinated within each agency. Also, efforts will be made to ensure that each agency procedures and programs will be coordinated and synchronized with other agency procedures, at each level of government. Finally, regulatory programs and procedures will be coordinated and synchronized between levels of government and, if necessary, legislative or programmatic changes will be recommended.

When proposing new regulations, an agency will determine the feasibility of incorporating the regulations within existing procedures, if this reduces the paperwork burden on a development and would not jeopardize the integrity of the regulations' objectives.

Fish and Wildlife Policies

POLICY 7

Significant coastal fish and wildlife habitats, will be protected, preserved, and where practical, restored so as to maintain their viability as habitats.

Explanation of Policy

Habitat protection is recognized as fundamental to assuring the survival of fish and wildlife populations. Certain habitats are critical to the maintenance of a given population, and, therefore, merit special protection. Such habitats exhibit one or more of the following characteristics:

- (a) are essential to the survival of a large portion of a particular fish or wildlife population (e.g., feeding grounds, nursery areas);
- (b) support populations of rare and endangered species;
- (c) are found at a very low frequency within a coastal region;
- (d) support fish and wildlife populations having significant commercial and/or recreational value; and
- (e) would be difficult or impossible to replace.

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

In order to protect and preserve a significant habitat, land and water uses or development shall not be undertaken if such actions would destroy or significantly impair the viability of a habitat. The specific habitat impairment test that must be met is as follows:

Habitat destruction is defined as 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 which result in the loss of fish or wildlife. 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, and 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 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 includes, but is 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).

Significant coastal fish and wildlife habitats are evaluated, designated and mapped pursuant to the Waterfront Revitalization and Coastal Resources Act (Executive Law of New York, Article 42). The New York State Department of Environmental Conservation (DEC) evaluates the significance of coastal fish and wildlife habitats, and following a recommendation from the DEC, the Department of State designates and maps specific areas.

POLICY 7A

The Sandy Creek Habitat shall be protected, preserved and, where practical, restored so as to maintain its viability as a habitat.

Explanation of Policy

Sandy Creek flows through the Towns of Murray and Kendall in Orleans County and through Hamlin, in Monroe County, where it enters Lake Ontario. The fish and wildlife habitat includes the creek channel and associated wetlands and islands, extending approximately fourteen miles from the mouth of Sandy Creek (at Sandy Harbor Beach) to the confluence of the West and East Branches of Sandy Creek, just south of NYS Route 104.

Sandy Creek is one of about ten major New York tributaries to Lake Ontario. Despite a variety of habitat disturbances, Sandy Creek has significant spawning runs of Coho and Chinook salmon in the fall. Coho salmon and steelhead (lake-run rainbow trout) are stocked in Sandy Creek by the NYSDEC. A new program founded known as the Pen-Rearing has also released trout into Lake Ontario at the mouth of Sandy Creek after being raised in pens in Sandy Creek. From the County Route 19 bridge, in the Hamlet

of North Hamlin, downstream to the mouth of Sandy Creek, there is also a productive warm-water fishery. Warm-water species present include northern pike, smallmouth bass, and brown bullhead. Smallmouth bass spawning activity throughout Sandy Creek produces a large portion of the smallmouth bass population in this section of Lake Ontario.

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

Any activity that degrades water quality, increases temperature or turbidity, alters water depths, or reduces flows, would adversely affect the fisheries resources in Sandy Creek. These impacts would be especially detrimental during fish spawning and nursery periods (late February-July for most warm- water species and steelhead, and September – November for most salmonids). Actual fish spawning and nursery periods must be determined on a season-by-season basis in consultation with the Department of Environmental Conservation. Discharges of sewage and storm water runoff containing sediments or chemical pollutants (including fertilizers, herbicides, or insecticides) would adversely impact fish or wildlife species in the area.

Efforts should be made to reduce stream disturbance by agricultural activities, especially grazing, through fencing and restoration of natural riparian vegetation. Stream channel alterations, including dredging, filling, or channelization, could reduce the habitat quality in Sandy Creek. Barriers to fish migration, whether physical or chemical would also have significant impacts on bass and salmon populations in the creek. Wildlife species occurring in the lower end of Sandy Creek would be adversely affected by further human disturbance or elimination of wetland vegetation. Activities affecting Sandy Creek as far inland as Albion and Holley (Orleans County) should be evaluated for potential impacts on the fisheries resources of this area.

(See Policies 2, 14, 37 and 44.)

POLICY 7B

Yanty Creek Marsh is a locally significant habitat and shall be protected, preserved and, where practical, restored so as to maintain its viability as a habitat.

Explanation of Policy

Yanty Creek Marsh is a 96-acre lake shore wetland located at the east end of Hamlin Beach State Park in the Town of Hamlin, Monroe County. An environmental education center and nature trail associated with the Park is located at Yanty Creek Marsh. The habitat in this area is mixed and includes fairly young deciduous woods, bushy areas, and cattail marsh.

The Yanty Creek Marsh is an important lake shore habitat, rare in the county. However, habitat value of this area has been somewhat degraded by nearby development, including the Lake Ontario Parkway.

The primary factors associated with habitat degradation at this site are non-point pollution from road runoff and agricultural activities; the loss of buffer areas and riparian vegetation; and impairments to nesting habitat. Natural and man-induced change in Lake Ontario water levels, reduction in alongshore sediment transport due to the cumulative impacts of updrift shore protection structures, and/or storm and climatic conditions may have contributed to the one-time loss of portions of the barrier beach separating Yanty Creek Marsh from Lake Ontario. In 1998, a large rubble mound shore protection structure was erected along the shore of Hamlin Beach State Park to the mouth of Yanty Creek to mitigate this problem. Since the initial erosion, no additional erosion of the unprotected segments of the barrier beach fronting Yanty marsh has been observed.

This site supports New York State Endangered black tern (*Chlidonias niger*) nesting. The Yanty Creek Marsh is also a valuable staging area and provides limited nesting habitat for waterfowl. The Hamlin Beach State Park area provides an important spring migratory corridor for passerine birds and raptors, and fall migratory corridor for passerines and shorebirds. A variety of waterfowl species occur during fall migration, including scoter, scaups, common loon, red-throated loon, horned grebe, red-neck grebe, and brant. Peregrine falcon (E, E-Fed) migrate through Hamlin Beach State Park during fall. Shorebirds in this area during fall and early winter include ruddy turnstone, sanderling, and purple sandpiper. A stand of mature pines at this site provides winter habitat for long-eared owl (*Asio otus*). Nearshore waters also provide sheltered overwintering habitat for waterfowl, depending on ice cover, including geese, scoters, scaups, common goldeneye, red-breasted merganser, common merganser and bufflehead.

Yanty Creek Marsh offers good birding year-round, with especially good waterfowl and passerine observation available during the fall migration. In the spring and fall, the Yanty Creek Nature Trail offers good birding for warblers. Braddock Bay Raptor Research (BBRR) sponsors an annual (since 1993) Hamlin Beach Lakewatch, recording species occurring between August and December. Nesting shorebirds, including black tern, inhabiting the lake shore marshes and beaches on the southern shore of Lake Ontario are highly vulnerable to disturbance by humans, especially during the nesting period (April 1 through August 15). Alterations to hydrology or wetland vegetation, including the removal of dead vegetation, may reduce the quality of black tern nesting habitat in Yanty Creek Marsh.

Restoration and management activities that may be appropriate for this site include the construction of artificial nest structures for black terns, tree planting, and revegetation of riparian corridors and adjacent buffer areas and invasive species inventory and control.

Yanty Creek Marsh was not evaluated in 1984 when the Significant Coastal Fish and Wildlife habitats were being considered. Since that time, Black Terns have been discovered there. This is particularly important due to the recent elevation in state status of Black Tern from a Species of Special Concern to an Endangered Species. Because of the specific nesting requirements of Black Terns, protection of this unique habitat is important. If the habitat for

the Terns is lost, they simply cannot move to another wetland to successfully nest. Therefore, we recommend that Yanty Creek Marsh be nominated for designation as a state Significant Coastal Fish and Wildlife Habitat.

POLICY 8

Protect fish and wildlife resources in the coastal area from the introduction of hazardous wastes and other pollutants which have been found to bioaccumulate in the food chain or which cause significant sublethal or lethal effect on those resources.

Explanation of Policy

Hazardous wastes are unwanted by-products of manufacturing processes and are generally characterized as being flammable, corrosive, reactive, or toxic. More specifically, hazardous waste is defined in Environmental Conservation Law [S27-0901(3)] as "waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may: (1) cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or otherwise managed." A list of hazardous wastes (NYCRR Part 366) will be adopted by DEC within 6 months after EPA formally adopts its list.

The handling (storage, transport, treatment and disposal) of the materials included on this list is being strictly regulated in New York State to prevent their entry or introduction into the environment, particularly into the State's air, land and waters. Such controls should effectively minimize possible contamination of and bio-accumulation in the State's coastal fish and wildlife resources at levels that cause mortality or create physiological and behavioral disorders.

Other pollutants are those conventional wastes generated from point and non-point sources and not identified as hazardous wastes but controlled through other State laws cited below .

POLICY 9

Expand recreational use of fish and wildlife resources in coastal areas by increasing access to existing resources, supplementing existing stocks and developing new resources.

Explanation of Policy

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

recreational use of fish and wildlife resources must be made in a manner which ensures the protection of the fish and wildlife resources and which takes into consideration other activities dependent upon these resources. Also, such efforts must be done in accordance with existing State law and in keeping with sound resource management considerations. Such considerations include biology of the species, carrying capacity of the resource, public demand, costs, and available technology.

Fishing opportunities in Sandy Creek can be enhanced by pursuing public fishing easements along its banks where practical. Areas where easements would be appropriate include: (1) the Roosevelt Highway and Redman Road, and (2) Brick Schoolhouse Road by the bridge, and 3) Town Park Located on Brick

Schoolhouse Rd. Additional fishing access along Cowsucker Creek south of the parkway shall be evaluated, incorporating the criteria below to prevent degradation. The Town may identify other areas in the future.

The following guidelines shall be considered in determining the consistency of proposed actions with this policy:

1. Consideration should be made as to whether an action will impede existing or future use of the Town's recreational fish and wildlife resources.
2. Efforts to increase access to recreational fish and wildlife resources should not lead to overutilization of that resource or cause impairment of the habitat. Sometimes such impairment can be more subtle than actual physical damage to the habitat. For example, increased human presence can deter animals from using habitat area. On Sandy Creek specifically, care must be taken to ensure that increased fishing access does not degrade the environment of the creek which supports the fishery. Degradation would include indiscriminate trampling of vegetation, removal of trees, disruption of steep banks resulting in erosion, damage to wetlands, and introduction of pollutants, such as oils, trash, fish entrails, and sediments.
3. Adequate parking should be provided at fishing access sites where practical. Lots should be screened to protect views from adjacent waterbodies and roadways. They should also be designed to minimize surface runoff which could pollute adjacent waterbodies.
4. The impacts of increasing access to recreational fish and wildlife resources should be determined on a case-by-case basis, by consulting Policy 7, and/or conferring with a trained fish and wildlife biologist.
5. Any public or private sector initiatives to supplement existing stocks (e.g., stocking a stream with fish reared in a hatchery) or to develop new resources (e.g., creating private fee-hunting or fee-fishing facilities) must comply with existing State law.

(See Policies 2, 19, 21, 37 and 44.)

POLICY 10

Further develop commercial finfish, shellfish, and crustacean resources in the coastal area by encouraging the construction of new, or improvement of existing on-shore commercial fishing facilities, increasing marketing of the State’s seafood production maintaining adequate sticks, and expanding aquaculture facilities

Explanation of Policy

Commercial fishery development activities must occur within the context of sound fishery management principals developed and enforced within the State's waters by the New York State Department of Environmental Conservation and the management plans developed by the Regional Fisheries Management Councils (Mid-Atlantic and New England) and enforced by the U.S. National Marine Fisheries Service within the Fishery Conservation Zone. (The Fishery Conservation Zone is the area of coastal waters extending from the three-mile State waters boundary to the 200 mile offshore boundary of the U.S. waters. The Conservation Zone is authorized by the U.S. Fishery Conservation and Management Act of 1976.) Sound resource management considerations include optimum sustained yield levels developed for specific commercial fish species, harvest restrictions imposed by State and federal governments, and the economic, political (uses conflicts), and technological constraints to utilizing these resources.

The following additional guidelines should be considered by State and federal agencies as they determine the consistency of their proposed action with the above policy:

1. A public agency's commercial fishing development initiative should not preempt or displace private sector initiative.
2. A public agency's efforts to expand existing or create new on-shore commercial fishing support facilities should be directed towards unmet development needs rather than merely displacing existing commercial fishing activities from a nearby port. This may be accomplished by taking into consideration existing State or regional commercial fishing development plans.
3. Consideration should be made by State and Federal agencies whether an action will impede existing utilization or future development of the state's commercial fishing resources.
4. Commercial fishing development efforts should be made in a manner which ensures the maintenance and protection of the renewable fishery resources.

The Town of Hamlin waterfront revitalization area does not present commercial fishing opportunities, therefore, this policy is not applicable to the Hamlin WRA.

Flooding and Erosion Hazards Policies

POLICY 11

Buildings and other structures will be sited in the coastal area so as to minimize damage to property and the endangering of human lives caused by flooding and erosion.

Explanation of Policy

On coastal lands identified as coastal erosion hazard areas, buildings and similar structures shall be set back from the shoreline a distance sufficient to minimize damage from erosion unless no reasonable prudent alternative site is available as in the case of piers, docks, and other structures necessary to gain access to coastal waters to be able to function. The extent of the setback will be calculated, taking into account the rate at which land is receding due to erosion and the protection provided by existing erosion protection structures, as well as by natural protective features such as beaches, sandbars, spits, shoals, barrier islands, bay barriers, nearshore areas, bluffs, and wetlands. The only new structure allowed in coastal erosion hazard areas is a moveable structure as defined in 6 NYCRR Part 505.2(x). Prior to its construction, an erosion hazard areas permit must be approved for the structure. Existing non-conforming structures located in coastal erosion hazard areas may be only minimally enlarged.

In coastal lands identified as being subject to high velocity waters caused by hurricane or other storm wave wash - a coastal high hazard area - walled and roofed buildings or fuel storage tanks shall be sited landward of mean high tide, and no mobile home shall be sited in such area. In coastal lands identified as floodways, no mobile homes shall be sited other than in existing mobile home parks.

Where human lives may be endangered by major coastal storms, all necessary emergency preparedness measures should be taken, including disaster preparedness planning.

This policy applies to designated Flood Hazard Areas as identified on the FEMA Flood Insurance Rate Maps. A "flood hazard area" is the land area subject to inundation by water from any flooding source, shown on the FEMA maps as A zones. The general area of flood hazard in Hamlin includes low elevations along the entire Lake Ontario shoreline. Inland flooding potential exists along creeks, particularly Sandy Creek and Brush Creek, and in the upper stretches of Yanty Creek and Cowsucker Creek. Map 4 shows flood hazard areas, and they are described in the Inventory and Analysis.

In addition to flood prone areas, this policy shall also apply to Structural Hazard Areas, as designated pursuant to the Coastal Erosion Hazard Area Act (Article 34, ECL). "Structural hazard area" means those shorelands located landward of natural protective features and having shorelines receding at a long-term average annual recession rate of one 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 which is perpendicular to the shoreline a horizontal distance landward which is forty times the long-term average annual recession rate. In the Town of Hamlin, Structural Hazard Areas occur along major stretches of the Lake Ontario shoreline. Map 5 shows the Structural Hazard Areas, and they are described in the Inventory and Analysis.

Within flood hazard area A Zone, the following standards for construction and siting of development shall apply:

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
 - a. Residential construction. New residential construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.
 - b. Nonresidential construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation or, together with attendant utility and sanitary facilities, shall:
 - i. be flood-proofed so that below the base flood level the structure is water tight with walls substantially impervious to the passage of water;
 - ii. have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
 - iii. be certified by a registered professional engineer or architect that the standards of this subsection are satisfied.
3. Subdivision Proposals
 - a. All new and replacement water supply systems shall be designed to minimize flood damage.
 - b. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage and shall be consistent with the need to minimize flood damage.
 - c. Base flood elevation data shall be provided for subdivision proposals and other proposed developments which contain at least fifty (50) lots or five (5) acres, whichever is less.
4. Utilities
 - a. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
 - b. New and replacement sanitary sewer systems shall be designed to minimize the infiltration of floodwaters into the systems and discharges from the systems into the floodwaters.
 - c. On-site waste disposal systems shall be located as to avoid impairment to or contamination from flooding.

5. Mobile Homes

- a. Mobile homes shall be properly anchored (see 1 above).
 - i. Over-the-top ties shall be provided at each of the corners of the mobile home, with two (2) additional ties per side at intermediate locations. Mobile homes less than fifty (50) feet long shall require one (1) additional tie per side.
 - ii. Frame ties shall be provided at each corner of the home, with five (5) additional ties per side at intermediate points, with mobile homes less than fifty (50) feet requiring four (4) additional ties per side.
 - iii. All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds.
- b. For new mobile home parks and mobile home subdivisions, for expansions to existing mobile home parks, for mobile home subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced, and for mobile homes not placed in a mobile home park or mobile home subdivision, it shall be required that:
 - i. stands of lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level;
 - ii. adequate surface drainage and access for a hauler are provided;
 - iii. in the instance of elevation on pilings, that lots are large enough to permit steps, piling foundations are placed on stable soil [10 more than ten (10) feet apart, and reinforcement is provided for piling more than six (6) feet above the ground level.
- c. No new mobile home shall be placed in a floodway, except for the replacement of a preexisting mobile home.

Where human lives may be endangered by major lake storms, all necessary emergency preparedness measures shall be taken, including disaster preparedness planning.

Within Structural Hazard Areas, the following additional standards shall apply:

- 1. Construction of non-movable structures will not be permitted in a Structural Hazard Area.

2. A major non-movable addition to an existing permanent structure shall not be permitted in a Structural Hazard Area.
3. Movable structures may be constructed or placed within a Structural Hazard Area only if a Coastal Erosion Management Permit has been granted by the Town of Hamlin. Requirements for movable structures include the following:
 - a. No permanent foundation may be attached to the movable structure and any temporary foundations must be removed at the time the structure is moved. Below-grade footings will be allowed if satisfactory provision is made for their removal.
 - b. No movable structure may be placed closer to the landward limit of a bluff than twenty-five (25) feet.
 - c. Where there are no bluffs present, no movable structure may be placed within twenty-five (25) feet of the landward limit of a beach.
 - d. No movable structure may be placed or constructed so that, according to accepted engineering practice, its weight places an excessive ground loading on a bluff.
 - e. A plan for the landward relocation of a movable structure, when threatened by shoreline recession, must be included with each erosion area permit application.
 - f. Movable structures, which have been located within a structural hazard area pursuant to an erosion management permit, must be removed before the receding edge recedes to within ten (10) feet of the most lakeward point of the movable structure.
 - g. Debris from structural damage which may occur as a result of sudden, unanticipated bluff edge failure or erosion must be removed within sixty (60) days of the damaging event.
 - h. The last owner of record, as shown on the latest assessment roll, of real property upon which a movable structure is placed is responsible for removing that structure and its foundation, unless the last owner of record and the owner of the structure, if the structure is not owned by the last owner of record, have made an agreement providing otherwise in a form acceptable to the Town of Hamlin.
4. An erosion management permit is required for the installation of public service distribution, transmission, or collection systems for gas, electricity, water, or wastewater. Systems installed to serve coastline development along mainland shorelines must be located landward of the shoreline structures being served.
5. Any grading, excavating, or other soil disturbance, conducted within a Structural Hazard Area must not direct surface water runoff over the receding edge of a bluff.

(See Policies 12, 14, 17.)

POLICY 12

Activities or development in the coastal area will be undertaken so as to minimize damage to natural resources and property from flooding and erosion by protecting natural protective features, including beaches, dunes, barrier islands and bluffs. Primary dunes will be protected from all encroachment that could impair their natural protective capacity.

Explanation of Policy

Beaches, dunes, barrier islands, bluffs, and other natural protective features help safeguard coastal lands and property from damage, as well as reduce the danger to human life, resulting from flooding and erosion. Excavation of coastal features, improperly designed structures, inadequate site planning, or other similar actions which fail to recognize their fragile nature and high protective values, lead to the weakening or destruction of those landforms. Activities or development in, or in proximity to, natural protective features must ensure that all such adverse actions are minimized. Primary dunes will be protected from all encroachments that could impair their natural protective capacity. For instances, changes in Lake Ontario water levels caused by manipulation to the St. Lawrence Seaway imperil the barrier beach separating Yanty Creek Marsh from Lake Ontario. This policy is intended to ensure that activities or development in or near natural protective features minimize all such adverse effects.

Within the Town of Hamlin, the bluffs and beaches which stretch along the Lake Ontario shoreline are specifically designated as natural protective features pursuant to the NYS Coastal Erosion Hazard Areas Act (Article 34, ECL). These features are described in the Inventory and Analysis. These areas shall be protected from all encroachment by development or other incompatible land use activities. In addition, the nearshore area is also considered a natural protective feature.

The following guidelines shall be used in determining the consistency of proposed actions with this policy (Refer also to Hamlin's Coastal Erosion Hazard Areas Law.) Activities and development within designated natural erosion protection features, i.e., beaches and bluffs, must comply with this law, Code of Town of Hamlin - Chapter 42.) In general, any activity or development in, or in proximity to, a natural protective feature that may be permitted under the following guidelines must be consistent with other applicable policies of the LWRP and must prevent, if possible, or minimize any adverse effects on natural protective features and their protective functions and values.

"Beach" means the zone of unconsolidated earth that extends landward from the mean low water line ('international Great Lakes datum) to the water ward toe of a bluff. Where no bluff exists landward of the beach, the landward limit of a beach is 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

water ward. Shore lands subject to seasonal or more frequent overwash or inundation are considered to be beaches. Beaches are unsuitable for development due to their constantly changing topography and width. Interference by man can accelerate these natural processes.

"Bluff" means any bank or cliff with a precipitous or steeply sloped face adjoining a beach or a body of water. The water ward limit of a bluff is the landward limit of its water ward natural protective feature. Where no beach is present, the water ward limit of a bluff is mean low water (International Great Lakes datum). The landward limit is twenty-five (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, 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.)

Bluffs are particularly fragile areas which are susceptible to erosion, sloughing and weakening from improper development, runoff and groundwater seepage.

Development which requires grading, removal of vegetation, or siting of buildings, roads or parking lots, will contribute additional stormwater to the area susceptible to erosion at the edge of the face of the bluff. Excessive runoff will eventually cause the bluff to slump and collapse.

Activities allowed on beaches and bluffs, which do not require a Coastal Erosion Management Permit:

1. Elevated walkways or stairways constructed solely for pedestrian use and built by an individual property owner for the limited purpose of providing non-commercial access to the beach.
2. 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 200 square feet, or which are removed in the fall of each year;
3. Maintenance of structures when normal and customary and/or in compliance with an approved maintenance program;
4. Normal beach grooming or clean-up;
5. 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; and
6. 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.

Activities allowed on beaches and bluffs, which require a Coastal Erosion Management Permit:

1. Beaches - expansion or stabilization of beaches with clean sand or gravel of any equivalent or slightly larger size.
2. Bluffs
 - a. Minor alteration of a bluff;
 - b. Bluff cuts, which meet the following requirements:
 - (1) cut is made in a direction perpendicular to the shoreline;
 - (2) ramp slope may not exceed 1:6;
 - (3) side slopes may not exceed 1:3 unless terraced or otherwise structurally stabilized;
 - (4) side slopes and other disturbed non-roadway areas must be stabilized with vegetation or other approved physical means; and
 - (5) completed roadway must be stabilized and drainage provided for.
 - c. New construction, modification or restoration of walkways or stairways.

Prohibited activities on beaches and bluffs:

1. Beaches
 - a. Excavating, grading or mining which diminishes the erosion protection afforded by beaches;
 - b. Disturbance of active bird nesting and breeding areas (unless approved by the NYS Department of Environmental Conservation); and
 - c. All development (except as noted above).
2. Bluffs

- a. Excavating, grading and mining (except when in conjunction with conditions stated in a Coastal Erosion Management Permit);
- b. Soil disturbance that directs surface water runoff over a bluff face;
- c. Disturbance of active bird nesting and breeding areas (unless approved by the NYS Department of Environmental Conservation);
- d. All development (except as noted above); and
- e. Motorized or non-motorized traffic, unless the following restrictions are adhered to: 1) motor vehicles must not travel on vegetation, 2) vehicles must operate waterward of the debris line, and 3) when no debris line exists, vehicles must operate waterward of the waterward toe of a bluff.

POLICY 13

The construction or reconstruction of erosion protection structures shall be undertaken only if they have a reasonable probability of controlling erosion for at least thirty years as demonstrated in design and construction standards and/or assured maintenance or replacement programs.

Explanation of Policy

Erosion protection structures are widely used throughout the State's coastal area. However, because of improper design, construction and maintenance standards, many fail to give the protection which they are presumed to provide. As a result, development is sited in areas where it is subject to damage or loss due to erosion. This policy will help ensure the reduction of such damage or loss.

Erosion protection structures are widely used throughout the State's coastal area. An erosion protection structure is a structure specifically designed to reduce or prevent erosion and includes the following: groins, jetties, seawalls, revetments, bulkheads and breakwaters. Artificial beach nourishment projects are also included in this definition.

The use of erosion protection structures on Lake Ontario or Sandy Creek should be considered only after an evaluation of available non-structural measures has been made. This should be done while developing an overall erosion management system for a site which takes into account the effects of any action on adjacent properties. The particularly fragile nature and significance of the habitat in Sandy Creek and Yanty Marsh requires that any adverse effects, including those caused by erosion protection structures, be minimized and mitigated.

Within the Town of Hamlin, the construction, modification or restoration of any erosion protection structure within a Coastal Erosion Hazard area (See Inventory and Analysis) will be subject to the requirements which follow.

(Modification means a change in size, design or function. Reconstruction means the reconstruction without modification of an erosion protection structure, the cost of which equals or exceeds fifty percent (50%) of the estimated full replacement cost of the structure.):

1. The construction, modification, or restoration of erosion protection structures must:
 - a. Not be likely to cause a measurable increase in erosion at the development site or at other locations; and
 - b. 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.
2. 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.
3. All materials used in such structures must be durable and capable of withstanding inundation, wave impacts, weathering, and other effects of storm conditions. Individual component materials may have a working life of less than thirty (30) years 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.
4. A long-term maintenance program must be included for construction, modification, or restoration of an erosion protection structure. That program must include specifications for normal maintenance of degradable materials and the periodic replacement of removable materials.

The use of erosion protection structures on Lake Ontario or Sandy Creek should be considered only after an evaluation of available non-structural measures has been made. This should be done while developing an overall erosion management system for a site which takes into account the effects of any action on adjacent properties. The particularly fragile nature and significance of the habitat in Sandy Creek and Yanty Marsh requires that any adverse effects, including those caused by erosion protection structures, be minimized and mitigated.

Within the Town of Hamlin, the construction, modification or restoration of any erosion protection structure within a Coastal Erosion Hazard area (See Inventory and Analysis) will be subject to the requirements which follow. (Modification means a change in size, design or function. Reconstruction means the reconstruction without modification of an erosion protection structure, the cost of which equals or exceeds fifty percent (50%) of the estimated full replacement cost of the structure.

POLICY 14

Activities and development, including the construction or reconstruction of erosion protection structures, shall be undertaken so that there will be no measurable increase in erosion or flooding at the site of such activities or development, or at other locations.

Explanation of Policy

Erosion and flooding are processes which occur naturally. However, by his actions, man can increase the severity and adverse effects of those processes, causing damage to, or loss of, property and endangering human lives. Those actions include: the use of erosion protection structures such as groins, or the use of impermeable docks which block the littoral transport of sediment to adjacent shorelands, thus increasing their rate of recession; the failure to observe proper drainage or land restoration practices, thereby causing runoff and the erosion and weakening of shorelines; and the placing of structures in identified floodways so that the base flood elevation is increased causing damage in otherwise hazard- free areas.

(See Policies 7, 11, 12,13, 17and37.)

POLICY 15

Mining, excavation or dredging in coastal waters shall not significantly interfere with the natural coastal processes which supply beach materials to land adjacent to such waters and shall be undertaken in a manner which will not cause an increase in erosion of such land.

Explanation of Policy

Coastal processes, including the movement of beach materials by water, and any mining, excavation or dredging in nearshore or offshore waters which changes the supply and net flow of such materials can deprive shorelands of their natural regenerative powers. Such mining, excavation and dredging should be accomplished in a manner so as not to cause a reduction of supply, and thus an increase of erosion, to such shorelands. Offshore mining is a future alternative option to land mining for sand and gravel deposits which are needed to support building and other industries.

In nearshore areas identified pursuant to Hamlin's Coastal Erosion Area law, the following restrictions apply:

1. Activities, such as excavating, grading, mining, or dredging, which diminish the erosion protection afforded by nearshore areas, are prohibited. Exceptions include: 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.
2. Clean sand and gravel of an equivalent or slightly larger grain size are the only materials which may be deposited within nearshore areas. Any deposition will require a Coastal Erosion Management Permit.
3. All development is prohibited in nearshore areas unless specifically provided for by Hamlin's Coastal Erosion Area Law (Chapter 42).

(See Policies 7, 12, and 35.)

POLICY 16

Public funds shall only be used for erosion protection structures where necessary to protect human life, and new development which requires a location within or adjacent to an erosion hazard area to be able to function, or existing development; and only where the public benefits outweigh the long term monetary and other costs including the potential for increasing erosion and adverse effects on natural protective features.

Explanation of Policy

Public funds are used for a variety of purposes on the State's shorelines. This policy recognizes the protection of human life and existing investment in development which requires a location in proximity to the coastal area or in adjacent waters to be able to function. However, it also recognizes the adverse impacts of such activities and development on the rate of erosion and on natural protective features, and requires that careful analysis be made of such benefits and long-term costs prior to expending public funds.

POLICY 17

Non-structural measures to minimize damage to natural resources and property from flooding and erosion shall be used whenever possible.

Explanation of Policy

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

"Non-structural measures" shall include, but not be limited to: (1) within coastal erosion hazard areas identified under Section 0104 of Coastal Erosion Hazard Areas law (Environmental Conservation Law Article 34), and subject to the permit requirements on all regulated activities and development established under that law, (a) the use of minimum setbacks as provided for in Section 0108 of Environmental Conservation Law Article 34; and (b) the strengthening of coastal landforms by the planting of appropriate vegetation on dunes and bluffs, the installation of sand fencing on dunes, the reshaping of bluffs to achieve an appropriate angle of repose so as to reduce the potential for slumping and to permit the planting of stabilization vegetation, and the installation of drainage systems on bluffs to reduce runoff and internal seepage of waters which erode or weaken the landforms; and (2) within identified flood hazard areas, (a) the avoidance of risk or damage from flooding by the siting of buildings outside the hazard area, and (b) the flood-proofing of buildings or their elevation above the base flood level.

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

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

POLICY 18

To safeguard the vital economic, social and environmental interests of the State and of its citizens, proposed major actions in the coastal area must give full consideration to those interests, and to the safeguards which the state has established to protect valuable coastal resource areas.

Explanation of Policy

Proposed major actions may be undertaken in the coastal area if they will not significantly impair valuable coastal waters and resources, thus frustrating the achievement of the purposes of the safeguards which the State has

established to protect those waters and resources. Proposed actions must take into account the social, economic and environmental interests of the State and its citizens in such matters that would affect natural resources, water levels and flows, shoreline damage, hydroelectric power generation, and recreation.

Public Access Policies

POLICY 19

Protect, maintain, and increase the level and types of access to public water related recreation resources and facilities.

Explanation of Policy

This policy calls for achieving balance among the following factors: the level of access to a resource or facility, the capacity of a resource or facility, and the protection of natural resources. The imbalance among these factors is the most significant in the State's urban areas. Because this is often due to access-related problems, priority will be given to improving physical access to existing and potential coastal recreation sites within the heavily populated urban coastal areas of the State and to increasing the ability of urban residents to get to coastal recreation areas by improved public transportation. The particular water related recreation resources and facilities which will receive priority for improved access are public beaches, boating facilities, fishing areas and waterfront parks. In addition, because of the greater competition for waterfront locations within urban areas, the Coastal Management Program will encourage mixed use areas and multiple use of facilities to improve access. Specific sites requiring access improvements and the relative priority the program will accord to each will be identified in the Public Access Planning Process.

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

1. The existing access from adjacent or proximate public lands or facilities to public water related recreation resources and facilities shall not be reduced, nor shall the possibility of increasing access in the future from adjacent or proximate public lands or facilities to public water related recreation resources and facilities be eliminated, unless in the latter case, estimates of future use of these resources and facilities are too low to justify maintaining or providing increased public access, or unless such actions are found to be necessary by the public body having jurisdiction over such access as the result of a reasonable justification of the need to meet system-wide objectives.

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

- a) Access - the ability and right of the public to reach and use public coastal lands and waters.
- b) Public water related recreation resources of facilities - all public lands or facilities that are suitable for passive or active recreation that requires either water or a waterfront location or is enhanced by a waterfront location.

- c) Public lands or facilities - lands or facilities held by State or local government in fee simple or less-than-fee simple ownership and to which the public has access or could have access, including underwater lands and the foreshore.
 - d) A reduction in the existing level of public access - includes, but is not limited to, the following:
 - (1) The number of parking spaces at a public water-related recreation resource or facility is significantly reduced.
 - (2) The service level of public transportation to a public water-related recreation resource or facility is significantly reduced during peak season use and such reduction cannot be reasonably justified in terms of meeting system-wide objectives.
 - (3) Pedestrian access is diminished or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities.
 - (4) There are substantial increases in the following: already existing special fares (not to include regular fares in any instance) of public transportation to a public water-related recreation resource or facility; and/or admission fees to such a resource or facility except where the public body having jurisdiction over such fares determines that such substantial fare increases are necessary and an analysis shows that such increases will significantly reduce usage by individuals or families and incomes below the State government established poverty level.
 - e) An elimination of the possibility of increasing public access in the future includes, but is not limited to, the following:
 - (1) Construction of public facilities which physically prevent the provision, except at great expense, of convenient public access to public water-related recreation resources and facilities
 - (2) Sale, lease, or other transfer of public lands that could provide public access to a public water-related recreation resource or facility
 - (3) Construction of private facilities which physically prevent the provision of convenient public access to public water-related recreation resources or facilities from public lands and facilities
2. Any proposed project to increase public access to public water-related recreation resources and facilities shall be analyzed according to the following factors:
- a) The level of access to be provided should be in accord with estimated public use. If not, the proposed level of access to be provided shall be deemed inconsistent with the policy.

- b) The level of access to be provided shall not cause a degree of use which would exceed the physical capability of the resource or facility. If this were determined to be the case, the proposed level of access to be provided shall be deemed inconsistent with the policy.
- 3. The State will not undertake or fund any project which increases access to a water-related resource or facility that is not open to all members of the public.
- 4. In their plans and programs for increasing public access to public water-related resources and facilities, State agencies shall give priority in the following order to projects located: within the boundaries of the Federal-Aid Metropolitan Urban Area and served by public transportation, within the boundaries of the Federal-Aid Metropolitan urban area but not served by public transportation; outside the defined Urban Area boundary and served by public transportation; and outside the defined Urban Area boundary but not served by public transportation.

POLICY 20

Access to the publicly-owned foreshore and to lands immediately adjacent to the foreshore or the water's edge that are publicly owned shall be provided, and it should be provided in a manner compatible with adjoining uses. Such lands shall be retained in public ownership.

Explanation of Policy

In coastal areas where there are little or no recreation facilities providing specific water-related recreational activities, access to the publicly-owned lands of the coast at large should be provided for numerous activities and pursuits which require only minimal facilities for their enjoyment. Such access would provide for walking along a beach or a city waterfront or to a vantage point from which to view the seashore. Similar activities requiring access would include bicycling, bird watching, photography, nature study, beachcombing, fishing and hunting.

For those activities, there are several methods of providing access which will receive priority attention of the Coastal Management Program. These include: the development of a coastal trails system; the provision of access across transportation facilities to the coast; the improvement of access to waterfronts in urban areas; and the promotion of mixed and multi-use development.

While such publicly-owned lands referenced in the policy shall be retained in public ownership, traditional sales of easements on lands underwater to adjacent onshore property owners are consistent with this policy, provided such easements do not substantially interfere with continued public use of the public lands on which the easement is granted. Also, public use of such publicly-owned underwater lands and lands immediately adjacent to the shore shall be discouraged where such use would be inappropriate for reasons of public safety, military security, or the protection of fragile coastal resources.

The regulation of projects and structures, proposed to be constructed in or over lands underwater, is necessary to responsibly manage such lands, to protect vital assets held in the name of the people of the State, to guarantee common law and sovereign rights, and to ensure that waterfront owners' reasonable exercise of riparian rights and access to navigable waters shall be consistent with the public interest in reasonable use and responsible management of waterways and such public lands 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.

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

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

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

- a) (See definitions under first policy of "access", and "public lands or facilities").
 - b) A reduction in the existing or anticipated level of public access - includes, but is not limited, to the following:
 - (1) Pedestrian access is diminished or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities.
 - (2) Pedestrian access is diminished or blocked completely by public or private development.
 - c) An elimination of the possibility of increasing public access in the future - includes, but is not limited to, the following:
 - (1) Construction of public facilities which physically prevent the provision, except at great expense, of convenient public access to public coastal lands and /or waters
 - (2) Sale, lease, or other conveyance of public lands that could provide public access to public coastal lands and/or waters
 - (3) Construction of private facilities which physically prevent the provision of convenient public access to public coastal lands and/or waters from public lands and facilities
2. The existing level of public access within public coastal lands or waters shall not be reduced or eliminated.

Town of Hamlin Local Waterfront Revitalization Program

- a) A reduction or elimination in the existing level of public access - includes, but is not limited to, the following:
 - (1) Access is reduced or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities
 - (2) Access is reduced or blocked completely by any public developments
3. Public access from the nearest public roadway to the shoreline and along the coast shall be provided by new land use or development, except where (a) it is inconsistent with public safety, military security, or the protection of identified fragile coastal resources; (b) adequate access exists within one-half mile; or (c) agriculture would be adversely affected. Such access shall not be required to be open to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the access way.
4. The State will not undertake or directly fund any project which increases access to a water-related resource or facility that is not open to all members of the public.
5. In their plans and programs for increasing public access, State agencies shall give priority in the following order to projects located: within the boundaries of the Federal-Aid Metropolitan Urban Area and served by public transportation; within the Federal-Aid Metropolitan Urban Area but not served by public transportation; outside the defined Urban Area boundary and served by public transportation; and outside the defined Urban Area boundary but not served by public transportation.
6. Proposals for increased public access to coastal lands and waters shall be analyzed according to the following factors:
 - a) The level of access to be provided should be in accord with estimated public use. If not, the proposed level of access to be provided shall be deemed inconsistent with the policy.
 - b) The level of access to be provided shall not cause a degree of use which would exceed the physical capability of the coastal lands or waters. If this were determined to be the case, the proposed level of access to be provided shall be deemed inconsistent with the policy.
7. In making any grant, lease, permit, or other conveyance of land now or formerly underwater, there shall be reserved such interests or attached such conditions to preserve the public interest in the use of state-owned lands underwater and waterways for navigation, commerce, fishing, bathing, recreation, environmental protection, and access to the navigable waters of the state. In particular, the granting of publicly owned underwater or formerly underwater lands to private entities will be limited to exceptional circumstances only.

Some of the Town of Hamlin's shoreline is accessible to the public (i.e., Hamlin Beach State Park and the bicycle trail system). Within the park and along the parkway, there are numerous opportunities to enjoy the foreshore. However, there are increasing demands from the public for more opportunities for access to the foreshore in the Town of Hamlin.

In addition to the park, the parkway, and the bikeway, there are other publicly-held parcels adjacent to the Lake Ontario shoreline. These sites, which are shown on Map 7, are designated as parcels U2, U6, U7, U8, and U9.

These publicly-held lands adjacent to the foreshore shall be retained in public ownership. Existing levels of access shall be maintained unless damage to environmental features mandates temporary or permanent limitations on access. For all publicly-held sites to which this policy applies, and most specifically for underutilized parcels U2, U6, U7, U8 and U9, government agencies shall cooperate and aid in the development of new access opportunities for passive recreation and fishing.

The regulation of projects and structures, proposed to be constructed in or over lands underwater, is necessary to responsibly manage such lands, to protect vital assets held in the name of the people of the State, to guarantee common law and sovereign rights, and to ensure that waterfront owners' reasonable exercise of riparian rights and access to navigable waters shall be consistent with the public interest in reasonable use and responsible management of waterways and such public lands 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.

The following levels of new access development are considered appropriate for specific sites:

Parcel U2: A scenic overlook with a viewing area near the parkway could be developed, providing safety setbacks are adequate. Access for fishing along Cow sucker Creek, south of the parkway, should also be evaluated.

Parcel U6: Consideration shall be given to maintaining access through the Coast Guard Auxiliary Station to this four-acre parcel within the Hamlin Beach State Park at a level which is compatible with the operation of the station.

Parcel U7: This large undeveloped area, on the east side of Sandy Creek adjacent to the NYS Department of Environmental Conservation boat launch, shall be retained and considered for passive recreation, such as picnicking and nature trails at no cost to the public.

Parcels U8 and U9: These sites, which are Town-owned, have the potential to provide visual access to Lake Ontario and should be reserved for this purpose.

The following guidelines will be used in determining consistency of actions with the above policy:

1. Existing access from adjacent or proximate lands or facilities to existing public coastal lands and/or waters shall not be reduced, nor shall the possibility of increasing access in the future from adjacent or nearby public lands or facilities to public coastal lands and/or waters be eliminated unless such actions are demonstrated to be of overriding local, regional or statewide public benefit and access is provided in another reasonable location to compensate for the loss.
2. The aggregate level of public access within public coastal lands or waters shall not be reduced or eliminated.

The following guidelines will be used in determining consistency of actions with the above policy:

3. Existing access from adjacent or proximate lands or facilities to existing public coastal lands and/or waters shall not be reduced, nor shall the possibility of increasing access in the future from adjacent or nearby public lands or facilities to public coastal lands and/or waters be eliminated unless such actions are demonstrated to be of overriding local, regional or statewide public benefit and access is provided in another reasonable location to compensate for the loss.
4. The aggregate level of public access within public coastal lands or waters shall not be reduced or eliminated.
5. New development or land use shall provide public access from the nearest public roadway to the shoreline and along the coast, except where: (a) agriculture would be adversely affected, (b) it is inconsistent with public safety, (c) it is inconsistent with the protection of identified fragile coastal resources, or (d) adequate access exists within one-half mile.

6. Proposals for increased public access to coastal land and waters shall be analyzed according to the following factors:
 - a. The level of access to be provided should be in accord with estimated public use. If not, the proposed level of access to be provided shall be deemed inconsistent with the policy.
 - b. The level of access to be provided shall not cause a degree of use which would exceed the physical capability of the coastal lands and waters. If this were determined to be the case, the proposed level of access to be provided shall be deemed inconsistent with the policy.

7. The action shall consider appropriate mitigation to protect adjacent property owners. (See guideline 3 under Policy 19).

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

1. See definitions under Policy 19 of "access" and "public lands or facilities";
2. A reduction in the existing level of public access includes, but is not limited to, the following:
 - a. Pedestrian access is diminished or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities; and
 - b. Pedestrian access is diminished or blocked completely by public or private development.
3. An elimination of the possibility of increasing public access in the future includes, but is not limited to, the following:
 - a. Construction of public facilities which physically prevent the provision, except at great expense, of convenient public access to public water-related recreation resources and facilities;
 - b. Sale, lease, or other conveyance of public lands that could provide public access to public coastal lands and/or waters; and

- c. Construction of private facilities which physically prevent the provision of convenient public access to public coastal land and/or waters from public lands and facilities.

While these publicly-owned lands shall be retained in public ownership, traditional sales of easements on lands underwater to adjacent onshore property owners are consistent with this policy, provided such easements do not substantially interfere with continued public use of the public lands on which the easement is granted. Also, public use of such publicly-owned underwater lands and lands immediately adjacent to the shore shall be discouraged where such use would be inappropriate for reasons of public safety, military security, or the protection of fragile coastal resources.

(See Policies 7, 21, 44.)

Recreation Policies

POLICY 21

Water-dependent and water-enhanced recreation will be encouraged and facilitated, and will be given priority over non-water related uses along the coast

Explanation of Policy

Water-related recreation includes such obviously water-dependent activities as boating, swimming, and fishing, as well as certain activities which are enhanced by a coastal location and increase the general public's access to the coast, such as pedestrian and bicycle trails, scenic overlooks, and passive recreation areas that take advantage of coastal scenery. The expansion of water-dependent and water-enhanced recreation is the highest priority within the Town's waterfront area.

Among priority areas for increasing water-related recreation opportunities are those areas where access to the recreation opportunities of the coast can be provided by new or existing public transportation services and those areas where the use of the shore is severely restricted by highways, railroads, industry, or other forms of existing intensive land use or development. The Department of State, working with the Office of Parks, Recreation, and Historic Preservation and with local governments, will identify communities whose use of the shore has been so restricted and those sites shoreward of such developments which are suitable for recreation and can be made accessible. Priority shall be given to recreational development of such lands.

The siting or design of new public development in a manner which would result in a barrier to the recreational use of a major portion of a community's shore should be avoided as much as practicable.

Among the types of water dependent recreation, provision of adequate boating services to meet future demand is to be encouraged by this Program. The siting of boating facilities must be consistent with preservation and enhancement of other coastal resources and with their capacity to accommodate demand. The provision of new public boating facilities is essential in meeting this demand, but such

public actions should avoid competition with private boating development. Boating facilities will, as appropriate, include parking, park-like surroundings, toilet facilities, and pumpout facilities. Harbors of Refuge are particularly needed along Lake Erie and Lake Ontario. There is a need for a better positional pattern of boating facilities to correct problems of overused, insufficient, or improperly sited facilities.

Water-related off-road recreational vehicle use is an acceptable activity; provided no adverse environmental impacts occur. Where adverse environmental impact will occur, mitigating measures will be implemented, where practicable to minimize such adverse impacts. If acceptable mitigation is not practicable, prohibition of the use by off-road recreational vehicles will be posted and enforced. Ground water contamination presents a threat to Fire Island National Seashore water resources.

Several opportunities exist to increase passive recreation in the Hamlin waterfront area. These include adding nature interpretive kiosks at the NYS Department of Environmental Conservation's Sandy Creek boat launch site. Within the Hamlin Beach State Park, additional nature interpretive trails and facilities, in addition to The Lions Club's Nature trail, should be installed at Yanty Creek and the adjoining marsh.

(See Policies 1, 2, 9, 19, and 20 for further discussion of water-related recreation opportunities and associated development guidelines.

POLICY 22

Development, when located adjacent to the shore, will provide for water-related recreation, whenever such use is compatible with reasonably anticipated demand for such activities, and is compatible with the primary purpose of the development.

Explanation of Policy

Many developments present practical opportunities for providing recreation facilities as an additional use of the site or facility. Therefore, whenever developments are located adjacent to the shore they should to the fullest extent permitted by existing law provide for some form of water-related recreation use unless there are compelling reasons why any form of such recreation would not be compatible with the development, or a reasonable demand for public use cannot be foreseen.

The types of development which can generally provide water-related recreation as a multiple use include, but are not limited to:

- parks
- highways
- power plants
- utility transmission rights of way
- sewage treatment facilities
- mental health facilities*
- hospitals*
- prisons*
- schools, universities*
- military facilities*
- nature preserves*
- large residential subdivisions (50 units)
- shopping centers
- office buildings

* *The types of recreation uses likely to be compatible with these facilities are limited to the more passive forms, such as trails or fishing access. In some cases, land areas not directly or immediately needed by the facility could be used for recreation.*

Prior to taking action relative to any development, State agencies should consult with the State Office of Parks, Recreation, and Historic Preservation, and if there is an approved local waterfront program, with the municipality in which the development is to locate, to determine appropriate recreation uses. The agency should provide OPRHP and the municipality with the opportunity to participate in project planning.

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

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

Whenever a proposed development would be consistent with CMP policies and the development could, through the provision of recreation and other multiple uses, significantly increase public use of the shore, then such development should be encouraged to locate adjacent to the shore (this situation would generally only apply within the more developed portions of urban areas).

Certain types of waterfront development projects present practical opportunities for providing recreation facilities as an additional use of the site or facility. Therefore, whenever such projects are located adjacent to the shore, they should, to the fullest extent permitted by existing law, provide for some form of water-related recreation use, unless there are compelling reasons why any form of such recreation would not be compatible with the development, or a reasonable demand for public use cannot be foreseen.

Uses which are appropriate in the Town of Hamlin coastal area and which can provide opportunities for water-related recreation as a multiple use include: parks, existing utility transmission lines, sewage treatment facilities, schools, nature preserves, large scale residential and mixed-use projects, and maritime commercial uses.

Historic and Scenic Resources Policies

POLICY 23

Protect, enhance and restore structures, districts, areas or sites that are of significance in the history, architecture, archeology or culture of the state, its communities or the Nation.

Explanation of Policy

Among the most valuable of the State's man-made resources are those structures or areas which are of historic, archaeological, or cultural significance. The protection of these structures must involve a recognition of their importance by all agencies and the ability to identify and describe them. Protection must include concern not just with specific sites but with areas of significance, and with the area around specific sites. The policy is not to be construed as a passive mandate but must include active efforts, when appropriate, to restore or revitalize through adaptive reuse. While the program is concerned with the preservation of all such resources within the coastal boundary, it will actively promote the preservation of historic and cultural resources which have a coastal relationship.

The structures, districts, areas or sites that are of significance in the history, architecture, archaeology or culture of the State, its communities, or the Nation comprise the following resources:

- (a) A resource, which is in a federal or State park established, among other reasons, to protect and preserve the resource
- (b) A resource on, nominated to be on, or determined eligible to be on the National or State Registers of Historic Places
- (c) A resource on or nominated to be on the State Nature and Historic Preserve Trust
- (d) An archaeological resource which is on the State Department of Education's inventory of archaeological sites

- (e) A local landmark, park, or locally designated historic district which is located within the boundary of an approved local waterfront revitalization program
- (f) A resource that is a significant component of an Urban Cultural Park

All practicable means to protect structures, districts, areas or sites that are of significance in the history, architecture, archaeology or culture of the State, its communities or the Nation shall be deemed to include the consideration and adoption of any techniques, measures, or controls to prevent a significant adverse change to such significant structures, districts, areas or sites. A significant adverse change includes but is not limited to:

1. Alteration of or addition to one or more of the architectural, structural, ornamental or functional features of a building, structure, or site that is a recognized historic, cultural, or archaeological resource, or component thereof. Such features are defined as encompassing the style and general arrangement of the exterior of a structure and any original or historically significant interior features including type, color and texture of building materials, entry ways and doors, fenestration, lighting fixtures, roofing, sculpture and carving, steps, rails, fencing, windows, vents and other openings, grillwork, signs, canopies, and other appurtenant fixtures and, in addition, all buildings, structures, outbuildings, walks, fences, steps, topographical features, earthworks, paving and signs located on the designated resource property. (To the extent they are relevant, the Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" shall be adhered to.)
2. Demolition or removal in full or part of a building, structure, or earthworks that is a recognized historic, cultural, or archaeological resource or component thereof, to include all those features described in (a) above plus any other appurtenant fixtures associated with a building, structure or earthwork.
3. All proposed actions within 500 feet of the perimeter of the property boundary of the historic, architectural, cultural, or archaeological resource and all actions within an historic district that would be incompatible with the objective of preserving the quality and integrity of the resource. Primary considerations to be used in making judgment about compatibility should focus on the visual and location relationship between the proposed action and the special character of the historic, cultural, or archaeological resource. Compatibility between the proposed action and the resource means that the general appearance of the resource should be reflected in the architectural style, design material, scale, proportion, composition, mass, line, color, texture, detail, setback, landscaping and related items of the proposed actions. With historic districts, this would include infrastructure improvements or changes, such as street and sidewalk paving, street furniture and lighting.

This policy shall not be construed to prevent the construction, reconstruction, alteration, or demolition of any building, structure, earthworks, or component thereof of a recognized historic, cultural or archaeological resource which has been officially certified as being imminently dangerous to life or public health. Nor shall the policy be construed to prevent the ordinary maintenance, repair, or proper restoration according to the U.S. Department of Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" of any building, structure, site or earthwork, or component thereof of a recognized historic, cultural or archaeological resource which does not involve a significant adverse change to the resource, as defined above.

The Town of Hamlin coastal area contains several sites of local historical interest which are shown on Map 2 in the Inventory and Analysis. These include sites of schoolhouses, sawmills, a Civilian Conservation Corps camp which later became of WWII Prisoner of War Camp, the entire Troutburg Area, and various landing areas for Prohibition Era bootleggers. Unfortunately, the schoolhouses, sawmills and CCC camp have been dismantled or have burned down, leaving no physical structure which can be preserved. Whenever possible encourage development in these areas which would utilize, enhance, restore or draw attention to these sites.

There are, however, sites of archeological value where archaic Indian artifacts have been found. Archeological sites are located in Hamlin Beach State Park, south of Priem Road on Sandy Creek, and south of Devils Nose at Cook Road. Given the possibility of archeologically significant sites within the waterfront area, prior to any ground disturbing activities, public agencies shall contact the NYS Office of Parks, Recreation and Historic Preservation to determine the appropriate protective measures which

will be incorporated into development decisions. Staff from the Rochester Museum and Science Center will also conduct archeological investigations prior to development being permitted.

POLICY 24

Prevent impairment of scenic resources of statewide significance.

Explanation of Policy:

The NYS Secretary of State has not yet identified scenic resources of statewide significance in the Town of Hamlin Waterfront Revitalization Area. If such resources are identified, they will be protected from any impairment.

The Coastal Management Program will identify on the coastal area map scenic resources of statewide significance. The following general criteria will be combined to determine significance:

Quality	<p>The basic elements of design (i.e., two-dimensional line, three-dimensional form, texture and color) combine to create all high quality landscapes. The water, landforms, and human-made components of scenic coastal landscapes exhibit variety of line, form, texture and color. This variety is not, however, so great as to be chaotic. Scenic coastal landscapes also exhibit unity of components. This unity is not, however, so complete as to be monotonous. Example: the Thousand Islands where the mix of water, land, vegetative and human-made components creates interesting variety, while the organization of these same components creates satisfying unity.</p> <p>Often, high quality landscapes contain striking contrasts between lines, forms, textures and colors. Example: A waterfall where horizontal and vertical lines and smooth and turbulent textures meet in dramatic juxtaposition.</p>
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Finally, high quality landscapes are generally free of discordant features, such as structures or other elements which are inappropriate in terms of siting, form, scale, and/or materials.

Uniqueness	The uniqueness of high quality landscapes is determined by the frequency of occurrence of similar resources in a region of the State or beyond.
Public Accessibility	A scenic resource of significance must be visually and, where appropriate, physically accessible to the public.
Public Recognition	Widespread recognition of a scenic resource is not a characteristic intrinsic to the resource. It does, however, demonstrate people's appreciation of the resource for its visual, as well as evocative, qualities. Public recognition serves to reinforce analytic conclusions about the significance of a resource.

When considering a proposed action, agencies shall first determine whether the action could affect a scenic resource of statewide significance. This determination would involve: 1) a review of the coastal area map to ascertain if it shows an identified scenic resources which could be affected by the proposed action, and 2) a review of the types of activities proposed to determine if they would be likely to impair the scenic beauty of an identified resource. Impairment will include: (i) the irreversible modification of geologic forms; the destruction or removal of vegetation; the modification, destruction, or removal of structures, whenever the geologic forms, vegetation or structures are significant to the scenic quality of an identified resource; and (ii) the addition of structures which because of siting or scale will reduce identified views or which because of scale, form, or materials will diminish the scenic quality of an identified resource.

The following siting and facility-related guidelines are to be used to achieve this policy, recognizing that each development situation is unique and that the guidelines will have to be applied accordingly. Guidelines include:

1. siting structures and other development such as highways, power lines, and signs, back from shorelines or in other inconspicuous locations to maintain the attractive quality of the shoreline and to retain views to and from the shore;
2. clustering or orienting structures to retain views, save open space and provide visual organization to a development;
3. incorporating sound, existing structures (especially historic buildings) into the overall development scheme;
4. removing deteriorated and/or degrading elements;
5. maintaining or restoring the original land form, except when changes screen unattractive elements and/or add appropriate interest;
6. maintaining or adding vegetation to provide interest, encourage the presence of wildlife, blend structures into the site, and obscure unattractive elements, except when selective clearing removes unsightly, diseased or hazardous vegetation and when selective clearing creates views of coastal waters;
7. using appropriate materials, in addition to vegetation, to screen unattractive elements;

8. using appropriate scales, forms and materials to ensure that buildings and other structures are in keeping with context.

POLICY 25

Protect, restore or enhance natural and man-made resources which are not identified as being of statewide significance, but which contribute to the overall scenic quality of the coastal area.

Explanation of Policy

When considering a proposed action which would not affect a scenic resource of statewide significance, agencies shall ensure that the action would be undertaken so as to protect, restore or enhance the overall scenic quality of the coastal area. Activities which could impair or further degrade scenic quality are the same as those cited under the previous policy, i.e., modification of natural landforms, removal of vegetation, etc. However, the effects of these activities would not be considered as serious for the general coastal area as for significant scenic areas.

The siting and design guidelines listed under the previous policy should be considered for proposed actions in the general coastal area. More emphasis may need to be placed on removal of existing elements, especially those which degrade, and on addition of new elements or other changes which enhance. Removal of vegetation at key points to improve visual access to coastal waters is one such change which might be expected to enhance scenic quality.

POLICY 26

Conserve and protect agricultural lands in the State's coastal area.

Explanation of Policy

The first step in conserving agricultural lands is the identification of such lands. The Department of State is mapping all important agricultural lands within the State's coastal area. The following criteria have been used to prepare the maps, and the mapped information will be incorporated in the New York State Coastal Resources Inventory and on the Coastal Area Map.

Land meeting any of the following criteria is being mapped .

1. Land which meet the definition of the U.S. Department of Agriculture as being prime farmland, unique farmland, or farmland of statewide importance.
 - a. Prime farmland is defined by USDA Soil Conservation Service in CRF #7 Agriculture Part 657.5(a), January 1979. A list of the soil associations that meet this definition has been prepared for each coastal county.

- b. Unique farmland is defined by USDASCS in CRF #7 Agriculture Part 657.5(b). In the coastal area of New York all fruit and vegetable farming meets the terms of the definition.
 - c. Farmland of Statewide importance is defined by USDASCS in CRF #7 Agriculture Part 656.5(c). Lists of soil associations which constitute farmland of statewide importance have been prepared for each coastal county.
2. Active farmland within Agricultural Districts. The maps of each Agricultural District show land committed by farmers. This is the land that will be mapped as active farmland. The district boundary will also be shown.
3. Areas identified as having high economic viability for farming. Any farm not identified above in 1 and/or 2, and which is located in an area identified as having "high viability" on the map entitled "Economic Viability of Farm Areas" prepared by the Office of Planning Coordination in May, 1969. This would be the basis for initial identification of areas having high economic viability for farming. Areas will be added and/or deleted based on comments from the agricultural community.
4. Areas adjacent to land identified above in 1, when are being farmed and are part of a farm with identified important agricultural lands.
5. Prime farmland, unique farmland, and farmland of statewide significance will not be identified as important agricultural land whenever it occurs as parcels of land less than 25 acres in size and these small parcels are not within a mile of areas of active farming.

Given the Program's application to a narrow strip of land, implementing a policy of promoting agricultural use of land must, to be practical, concentrate on controlling the replacement of agricultural land uses with non-agricultural land use as the result of some public action. The many other factors such as markets, taxes, and regulations, which influence the viability of agriculture in a given area, can only be addressed on a Statewide or national basis.

The Program policy requires a concern for the loss of any important agricultural land. However, the primary concern must be with the loss of agricultural land when that loss would have a significant effect on an agricultural area's ability to continue to exist, to prosper, and even to expand. A series of determinations are necessary to establish whether a public action is consistent with the conservation and protection of agricultural lands, or whether it is likely to be harmful to the health of an agricultural area. In brief, these determinations are as follows: First, it must be determined whether a proposed public action would result in the loss of important agricultural lands as mapped in on the Coastal Inventory. If it would not result, either directly or indirectly, in the loss of identified important agricultural lands, then the action is consistent with the policy on agriculture. If it is determined that the action would result in a loss of identified important agricultural lands, but that loss would not have an adverse effect of the viability of agriculture in the surrounding area, then the action may also be consistent with this policy. However, in that case, the action must be undertaken in a manner that would minimize the loss of important farmland. If the action is determined to result in a significant loss of important agricultural land, that is if the loss is to a degree sufficient to adversely affect surrounding agriculture's viability -- its ability to continue to exist, to prosper, and even to expand -- then the action is not consistent with this agriculture policy.

The following guidelines define more fully what must be considered in making the above determinations:

- A. A public action would be likely to significantly impair the viability of an agricultural area in which identified important agricultural lands are located if:
1. The action would occur on identified important agricultural land and would:
 - (a) Consume more than 10% of the land of an active farm containing such identified important agricultural lands
 - (b) Consume a total of 100 acres or more of identified important agricultural land, or
 - (c) Divide an active farm with identified important agricultural land into two or more parts, thus impeding efficient farm operation
 2. The action would result in environmental changes which may reduce the productivity or adversely affect the quality of the product of any identified important agricultural lands.
 3. The action would create real estate market conditions favorable to the conversion of large areas of identified important agricultural land to non-agricultural uses. Such conditions may be created by:
 - (a) Public water or sewer facilities to serve non-farm structures.
 - (b) Transportation, improvements, except for maintenance of, and safety improvements to, existing facilities that serve non-farm or non-farm related development
 - (c) Major non-agribusiness commercial development adjacent to identified agricultural lands
 - (d) Major public institutions
 - (e) Residential uses other than farm dwellings
 - (f) Any change in land use regulations applying to agricultural land which would encourage or allow uses incompatible with the agricultural use of the land
- B. The following types of facilities and activities should not be construed as having adverse effects on the preservation of agricultural land:
1. Farm dwellings, barns, silos, and other accessory uses and structures incidental to agricultural production or necessary for farm family supplemental income.
 2. Agribusiness development, which includes the entire structure of local support services and commercial enterprises necessary to maintain an agricultural operation, e.g., milk hauler, grain dealer, farm machinery dealer, veterinarian, food processing plants.
- C. In determining whether an action that would result in the loss of farmland is of overriding regional or statewide benefit, the following factors should be considered:

1. For an action to be considered overriding, it must be shown to provide significantly greater benefits to the region or State than are provided by the affected agricultural area (not merely the land directly affected by the action). In determining the benefits of the affected agriculture to the region or State, consideration must be given to its social and cultural value, its economic viability, its environmental benefits, its existing and potential contribution to food or fiber production in the State and any State food policy, as well as its direct economic benefits.
 - a An agricultural area is an area predominantly in farming and in which the farms produce similar products and/or rely on the same agribusiness support services and are to be a significant degree economically interdependent. At a minimum, this area should consist of at least 500 acres of identified important agriculture land. For the purpose of analyzing impacts of any action on agriculture, the boundary of such area need not be restricted to land within the coastal boundary. If the affected agricultural lands lie within an agricultural district then, at a minimum, the agricultural area should include the entire agricultural district.
 - b In determining the benefits of an agricultural area, its relationship to agricultural lands outside the area should also be considered.
 - c The estimate of the economic viability of the affected agricultural area should be based on an assessment of:
 - i soil resources, topography, conditions of climate and water resources
 - ii availability of agribusiness and other support services, and the level and condition of investments in farm real estate, livestock and equipment
 - iii the level of farming skills as evidenced by income obtained, yield estimates for crops, and costs being experienced with the present types and conditions of buildings, equipment, and cropland
 - iv use of new technology and the rates at which new technology is adopted
 - v competition from substitute products and other farming regions and trends in total demand for given products
 - vi patterns of farm ownership for their effect on farm efficiency and the likelihood that farms will remain in use
 - d The estimate of the social and cultural value of farming in the area should be based on an analysis of:
 - i the history of farming in the area
 - ii the length of time farms have remained in one family

- iii the degree to which farmers in the area share a cultural or ethnic heritage
- iv the extent to which products are sold and consumed locally
- v the degree to which a specific crop(s) has become identified with a community
- e An estimate of the environmental benefits of the affected agriculture should be based on analysis of:
 - i the extent to which the affected agriculture as currently practiced provides a habitat or food for wildlife
 - ii the extent to which a farm landscape adds to the visual quality of an area
 - iii any regional or local open space plans, and degree to which the open space contributes to air quality
 - iv the degree to which the affected agriculture does, or could, contribute to the establishment of a clear edge between rural and urban development

D. Whenever a proposed action is determined to have an insignificant adverse effect on identified important agricultural land or whenever it is permitted to substantially hinder the achievement of the policy according to DOS regulations, Part 600, or as a result of the findings of an EIS, then the required minimization should be undertaken in the following manner:

1. The proposed action shall, to the extent practicable, be sited on any land not identified as important agricultural, or, if it must be sited on identified important agricultural land, sited to avoid classes of agricultural land according to the following priority:

- (a) prime farmland in orchards or vineyards
- (b) unique farmland in orchard or vineyards
- (c) other prime farm land in active farming
- (d) other unique farmland
- (e) farmland of Statewide importance in active farming.
- (f) active farmland identified as having high economic viability
- (g) prime farmland not being farmed
- (h) farmland of Statewide importance not being farmed

2. To the extent practicable, agricultural use of identified important agricultural land not directly necessary for the operation of the proposed non-agricultural action should be provided for through such means as lease arrangements with farmers, direct undertaking of agriculture, or sale of surplus land to farmers. Agricultural use of such land shall have priority over any other proposed multiple use of the land.

Energy and Ice Management Policies

POLICY 27

Decisions on siting and construction of major energy facilities in the coastal area will be based on public energy needs, compatibility of such facilities with the environment, and the facility's need for a shorefront location.

Explanation of Policy

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

A determination of public need for energy is the first step in the process for siting any new facilities. The directives for determining this need are set forth in the New York State Energy Law. With respect to transmission lines and the siting of major electric generating facilities, Articles VII and X of the State's Public Service Law require additional forecasts and establish the basis for determining the compatibility of these facilities with the environment and the necessity for providing additional electric capacity. The policies derived from these proceedings are entirely consistent with the general coastal policies derived from other laws, particularly the regulations promulgated pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. The Act is used for the purposes of ensuring consistency with the State Coastal Management Program and this local Waterfront Revitalization Program.

In consultation with the Town of Hamlin, the Department of State will present testimony for the record during relevant certification proceedings under Articles VII and X of the Public Service Law when appropriate; and use the State SEQR and DOS regulations to ensure that decisions regarding other proposed energy facilities (not subject to Articles VII and X of the Public Service Law) that would affect the coastal area are consistent with coastal policies and those of this Local Waterfront Revitalization Program.

The coastal area of the Town of Hamlin contains valuable resources, including fish and wildlife habitats of statewide significance, regulated freshwater wetlands, natural protective features (including structural hazard areas), extensive State recreation facilities, agricultural districts, and scenic and archeological areas. These resources would be irreparably damaged by development of energy facilities, making the Town of Hamlin coastal area unsuitable for this purpose.

(See Policies 1, 2, 5, 7, 12, 15, 19, 25, 26, 30, 35, 37, 44.)

POLICY 28

Ice management practices shall not interfere with the production of hydroelectric power, damage significant fish and wildlife and their habitats, or increase shoreline erosion or flooding.

Explanation of Policy

Prior to undertaking any actions required for ice management, an assessment must be made of the potential effects of such activities upon the production of hydroelectric power, fish and wildlife and their habitats, flood levels and damage, rates of shoreline erosion damage and upon natural protective features.

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

(See Policies 7, 11, 12, 14, 37, 44.)

POLICY 29

The development of offshore uses and resources, including renewable energy resources, shall accommodate New York's long-standing ocean and Great Lakes industries, such as commercial and recreational fishing and maritime commerce, and the ecological functions of habitats important to New York.

Explanation of Policy

The science of ecosystem connections between the coastal zone and offshore areas is increasingly better understood. The offshore environment is an ongoing focus of policy development at national, regional, and state levels. Within this context, New York seeks to accommodate longstanding offshore industries, such as commercial

and recreational fishing and maritime commerce, while at the same time ensuring the ecological functioning of habitats important to New York, as the State considers the need for new offshore resource development and uses to occur.

While New York State has jurisdiction in its offshore waters, matters pertaining to the OCS are under the jurisdiction of the federal government. However, offshore resource development and other uses on the OCS may affect coastal resources and uses important to New York. Consequently, the Department of State actively participates in OCS planning and decision-making processes pursuant to the federal Outer Continental Shelf Lands Act and the Deepwater Port Act, among other federal statutes, and reviews and voices the State's concerns about federal OCS activities, licenses, permits, lease sales, plans, and other uses and activities. The federal government increasingly has invited State participation in offshore planning and decision-making processes. New York will continue to review and analyze federal licensing and permitting activities for federal consistency, including activities in offshore areas outside New York's coastal zone. Proponents of offshore activities should use available offshore data to identify and reduce the potential effects on New York's coastal resources, activities and uses. Project proponents should consider the compatibility with, and seek to accommodate, the existing presence of resources, activities and uses that are important to the coastal area of New York State.

In addition to the development of energy resources and the siting of energy facilities, offshore uses of particular concern to New York State because of their potential effects on State coastal uses and resources include, but are not limited to: fisheries management; aquaculture; sand and gravel mining; military readiness training and related exercises; changes or upgrades to established navigation patterns and infrastructure, including the re-routing of existing navigation lanes and the location, placement or removal of navigation devices which are not part of the routine operations under the Aids to Navigation (ATON) program; permits for deepwater ports; the identification of interim or permanent open-water dredged material disposal sites; the intentional submergence of vessels and other structures, including for the purpose of creating artificial reefs; the creation of human-made islands, tidal barriers, or the installation of other fixed structures; scientific research activities; and exploration and identification of potential resources for extraction, such as biopharmaceutical products.

In its review of proposed activities, licenses, permits, lease sales and plans in the Atlantic OCS and New York State coastal waters, the Department of State works with state and federal agencies to considers a number of factors, including but not limited to: the potential effects upon maritime traffic, including navigational safety leading into and from New York's ports; the potential for increased port development and economic activity; aspects of national security; the effects on important finfish, crustaceans, shellfish, seabirds, marine mammals, and other wildlife populations and their spawning, wintering, and foraging habitats and migrating corridors; impacts on biological communities and biodiversity; ecological functioning of ecosystems; economic and other effects upon commercial and recreational fishing activities; impacts upon tourism and public recreational resources and opportunities along the coasts and offshore; the potential for geo-hazards; water quality; and overall effects on the resilience of New York's coastal uses and resources.

Of special significance, New York State recognizes the need to develop energy resources, particularly those that contribute to achieving the State's energy goals, including greenhouse gas reduction. It also recognizes that any energy development may have reasonably foreseeable effects on existing coastal uses and resources. Among the various energy resources under consideration for development are those which may be found in offshore waters within the state's territorial limit or the Atlantic Outer Continental Shelf (OCS). There are currently no active

licenses, permits, lease sales or plans for oil and gas exploration or production in the waters offshore New York State.

The State encourages the responsible development of renewable energy resources. Wind, wave, tidal, and water current resources located offshore New York are an increasing focus of development interest, which may continue to grow as projects become more technologically feasible. Offshore renewable wind energy development is a use which depends on the utilization of resources found in coastal waters. The State recognizes offshore projects directly interconnected to the New York electrical grid as qualifying for eligibility as a dependent use at the same level as though the facility were located within the state.

Water and Air Resources Policies

POLICY 30

Municipal, industrial and commercial discharge of pollutants, including, but not limited to toxic and hazardous substances, into coastal waters will conform to state and national water quality standards.

Explanation of Policy

Municipal, industrial, and commercial discharges include not only end-of-the-pipe discharges into surface and groundwater, but also plant site runoff, leaching spillage's, sludge and other waste disposal, and drainage from raw material storage sites. Also, the regulated industrial discharges are both those which directly empty into receiving coastal waters and those which pass through municipal treatment systems before reaching the State's waterways.

POLICY 31

State coastal area policies and management objectives of approved Local Waterfront Revitalization Programs will be considered while reviewing coastal water classifications and while modifying water quality standards; however, those waters already overburdened with contaminants will be recognized as being a development constraint.

Explanation of Policy

Pursuant to the Federal Clean Water Act of 1977 (PL 95-217), the State has classified its coastal and other waters in accordance with consideration of best usage in the interest of the public and has adopted water quality standards for each class of waters. These classifications and standards are reviewable at least every three years for possible revision or amendment. Local Waterfront Revitalization Programs and State coastal management policies shall be factored into the review process for coastal waters. However, such consideration shall not affect any water pollution control requirement established by the State pursuant to the Federal Clean Water Act.

As stated in the Inventory and Analysis, tributaries of Sandy Creek, both east and west branches, have various classifications from B to C. This range of classifications is appropriate given the land and water uses associated with Sandy Creek and its tributaries.

It is also anticipated that water quality in the Town of Hamlin coastal area will improve as a result of implementation of the Rochester Embayment Plan. When this plan is complete, it will be reviewed for incorporation into the Town of Hamlin Local Waterfront Revitalization Program.

POLICY 32

Encourage the use of alternative or innovative sanitary waste systems in small communities where the costs of conventional facilities are unreasonably high given the size of the existing tax base of these communities.

Explanation of Policy

Alternative systems include individual septic tanks and other subsurface disposal systems, dual systems serving clusters of households or commercial uses, and pressure or vacuum sewers. These types of systems are often more cost effective in smaller, less densely populated communities for which conventional facilities are too expensive.

There is no public sewer system within the Town's waterfront area. All waste disposal systems are privately owned on-site septic tanks which are under the jurisdiction of the Monroe County Department of Health. Such sanitary systems are potential sources of ground and surface water pollution. The Town, which lacks the authority to approve innovative systems, will urge the County to explore suitable alternative systems for Hamlin.

(See Policies 5 and 26A.)

POLICY 33

Best management practices will be used to ensure the control of stormwater runoff and combined sewer overflows draining into coastal waters.

Explanation of Policy

Best management practices include both structural and non-structural methods of preventing or mitigating pollution caused by the discharge of stormwater runoff and combined sewer overflows. At present, structural approaches to controlling stormwater runoff (e.g., construction of retention basins) and combined sewer overflows (e.g., replacement of combined system with separate sanitary and stormwater collection systems) are not economically feasible. Proposed amendments to the Clean Water Act, however, will authorize funding to address combined sewer overflows in areas where they create severe water quality impacts. Until funding for such projects becomes available, non-structural approaches (e.g., improved street cleaning, reduced use of road salt) will be encouraged.

POLICY 34

Discharges of waste materials into coastal waters from vessels subject to State jurisdiction will be limited so as to protect significant fish and wildlife habitat, recreational areas and water supply areas.

Explanation of Policy

All untreated sanitary waste from vessels is prohibited from being discharged into the State's coastal waters. Where coastal resources or activities require greater protection than afforded by this requirement, the State may designate vessel waste no discharge zones. Within these no discharge

zones, the discharge of all vessel waste, whether treated or not, is prohibited. A determination from the federal Environmental Protection Agency (EPA) that an adequate number of vessel waste pump out stations exist is necessary before the State can designate a no discharge zone. The State prepared a Clean Vessel Act Plan which identifies the coastal waters for which no discharge zones are needed and the number of vessel waste pump outs required to obtain the determination from the EPA.

Pump-out facilities are required: 1) at new public and private marinas, which provide dockage or moorings for boats equipped with marine sanitation devices; or 2) when an existing public or private marina is expanding which serves boats defined in 1) above. Pumpout facilities shall be adequate to handle the entire marina. Installation of pumpout service at the State boat launch facilities at Hamlin Beach State Park should be considered if these facilities are expanded to handle boats as defined above.

The discharge of garbage, rubbish and other solid waste materials from watercraft and marinas into the State's waters is regulated by State Law. Priority will be given to the enforcement of this law in areas

where pollutants concentrate and cannot be adequately "flushed" and where significant habitats,

beaches, and public water supply intakes are present. The dumping of oil, refuse, sewage and garbage in all Town waters is prohibited.

(See Policies 1, 2, 7, 30, 31, 44.)

POLICY 35

Dredging and filling in coastal waters and disposal of dredged material will be undertaken in a manner that meets existing State permit requirements, and protects significant fish and wildlife habitats, scenic resources, natural protective features, important agricultural lands, and wetlands.

Explanation of Policy

Dredging, filling, and dredge material disposal are activities that are needed for waterfront revitalization and development, such as maintaining navigation channels at sufficient depth, pollutant removal, and other coastal management needs. Such projects, however, may adversely affect water quality, fish and wildlife habitats, wetlands, and other important coastal resources. Often, these adverse effects can be minimized through careful design and timing of the dredging or filling activities, proper siting of dredged material disposal sites, and the beneficial use of dredged material. Such projects shall only be permitted if they satisfactorily demonstrate that these anticipated adverse effects have been reduced to levels which are consistent with the policies pertaining to the protection and use of coastal resources (See policies 7, 15, 19, 20, 24, 26, and 44)

In order to prevent adverse impacts on surface or groundwater quality, aquatic and upland habitats, historic or archeological resources, visual quality or navigation, the following guidelines shall be used in managing dredging and excavation activities in the Town of Hamlin:

1. The design of marinas and yacht clubs shall minimize the need to dredge. The size and draft of boats to be accommodated by marinas or dockage in Sandy Creek shall be determined by the depth, configuration and capacity of Sandy Creek.
2. In the case of excavated marinas, the impact on groundwater levels in adjacent upland areas will be taken into consideration. Also, excavated material should not be allowed to enter adjacent water bodies.

(See Policies 1, 2, 7, 11, 15, 37, 44.)

POLICY 36

Activities related to the shipment and storage of petroleum and other hazardous materials will be conducted in a manner that will prevent or at least minimize spills into coastal waters; all practicable efforts will be undertaken to expedite the cleanup of such discharges; and restitution for damages will be required when these spills occur.

Explanation of Policy

See Policy 39 for definitions of hazardous materials.

This policy pertains to the concern of the State of New York over possible spills and contamination from petroleum and other hazardous materials as defined in Policy 39. Commercial or industrial uses, which would involve the manufacture, storage or shipment of petroleum or hazardous wastes, are prohibited within 1000 feet of any waterbody within the Hamlin waterfront area. An exception is made for the storage and sale of marine fuel; however, handling of all marine fuels shall comply with the standards contained in the NYS Environmental Conservation Law.

POLICY 37

Best management practices will be utilized to minimize the non-point discharge of excess nutrients, organics and eroded soils into coastal waters.

Explanation of Policy

Best management practices used to reduce nonpoint sources of pollution could include, but are not limited to, encouraging organic farming, conservative use of road salts, and soil erosion control practices. The guidelines which follow concentrate on controlling soil erosion.

Non-point discharge of eroded soils into the coastal waters of the Town of Hamlin is most likely to occur along Sandy Creek, Yanty Creek, Brush Creek, Cowsucker Creek, the Lake Ontario shoreline, and around wetlands designated on the official Town of Hamlin Wetlands Map. Development along these waterbodies and wetlands could increase erosion unless proper erosion control measures are taken during construction and are incorporated into the final project design.

Development proposals in these areas will be required to include erosion control plans which incorporate the following requirements:

1. Natural drainage systems include such elements as drainage swales and stream channels, major depressions (ponds, lakes), wetlands and floodplains. These systems shall be altered to the

minimum extent necessary so that their ability to accommodate storm water runoff and flood waters is preserved.

2. When necessary, alterations of natural drainage systems shall be done in a manner such that the volume and velocity of runoff from a site after development approximates predevelopment runoff characteristics. However, if the site is adjacent to wetlands and coastal waters, storm water shall be contained on-site to the maximum extent practicable to prevent direct discharge of runoff into these wetlands and waters.
3. In the design of a site, the extent of impermeable surfaces (roadways, parking lots, etc.) shall be minimized and porous surfaces maximized.
4. Adjacent to wetlands and waterbodies, a natural vegetative buffer of one hundred (100) feet shall be retained to absorb floodwaters, maintain shoreline stability, trap eroded soil, protect water quality, and protect fish and wildlife habitats. Visible siltation shall be confined to a strip, which comprises no more than twenty-five percent (25 %) of the buffer area nearest the land disturbing activity.
5. New structures, except water-dependent uses, bridges and fishing access parking areas, shall not be sited within twenty-five (25) feet of the bank of a stream.
6. Trails and walking paths along waterbodies shall be sited and constructed so they are not a source of sediment.
7. In addition to the buffer areas mentioned above, existing vegetation shall be retained wherever possible. When vegetation must be removed, stripping and grading shall be undertaken so that the amount of time that disturbed ground surfaces are exposed to the energy of rainfall and runoff water is limited. Disturbed soils shall be stabilized and revegetated or seeded as soon as practicable. During the interim, temporary erosion protection measures, such as retention ponds, recharge basins, berming, silt traps, mulching, bailing and use of fibrous coverings, shall be used to ensure that erosion is minimized.
8. Grading and filling shall be minimized. Newly created land features shall conform with the adjacent natural topography. Fill shall be compacted at a final angle of repose so as to provide stability for the material and prevent settling.
9. Where natural drainage patterns are demonstrated to be adversely affecting a natural protective feature (see Policy 12), drainage patterns may be altered in a manner which reduces the threat to the natural protective feature and does not create other flooding or erosion problems.
10. In no case shall storm water be diverted to another property either during site preparation or after development, unless through an approved drainage easement or system.

(See Policies 1, 2, 5, 7, 17, 33, 44.)

POLICY 38

The quality and quantity of surface water and groundwater supplies will be conserved and protected, particularly where such waters constitute the primary or sole source of water supply.

Explanation of Policy

Surface and groundwater are the principal sources of drinking water in the State, and therefore must be protected. Since Long Island's groundwater supply has been designated a "primary source aquifer," all actions must be reviewed relative to their impacts on Long Island's groundwater aquifers.

Most of the housing units within the Hamlin Lake Ontario shoreline north of the parkway are serviced with public water from the Monroe County Water works. (This distribution system also services Hamlin Beach State Park.)

Only a few residences are supplied by private wells. Tests performed periodically by the Monroe County Health Department are used to certify the quality of these wells. Densities shall be maintained to reduce the likelihood of groundwater contamination from septic system leachate. In addition, septic systems shall be located only on soils which can safely filter effluent, in accordance with regulations of the Monroe County Department of Health. (See the discussions of soil classifications and limitations in the Inventory and Analysis.)

(See Policies 1, 5, 7, 30.)

POLICY 39

The transport, storage, treatment and disposal of solid wastes, particularly hazardous wastes, within coastal areas will be conducted in such a manner so as to protect groundwater and surface water supplies, significant fish and wildlife habitats, recreation areas, important agricultural lands and scenic resources.

Explanation of Policy

The definitions of the terms "solid waste" and "solid waste management facilities" are taken from New York's Solid Waste Management Act (Environmental Conservation law, Article 27). Solid wastes include sludges from air or water pollution control facilities, demolition and construction debris, and industrial and commercial wastes.

Hazardous wastes are unwanted by-products of manufacturing processes generally characterized as being flammable, corrosive, reactive, or toxic. More specifically, hazardous waste is defined in Environmental Conservation law (Section 27-0901 (3)) as "waste or combination wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may:

(1) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or

(2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed or otherwise managed." A list of hazardous wastes is contained in 6 NYCRR 371.

There is currently no transport, storage, treatment and disposal of solid wastes, particularly hazardous wastes, within the Town of Hamlin's LWRP area which would cause any damage to groundwater and surface water supplies, significant fish and wildlife habitats, recreation areas, important agricultural lands and scenic resources. Such storage, treatment, and disposal uses shall not be permitted in the waterfront area.

Solid waste collection and disposal of household generated refuse is through individual contract with a private contractor. There are no solid waste disposal facilities located within the Town of Hamlin.

Ultimate disposal of refuse is provided by Orleans Sanitary landfill in Orleans County.

This collection and disposal system is adequate for the number of year-round housing units within the Hamlin LWRP area and is consistent with the required NYSDEC Part 360 guidelines and regulations of solid waste.

POLICY 40

Effluent discharged from major steam electric generating and industrial facilities into coastal waters will not be unduly injurious to fish and wildlife and shall conform to state water quality standards.

Explanation of Policy

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

Land immediately adjacent to coastal waters in the Town of Hamlin is unsuitable for construction of major steam generating and industrial facilities due to the siting constraints, such as the Lake Ontario State Parkway, the Hamlin Beach State Park, and natural features such as wetlands, bluffs and flood hazard areas. For these reasons, steam generating facilities are inappropriate in the Hamlin coastal area.

Major industrial facilities that would produce thermal discharge shall not be located in the coastal area. (See Policies 1, 2, 7, 8, 9, 11, 12, 19, 20, 21 and 44.)

POLICY 41

Land use or development in the coastal area will not cause national or state air quality standards to be violated.

Explanation of Policy

To the extent possible, the State Implementation Plan will be consistent with coastal lands and water use policies. Conversely, coastal management guidelines and program decisions with regard to water use and any recommendations with regard to specific sites for major new or expanded industrial, energy, transportation, or commercial facilities will reflect an assessment of their compliance with the air quality requirements of the State Implementation Plan.

The Department of Environmental Conservation will allocate substantial resources to develop a regulatory and management program to identify and eliminate toxic discharges into the atmosphere. The State's Coastal Management Program will assist in coordinating major toxic control programming efforts in the coastal regions and in supporting research on the multi-media nature of toxics and their economic and environmental effects on coastal resources

The Town of Hamlin's LWRP incorporates the air quality policies and programs developed for the State by the Department of Environmental Conservation pursuant to the Clean Air Act and State laws on air quality. The requirements of the Clean Air Act are the minimum air quality control requirements applicable within the coastal area.

POLICY 42

Coastal management policies will be considered if the state reclassifies land areas pursuant to the prevention of significant deterioration regions of the Federal Clean Air Act.

Explanation of Policy

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

POLICY 43

Land use or development in the coastal area must not cause the generation of significant amounts of acid rain precursors: nitrates and sulfates.

Explanation of Policy

The Town's LWRP incorporates the State's policies on acid rain. As such, the LWRP will assist the State's efforts to control acid rain. Those efforts to control acid rain will enhance the continued viability of coastal fisheries, wildlife, agricultural, scenic and water resources.

POLICY 44

Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas.

Explanation of Policy

Tidal wetlands include the following ecological zones: coastal fresh marsh, intertidal marsh, coastal shoals, bars and flats, littoral zone, high marsh or salt meadow, and formerly connected tidal wetlands. These tidal wetland areas are officially delineated on the Department of Environmental Conservation's Tidal Wetlands Inventory Map.

Freshwater wetlands include marshes, swamps, bogs, and flats supporting aquatic and semi-aquatic vegetation and other wetlands so defined in the New York State Freshwater Wetlands Act and the New York State Protection of Waters Act. DEC has designated seven freshwater wetlands in the Town of Hamlin coastal area. (See Map 6.)

In evaluating development proposals within or adjacent to these freshwater wetlands, the following standards and criteria shall be applied:

1. Storm water runoff shall not be directly discharged into wetlands, nor shall pollutants of any type be discharged into wetlands.
2. All wetland vegetation, including that within the 100 feet buffer area, shall be maintained to the greatest extent practicable. Dredging, site construction, or any development activity should not disturb wetlands either by direct removal of vegetation or substrate, by the alteration of adjacent slopes that would undermine the stability of the substrate, or by filling or dumping of any material, either directly or indirectly.

Town of Hamlin Local Waterfront Revitalization Program

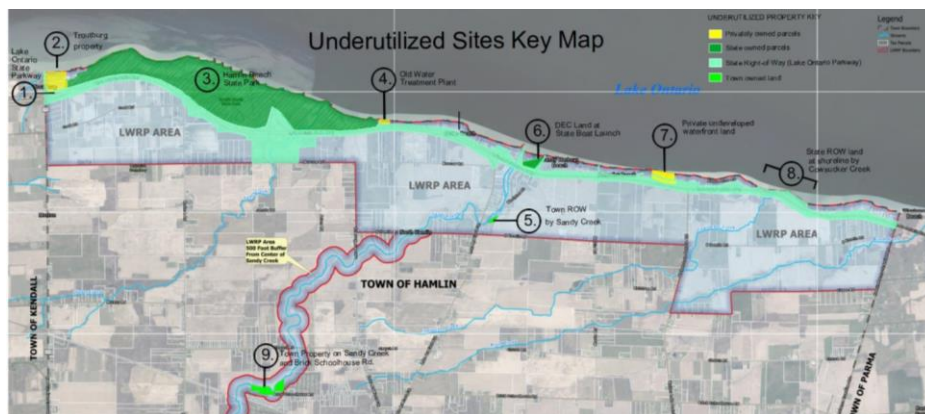
3. Subsurface sediments shall be maintained to provide structural support for the soils of the wetlands.
4. The elevation of the wetland shall not be altered.
5. If bulkheading is required for filled land or for soil stabilization adjacent to a wetland, the bulkhead should be located upland from the wetland. Bulkheads should not block the surface and subsurface flow of freshwater to the wetland.
6. No material shall be deposited onto a wetland.
7. No part of a septic system shall be located within one-hundred-fifty (150) feet of a wetland.
8. Access from uplands through wetlands to reach open waters should be above the wetlands on piers of sufficient height to allow light penetration and the movement of waters.

(See Policies 7,11, 13, 14, 19, 21, 33, 35, 37.)

SECTION IV: PROPOSED LAND AND WATER USES AND PROJECTS

In response to the inventory and analysis, and specifically the publicly identified issues, concerns and opportunities within the WRA, the following projects are proposed to address the economic development and flooding/drainage issues of the Hamlin waterfront community.

No.	Project Name	Cost	Priority
1	MASTER PLAN AND DRAINAGE STUDY OF THE LAKE ONTARIO STATE PARKWAY	\$400,000	High
2	TROUTBURG REDEVELOPMENT	\$15,000,000	Medium
3	PLANNING AND PROGRAMMING AT HAMLIN BEACH STATE PARK	\$150,000	High
4	OLD WATER TREATMENT PLANT REDEVELOPMENT	\$2,000,000	High
5	FISHING ACCESS AT WESTPHAL DRIVE	\$250,000	Low
6	STATE BOAT LAUNCH AT SANDY CREEK- IMPROVEMENTS AND ADDITION OF ADJACENT STATE DOT PROPERTY	\$4,500,000	High
7	ACQUISITION AND PLANNING FOR UNDEVELOPED WATERFRONT LAND AT GREENWOOD DRIVE	\$750,000	Low
8	PUBLIC ACCESS AND LOOKOUT IN PARKWAY ROW BY COWSUCKER CREEK OUTLET	\$1,500,000	Medium
9	TOWN PROPERTY AT BRICK SCHOOLHOUSE RD AND SANDY CREEK	\$150,000	Low
10	PUBLIC EMERGENCY PLAN FOR FUTURE FLOODING EVENTS	\$250,000	High



PROJECT 1: MASTERPLAN AND DRAINAGE STUDY OF LAKE ONTARIO STATE PARKWAY

Project Goal: Optimize use of the Parkway ROW to include drainage solutions, flood storage opportunities, multiuse recreational trails and access points, critical habitat and other needs identified by the LWRP.

The Lake Ontario State Parkway stretches east to west across the entire Town of Hamlin LWRP boundary area and in some places borders the lakefront. In most cases, it is located just south of residential developments or Hamlin Beach State Park. The parkway was designed as a four-lane divided highway and rests within an expansive right-of-way. The usage of this highway is far below its design capacity, and at times it has been insufficiently maintained. NYS DOT currently maintains the property though NYS Parks owns the land. The right-of-way through the town encompasses almost 700 acres and is adjacent to almost every site identified in this plan as an opportunity for redevelopment. The parkway has been identified as a source of significant drainage problems.

Public feedback indicates that there are extensive drainage and flooding issues around the lakefront area, along the tributaries, and around the State Parkway, which acts as a barrier to water flow from uplands to the lake. Natural processes have altered ponds and wetland areas in this vicinity over time, creating an unpredictable drainage situation. There is a need for a comprehensive study that looks at all sources of flooding and drainage backlog.

There is an opportunity to reevaluate this linear parkway system as a means to add recreational, ecological, drainage, and connective systems. At its narrowest width, it still measures over 300' wide, and in most places, far exceeds 500' in width. This allows for a wide range of flexibility in how this system functions in the landscape. Such an enormous piece of underutilized land that connects the entire waterfront is a highly valuable asset. There is also an unused building formerly associated with the state park located in the median that can be studied for repurposing.

- **LWRP policies implemented:** 1, 7, 25, 33, 37
- **Estimated Cost:** \$400,000
- **Funding Sources:** NYS DOT, NYS ESD grant funds, LWRP
- **Agencies involved in permitting:** N/A (study)
- **Implementation:** NYS Parks, NYS DEC, NYS DOT, USACE
- **Timeframe:** Immediately



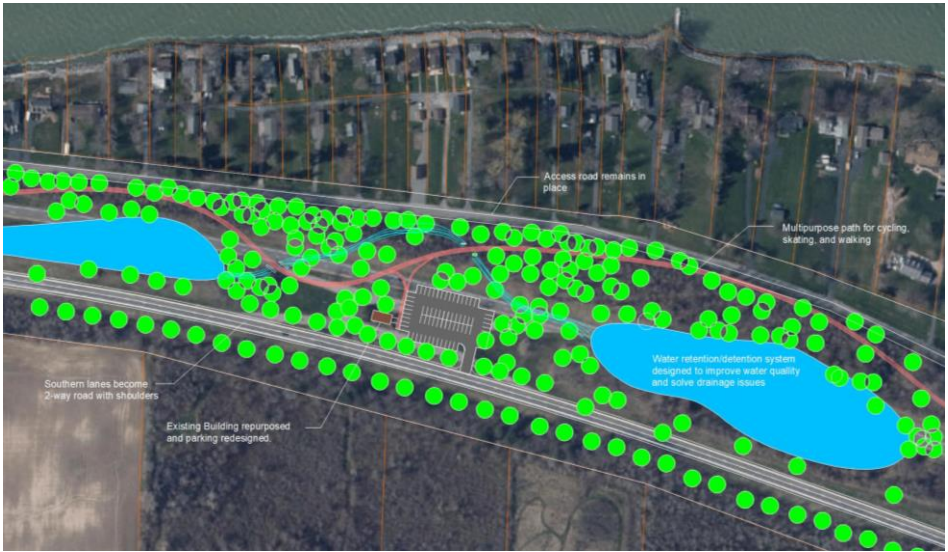
Study goals:

- Identify drainage and flooding issues and solutions adjacent to and within public right-of-way.
 - Includes agricultural runoff and possible retention off-site.
 - Evaluation of changing ponds/wetlands within and adjacent to this right-of-way.
- Consider habitat diversity and/or consider recreational opportunities such as separate bicycle lanes.
- Reconsider current road widths and lanes in relation to traffic counts.
- Incorporate redevelopment of abandoned park entry area.
- Incorporate any opportunities for lake access, viewing, kayak launches.
- Incorporate access to other redevelopment access sites.

The following conceptual plan illustrates an example of a small portion of the parkway with before/after plans that reduces traffic to just the southern lanes, and removes the northern traffic lanes. The northern lanes are replaced by two linear systems. One is a multipurpose trail through a new parklike setting, and the second is a drainage/ecological system designed to improve conditions along the shoreline. This area shows the abandoned building in the median repurposed for use, possibly as a bike rental facility or shop. It could also be a nodal point to park and use the recreational system.

This type of design can carry through the entire 10-mile length of the parkway in the town. With the recreational trail located at the northern side of the right-of-way, it can easily connect to all the park and nodal development points marked in this plan.

Town of Hamlin Local Waterfront Revitalization Program



Before/after view of Parkway around site of abandoned building

PROJECT 2: TROUTBURG REDEVELOPMENT

Project Goal: Create a destination for recreation and supporting services.

The project is located at the far western edge of the Hamlin LWRP boundary area and would take advantage of an underutilized 27.86 acre piece of property with 1233' of lake frontage. The property is currently under private ownership. The town would like to acquire the property or work with a developer to acquire the property for redevelopment with the intent to create a destination location with waterfront access for town residents and visitors alike.

This property was formerly the site of a hotel, and the area was a popular destination at various points in history, but it now sits in a state of disrepair. The property is bound on the west by Monroe Orleans County Line Road, the north by Lake Ontario, the east by some private housing that has access through this property, as well as Hamlin Beach State Park property, and on the south by the Lake Ontario State Parkway.



Town of Hamlin Local Waterfront Revitalization Program

This site's lowest elevation is its northwestern portion, which could be used for parkland. The property rises to the east and is higher than most other lakefront locations and could host some structures. County Line Road extends to the lakefront and could host a kayak launch. There is opportunity for a wide variety of uses. The following plan shows a conceptual layout for redevelopment that could meet a variety of identified community needs, including a park area with kayak launch, picnic area, concert pavilion, pier, hotel, retail, restaurants, parking and trail connection to the state park.

Existing conditions panoramic view from public street on west edge of property:



This type of project would be a public/private collaboration. It would create a nodal component on the lakeshore that is fully accessible for town residents. The creation of a town park in the northwestern portion with kayak access, walking pier, beach area, picnic area, playground area and a concert pavilion and lawn would meet many of the needs identified in this document. The retail environment could fulfill typical lakeshore needs such as food, bait and tackle, convenience items, ice cream, etc. There is also room for a hotel/spa that could help anchor the site as a destination location. Together, the functions all complement each other and work to support the structure and function of the site as a whole. It would also attract visitors from the outlying region. This type of venue is close enough to the Rochester and Buffalo areas to host events.

LWRP Policies implemented: 1, 2, 5, 11, 12, 19, 19A 20, 21, 23

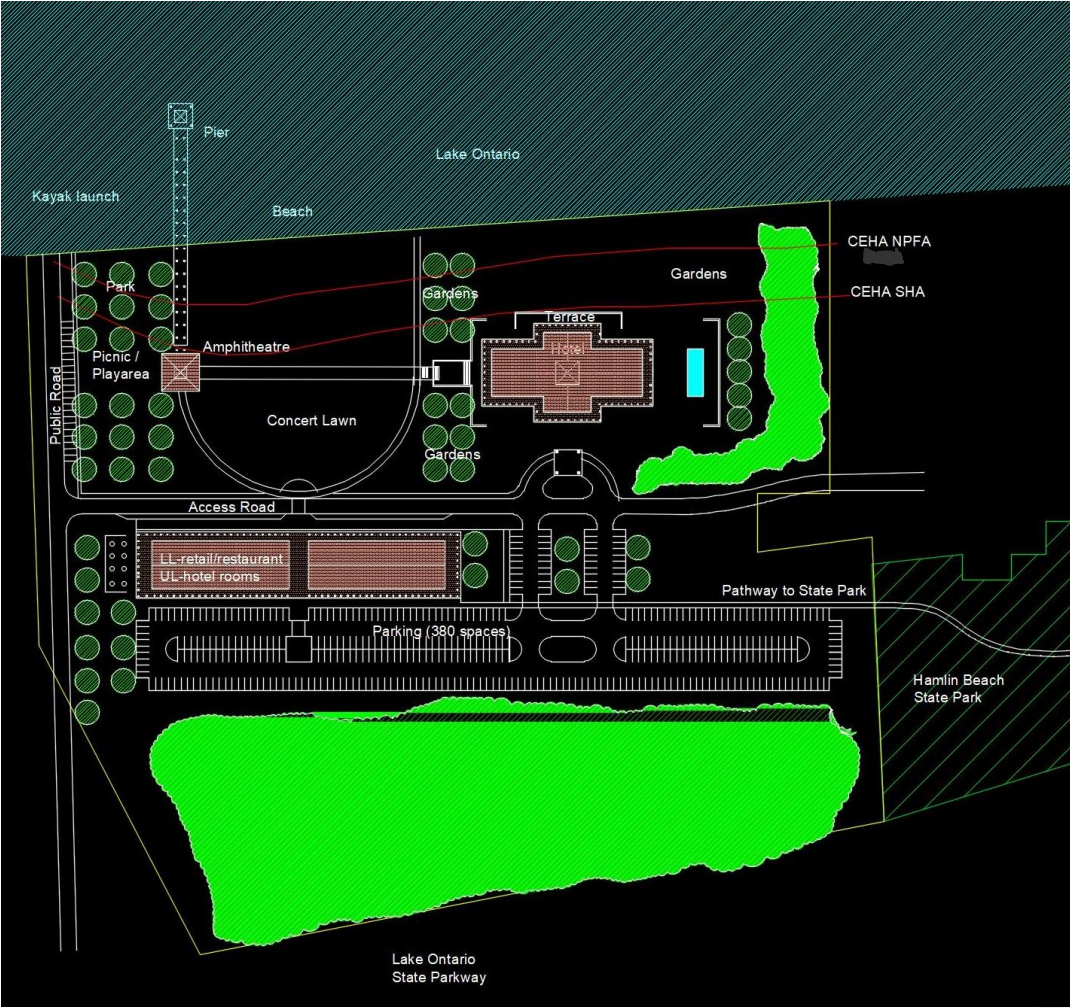
Estimated Costs: \$15,000,000

Funding Sources: NYS DOS – EPF, LWRP, NYS ESD grant funds

Agencies involved in permitting: NYS DEC, USACE

Timeframe: Priority: Initiate as soon as possible

Troutburg Area Conceptual plan of how land could be used. Illustration includes a public town park, new hotel grounds, and a retail area. This conceptual idea is for purposes of site layout potential and scale of development.



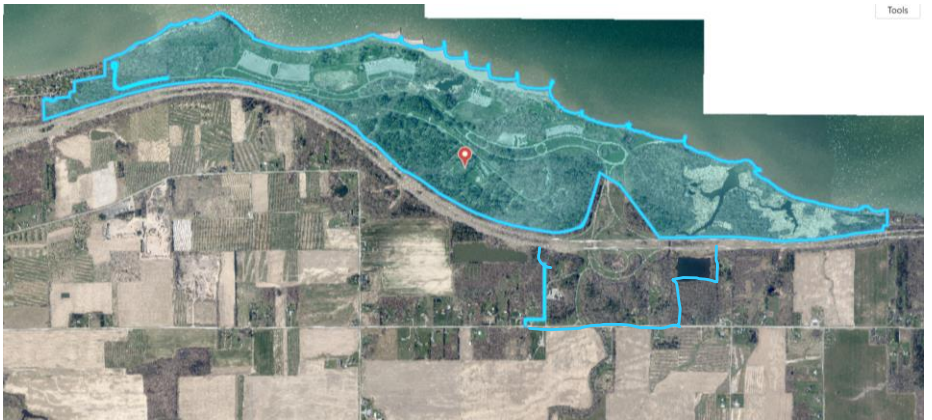
PROJECT 3: PLANNING AND PROGRAMMING AT HAMLIN BEACH STATE PARK

Project Goal: Maximize programming use of the State Park to complement Town of Hamlin needs.

Hamlin Beach State Park occupies a third of the Town of Hamlin waterfront. It has 729 acres and 3.3 miles of shoreline immediately adjacent to the Lake Ontario State Parkway, another vast piece of land. Some of the park components located south of the actual parkway are technically located on parkway right-of-way. There are opportunities to advance many of the needs identified in the LWRP through planning and programming within the State Park.

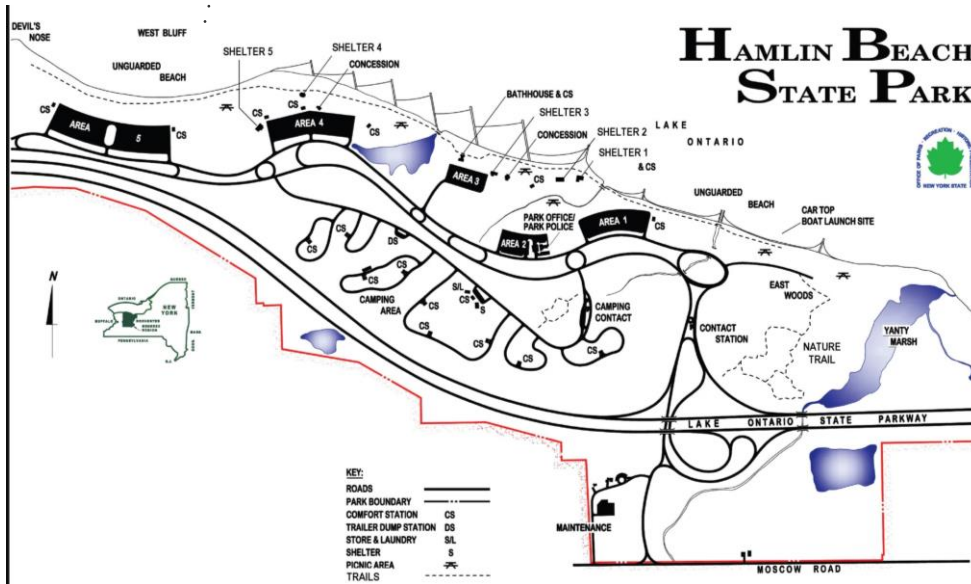
The planning aspect of this recommendation would study the opportunities to add/refine sport fields to host large tournament venues. These venues are known to generate visitor spending and economic development. Supporting amenities such as food service would also be studied. A possible location for this could be between and around the two westernmost parking lots known within the park as Areas 4 & 5.

The park could also provide additional recreational and service opportunities including interpretive trails, bike and kayak rentals, a park store, music and cultural venues, and other identified needs.



Hamlin Beach State Park

Town of Hamlin Local Waterfront Revitalization Program



State Parks Map of Hamlin Beach

LWRP Policies implemented: 1, 2, 5, 11, 12, 19, 19A, 23

Estimated Costs: \$150,000

Funding Sources: NYS DOS – EPF LWRP, NYS ESD grand funds

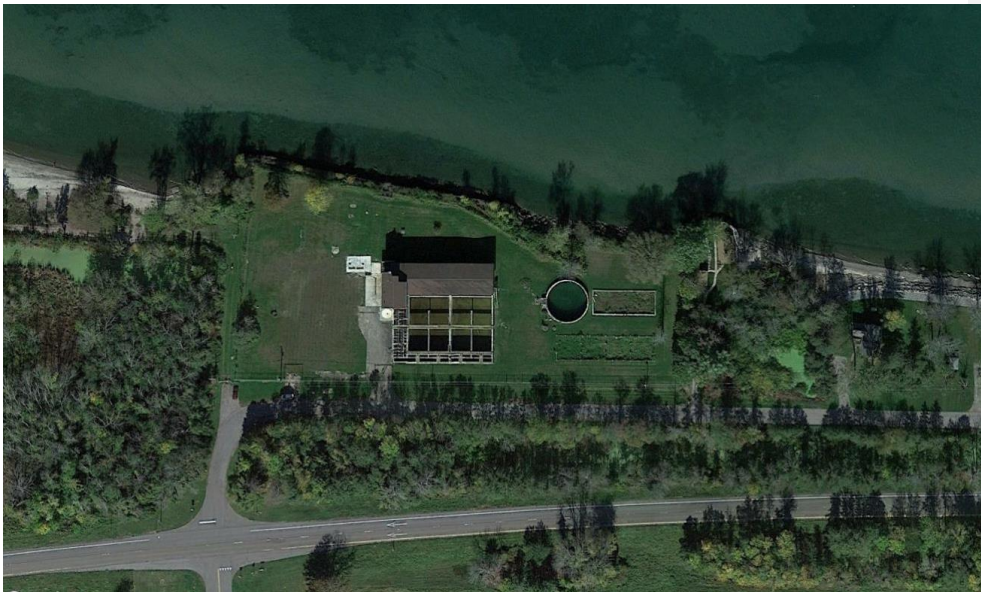
Agencies involved in permitting: NYS Parks

Timeframe: 1-5 years

PROJECT 4: OLD WATER TREATMENT PLANT REDEVELOPMENT

Project Goal: Repurpose unused portions of the water treatment property at the shoreline for recreational use for town residents.

This project focuses on the now unused treatment plant located on the waterfront immediately east of the State Park property. The property would need to be studied closely to determine what it could support in the short term and the long term. The Monroe County Water Authority will want to retain rights to use the property in the future if needs arise. The site itself is just under 3 acres, but is adjacent to the State Park on the west, and to the parkway ROW to the south. The parcel's redevelopment potential could be considered with the adjacent areas in mind.





The conceptual plan above illustrates an example of a proposed town park that makes use of the western third of the Water Authority property, where a building has recently been removed. Proposed is a parking lot, bathroom, pavilion, pathways leading to a small boardwalk, and a kayak launch. Some landscape screening is proposed in front of the remainder of the property. The proposed concentration of public use at the western edge is immediately adjacent to the State Park lands that currently do not have easy access due to the presence of Yanty Creek.

LWRP Policies implemented: 1, 2, 5, 12, 19, 19A, 20, 21,

Estimated Costs: \$3,500,000

Funding Sources: NYS DOS – EPF LWRP, NYS ESD grant funds

Agencies involved in permitting: NYS DEC, USACE

Timeframe: 2-5 years

PROJECT 5: FISHING ACCESS AT WESTPHAL DR.

Project Goal: Improve existing fishing access.

This site is located within public street rights-of-way at the intersection of Westphal Drive and Creekview Drive. (Creekview is not an actual road at this location.) This area is frequented by fisherman as some parking is available, but it sits high above the creek and the embankment is steep. The site is owned by the Town of Hamlin.



Project Goals for Fishing Access at Westphal Drive:

- Improve parking surface
- Provide steps down embankment
- Create small shelter, picnic table and location for screened port-a-john

LWRP Policies Implemented: 1, 2, 9, 19, 19A, 21

Estimated Costs: \$250,000

Funding Sources: NYS DOS – EPF LWRP, NYS ESD grand funds

Agencies involved in permitting: NYS DEC, USACE

Timeframe: 1-3 years

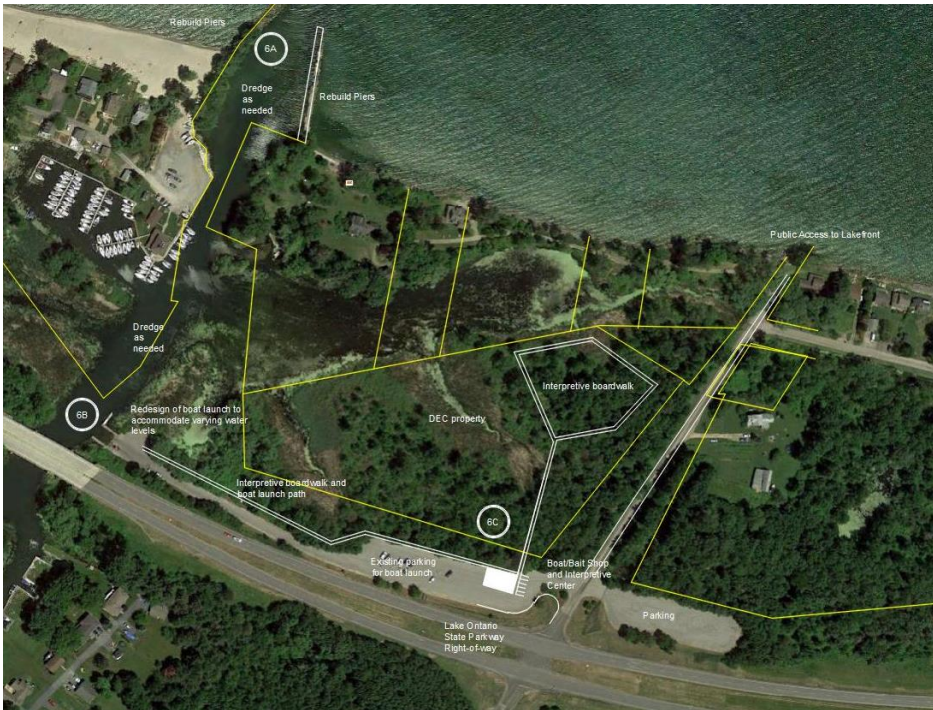
PROJECT 6: STATE BOAT LAUNCH SITE IMPROVEMENTS AT SANDY CREEK OUTLET

Project Goal: Improve the state boat launch to accommodate varying lake levels, and utilize adjacent state-owned property to site additional uses and attractions identified in the LWRP.

The state boat launch at Sandy Creek is the primary boater access point in the town and is a highly used facility. The fluctuating lake levels have affected the functionality of the boat launch as it is currently designed. There are opportunities to improve this facility, improve the harbor in general, and utilize portions of the Parkway right-of-way and the DEC owned property adjacent to the existing boat launch to develop an interpretive center and trail, as well as a store for boater and visitor needs.

Subprojects and goals:

- Project 6A: Repair piers and dredge harbor. Encourage public access to piers if possible.
- Project 6B: Redesign launch to be functional regardless of lake water levels.
- Project 6C: Add an interpretive center/general store/bait shop as well an interpretive boardwalk path. (Utilize existing parkway right-as-way as well as adjacent DEC lands.)



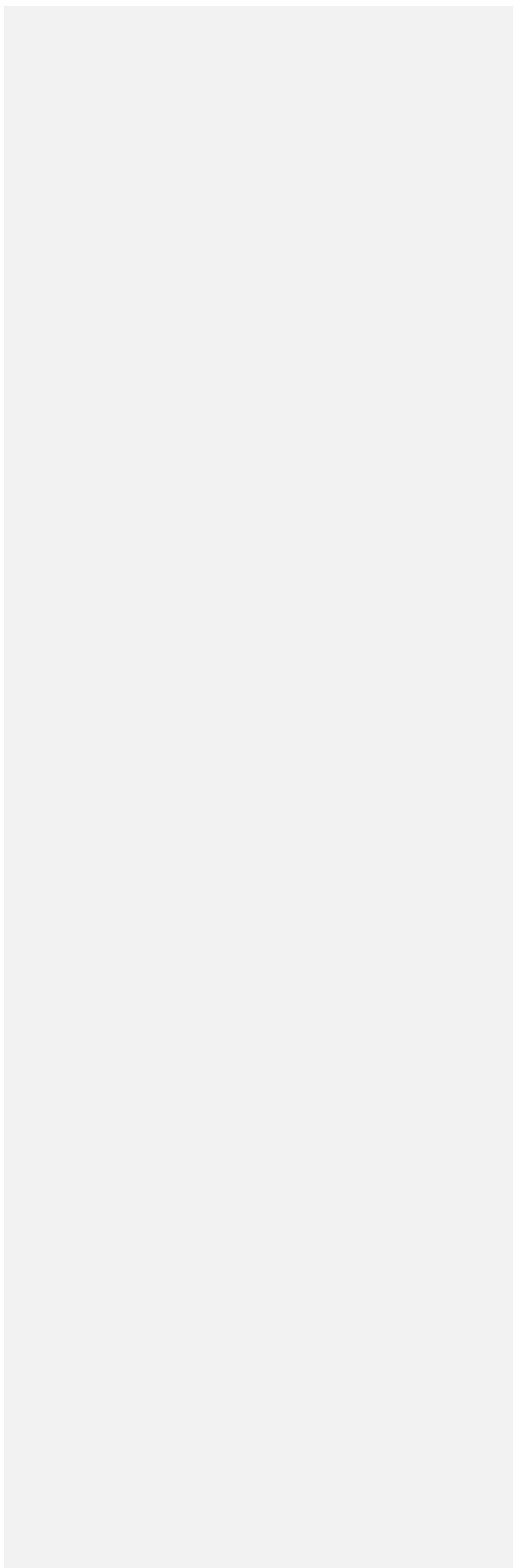
LWRP Policies Implemented: 1, 2, 2A, 5, 7, 7A, 9, 11, 13, 14, 15, 19, 19A, 21, 25A, 35, 44

Estimated Costs: \$4,500,000

Funding Sources: NYS DOS – EPF LWRP, NYS ESD grant funds

Agencies involved in permitting: NYS DEC, USACE

Timeframe: Immediately



PROJECT 7: ACQUISITION AND PLANNING FOR UNDEVELOPED WATERFRONT LAND

Project Goal: Establish lake access for town residents or make land forever wild.

The undeveloped property just east of Benedict Beach presents an opportunity to establish lake access for town residents. The town seeks to acquire the property and work within the environmental constraints of the site to establish limited access for walking, viewing and kayaking. This site is adjacent to the Lake Ontario State Parkway right-of-way, and also has a public right-of-way running through the middle of it—an extension of Greenwood Parkway. Due to the presence of wetlands on this site, boardwalks could be implemented to establish walking trails and connections to the lakeshore and a kayak launch location. Limited parking could be made available on site. Access would be through Greenwood Drive, or alternately, along with a redevelopment of the Lake Ontario State Parkway, could be achieved directly from the parkway. A study will need to be conducted regarding soils, drainage and other sensitive site components that will impact feasible uses for this site.



LWRP Policies Implemented: 1, 2, 7, 12, 19, 19A, 21

Estimated Costs: \$750,000

Funding Sources: NYS DOS – EPF LWRP, NYS ESD grant funds

Agencies involved in permitting: NYS DEC, USACE

Timeframe: Long-term

PROJECT 8: PUBLIC ACCESS AND LOOKOUT IN PARKWAY RIGHT-OF-WAY BY COWSUCKER CREEK

Project Goal: Reinforce shoreline erosion/flood control features and create a public viewing and picnic area along the Lake Ontario State Parkway.

The right-of-way for the Parkway abuts approximately 3,000' of lakeshore at the outlet of Cowsucker Creek that has seen erosion of the shoreline in recent years. The reinforcement of this shoreline would provide an opportunity to develop a viewing area, trails, and picnic area. The property is in public ownership, and access is already available via the parkway. The site would need to be studied for soils, wetlands and other ecological considerations. Development of this area would necessitate a review of safety setback requirements due to its proximity to the road. Fishing access to Cowsucker Creek might be possible south of the parkway, and kayak access might be incorporated if site conditions allow. This project could also be considered independently (as shown below) or within the parameters of Project 1: Master Plan for Lake Ontario State Parkway. If considered within Project 1, an alternative design that makes use of more land might be possible.





LWRP Policies Implemented: 1, 2, 12, 19, 19A, 21, 44
Estimated Costs: \$1,500,000
Funding Sources: NYS DOS – EPF LWRP, NYS ESD grant funds
Agencies involved in permitting: NYS DEC, USACE
Timeframe: 1-3 years

PROJECT 9: SCOUT PARK IMPROVEMENTS

Project Goal: Enhance public access and facilities at Scout Park.

The town owns two parcels with access off Brick Schoolhouse Road that also abut Sandy Creek. The easternmost of the two properties, formerly a wastewater treatment plant, has a public access point, parking and some public park features including a playground and pathways. The second property is nearly adjacent along the creek frontage and is mostly wooded with a partially cleared area. These properties offer significant opportunity for public access to the creek and would benefit from investment in infrastructure such as a pavilion, connections between parcels and improved facilities.



PROJECT 10: PUBLIC EMERGENCY PLAN FOR FUTURE FLOODING EVENTS

Project Goal: Create an emergency communication and supply plan for quick response to flooding events.

Since the last LWRP update, the local waterfront community has experienced two significant and sustained flooding events. In both 2017 and 2019, the lake rose to very high levels, in conjunction with high seasonal rainfall and new IJC regulations controlling the lake levels. These events have made clear the need for a public emergency plan, to improve resiliency during the next event. There is a Monroe County Office of Emergency Management Plan in effect that could be updated or adapted to specifically address shoreline flooding in the Town of Hamlin.

A study and implementation plan is proposed that would:

- Develop a communication program for emergency flooding situations.
- Develop an action plan that determines decision making hierarchy, jurisdiction, and quick-action implementation procedures.
- Accumulate and stockpile necessary supplies and equipment for a flooding event (barriers, pumps, bags).
- Identify and secure appropriate storage facility.

LWRP Policies Implemented: N/A

Estimated Costs: \$250,000

Funding Sources: NYS DOS – EPF, LWRP, NYS ESD grant funds

Agencies involved in permitting: NYS DEC, USACE

Timeframe: Immediately





PROJECT PRIORITIZATION

Of the 10 projects outlined in the above section there is a clear hierarchy of timing and importance. They are as follows:

TOP PRIORITY PROJECTS:

Master Plan and Drainage Study of the Lake Ontario Parkway Study (Project 1): This project is integrally connected to most of the other projects outlined in this plan and could significantly impact the capacity and opportunities available at those sites. Therefore, it makes sense to have a clear plan in place as soon as possible as a guide for future site development.

Public Emergency Plan for Future Flooding Events (Project 10): This project is time sensitive as a measure to mitigate erosion and destruction during the next flooding event.

HIGH PRIORITY PROJECTS:

Old Water Treatment Plant Redevelopment (Project 4): This project is owned by the Monroe County Water Authority and they have indicated that they would be willing to negotiate a land agreement and allow the town to utilize the property. This makes this a highly feasible project and should be pursued accordingly.

State Boat Launch Site: The DEC has indicated that they are aware of the need for modifications to the boat launch and are planning accordingly. It would be advantageous to coordinate any additional improvements to the site with these plans.

Planning and Programming at Hamlin Beach State Park (Project 3): This project requires study with the Parks Department and does not require any acquisition of land. It can begin at any time.

MEDIUM PRIORITY PROJECTS:

Troutburg Redevelopment (Project 2): This project requires coordination and permission from the landowner before moving forward.

Public Access and Lookout by Cowsucker Creek (Project 8): This project could be included under the umbrella of Project 1: Masterplan and Drainage Study for Lake Ontario State Parkway. If that project does not materialize, this specific component can be pursued independently.

LOW PRIORITY PROJECTS:

Fishing Access at Westphal Drive (Project 5): This project has some property line issues that need to be addressed prior to implementation

Town Property at Brick Schoolhouse Road and Sandy Creek (Project 9): This project was identified as an opportunity by the committee later in the process and was not identified by community members at public meetings as a priority.

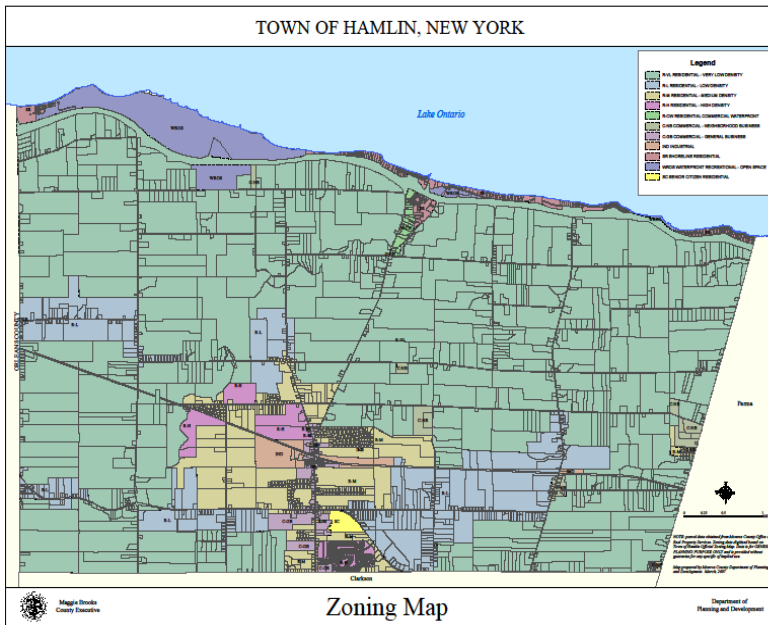
SECTION V: TECHNIQUES FOR LOCAL IMPLEMENTATION

This section describes how the LWRP will be implemented. A summary of local laws that will be useful for implementation is provided. Actions are summarized that will be required by private parties, local municipalities, Monroe County, and New York State. The management structure necessary to implement the LWRP is described followed by the necessary financial resources.

5.1 LOCAL LAWS NECESSARY TO IMPLEMENT THE LWRP

ZONING LAW (CHAPTER 125)

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



a. Description

1. Six zoning classifications, are presented in the waterfront areas:

(a) SR (Shoreline Residential) -This designation applies to all residential development north of the Lake Ontario State Parkway and to an area on the east side of Sandy Creek. Uses permitted as of right are limited to single family homes and accessory buildings. Any other uses not specifically listed would require prior approvals. Accessory structures, with the exception of flood and erosion prevention structures, will not be allowed in the waterside.

(b) R-VL (Residential-Very Low Density) - This designation applies to the entire waterfront area south of the Lake Ontario State Parkway, except for an area north of Moscow Road in the vicinity of the parkway interchange leading to Hamlin Beach State Park, and for an area along Sandy Creek between Lake Road East Fork and most of Westphal Road. Uses permitted as of right are single family homes, public parks, playgrounds and similar forms of public recreation, farms, greenhouses, plant nurseries, dairy operations, and similar forms of agriculture, plus accessory uses. Uses requiring site plan approval include: places of worship, public education institutions, and government buildings. Uses requiring a special permit include: private clubs, private education institutions, hospitals, homes for senior citizens, cemeteries, commercial greenhouses, plant nurseries or similar forms of commercial agriculture, public utility buildings, and bed and breakfast operations.

(c) CNB (Commercial Neighborhood Business) - This designation applies to a ten (10) acre parcel North of Moscow Road near the intersection of Moscow Road and Priem Road and another small parcel on the Northeast corner formed by the intersection of Route 19 and North Hamlin Road.

(d) R/CW (Residential/Commercial Waterfront Development) - This designation applies to uses located on the west side of Sandy Creek. Uses permitted as of right are single family homes and accessory buildings. Water-dependent or enhanced uses, plus any accessory uses, are allowed subject to a special use permit. These uses include yacht clubs, marinas and repair facilities. Additional regulations for uses in this district require such things as preservation of natural vegetation, landscaping and buffering of parking areas, minimum disturbance of land, minimum dredging, protection of wetlands, and prevention of stormwater runoff.

(e) WR\OS (Waterfront Recreation and Open Space) -This designation applies to uses located intermittently along the Lake Ontario shoreline. It is intended to encourage waterfront recreation and also protect important natural resource areas. Uses permitted as of right are: scenic viewing areas, picnic areas, boardwalks, bandstands, fishing piers and other fishing access facilities, and beaches, plus accessory uses. Uses requiring a special permit include: boat launches, overnight accommodations, charter services, water-related clubs, nature trails and interpretive centers. Additional regulations are the same as those for the R/CW district.

(f) C/O (Conservation Overlay) -The purpose of this designation is to provide special controls to guide development within major stream corridors and all State and federally-designated wetlands in the Town. The boundaries of the C/O district are along Sandy, Yanty, Brush and Cowsucker Creeks 100 feet from each bank, or to the landward boundary of the 100-year flood zone, whichever is greater. The boundary also extends along Lake Ontario shoreline, 100 feet from the high waterline or the landward

boundary of the 100-year flood zone, whichever is greater. Finally, it includes the around all remaining wetlands, waterbodies and streams as shown on the official Town of Hamlin wetland map as well as two hundred feet (200ft.) from created wetlands and waterbodies having a size greater than two acres.

Only water-dependent uses, fishing access parking areas or bridges are allowed within the buffer. A Conservation Development Permit is required for such activities as: construction of new buildings; filling, cutting or excavation either on land or within a water-course; removal of vegetation ; stormwater discharge systems; outside storage; road, trail and bridge construction; and boat launching sites and fishing access parking areas. Additional regulations are intended to prevent disruption and pollution of fish and wildlife habitats, wetlands and coastal waters (see Policy 44 for specific wetlands standards). They also meant to protect and enhance scenic quality along wetlands and water courses.

2. Setbacks

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

3. Lot Area and Coverage Requirements

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

4. Dock Standards

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

5. Site Plan Approval

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

6. Clustering

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

b. LWRP Implementation

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

FLOOD REGULATIONS (CHAPTER 58)

a. Description

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

b. LWRP Implementation

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

COASTAL EROSION HAZARD AREA LAW (CHAPTER 121)

a. Description

The Zoning law allocates uses throughout the Town's coastal area such that some areas are retained essentially as open space where certain agricultural and recreational uses are to be continued. Other areas are identified as suitable for more intensive water-related development. Standards applicable to various districts and uses are intended to protect fish and wildlife habitats, scenic resources and water resources, and to prevent flooding and erosion damage caused by inappropriate construction practices, including those associated with upland grading and dredging. In adopting this local law, the Town assumed responsibility for administering the erosion program which would otherwise be the responsibility of DEC. The Town Zoning Board of Appeals serves as the Coastal Erosion Hazard Board of Review.

b. LWRP Implementation

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

CONSISTENCY REVIEW LAW (CHAPTER 125)

a. Description

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

b. LWRP Implementation

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

LWRP CONSISTENCY REVIEW LAW

The LWRP Consistency Review Law establishes the framework required for the review of local actions proposed within the Town of Hamlin LWRP Boundary Area. The Consistency Review Law will require that actions undertaken, funded, or permitted by the town within the LWRP Boundary Area be consistent with the LWRP policies and goals. The LWRP Consistency Review Law and the Coastal Assessment Form are included in Appendix A.

5.2 OTHER PUBLIC AND PRIVATE ACTIONS NECESSARY TO IMPLEMENT THE LWRP

Redevelop Underutilized Properties

Continued cooperation with town officials from owners of underutilized properties will be required to improve or redevelop these properties.

Lake Ontario State Parkway Study

Coordination with the State Park Service and the NYS DOT will be required to facilitate this project. The town can pursue funding opportunities in conjunction with these agencies.

Hamlin Beach State Park

The town can continue conversations regarding identified needs that the park might fulfill.

Water Treatment Plant

Continued coordination with the Monroe County Water Authority will be necessary to come to a usage agreement for a portion of the property.

Westphal Drive Access

The town owns the land but will need to verify property boundaries and adjacent ownerships. There is some confusion regarding boundary locations that may require the acquisition of rights to access the stream.

State Park Boat Launch Area

The town can continue conversations with DEC regarding updates to the Boat Launch and opportunities to create trails on DEC property. The town will need to coordinate with the State Parks Department regarding opportunities for development within the current Lake Ontario State Parkway right-of-way.

Overlook at Cowsucker Creek outlet along Parkway

The town will need to continue conversations with NYS Parks and NYS DOT. This can be done in conjunction with the overall study for the parkway system.

Monroe County Actions

The Monroe County IDA could provide assistance with business development.

New York State Agencies

NYS DOS - LWRP program staff and DOS counsel's office ongoing involvement to develop an LWRP as appropriate. DOS will also provide technical assistance, project assistance, consistency review opinions when necessary, and funding through the EPF-LWRP.

The New York State Department of Environmental Conservation owns the land at the Sandy Creek Boat Launch and will have jurisdiction over planned improvements.

The New York State Office of Parks, Recreation, and Historic Preservation owns the land for both Hamlin Beach State Park and the entire Lake Ontario State Parkway. They will be a major stakeholder and partner in assisting with actions for this plan.

The New York State Department of Transportation will be involved in study of the Lake Ontario State Parkway and any projects that impact this.

5.3 MANAGEMENT STRUCTURE NECESSARY TO IMPLEMENT THE LWRP

Any action proposed within the LWRP Boundary area and classified as Type I or Unlisted, as defined by the State Environmental Quality Review Act, must be consistent with each of the LWRP policies, pursuant to the Town LWRP Consistency Review Law, and requires the completion of the Coastal Assessment Form. The LWRP Consistency Law and the Boundary Area are included in Appendix A.

The Town of Hamlin Code Enforcement Officer will be responsible for enforcement of the LWRP Consistency Law. No work on a project within the LWRP Boundary Area will begin until the respective Code Enforcement Officer has received written determination that the action proposed is consistent with the Hamlin LWRP.

Projects within the LWRP Boundary Area will have a completed Coastal Assessment form for review by the Town of Hamlin Planning Board. The Planning Board will conduct a consistency review for all projects within the LWRP Boundary Area.

The Zoning Board of Appeals shall consider the written consistency recommendation when evaluating a request for a variance and will include appropriate conditions to ensure consistency with the LWRP policies.

All State actions proposed within the Town of Hamlin LWRP Boundary defining the Waterfront Revitalization Area will be reviewed in accordance with the Guidelines for Notification and Review of State Agency Actions Where Local Waterfront Revitalization Programs are in Effect, established by the New York State Department of State, and included in Appendix G.

5.4 FINANCIAL RESOURCES NECESSARY TO IMPLEMENT THE LWRP

Implementation of the LWRP will require financial resources from a variety of sources.

Town of Hamlin Local Waterfront Revitalization Program

Town – Some of the proposed projects are located on town owned property or require town involvement. To the extent possible and appropriate, the town will allocate needed resources. The town will also participate with funding applications as appropriate to secure needed resources.

Private – Private landowners and business owners will be encouraged to invest in projects related to the LWRP.

County – The town and village will continue to work with Monroe County to secure resources and develop projects.

State – Continued cooperation is anticipated from state agencies for permits and funding. Related agencies include NYS DOS, NYS Canal Corporation, NYS Office of Parks, Recreation, and Historic Preservation, NYS Department of Transportation, and NYS Department of Environmental Conservation.

SECTION VI: STATE AND FEDERAL ACTIONS AND PROGRAMS LIKELY TO AFFECT IMPLEMENTATION OF THE LWRP

State actions will affect and be affected by implementation of the LWRP. Under State Law, certain State actions within or affecting the Hamlin WRA must be consistent, or consistent to the maximum extent practicable, with the enforceable policies and purposes of the approved Hamlin 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 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 permits, 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.

OFFICE FOR THE AGING

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

DEPARTMENT OF AGRICULTURE AND MARKETS

- 1.00 Agricultural Districts Program
- 2.00 Rural Development Program
- 3.00 Farm Worker Services 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 Implementation Grant

6.00 Agricultural Nonpoint Source Abatement and Control Program

DIVISION OF ALCOHOLIC BEVERAGE CONTROL/ STATE LIQUOR AUTHORITY

1.00 Permit and Approval Programs:

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

OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES

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

- 2.00 Permit and approval programs:
 - 2.01 Certificate of approval (Substance Abuse Services Program)
- 3.00 Permit and approval:
 - 3.01 Letter Approval for Certificate of Need
 - 3.02 Operating Certificate (Alcoholism Facility)
 - 3.03 Operating Certificate (Community Residence)
 - 3.04 Operating Certificate (Outpatient Facility)
 - 3.05 Operating Certificate (Sobering-Up Station)

COUNCIL ON THE ARTS

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

OFFICE OF CHILDREN AND FAMILY SERVICES

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

DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

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

DORMITORY AUTHORITY OF THE STATE OF NEW YORK

- 1.00 Financing of higher education and health care facilities

2.00 Planning and design services assistance program.

EDUCATION DEPARTMENT

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

2.00 Permit and approval programs:

2.01 Certification of Incorporation (Regents Charter)

2.02 Private Business School Registration

2.03 Private School License

2.04 Registered Manufacturer of Drugs and/or Devices

2.05 Registered Pharmacy Certificate

2.06 Registered Wholesale of Drugs and/or Devices

2.07 Registered Wholesaler-Repacker of Drugs and/or Devices

2.08 Storekeeper's Certificate

3.00 Administration of Article 5, Section 233 of the Educational Law regarding the removal of archaeological and paleontological objects under the waters of the State.

OFFICE OF EMERGENCY MANAGEMENT

- hazard identification,
- loss prevention, planning, training, operational response to emergencies,
- technical support, and disaster recovery assistance.

EMPIRE STATE DEVELOPMENT CORPORATION

1.00 Preparation or revision of statewide or specific plans to address State economic development needs.

2.00 Allocation of the state tax-free bonding reserve.

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 for a variety of energy projects

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

- 1.00 Acquisition, disposition, lease, grant of easement, and other activities related to the management of lands under the jurisdiction of the Department.
- 2.00 Classification of Waters Program; classification of land areas under the Clean Air Act.
- 3.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 4.00 Financial assistance/grant programs:
 - 4.01 Capital projects for limiting air pollution
 - 4.02 Cleanup of toxic waste dumps
 - 4.03 Flood control, beach erosion, and other water resource projects
 - 4.04 Operating aid to municipal wastewater treatment facilities
 - 4.05 Resource recovery and solid waste management capital projects
 - 4.06 Wastewater treatment facilities
- 6.00 Implementation of the Environmental Quality Bond Act of 1972, including:
 - (a) Water Quality Improvement Projects
 - (b) Land Preservation and Improvement Projects including Wetland Preservation and Restoration Projects, Unique Area Preservation Projects, Metropolitan Parks Projects, Open Space Preservation Projects, and Waterways Projects.
- 7.00 Marine Finfish and Shellfish Programs
- 9.00 Permit and approval programs
 - Air Resources
 - 9.01 Certificate of Approval for Air Pollution Episode Action Plan
 - 9.02 Certificate of Compliance for Tax Relief – Air Pollution Control Facility
 - 9.03 Certificate to Operate: Stationary Combustion Installation; Incinerator; process, exhaust or Ventilation System
 - 9.04 Permit for Burial of Radioactive Material
 - 9.05 Permit for Discharge of Radioactive Material to Sanitary Sewer
 - 9.06 Permit for Restricted Burning

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

Construction Management

- 9.08 Approval of Plans and Specifications for Wastewater Treatment Facilities

Fish and Wildlife

- 9.09 Certificate to Possess and Sell Hatchery Trout in New York State
- 9.10 Commercial Inland Fisheries Licenses
- 9.11 Fishing Preserve License
- 9.12 Fur Breeder's License
- 9.13 Game Dealer's License
- 9.14 Licenses to breed Domestic Game Animals
- 9.15 License to Possess and Sell Live Game
- 9.16 Permit to Import, Transport and/or Export under Section 184.1 (11-0511)
- 9.17 Permit to Raise and Sell trout
- 9.18 Private Bass Hatchery Permit
- 9.19 Shooting Preserve Licenses
- 9.20 Taxidermy License
- 9.21 Permit – Article 15, (Protection of Water) – Dredge and Deposit Material in a Waterway
- 9.22 Permit – Article 15, (Protection of Water) – Stream Bed or Bank Disturbances
- 9.23 Permit – Article 24, (Freshwater Wetlands)

Hazardous Substances

- 9.24 Permit to Use Chemicals for the Control or Elimination of Aquatic Insects
- 9.25 Permit to Use Chemicals for the Control or Elimination of Aquatic Vegetation
- 9.26 Permit to Use Chemicals for the Control or Elimination of Undesirable Fish

Lands and Forest

- 9.27 Certificate of Environmental Safety (Liquid Natural Gas/Liquid Petroleum Gas)
- 9.28 Floating Object Permit
- 9.29 Marine Regatta Permit
- 9.30 Navigation Aid Permit

Marine Resources

- 9.31 Digger's Permit (Shellfish)

- 9.32 License of Menhaden Fishing Vessel
- 9.33 License for Non Resident Food Fishing Vessel
- 9.34 Non Resident Lobster Permit
- 9.35 Marine Hatchery and/or Off Bottom Culture Shellfish Permits
- 9.36 Permits to Take Blue Claw Crabs
- 9.37 Permit to Use Pond or Trap Net
- 9.38 Resident Commercial Lobster Permit
- 9.39 Shellfish Bed Permit
- 9.40 Shellfish Shipper's Permits
- 9.41 Special Permit to Take Surf Clams from Waters other than the Atlantic Ocean
- 9.42 Permit – Article 25, (Tidal Wetlands)

Mineral Resources

- 9.43 Mining Permit
- 9.44 Permit to Plug and Abandon (a non-commercial, oil, gas or solution mining well)
- 9.45 Underground Storage Permit (Gas)
- 9.46 Well Drilling Permit (Oil, Gas and Solution Salt Mining)

Solid Wastes

- 9.47 Permit to Construct and/or operate a Solid Waste Management Facility
- 9.48 Septic Tank Cleaner and Industrial Waste Collector Permit

Water Resources

- 9.49 Approval of Plans for Wastewater Disposal Systems
- 9.50 Certificate of Approval of Realty Subdivision Plans
- 9.51 Certificate of Compliance (Industrial Wastewater Treatment Facility)
- 9.52 Letters of Certification for Major Onshore Petroleum Facility Oil Spill Prevention and

Control Plan

- 9.53 Permit Article 36, (Construction in Flood Hazard Areas)
- 9.54 Permit for State Agency Activities for Development in Coastal Erosion Hazards Areas
- 9.55 Permit for State Agency Activities for Development in Coastal Erosion Hazards Areas
- 9.56 State Pollutant Discharge Elimination System (SPDES) Permit
- 9.57 Approval – Drainage Improvement District
- 9.58 Approval – Water (Diversions for Power)

- 9.59 Approval of Well System and Permit to Operate
- 9.60 Permit – Article 15, (Protection of Water) – Dam
- 9.61 Permit – Article 15, Title 15 (Water Supply)
- 9.62 River Improvement District Permits
- 9.63 River Regulatory District approvals
- 9.64 Well Drilling Certificate of Registration
- 9.65 401 Water Quality Certification
- 10.00 Preparation and revision of Air Pollution State Implementation Plan.
- 11.00 Preparation and revision of Continuous Executive Program Plan.
- 12.00 Preparation and revision of Statewide Environmental Plan.
- 13.00 Protection of Natural and Man-made Beauty Program.
- 14.00 Urban Fisheries Program.
- 15.00 Urban Forestry Program.
- 16.00 Urban Wildlife Program.

ENVIRONMENTAL FACILITIES CORPORATION

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

DEPARTMENT OF FINANCIAL SERVICES / DEPARTMENT OF BANKING

- 1.00 Permit and approval programs:
 - 1.01 Authorization Certificate (Bank Branch)
 - 1.02 Authorization Certificate (Bank Change of Location)
 - 1.03 Authorization Certificate (Bank Charter)
 - 1.04 Authorization Certificate (Credit Union Change of Location)
 - 1.05 Authorization Certificate (Credit Union Charter)
 - 1.06 Authorization Certificate (Credit Union Station)
 - 1.07 Authorization Certificate (Foreign Banking Corporation Change of Location)
 - 1.08 Authorization Certificate (Foreign Banking Corp. 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 DeNovo Branch Office)
- 1.21 Authorization Certificate (Savings Bank Public Accommodations Office)
- 1.22 Authorization Certificate (Savings and Loan Association Branch)
- 1.23 Authorization Certificate (Savings and Loan Association Change of Location)
- 1.24 Authorization Certificate (Savings and Loan Association Charter)
- 1.25 Authorization Certificate (Subsidiary Trust Company Charter)
- 1.26 Authorization Certificate (Trust Company Branch)
- 1.27 Authorization Certificate (Trust Company – Change of Location)
- 1.28 Authorization Certificate (Trust Company Charter)
- 1.29 Authorization Certificate (Trust Company Public Accommodations Office)
- 1.30 Authorization to Establish a Life Insurance Agency
- 1.31 License as a Licensed Lender
- 1.32 License for a Foreign Banking Corporation Branch

OFFICE OF GENERAL SERVICES

- 1.00 Administration of the Public Lands Law for acquisition and disposition of lands, grants of land and grants of easement of land under water, issuance of licenses for removal of materials from lands under water, and oil and gas leases for exploration and development.
- 2.00 Administration of Article 4 B, Public Buildings Law, in regard to the protection and management of State historic and cultural properties and State uses of buildings of historic, architectural or cultural significance.
- 3.00 Facilities construction, rehabilitation, expansion, or demolition.

- 4.00 Administration of Article 5, Section 233, Subsection 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.

DEPARTMENT OF HEALTH

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
 - 2.01 Approval of Completed Works for Public Water Supply Improvements
 - 2.02 Approval of Plans for Public Water Supply Improvements.
 - 2.03 Certificate of Need (Health Related Facility except Hospitals)
 - 2.04 Certificate of Need (Hospitals)
 - 2.05 Operating Certificate (Diagnostic and Treatment Center)
 - 2.06 Operating Certificate (Health Related Facility)
 - 2.07 Operating Certificate (Hospice)
 - 2.08 Operating Certificate (Hospital)
 - 2.09 Operating Certificate (Nursing Home)
 - 2.10 Shared Health Facility Registration Certificate

DIVISION OF HOMES AND COMMUNITY RENEWAL and its subsidiaries and affiliates

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

OFFICE OF MENTAL HEALTH

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

2.00 Permit and approval programs:

2.01 Operating Certificate (Community Residence)

2.02 Operating Certificate (Family Care Homes)

2.03 Operating Certificate (Inpatient Facility)

2.04 Operating Certificate (Outpatient Facility)

DIVISION OF MILITARY AND NAVAL AFFAIRS

1.0 Preparation and implementation of the State Disaster Preparedness Plan.

NATURAL HERITAGE TRUST

1.0 Funding program for natural heritage institutions.

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

1.00 Acquisition, disposition, lease, grant of easement, or other activities related to the management of land under the jurisdiction of the Office.

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

3.00 Funding program for recreational boating, safety, and enforcement.

4.00 Funding program for State and local historic preservation projects.

5.00 Land and Water Conservation Fund programs.

6.00 Nomination of properties to the Federal and/or State Register of Historic Places.

7.00 Permit and approval programs:

7.01 Floating Objects Permit

7.02 Marine Regatta Permit

7.03 Navigation Aide Permit

7.04 Posting of Signs Outside State Parks

- 8.00 Preparation and revision of the Statewide Comprehensive Outdoor Recreation Plan and the Statewide Comprehensive Historic Preservation Plan and other plans for public access, recreation, historic preservation or related purposes.
- 9.00 Recreation services program.
- 10.00 Urban Cultural Parks Program
- 11.00 Planning, construction, rehabilitation, expansion, demolition or the funding of such activities and/or projects funded through the Environmental Protection Fund (Environmental Protection Act of 1993) or Clean Water/Clean Air Bond Act of 1996.

OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES

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

POWER AUTHORITY OF THE STATE OF NEW YORK

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

NEW YORK STATE SCIENCE AND TECHNOLOGY FOUNDATION

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

DEPARTMENT OF STATE

- 1.00 Appalachian Regional Development Program.
- 2.00 Coastal Management Program.
 - 2.10 Planning, construction, rehabilitation, expansion, demolition or the funding of such activities and/or projects funded through the Environmental Protection Fund (Environmental Protection Act of 1993) or Clean Water/Clean Air Bond Act of 1996.

- 3.00 Community Services Block Grant Program.
- 4.00 Permit and approval programs:
 - 4.01 Billiard Room License
 - 4.02 Cemetery Operator
 - 4.03 Uniform Fire Prevention and Building Code

STATE UNIVERSITY CONSTRUCTION FUND

- 1.0 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.

THRUWAY AUTHORITY /CANAL CORPORATION (regional agency)

- 1.0 Acquisition, disposition, lease, grant of easement and other activities related to the management of land and other resources under the jurisdiction of the Thruway Authority and the Canal Corporation.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition.
- 3.00 Permit and approval programs:
 - 3.01 Advertising Device Permit
 - 3.02 Approval to Transport Radioactive Waste
 - 3.03 Occupancy Permit
 - 3.04 Permits for use of Canal System lands and waters.
- 4.00 Statewide Canal Recreationway Plan
- 5.00 Direct and financial assistance related to improvements and enhancements to the State Canal System.

DEPARTMENT OF TRANSPORTATION

- 1.00 Acquisition, disposition, lease, grant of easement, and other activities related to the management of land under the jurisdiction of the Department.
- 2.00 Construction, rehabilitation, expansion, or demolition of facilities, including but not limited to:
 - (a) Highways and parkways
 - (b) Bridges on the State highways system

(c) Highway and parkway maintenance facilities

(d) Rail facilities

3.00 Financial assistance/grant programs:

3.01 Funding programs for construction/reconstruction and reconditioning/preservation of municipal streets and highways (excluding routine maintenance and minor rehabilitation)

3.02 Funding programs for development of the ports of Albany, Buffalo, Oswego, Ogdensburg and New York

3.03 Funding programs for rehabilitation and replacement of municipal bridges

DIVISION OF YOUTH

1.0 Facilities construction, rehabilitation, expansion, or demolition or the funding for approval of such activities.

6.2 STATE AND FEDERAL ACTIONS AND PROGRAMS NECESSARY TO FURTHER THE LWRP

This part is a more descriptive list of State and federal agency actions that are necessary for further implementation of this LWRP. It is recognized that a State agency's ability to undertake such actions is subject to a variety of factors and considerations; that the consistency provisions referred to above, may not apply; and that the consistency requirements cannot be used to require a State agency to undertake an action it could not undertake pursuant to other provisions of law. The consistency review does not apply to the federal agency actions listed below.

State Agencies

OFFICE OF GENERAL SERVICES:

Prior to any development occurring in the water or on the immediate waterfront, the Office of General Services 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. In accordance with Section 334 of the New York State 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.

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

- Planning, development, construction, major renovation or expansion of facilities.
- Administration of permits and approvals.
- Implementation of the Environmental Quality Review Act of 1972.
- Provision of operating aid to municipal wastewater treatment facilities.

- Administration of funding for resource recovery and management capital projects.
- Execution of cooperative agreement for expansion and maintenance of the State Boat Launch.

DIVISION OF HOMES AND COMMUNITY RENEWAL

- Continued funding under the Rural Area Preservation Program.

DEPARTMENT OF STATE

- Funding and technical assistance for LWRP implementation of various planning, design and construction projects, as outlined in Section IV of the LWRP.

DEPARTMENT OF TRANSPORTATION

- Continued funding and assistance for Town programs and projects through enhancements.
- Coordination of planned road improvements.

OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION

- Provision of funds from the Land and Water Conservation Fund.
- Provision of planning and funding, and development of recreation services programs.
- Nomination of properties to the State and National Register of Historic Places.
- Provision of funding for State and local historic preservation activities.
- Project review of State and Federal agency projects affecting National Register properties.

ENVIRONMENTAL FACILITIES CORPORATION

- Financial and technical assistance for water and sewer infrastructure and other improvement projects.

EMPIRE STATE DEVELOPMENT CORPORATION

- Financial and technical assistance with revitalization efforts in the village core aimed at rehabilitation of vacant and underused properties and preparation of studies which promote business investment and growth.

Federal Agencies

DEPARTMENT OF COMMERCE

- Provision of funding and assistance for development and promotion of local tourism, including programs and activities in the Town area.

DEPARTMENT OF DEFENSE, US ARMY CORPS OF ENGINEERS

- Permit decisions and assistance with funding regarding dredging or development along shoreline.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

- Continued funding and assistance as requested through the Community Development Block Grant/ Small Cities program and the Urban Development Action Grant program.

DEPARTMENT OF THE INTERIOR

- Provision for funding under the Historic Preservation Grants-in-Aid program, when available.

DEPARTMENT OF THE TREASURY, INTERNAL REVENUE SERVICE

- Provision of investment tax credits for qualified building rehabilitation.

SECTION VII: LOCAL COMMITMENT AND CONSULTATION

7.1 LOCAL COMMITMENT

The Town of Hamlin first implemented a LWRP in 1991. It has been regularly updated, as the town has made a commitment to the program. This most recent update has expanded on previous plans and has extensive proposed projects along the waterfront areas.

The Town of Hamlin appointed a LWRP Advisory Committee for supervision and execution of a Local Waterfront Redevelopment Plan that includes a group of community members with diverse expertise and involvement. This committee includes:

Superintendent Steve Baase
Mark Ballerstein
Larry Beneway
Colleen Flaherty
Jeanine Klopp
Jenna Truelson-Crawford
Chris Schlieter
Jennifer Voelkl
Rob Westcott
Joel Yager

The Town of Hamlin, in agreement with the LWRP Advisory Committee, entered into a contract with MRB Group to be the consultant to work with the committee to complete the LWRP. Subconsultant to MRB Group, Gavitt Associates has led meetings and worked closely with the committee to produce this document.

The LWRP Advisory Committee developed a community participation process meant to encourage knowledge of and participation in the Local Waterfront Redevelopment Plan. Two public meetings were held to encourage discussion of local issues and opportunities. Announcements were made through social media and the local newspaper. An article explaining the LWRP was also included in the local paper. Additionally, the WAB personally contacted local organizations that would have an interest or impact to make sure they were informed and well-represented at the public meeting. There was significant attendance at the meetings with broad representation.

7.2 CONSULTATION

After finding the draft LWRP complete and ready for the next phase of review, the Department of State will initiate the 60-day public review of the draft LWRP. During this review period, the document will be posted online and available to the public for review and comments. Local, regional, and State agencies will be notified about the initiation of the 60-day review period of the draft LWRP and its availability online. The comments that will be received on the draft LWRP, during the 60-day review, will be considered and addressed by the Department of State and the town, and necessary changes will be made to the document.

APPENDIX A: DRAFT CONSISTENCY REVIEW LAW

TOWN OF HAMLIN

1658 LAKE ROAD
HAMLIN, NEW YORK 14466
Phone (585) 964-8961
Fax (585) 964-9124

- Planning Board
- Zoning Board of Appeals
- Conservation Board

THE HAMLIN WATERFRONT ADVISORY COMMITTEE HAS REVIEWED THE FOLLOWING PROJECT WITH REGARDS TO THE POLICIES OF THE HAMLIN LWRP.

PROJECT ADDRESS: _____

PROPOSED PLANS: _____

DATE OF REVIEW: _____
This review expires one year from this date.

REVIEWED BY: _____

THE COMMITTEE FEELS THAT THE PROJECT:

_____ IS CONSISTENT WITH THE POLICIES OF THE LWRP AND RECOMMENDS A CERTIFICATE OF CONSISTENCY BE ISSUED.

_____ IS CONSISTENT WITH THE POLICIES OF THE LWRP BUT THE COMMITTEE HAS THE FOLLOWING COMMENTS OR CONCERNS:

_____ IS NOT CONSISTENT WITH THE POLICIES OF LWRP. A CERTIFICATE OF CONSISTENCY SHOULD NOT BE ISSUED UNTIL CHANGES HAVE BEEN MADE WHICH CONFORM TO THE MAXIMUM EXTENT POSSIBLE TO THE LWRP POLICIES.

_____ A VARIANCE IS NEEDED FROM THE ZONING BOARD OF APPEALS.

_____ A DEC PERMIT IS REQUIRED.

COMMENTS AND POLICIES: _____

**Town of Hamlin
Coastal Assessment Form / L.W.R.P**

Will the proposed action have a significant effect upon: (check if yes, blank if no)

- Commercial or recreational use of fish or wildlife resources?
- Operation of the State's major ports?
- Land or water mass within a small harbor area?
- Aesthetic quality of the coastal environment?
- Stability of the shoreline?
- Surface or ground water quality?
- Existing or potential public recreation opportunities?
- Structures, sites, or districts of historic, archeological or cultural significance to the city, state or nation?
-

Will the proposed action involve or result in any of the following? (check if yes, blank if no)

- Physical alteration of land along the shoreline, land under water or coastal waters?
- Physical alteration of 2 acres or more of land located elsewhere in the coastal area?
- Expansion of existing public services or infrastructure in undeveloped or low density areas of the coastal area?
- Energy facility not subject to Article VII or VIII of the Public Service Law?
- Mining, excavating, filling, or dredging in coastal waters?
- Reduction of existing or potential public access to or along the shore?
- Sale or change of use in publicly-owned lands located on the shoreline or underwater?
- Development in a designated flood or erosion hazard area?
- Development on a beach, dune, barrier island, or other natural feature that provides protection against flooding or erosion?
- Construction or reconstruction of erosion protective structures?
- Diminished surface or ground water quality?
- Removal of ground cover from the site?

PROJECT

If project is located adjacent to the shore: (check if yes, blank if no)

- Will water-related recreation be provided?
- Will public access to the foreshore be provided?
- Does the project require a waterfront site?
- Will it supplant a recreational or maritime use?

If the project is publicly owned: (check if yes, blank if no)

- Will the project protect, maintain and/or increase the level and types of public access to water-related recreation resources and facilities?
- Will it involve the discharge of effluents from major steam electric generating and industrial facilities into coastal areas?
- Is the project site recently used by the community neighborhood as an open space or recreation area?
- Does the present site offer or include scenic views or vistas known to be important to the community?
- Is the project site presently used for commercial fishing or fish processing?
- Will the surface of any wetlands or wetland area be increased or decrease by the proposal?
- Does any mature forest (over 100 years old) or other locally important vegetation exist on the site?
- Will the project involve any waste discharge into coastal waters?
- Does the project involve surface or subsurface liquid waste disposal?
- Does the project involve transport, storage, treatment or disposal of solid waste or hazardous material?
- Does the project involve shipment or storage of petroleum products?
- Does the project involve discharge of toxins, hazardous substances or other pollutants into coastal waters?
- Does the project involve or change existing ice management practices?
- Will the project affect any area designated as a tidal or freshwater wetland?
- Will the project alter drainage flow, patterns, or surface water runoff on or from the site?
- Will good management practices be utilized to control storm water runoff into coastal waters?
- Will the project utilize or affect the quality or quantity of sole source or surface water supplies?
- Will the project cause emissions which exceed federal or state air quality standards or generate significant amounts of nitrous or sulfates?