

Town of Hamlin Local Waterfront Revitalization Program

LWRP

Adopted:

Town of Hamlin Board, October 14, 1991

Approved:

NYS Secretary of State, Gail S. Shaffer, December 2, 1991

Concurred:

U.S. Office of Ocean and Coastal Resource Management, March 12, 1992

Amended LWRP

Adopted:

Town of Hamlin Board, November 10, 2005

Approved:

NYS Secretary of State Lorraine A. Cortés-Vázquez, August 20, 2008

Concurred:

U.S. Office of Ocean and Coastal Resource Management, February 26, 2010



STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001

DAVID A. PATERSON
GOVERNOR

LORRAINE A. CORTÉS-VÁZQUEZ
SECRETARY OF STATE

August 20, 2008

Honorable Dennis K. Roach
Supervisor
Town of Hamlin
1658 Lake Road
Hamlin NY, 14464

Dear Supervisor Roach:

I am pleased to inform you that I have approved the Town of Hamlin Local Waterfront Revitalization Program (LWRP) amendment, pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. Everyone who participated in the preparation of this program is to be commended for developing a comprehensive management program that promotes the balanced preservation, enhancement, and utilization of the Town's valuable waterfront resources.

I am notifying State agencies that I have approved your LWRP amendment and am advising them that their activities must be undertaken in a manner consistent, to the maximum extent practicable, with the program.

I look forward to working with you as you endeavor to revitalize and protect your waterfront. Copies of the final program document will be forwarded to your office in the near future. If you have any questions, please contact Jeffrey Beach in our Division of Coastal Resources at 518-473-2472.

Sincerely,

A handwritten signature in black ink that reads "Lorraine Cortés-Vázquez". The signature is written in a cursive style with a large initial "L".

Lorraine A. Cortés-Vázquez

LACV:JB\gn

Town of Hamlin

**Resolution of the Town Board
Adopting the Town of Hamlin
Amended Local Waterfront Revitalization Program**

WHEREAS, the Town of Hamlin initiated amendment of its fully approved Local Waterfront Revitalization Program in cooperation with the New York State Department of State, pursuant to Article 42 of the Executive Law; and

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

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

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



5/21
UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT
Silver Spring, Maryland 20910

George Stafford
Director
Division of Coastal Resources
Department of State
99 Washington Avenue, Suite 1010
Albany, NY 12231-0001

FEB 26 2010

Rec'd Coastal Resources

MAR 04 2010

Dear Mr. Stafford:

Thank you for the New York Division of Coastal Resources' December 1, 2009 request that the revision to the Town of Hamlin be incorporated into the New York Coastal Management Program (CMP). You requested that changes to the Town of Hamlin LWRP policies described below be incorporated as a routine program change (RPC), pursuant to Coastal Zone Management Act (CZMA) regulations at 15 C.F.R. part 923, subpart H, and Office of Ocean and Coastal Resource Management (OCRM) Program Change Guidance (July 1996). OCRM received the request on December 1, 2009, and OCRM's decision deadline was extended until February 3, 2010.

Based on our review of your submission, we concur that the changes to the Town of Hamlin LWRP is an RPC and we approve the incorporation of the LWRP policies and policy standards as enforceable policies of the New York CMP. Federal Consistency will apply to the approved changes only after you publish notice of this approval pursuant to 15 C.F.R. § 928.84(b)(4). Please include in the public notice the list of changes to enforceable policies provided in this letter, and please send a copy of the notice to OCRM.

CHANGES APPROVED

See enclosed list of the changes incorporated into the New York CMP.

PUBLIC AND FEDERAL AGENCY COMMENTS

OCRM received no comments on this RPC submission.

Thank you for your cooperation in this review. Please contact Helen Farr at (978) 675-2170 if you have any questions

Sincerely,

John King, Chief
Coastal Programs Division

Enclosure: Changes Approved and Incorporated into the New York CMP



The following individuals, as members of or in cooperation with the Hamlin Waterfront Advisory Committee, contributed to the completion of the Revised Version of the LWRP.

Edward Evans, Chairman Councilperson

George Bott	James Breslawski
Sherry Dobson	Terry Dingee
Dane Emens	James Fischer
Craig Goodrich	Judy Hazen
Bill Jennejahn	Christine Moore
Jim Nesbitt	James Schiebel
Chris Schlieter	David Walch
Paul S. Rath	

The Hamlin Waterfront Advisory Committee consists of the entire Town of Hamlin Conservation Board.

The Revised LWRP was approved in 2002 by the Town Board:

Supervisor Austin F. Warner, III

Town Board Members: Edward Evans
Shirley Hollink
Paul S. Rath
George Todd

This (document, report, map, etc.) was prepared for the New York State Department of State Division of Coastal Resources with funds provided under Title 11 of the Environmental Protection Fund.

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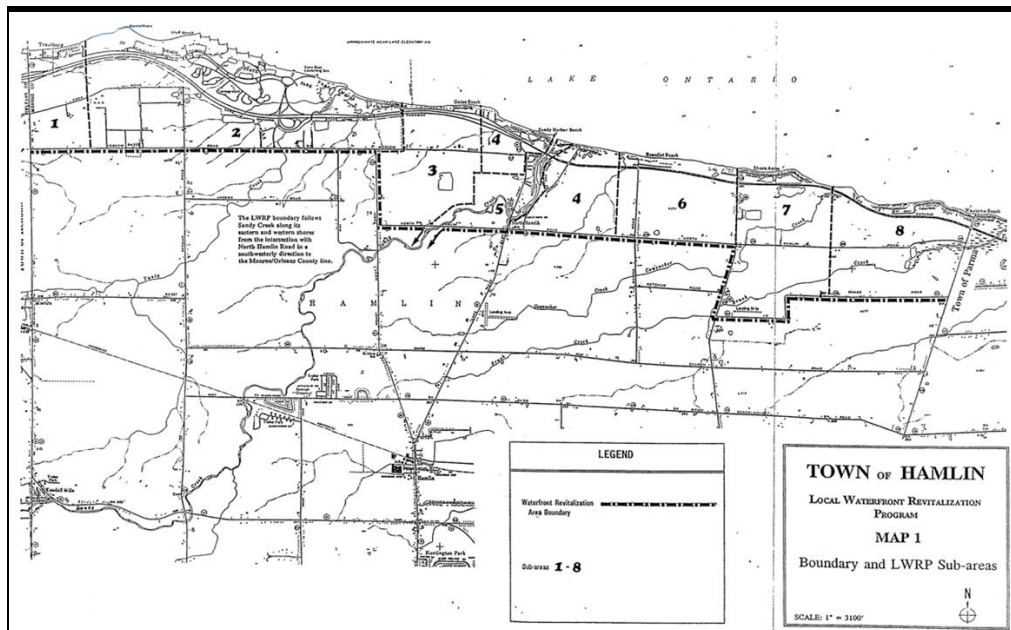
SECTION I Waterfront Revitalization Area Boundary

A. Waterside Boundary

The waterside boundary of the Town of Hamlin waterfront revitalization area coincides with the mean high landward line along Lake Ontario, (248.8' above sea level - International Great Lakes Datum) from the Town of Hamlin's westward boundary with the County of Orleans to its easterly boundary with the Town of Parma.

B. Inland Boundary

The westerly boundary of Hamlin's waterfront revitalization area begins at the intersection of the Monroe/Orleans County Line Road and Moscow Road. It follows in an easterly direction along Moscow Road to its intersection with Lake Road West Fork Road. The Boundary continues in a southerly direction on Lake Road West Fork to its intersection with North Hamlin Road. The boundary then travels in an easterly direction until it abuts Sandy Creek. At this point the boundary flanks Sandy Creek's course along its western and eastern shores extending to the Monroe/Orleans County line. The boundary continues on eastern side of Sandy Creek at North Hamlin Road. It then runs in an easterly direction along North Hamlin Road to its intersection with Walker Lake Ontario Road. The boundary continues along Walker Lake Ontario Road in a southerly direction to Chase Road. It continues in an easterly direction along Chase Road where it terminates at the Hamlin/Parma Town line.



Map 1 - Boundary and Sub-areas

SECTION II Inventory and Analysis

A. Introduction

The consultant, in conjunction with the Local Waterfront Revitalization Program (LWRP) waterfront committee, prepared an inventory and analysis of the Town of Hamlin LWRP area, primarily using the following sources:

1. Existing Town and County data and reports
2. Interviews with appropriate agencies (i.e., New York State Department of Environmental Conservation and Office of Parks, Recreation and Historic Preservation)
3. Field trips to collect primary data on land use and condition
4. U.S. Department of Interior, Geological Survey
5. New York State Department of Health

The LWRP deals with all of the factors affecting the waterfront (i.e., natural and water resources, community and cultural resources, and infrastructure) and their impact on the present and future of the Town of Hamlin. The inventory and analysis serves as a basis for the LWRP policies.

The Town of Hamlin is located in the northwest corner of Monroe County showing a latitude of 43 degrees, 18 minutes 30 seconds north and longitude of 77 degrees, 55 minutes, 53 seconds west. The Town is bordered on the north by Lake Ontario, on the west by Highway 272 (Orleans/Monroe County Line Road), on the east by Hamlin-Parma Town Line Road, and on the south by Hamlin-Clarkson Town Line Road.

The Town of Hamlin LWRP area has been divided into eight sub-areas for purposes of inventory and analysis (see [Map 1 - Boundary and Sub-areas](#)). Table 1 below details the acreage of the total LWRP area and its sub-areas, and also the length of the corresponding shorelines. (See subsection D 2 of this Inventory and Analysis for a full description of each sub-area.)

Table 1 - LWRP Inventory Sub-Area Characteristics

Sub-Area	Total Acreage	Lake Shoreline	Other Shoreline
1	348.43 AC	2,400.FT	-
2	1,959.67	18,540.	-
3	694.21	4,080.	-
4	723.30	7,920.	-
5	213.91	-	99,600. FT
6	655.21	6,480.	-
7	892.56	5,400.	-
8	843.64	7,980.	-
Total	6,330.93 AC	52,800.FT	99,600. FT

B. Historical Development

The Town of Hamlin 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, until recently, 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 1,200 acre 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 are also prevalent.

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, the Vice-President under Abraham Lincoln.

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 1820's 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 1600 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 1870's 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 could boast the largest twenty-ounce apple orchard in the world, just north of North Hamlin Road and entirely within the township.

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, a new group joined the pleasure seekers in Hamlin. This group was most 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 involved 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 which connected 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)

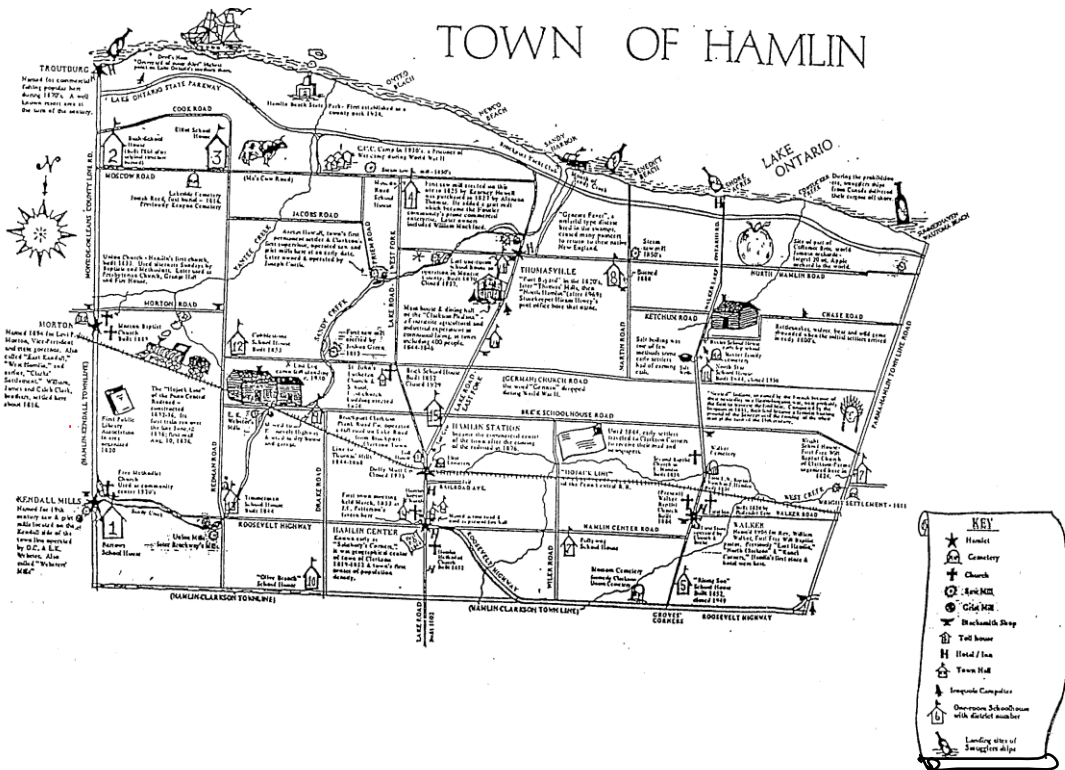
Early in its history, the Town was traversed by groups of Indians in search of fish and game. In 1651 the Iroquois Indians took control of the area.

There is also evidence of the existence of archaic Indians in the area of the town going back to 9,000 B.C. Of particular interest, because of their age, are two Clovis points found in what is now known as Areas 4 and 5 of the 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 the most recent occupation by archaic Indians 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.

Farming and farm-related businesses have continued to be the 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.

The population of Hamlin has, until recently, been remarkably stable: In 1900, 2,188 people lived in the Town; in 1930 there was a slight decrease to 2,079 people; the figure 2,080 for 1940 showed no change, but in 1950, the Census Bureau counted 2,321 people. In 1952, the Lake Ontario State Parkway was completed all the way to the State Park. Resort property greatly increased in value. Population increased too. By 1960, 2,755 people lived in Hamlin. By 1970, the number jumped to 4,167. The biggest jump ever, came with the 1980 census figure of 7,675. The 1990 census shows, 9,203. The census taken in 2000 shows a small growth to 9,355. [Map 2 – Historic Resources](#) outlines various historical points of interest.



Map 2 – Historic Resources

C. Natural Resources

1. 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 which enters the lake in sub-area 7, and Brush

Creek which flows through sub-areas 7 and 8 and ultimately discharges at a point in the adjacent Town of Parma, east of Hamlin.

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. Gradual stream gradients exist, 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 LWRP area, including the 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 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 and originates north of (German) Church Road and east of East Lake Road and travels in a northeasterly direction for a distance of approximately 24,000 feet. The creek flows through sub-area 7 and 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 through sub-areas 7 and 8 in a northeasterly direction, through the federally designated wetland PM-1 and discharges into Lake Ontario in the Town of Parma, approximately 2,000 feet east of the Hamlin-Parma Town Line Rd.

2. Water Quality

The classifications of streams identified and referenced in the Hamlin LWRP area were assigned by NYSDEC in 1992.

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.

The Monroe County Department of Health monitors the 18 sand filters and 9 septic systems within Hamlin Beach State Park. In recent years, park employees have improved their on-going maintenance of these systems and problems have been reduced. At no time has the park beach been required forced to close because they could not meet State standards for water quality at bathing beaches.

Monroe County began the preparation of a water quality management plan for the Lake Ontario West Basin that drains into Lake Ontario along the Monroe County shoreline to the west of Rochester in 1989. The detailed watershed plan for the Lake Ontario West Basin was never completed. Instead, Monroe County completed 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. To date, one watershed plan in the Lake Ontario West Watershed has been initiated. That is the Northrup Creek/Long Pond watershed plan. That watershed includes portions of the Towns of Ogden, Parma, Greece and the entire Village of Spencerport. That watershed plan is being developed by a team of staff from each of the watershed municipalities and from the County. That plan is expected to be completed in 2005. The Northrup Creek/Long Pond watershed plan identifies existing water quality problems, pollutants, and sources along with recommended actions to be taken to protect and improve water quality. Recommended actions in the plan are expected to begin in 2001.

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, 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 seeks 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 Bd. /Hamlin Waterfront Advisory Committee Member as their 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:

- entering 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 (a pilot project is currently underway in Greece, Perinton and Pittsford)

3. 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, Collamer-Hilton-Niagara, found in the Hamlin LWRP area, 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, 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.

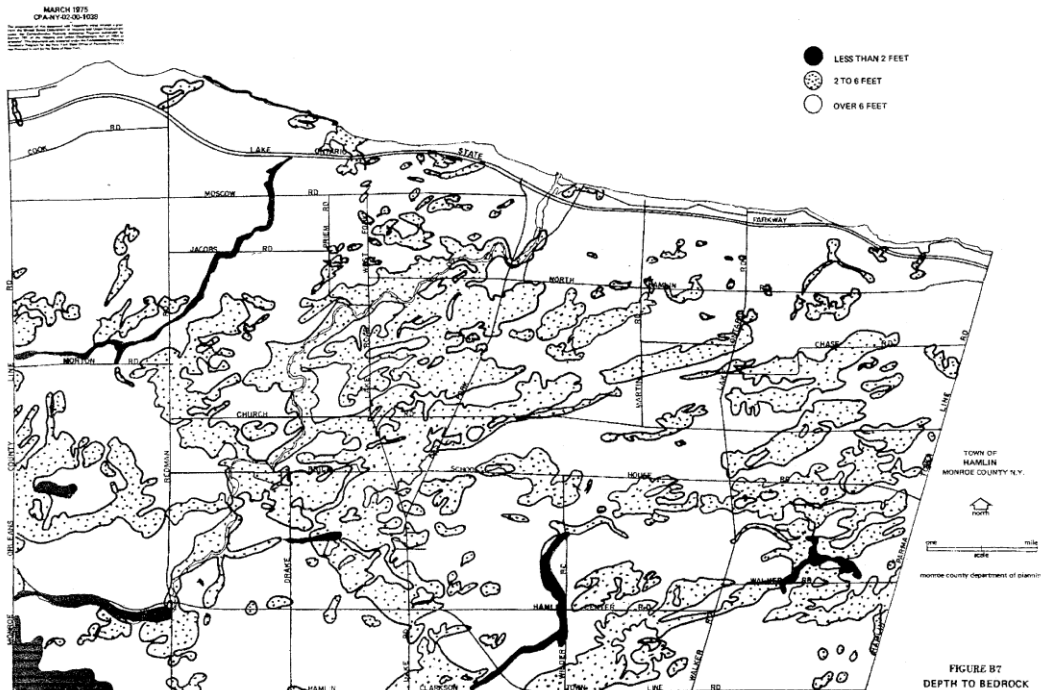
Hilton soils are deep, nearly level to gently sloping, moderately well drained soils that have a medium-textured or moderately coarse textured surface layer and medium-textured to moderately fine-textured subsoil. They formed in firm calcareous glacial till. These soils are on the higher ridges and knolls 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 1/2-2 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 because of a seasonal high water table of 1/2-1 foot below the surface.

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.



Map 3 - Bedrock

4. 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 LWRP area 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. Because of this danger, use of this area by the public should continue to be carefully controlled until efforts to stabilize the area so it can be reopened to the public.

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.

5. Flooding/Erosion

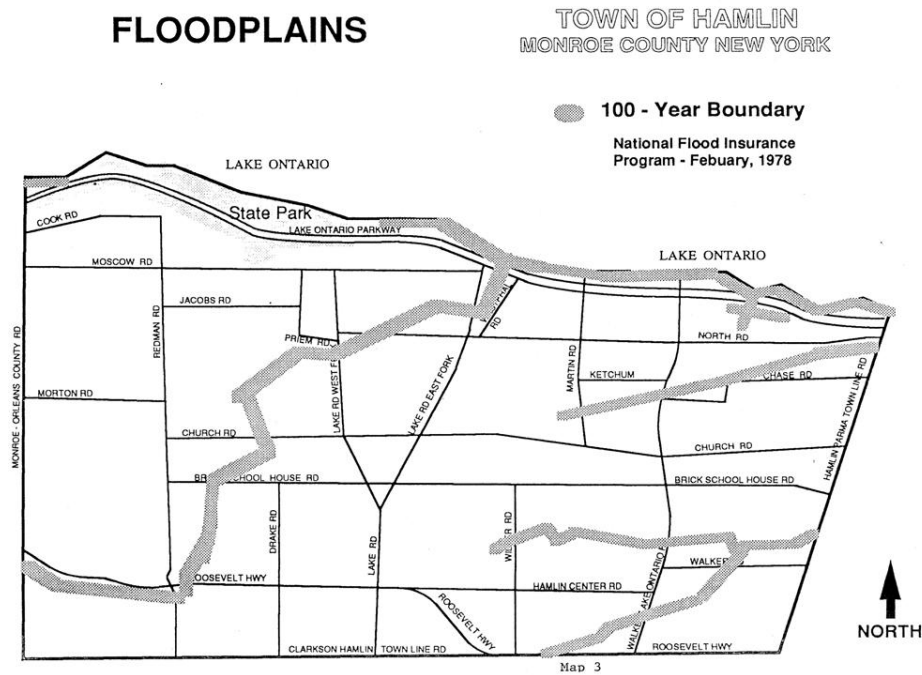
a. Flood Prone Areas

Review of flood prone areas, as identified by the Federal Emergency Management Agency prepared under the National Flood Insurance Program for the Town of Hamlin, shows that the entire Lake Ontario shoreline within the Hamlin LWRP area has been identified as being in 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 which 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 in sub-area 7, and 1,400 feet in sub-area 4, immediately east of Sandy Creek. Specific areas of potentially flooding for each sub-area are shown on [Map 4 - Floodplains](#).

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; it 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 Marsh

was provided with a revetment to prevent such damage in the Fall of 1998 and recommends the eastern half receive equal protection.]



Map 4 – Floodplains

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)

To comply with the CEHA objectives, the DEC developed a series of maps showing long term average annual coastal recession rates for specific areas of shoreline. In Hamlin, maps were developed for the Lake Ontario shoreline, but not the shorelines of tributaries entering the lake. Coastal Erosion Hazard Area maps of Hamlin's Lake Ontario shoreline were then evaluated for significant erosion. Table 2 displays long-term average annual coastal recession rates along the lake. Recession rates in designated erosion hazard areas range from 1.0 to 3.0 feet per year. The area exhibiting greatest shoreline erosion (3.0 feet per year average annual rate) is in the vicinity of Devil's Nose, at the western end of the Town's Lake Ontario shoreline. Recession rates

for each sub-area are shown on [Map 5 - Shoreline Recession, Agricultural Districts and Wetlands](#).

TABLE 2 -Long Term Average Annual Coastal Recession Rates With Hamlin LWRP Sub-Areas 1 to 8.
(Expressed in lineal feet of shoreline)

Sub-Area	Total Shoreline Length	3.0 Ft/Yr	2.5 Ft/Yr	2.0 Ft/Yr	1.5 Ft/Yr	1.0 Ft/Yr
1	2,400			1,900	500	
2	18,540	2,000	1,100	3,600	215	700
3	4,080	-	-	-	-	1,780
4	7,920	-	-	2,700	250	3,220
5	shoreline this sub-area related to Sandy Creek only					
6	6,480	-	-	4,025	1,405	1,050
7	5,400	-	-	-	3,500	1,200
8	7,980	-	-	-	4,780	400

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. Both high and low levels have been recorded for Lake Ontario in the recent past. For example, during October 1986 the lake was 4.8 inches above normal annual summer high peak levels. 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. Low lake levels, as occurred in the late 1980's, are generally not responsible for extensive upland erosion. However, under the right circumstances low lake levels can prepare the way for more extensive

erosion during subsequent high levels. High lake levels and resulting erosion are a 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. A summary of the types of construction and the dates of installation follow.

Sub-area 1 - Troutburg - No permanent shoreline protection has been incorporated into the Troutburg Beach area.

Sub-area 2 - Hamlin Beach State Park - The State Park shoreline east of Bluff Beach is partially protected with eleven groins of various lengths. The structures are generally in good condition with maintenance provided by the State Park. A 1,835 foot long revetment to protect the Western half of Yanty Marsh was built in 1998. In the fall of 2000 a revetment was completed protecting the shoreline in Area 5.

Sub-area 3 - Monroe County Water Plant Area - The Monroe County water intake and treatment plant is located approximately .5 miles west of Ontario Beach. Construction of approximately 1,900 feet of gabion shore protection was completed in September 1973 at a cost of \$127,000. Top elevation of the structures is approximately 253.8 feet AMSL. These structures are presently deteriorated. The Newco Beach area adjacent to Newco Drive has received similar gabion erosion protection. Installation of approximately 1,200 feet of seawall was completed in conjunction with protection of the water works. Total cost for this work in 1973 was estimated at \$81,000. A review of the condition of this structure on January 19, 1987 indicated some deterioration.

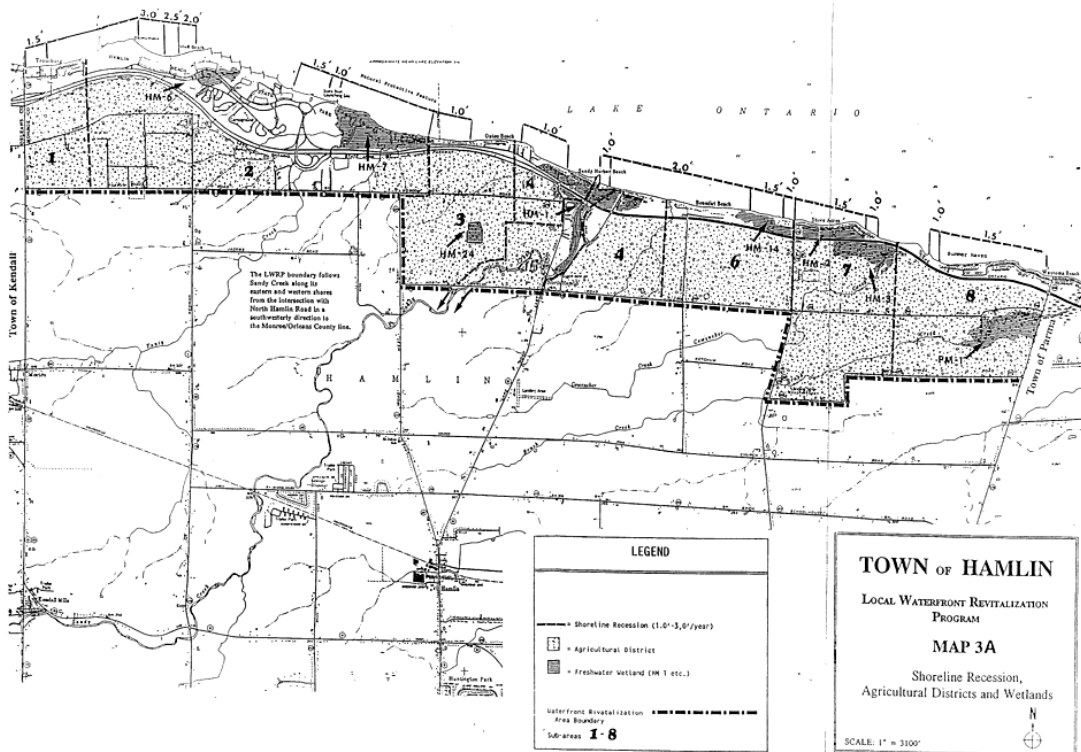
Sub-area 4 - Erosion protection in this area included the installation of approximately 1,200 feet of gabion structures in July of 1973 at a total cost of \$81,000.

Sub-area 5 - Shoreline protection is not required due to the protective vegetation and protective features found along both sides of the creek.

Sub-area 6 - Benedict Beach offers little protection against severe erosion. Only minimal shoreline protection remains. Much of the shoreline is wetland and is very low in elevation.

Sub-area 7 - Approximately 22 properties within the Shore Acres section of sub-area 7 received shoreline protection in July of 1973. The protection, recommended by the Army Corps of Engineers, consisted of a total of 2,000 linear feet of gabion dikes at a total cost of \$65,000. Final elevation of the top of the structures was +254.8 feet. These structures are in varying states of disrepair, with only minimal erosion protection provided. In 1998 gabions were installed by numerous homeowners in a program sponsored by the Army Corp of Engineers and Town of Hamlin for high water protection.

Sub-area 8 - Wautoma Beach Area - Two segments of shoreline protection were installed in this sub-area in 1973. These include the Summerhaven and Wautoma Beach areas. A total of 17 properties were protected with gabion dike structures totaling 2,300 feet at a cost of approximately \$141,000. That portion of the protection which occurred in Summerhaven was 970 feet and totaled approximately \$59,000. The balance of the shoreline protection was installed in the Wautoma Beach area. Almost all erosion control structures have been determined to be in disrepair. In 1998 a few residents entered a gabion program sponsored by Army Corp of Engineers and the Town of Hamlin for high water protection.



Map 5 - Shoreline Recession, Agricultural Districts and Wetlands

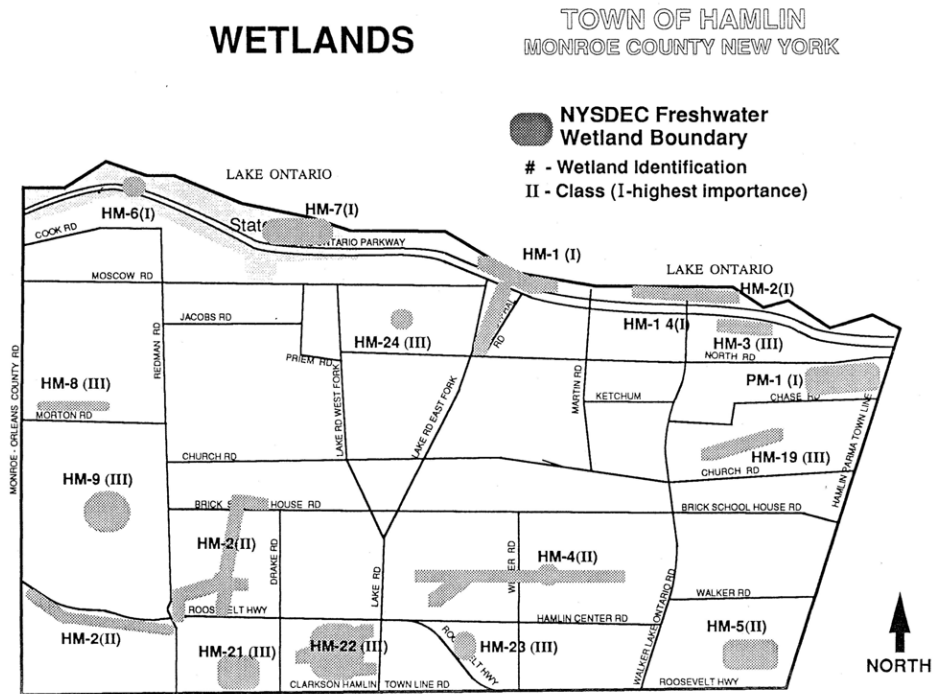
6. Wetlands

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. By definition, “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. Designated wetlands in the Town of Hamlin LWRP area are shown on [Map 6-Wetlands](#).

State designated wetland areas include: HM-6 and HM-7 in LWRP sub-area 2; HM-1 in sub-area 4; HM-14 in sub-area 6; and HM-2 and HM-3 in sub-area 7. The HM-4 wetland identified within sub-area 4 also

extends southward into sub-area 5 along the Sandy Creek drainage basin. A federally designated wetland, PM-I, is located in sub-area 8.

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.



Map 6 - Wetlands

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 designation 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 by the adoption of the Conservation Overlay in 1991 and with the Zoning Chapter 125-34 recognizes environmentally sensitive areas and addresses some protection that may not be regulated by the DEC.

7. Fish and Wildlife

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

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. Coho and Chinook salmon spawning runs occur in the fall. Brown trout are found in lower reaches of Sandy Creek during the fall spawning period. Coho and steelhead are stocked in the Creek by NYSDFC. A warm water fishery exists north of the Route 19 Bridge. Species include northern pike, smallmouth bass and brown bullhead. Sandy Creek is important for smallmouth bass spawning. These fisheries resources provide recreational opportunities for residents and visitors. The rating form, narrative and maps of the habitat are contained in Appendix F.

Several areas both offshore and inland within the Hamlin LWRP area contain locally significant fish and wildlife habitats. The entire offshore area from the waterside boundary of sub-area 1 to the mid-point of sub-area 3 and part of the offshore area of sub-area 8 contain such fish and wildlife habitats. Additionally, there are inland fish and wildlife habitats in all sub-areas of Hamlin's LWRP area.

Yanty Creek Marsh was not evaluated in 1984 when the significant coastal fish and wildlife habitats were being considered. Since that time, Black Terns were discovered there. Black Terns have recently been upgraded from a species of concern to an endangered species. The New York State Department of Environmental Conservation is reviewing the documentation on Yanty Creek Marsh and is considering its designation as a State Significant Coastal Fish and Wildlife Habitat.

Therefore, further study is needed to determine whether or not the Town of Hamlin should recommend that Yanty Marsh should be designated as a State Significant Coastal Fish and Wildlife Habitat.

Monroe County, similar to many other Lake Ontario counties, has benefited from recent fish stocking programs implemented by the NYSDEC Division of Fish and Wildlife. Stocking programs have increased fish spawning populations within local creeks and streams. Specific species in the 1985 and 1986 programs for Monroe County included brown trout, lake trout, rainbow trout, Chinook salmon, coho salmon and steelheads. Total numbers for the Hamlin-Sandy Creek area were approximately 500,000. Sandy Creek has been identified as a secondary Chinook salmon stocking stream. In 1999 the Sandy Creek Pen Rearing Program was initiated and supported by the Town of Hamlin Conservation Board and carried out by a small group of residents and volunteers in order to release 25,000 baitfish into the mouth of Sandy Creek.

These programs have created a demand for increased lake access for boaters, accompanying parking and launching facilities, and other support facilities. The Monroe County Fisheries Advisory Board supports improving the area fishery, increasing public access to the fishery through improvements to existing and proposed boat launching and parking facilities, and increasing recreational uses in upland areas.

Early warm spring outflows from Cowsucker Creek use to cause bait fish (smelt and alewives) to school in Lake Ontario. Trout and salmon, feeding on baitfish, become very plentiful making this area one of the most popular for charter boats from early April through May. Hopefully conservation measures will bring a return of the baitfish.

The Hamlin area has an abundance of shore and marsh dwelling birds, as the existing wetland areas provide excellent habitat. Least bitterns nest in the Sandy Harbor area. The wood duck, which at one time was considered endangered, has increased in numbers as a result of restricted hunting and nesting box building. Upland game is also plentiful in the LWRP area.

A list of species of fish and wildlife that may be found in the Hamlin LWRP area may be supplied by DEC .

D. Community and Cultural Resources

1. Population Characteristics

The 1980 census for the Town of Hamlin reveals significant growth in the Town. An increase in population from 4,167 in 1970 to 7,675 in 1980 represents the highest growth rate in Monroe County for the period. County-wide population fluctuations for the same period realized a population reduction from 711,917 in 1940 to 702,238 in 1980 for an overall loss of 1.4%.

Housing units/households in Hamlin for the same period increased from 1,419 in 1970 to 2,362 in 1980. The 1990 census shows a population of 9,203 a growth of 21% for a total increase of 87.5%. Census completed in 2000 shows a small growth to 9,355.

2. Land Use and Physical Conditions

An inventory of units within the LWRP area collected in October 1986 indicates a total of 501 housing units. This represents both year-round and seasonal occupancy. A breakdown of the LWRP area land use by sub-area is presented in Table 3 and shown on [Map 7 - Existing Land and Water Uses](#).

TABLE 3 - Summary of Housing Unit Inventory for Town of Hamlin LWRP Area

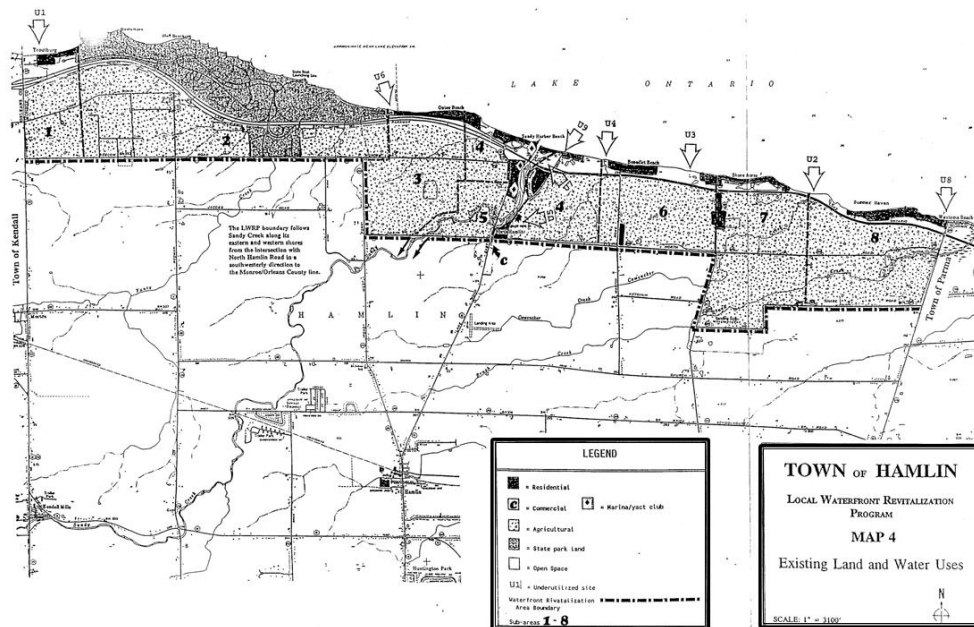
Sub-Area	Seasonal	Year Round	Total
1	28	20	48
2	0	64	64
3	0	36	36
4	40	71	111
5	10	35	45

Sub-Area	Seasonal	Year Round	Total
6	2	23	25
7	26	56	82
8	10	98	108
	116	403	519

Sub-area 1 - This sub-area consists primarily of the Troutburg hamlet in the northwest corner of the Town of Hamlin. At present there are 48 housing units, none of which are associated with agriculture. Approximately one-third of the Troutburg beach area remains undeveloped. This undeveloped area lies immediately east of Rt.272 and is used for recreational swimming. The area to the south of the Lake Ontario State Parkway contains primarily working orchards with the balance devoted to farming. Public Water is planned with grants with Orleans County and the Town of Kendall.

Sub-area 2 - This sub-area includes Hamlin Beach State Park. Within the park grounds are opportunities for swimming, picnicking, year round camping hiking, bird watching with plenty of parking areas. The park presently offers 264 campsites, a cartop boat launch, several comfort stations, and several playgrounds, shelters for rental and a nature trail adjacent to Yanty Marsh which includes an overlook.

Additionally in this area, there are 64 housing units, some of which are associated with agriculture. Approximately 40% of this area is used for agricultural/orchard activities all of which are south of Lake Ontario State Parkway. The area surrounding Yanty Creek and Marsh has been designated a wetland and is protected under existing regulations. The area south of the parkway also contains gravel pits adjacent to sub-area 1.



Map 7 – Existing Land and Water Uses

Sub-area 3 - This sub-area is located east of Hamlin Beach State Park and extends from the Monroe Water Works eastward through and including Ontario Beach. A Coast Guard auxiliary substation is located adjacent to the Water Works. The area has a total of 36 housing units, 32 of which are associated with agriculture. However, nearly all lands south of the parkway are devoted either to agricultural or orchard use. No designated wetlands appear on the NYSDEC wetland maps for this sub-area.

Sub-area 4 - This sub-area encompasses the area around but not including Sandy Creek, which has been segregated into sub-area 5. Sub-area 4 includes the majority of residences in the Sandy Harbor Beach area with a total of 111 housing units. The predominant use of lands south of the parkway is agricultural which represents approximately 75 % of the land area in sub-area 4. There are 6 housing units in this agricultural area. This area has the largest amount of seasonal residential uses.

Designated wetland areas surrounding Sandy Creek (specifically HM-I(I)) include a small percentage of sub-area 4 lands, with the majority of the HM-I wetland identified within sub-area 5.

Sub-area 5 - Included in this sub-area is Sandy Creek from Lake Ontario to the Monroe/Orleans County line.

Improvements in this sub-area are concentrated along Sandy Creek from Lake Road to Lake Ontario. Within this sub-area there are 45 housing units.

Sandy Creek launching facilities located in this sub-area include the Brockport Yacht Club, a private Boat launch and Marina with docking, the East Fork Boat launch and Marina, and the new docking at Sleepy Hollow. A boat launch owned by New York State DEC is located near the Lake Ontario Parkway, between Sandy Creek and Westphal Road. The land west of Lake Road, East Fork (NY 19) adjacent to Sandy Creek is used primarily for agriculture. Agricultural use represents approximately 75 % of the total land area within this sub-area boundary.

The HM-1 Wetland has been identified adjacent to Sandy Creek and extends southward to NY 19.

Sub-area 6 - This sub-area encompasses the Benedict Beach Shoreline area and extends southward to North Hamlin Road. Within this sub-area there are 25 housing units, none of which are associated with agriculture and are south of the Lake Ontario shoreline. Approximately one-third of the shoreline in this sub-area is undeveloped. However, the majority of this undeveloped area is within the designated wetland (HM-14(1)). Approximately 90% of this sub-area lies south of the Lake Ontario State Parkway. This area is predominantly agricultural and has been designated as prime and unique farmland.

Sub-area 7 - This sub-area includes the Shore Acres section of the Lake Ontario shoreline. Identified within this sub-area are 82 housing units, none of which are associated with agriculture. A large portion of the area north of the parkway within this sub-area has been designated as Wetland HM-2(1). The agricultural activities south of the parkway include both working farms and active orchards.

Sub-area 8 - This sub-area located in the northeastern corner of the Town includes the shoreline of the western section of Wautoma Beach. The southern boundary of this sub-area is Chase Road. A total of

108 housing units have been identified. Of these, 28 are located within active agricultural lands while the balance is located north of the Lake Ontario State Parkway.

Structures in the LWRP area are generally in good to excellent condition. A number have been improved and upgraded in recent years. It is expected that this trend will continue, and will result in the upgrading of the few structures which are now in need of some improvement.

Potential for land use conflict exists in several instances. Residential and waterfront commercial uses could be conflicting, depending on scale, siting and operating characteristics. Pressure for new or expanded residential areas could conflict with established agricultural uses. Public access and recreation could conflict with established residential uses.

3. Land Use/Agricultural

Much of the land area within the Hamlin LWRP area is within an agricultural district and the majority of such land contains prime and unique farmland. Agriculture is a predominant activity within Hamlin and accounts for the major commitment of land. Areas not identified as prime and unique 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. There is no land within a designated agricultural district north of the Lake Ontario State Parkway. A breakdown demonstrating the percentage of each sub-area identified within an agricultural district is presented below.

Sub-area 1 - Troutburg - Approximately 50% of the lands within this sub-area lies within a designated agricultural district. Approximately 40% of the lands within and outside of an agricultural district is identified as prime and unique farmland.

Sub-area 2 - Hamlin Beach State Park - None of the lands within the park have been incorporated within an agricultural district; however, about 50% of the lands south of the parkway is within an agricultural district with nearly all lands designated as prime and unique farmland.

Sub-area 3 - Onteo Beach - The lands south of the parkway within this sub-area are all within an agricultural district of prime and unique farmland. This represents roughly 90% of the total area within the sub-area.

Sub-area 4 - This area surrounding Sandy Creek is designated within an agricultural district west of Highway 19 and east of Westphal Road. The lands within this agricultural district have all been defined as prime and unique farmland. There is limited development in these areas while major development has occurred along the Lake Ontario shoreline and Sandy Creek.

Sub-area 5 - Sandy Creek - Lands west of Route 19 are within an agricultural district and have been identified as prime and unique farmland. All of the properties adjacent to the creek east of Highway 19 south to North Hamlin Road are outside of any identified agricultural district. Lands adjacent to Sandy Creek south of North Hamlin Road are within an agricultural district, although the lands have not been classified as prime or unique farmland.

Sub-area 6 - Benedict Beach - The majority of the lands south of the parkway are within an agricultural district. Approximately 8% along the shoreline are prone for flooding and have been excluded from any agricultural district. All of the lands within the identified agricultural districts have been classified as prime and unique farmland.

Sub-area 7 - Shore Acres - Similar to sub-area 6, the land south of the parkway is classified as prime and unique farmland for farming. Approximately 12-15% of the land is excluded from the agricultural district due to the potential for flooding along Cowsucker Creek.

Sub-area 8 - Summerhaven and Wautoma Beaches - Similar to the other sub-areas, the lands south of the parkway are within an agricultural district. Approximately 20-25 % of the land is flood prone and lies outside of the agricultural district boundary.

4. Identification of Underutilized Sites

Analysis of the inventory data indicates several sites within the Hamlin LWRP area that are presently underutilized. These sites are located in nearly all of the sub-areas of the LWRP area. They include vacant sites with shoreline that could be developed primarily for recreational uses. The specific areas have been identified and analyzed in Subsection F of the Inventory and Analysis.



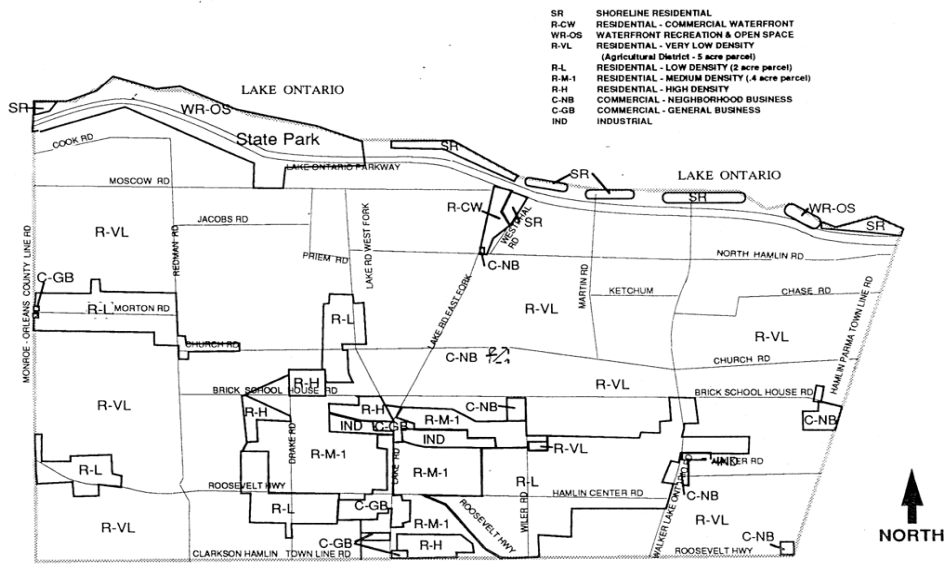
Map 8 – Parcel Map

5. Zoning

A zoning law adopted in 1991 as Chapter 125 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.

ZONING MAP

TOWN OF HAMLIN
MONROE COUNTY NEW YORK



Map 9 - Zoning

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 L.W.R.P. are reviewed for consistency with the zoning and the policies of the L.W.R.P.

6. Waterfront Development

Waterfront development within the LWRP area 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 from the early days of lakeside development. These support buildings have been divided into apartments available for summer rental. With the proposed public water, interest may be generated to refurbish the hotel with possible grants.

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.

7. Water Uses

Water uses in the Hamlin LWRP area, excluding public drinking water, are recreational in nature. Sport fishing has become a key use of the Hamlin LWRP area. 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 occurs in Hamlin Beach State Park for wind surfers and canoes. Swimming also takes place at the park, as well as other water related summer activities such as the Hobie Cat Regatta, Jet Ski Races and Triathlon.

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 (See P 1 of the Inventory and Analysis). People are parking illegally to fish and to take pictures at Cowsucker Creek outlet. Provisions should be made to make a legal and safe parking area.

8. Underwater Land Issues

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. Many grants were limited and a public interest in the underwater lands remains.

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 and 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 have recently been re-emphasized. The use of trust lands by the public generates billion 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. Additionally, the regulation would severely restrict alienation into private ownership of public trust lands owned by the State. The intent of the Act was also to ensure that waterfront owner's reasonable exercise of riparian rights and access to navigable waters did not adversely affect the public's rights. The Legislature stated the use of trust lands is to be consistent with the public interest in reasonable use and responsible management of waterways for the purposes of navigation, commerce, fishing, bathing, recreation, environmental and aesthetic protection, and access to the navigable waters and 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.

It is very important to understand the nature of the ownership of underwater lands as municipal, State, and federal agencies should consider the public's right under the Public Trust Doctrine during their regulatory review of development proposals. In many cases it can provide a rational for modifying or denying permits when an activity would impair public trust resources or if the 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 Navigation Servitude to regulate, and even absolutely prohibit, activities in the navigable waters of United States, which includes Lake Ontario.

9. Public Access and Recreation

Hamlin Beach State Park contains roughly 35% (18,500 ft.) of Lake Ontario shoreline within the Town of Hamlin. The balance of the Lake Ontario shoreline (approximately 34,260 acres) has been used for residential development or remains undeveloped. Excluding Hamlin Beach State Park, within the LWRP

area approximately 10,000 feet of shoreline remains undeveloped. This represents 20% 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 has experienced increased usage over the years. A review of attendance data indicates increased demand for park areas and access to the lake. Annual park attendance for 1984 was 420,280 while in 1985, 443,419 visitors were counted. Attendance for 1986 through October 1996 shows a similar increase. However from 1998 through 2000 the figures show attendance steady but not dramatically increased. Bad weather, rising fuel costs and the notable price increases for park use may be several reasons.

The Lake Ontario State Parkway has made Hamlin's shoreline much more accessible by car for most of Monroe County. However, the construction of this highway destroyed valuable lands and divided 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 at the channel mouth has been designated as a Harbor of Refuge presently maintained by a private organization (Brockport Yacht Club).

There is a not too well defined bikeway trail within the Hamlin LWRP area that runs along the Lake Ontario State Parkway, North Hamlin Road, Walker Lake Ontario Road and Hamlin-Parma Town Line Road. A study has been conducted on behalf of the New York State Office of Parks to look for an alternative way to have a bikeway along the Parkway for use.

Sandy Creek is a major recreational fishing habitat. The Town of Hamlin is Pursuing the purchase of public fishing easements along its shoreline. 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. Pedestrian walkways should be considered over Lake Rd. East Fork and the Parkway Bridges, similar to West Fork Bridge.

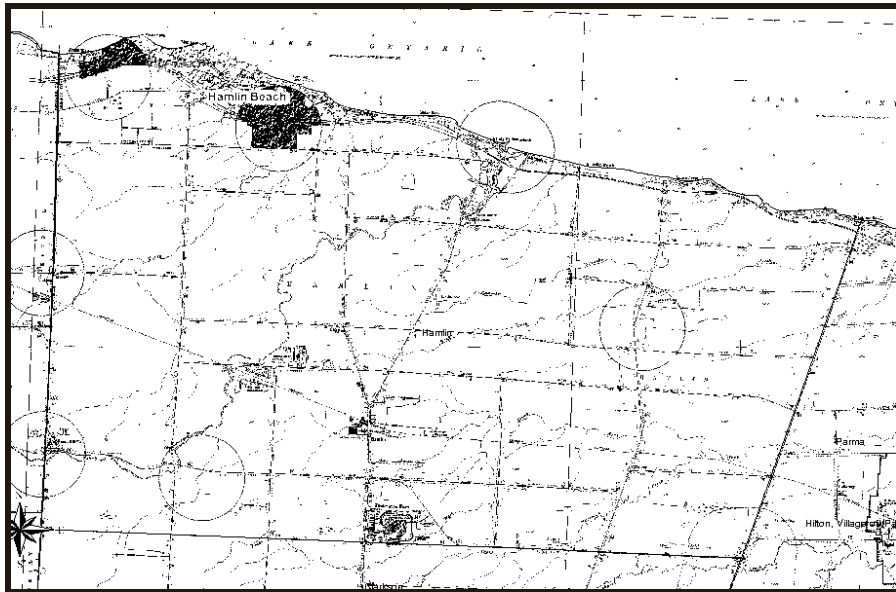
In the waterfront area, publicly owned lands offer potential for additional public access. These are identified on Map 7 as parcels U2, U6, U7, U8 and U9. (See Inventory and Analysis, F- Issues and Opportunities for further description)

10. Scenic Resources/Historical Resources

The overall visual quality of the natural and man-made features of Hamlin's waterfront is typical of a predominantly rural along the waterfront include Troutburg, Hamlin Beach State Park and the Brockport Yacht Club at Sandy Creek. There is potentially one scenic area off the Lake Ontario State Parkway east of Sandy Creek which could be developed for a scenic overlook. Another such area exists along the Lake Ontario State Parkway near Cowsucker Creek.

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 do not appear to be any significant degraded areas or conditions which impair the visual quality of the Hamlin waterfront.

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 School House roads.



Archeological Sensitive Areas

E. Community Services/Infrastructure

1. Transportation

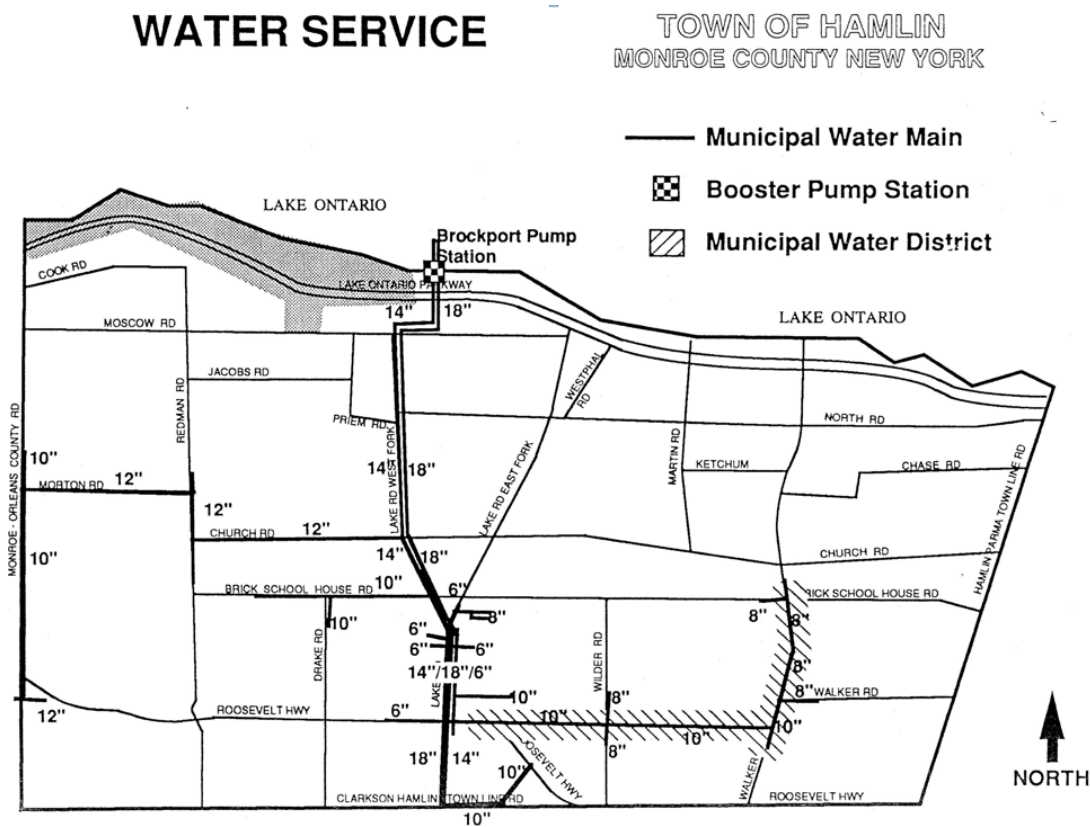
Primary transportation access is provided by the automobile, as no public transportation serves the LWRP area. Public parking facilities are provided within Hamlin Beach State Park. The only additional public parking area within the LWRP area exists at the NYSDEC boat launch facility adjacent to Sandy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

Parking for carpooling is available at Newco Drive and Sandy Harbor area. A park and ride service for the public with parking is available at the Town Hall in Hamlin. The program has been arranged through cooperation between the Town of Hamlin and the Regional Transit Service. Several trips per day provide round-trip service to and from midtown Rochester.

2. Water Distribution/Supply

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

Much of the populated area south of the L.W.R.P. is served by inadequate private wells. Water quantity is often low with water being hauled in by independent haulers and homeowners. The Town of Hamlin continually receives requests for public water. Privately owned wells are tested periodically by Monroe County Health Department who certifies the water quality of wells.

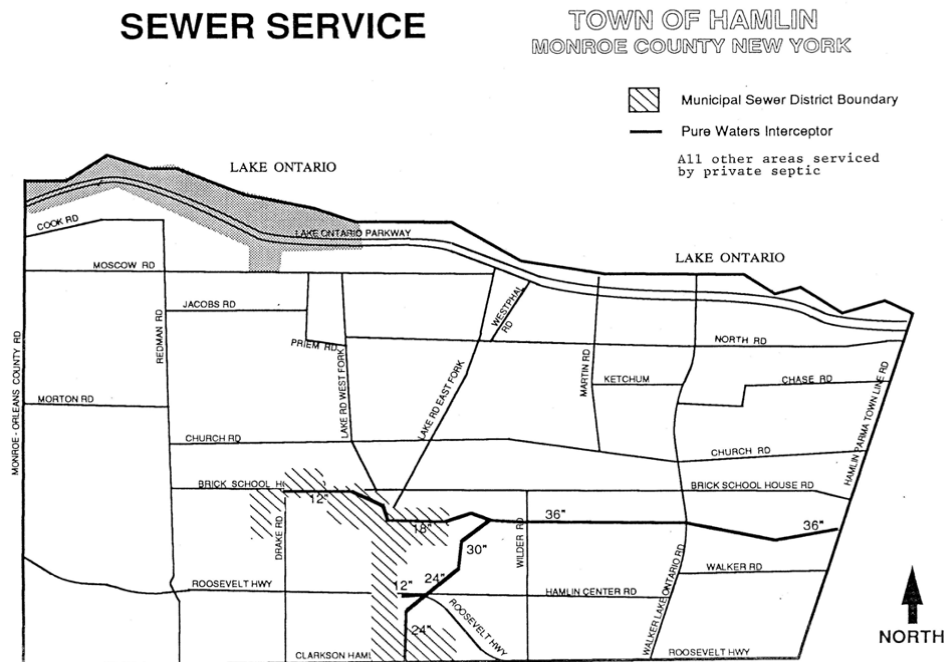


Map 10 – Water Service

3. Wastewater Collection and Treatment

Within the LWRP area, Hamlin does not have a centralized sewage collection and treatment system. Individual household septic systems (non-documented) are providing the present sewage waste disposal within the LWRP area. These systems are susceptible to failure during extreme flooding events in shoreline and low-lying areas.

Inadequate or poorly maintained sewage treatment systems can cause pollution. However, estimating the potential for pollution levels is not possible due to the lack of coordination between the town and county required permits and inspections.



Map 11 – Sewer Service

4. Storm Water Management

The primary method of storm water collection and diversion is through the drainage system which 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 partially clogged. High lake levels further impede stormwater drainage and runoff. In the Wautoma - Summerhaven area, parkway drainage has been diverted onto private property with the potential for flooding.

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

5. Solid Waste Disposal

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



F. Issues and Opportunities

1. Waterfront Access and Recreation at Undeveloped Waterfront Sites

A major issue facing the Hamlin LWRP area is the need for improved and increased waterfront access for recreational purposes. There are a number of opportunities to develop underutilized sites for these purposes. All sites have street access, but none have public sewer or water. Each site is identified on Map 7. These sites and opportunities are discussed below.

Site U1 - One underutilized site in the LWRP area is located in sub-area 1 within the Troutburg area. It is approximately 27.5 acres with approximately 1,200 feet of shoreline, and is privately owned. Troutberg was multi-faceted playground during the fair weather months from shortly before the Civil War, until the early 1930's.

From the 1860's through the 1890's Troutbergs 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 Troutbergs 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. Troutberg was also the site of an occasional bare-knuckle prize fight before boxing was legalized.

The sub-area averages approximately 255 feet above sea level according to OSGS topographic map. It is located within a flood prone area (an A-i zone impacted by 100 year floods), 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. Boat launch and other water-related recreation
2. Picnic areas
3. Scenic overlook
4. Parking
5. Combinations of above uses
6. Hamlin Beach State Park extension

Site U2 - A significantly large undeveloped area of land is located on the Lake Ontario shoreline at the intersection of sub-areas 7 and 8. This parcel consists of 20.5 acres and is owned by the Lake Ontario State Parkway. 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. 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 U3 - Another undeveloped area lies in sub-area 6 and is located east of Benedict Beach. This parcel contains a total of around 5 acres and a shoreline area of approximately 1,000 feet. 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 only.

Site U4 - A fourth parcel that is presently undeveloped is located east of the border of sub-areas 4 and 6. This property is privately owned. It is 8.25 acres and has approximately 1,200 feet of shoreline. It is primarily covered with tall grasses and scattered trees. This property is relatively flat, and the recent installation of a stone road has made it more accessible. Four new houses were proposed for this site (as of June 1989).

Site U5 - A fifth area of undeveloped land is located within sub-area 5 on the East Side of Sandy Creek. This site is approximately .5 acres with a shoreline length of approximately 385 feet. It contains some trees and has a steep bluff which falls to the creek. It is owned by the Town of Hamlin and is used by fishermen for parking.

Site U6 - A parcel of undeveloped land, which is on the sub-area 3 boundary with Hamlin Beach State Park, exhibits the potential for a boat launch and/or slip space in 1987. This area is approximately 4 acres, and access is through Brockport Water Works. This property now is a Coast Guard Auxiliary substation, and access opportunities are limited.

Site U7 - The seventh underutilized site is a large undeveloped area on the East Side of Sandy Creek adjacent to the NYSDEC boat launch in sub-area 5. This area is owned by the State of New York. It has road access, lake access through Sandy Creek, and wildlife habitats. Additional public fishing opportunities may be possible from the shore or piers. Other recreation opportunities might include picnic facilities and nature trails.

Site U8 - A street access site is located in sub-area 8 at the Hamlin/Parma Town Line Road and its intersection with the Lake Ontario shoreline. One-half of the road right-of-way is owned by the Town of Hamlin and the remainder is privately held. The Town portion of this site could possibly provide some lake access but the adjacent privately owned property severely limits additional potential development.

Site U9 -Town of Hamlin currently owns an undeveloped street access site at the intersection of Westphal Road and Lake Ontario in sub-area 4. Development of some lake access would be possible at this location. However, the small size of this parcel limits overall waterfront use and parking.

Site U10 - Opportunities exist within Hamlin Beach State Park for increased water access (i.e., boat launch and docking), camping and nature trails.

2. Lake Ontario Water Levels

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. The International St. Lawrence River Board of Control, under direction of the UC, regulates the level and outflows of Lake Ontario according to Plan 1958D. This plan is designed 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 control range of Lake Ontario is a minimum monthly mean of 242.77 from April 1 to November 30 and a maximum monthly mean of 246.77. Mean levels above 245.77 are to occur less than 9% of the time, estimated to be about 11 % of the time in the plan. Finally, since the plan is based on past supplies, it has general provisions to provide relief to riparian owner's the event of excess supplies, and to navigation and power interests in the event of low supplies (Criterion k).

There are various indicators that both supplies (upper Great Lakes levels) and Lake Ontario levels are higher than the historic levels on which Plan 1958D was based. Further, Lake Ontario is being regulated in the upper part of the 242.77 - 246.77 range. The Town of Hamlin, its shoreline property owners and the LWRP Committee are concerned that these high lake levels, storms, and increases in water supplies have and will continue to result in flooding and erosion. If levels were maintained in the lower part of the 242.77 - 246.77 range, potential shoreline damage would be reduced.

3. Natural Development Constraints

As described previously, soils in the waterfront area offer constraints on development, particularly considering the lack of sewers. Flooding and erosion, also described previously, further limit development in the shoreline area. Wetlands and habitats provide additional constraints. These factors indicate the appropriateness of the kinds of uses suggested in the previous section for underutilized sites i.e., passive recreation, fishing access, nature trails, interpretation/education facilities, boat launches, docking and similar activities.

4. Other Planned Projects

Local and State agencies were contacted in order to identify any future recreation opportunities that are planned for the Hamlin LWRP area. Consultations with the NYS Department of Environmental Conservation, County of Monroe, and the NYS Office of Parks, Recreation and Historic Preservation have shown the following projects which affect the Hamlin LWRP area:

1. Further shoreline protection and infrastructure repairs are planned within Hamlin Beach State Park. A bike path along the Lake Ontario State Parkway is in review to increase the use of the Seaway Trail or Lake Ontario State Parkway.
2. The County of Monroe - There is a proposal for a recreationway along Sandy Creek in the Town of Hamlin but no plans currently exist for the acquisition necessary to make this project a reality.
3. NYS Department of Environmental Conservation - There is preliminary plans for a fishing easement on Sandy Creek at German Church Road which DEC intends to pursue.
4. The County of Monroe - A Waterfront Recreation Opportunities Study was completed for Monroe County identifying sites which may be used to enhance access to water-related resources. The plan proposed improvements (marina, boat launch) at Hamlin Beach State Park and along Sandy Creek (barrier free access and picnic facilities at State boat launch).
5. The Town of Hamlin has proposed the development of the area within the L.W.R.P. located at the end of Westphal for lakefront access. Other areas will be looked into. Further enchantment will be made to the Town Park located adjacent to Sandy Creek on Brick Schoolhouse Rd.

SECTION III Waterfront Revitalization Program Policies

The Local Waterfront Revitalization Program (LWRP) policies presented in this chapter take the place of the statewide policies of the New York State Coastal Management Program. The policies are comprehensive and reflect existing State laws and authorities. The policies are the basis for Federal and State consistency determinations for activities affecting the waterfront area.

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

- POLICY 1 Where opportunities exist, restore, revitalize, and redevelop deteriorated and underutilized waterfront areas for commercial light industrial, cultural, recreational and other commercial, industrial compatible uses.
- POLICY 2 Facilitate the siting of water-dependent uses and facilities on or adjacent to coastal waters.
- POLICY 2 A Strengthen and maintain sandy creek harbor for sport and recreational fishing purposes.
- POLICY 3 The state coastal policy regarding the development of major ports is not applicable to Hamlin.
- POLICY 4 The state coastal policy regarding the strengthening of the economic base of smaller harbor areas is not applicable to Hamlin.
- POLICY 5 Encourage the location of development in areas where public services and facilities essential to such development has special functional requirements or other characteristics which necessitate its location in other coastal areas.
- POLICY 5 A Ensure that all development meets or exceeds state of New York, County of Monroe and Town of Hamlin codes concerning municipal water and sanitary sewer systems.
- POLICY 5 B Encourage development to locate within the limits of established water districts or provide for extension of such districts in a manner which ensures the orderly growth of the town.
- POLICY 6 Expedite permit procedures in order to facilitate the siting of development activities at suitable locations.
- POLICY 7 Significant coastal fish and wildlife habitats, as identified on the coastal area map, 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. Such efforts shall be made in a manner which ensures the protection of renewable fish and wildlife resources and considers other activities dependent on them.
- POLICY 10 The state policy regarding the further development of commercial finfish, shellfish and crustacean resources in the coastal area is not applicable to Hamlin.
- 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.
- 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.
- 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 Whenever possible, use non-structural measures to minimize damage to natural resources and property from flooding and erosion. Such measures shall include: (i) the setbacks of buildings and structures; (ii) the planting of vegetation and the installation of sand fencing and draining; (iii) the reshaping of bluffs; (iv) the flood-proofing of buildings or their elevation above the base flood level.
- POLICY 18 To safeguard the vital economic, social and environmental interests of the state and of its citizens, proposed major actions in the coastal area must give full consideration to those interests, and to the safeguards which the state has established to protect valuable resource areas.
- POLICY 19 Protect, maintain and increase the levels and types of access to public water-related recreation resources and facilities so that these resources and facilities may be fully utilized by all the public in accordance with reasonably anticipated public recreation needs and the protection of historic and natural resources. In providing such access,

- priority shall be given to public beaches, boating facilities, fishing areas, and waterfront parks.
- POLICY 19 A Publicly held waterfront land shall be developed in a way that will encourage greater public access.
- 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.
- POLICY 21 Water-dependent and water-enhanced recreation will be encouraged and facilitated, and will be given priority over non-water related uses along the coast, provided it is consistent with the preservation and enhancement of other coastal resources and takes into account demand for such facilities. In facilitating such activities, priority shall be given to areas where access to the recreation opportunities of the coast can be provided by new or existing transportation services and to those areas where the use of the shore is severely restricted by existing development.
- POLICY 22 Development, when located adjacent to the shore, shall provide for water-related recreation, as a multiple use, whenever such recreational use is appropriate in light of reasonably anticipated demand for such activities and the primary purpose of the development.
- 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 The state coastal policy regarding the protection of scenic resources of statewide significance is not applicable to Hamlin.
- 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 25 A Protect and enhance the sandy creek corridor as a natural scenic resource of local significance.
- POLICY 26 To conserve and protect agricultural lands in the state's coastal area, an action shall not result in a loss, nor impair the productivity, of important agricultural lands, as identified on the coastal area map, if that loss or impairment would agricultural district or, if there is no agricultural district, in the area surrounding such lands.
- POLICY 26 A Discourage the placement of public waterlines, sanitary sewers, and other services that would encourage growth in areas of the town designated for continued agricultural production.
- POLICY 26 B Renew and sustain the northwest Monroe County agricultural district formed within the town under the New York State agricultural and markets law.
- POLICY 26 C Limit residential development to low density single family units located so as to minimize potential disruptions to farming operations, if the residences border land still being farmed.

- POLICY 26 D Prevent residential development in areas designated for agriculture which would force a change in the activities normally carried out for conventional agricultural production.
- POLICY 26 E Maintain a fair and equitable taxation policy, which encourages the continuation of farming activities.
- POLICY 26 F Support state and county programs such as the agricultural district program aimed at protection of agricultural areas.
- POLICY 26 G Encourage citizen understanding of the economics of agricultural production.
- 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.
- POLICY 28 Ice management practices shall not damage significant fish and wildlife and their habitats, increase shoreline erosion or flooding, or interfere with the production of hydroelectric power.
- POLICY 29 The state coastal policy regarding the development of resources on the outer continental shelf, in Lake Erie, and in other waterbodies is not applicable to Hamlin.
- 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 purposes of approved local waterfront revitalization programs will be considered while reviewing coastal water classification and while modifying water quality standards; however, those waters already overburdening with contaminations 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 33A Maintain and improve existing drainage systems serving the Lake Ontario state parkway and adjacent lands.
- POLICY 33B Develop a comprehensive storm drainage plan for the Town of Hamlin.
- 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.

- 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.

POLICY 1

Where opportunities exist, restore, revitalize, and redevelop deteriorated and underutilized waterfront areas for commercial light industrial, cultural, recreational and other commercial, industrial compatible uses.

Explanation of Policy

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. Areas U1, U5, U6, U7 and U8 are recreational in nature and are treated in Policies 19 and 21.

Area U1, Troutburg, is located in the northwest corner of the Town's waterfront. This area offers significant opportunities for development of new uses, including the rehabilitation of the Cady House to provide overnight accommodations, a restaurant and gift shop, and picnic facilities. Due to the sensitive nature of the area a comprehensive land use study to specify land use options which enhance the LWRP should be conducted in accordance with the proposed land and water uses in Section IV prior to any redevelopment activities.

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 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.

POLICY 2A

Strengthen and maintain sandy creek harbor for sport and recreational fishing purposes.

Explanation of Policy

There is a finite amount of waterfront space still suitable for development purposes in Hamlin, and it is reasonable to expect that the long term demand for use of this waterfront space will intensify. The traditional method of land allocation, i.e., the real estate market, offers little assurance that water-dependent uses will in fact be able to locate on the Town's shoreline. To ensure that such uses can continue to be accommodated along the Town's shoreline, 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 including Hamlin Beach State Park will use appropriate existing programs to encourage further development of 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. In Hamlin these uses are primarily recreational in nature and include boating, swimming, and fishing. The following recreational facilities and services are considered water-dependent in Hamlin:

1. Marinas and yacht clubs
2. Boat storage and service facilities
3. Boat launch facilities
4. Docks\Piers\Wharfs
5. Swimming beaches
6. Fishing access points
7. Fishing charter services

Other water-dependent facilities which are appropriate in Hamlin are:

1. Navigation aids, such as buoys
2. Flood and erosion protection structures
3. Environmental education facilities

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). These uses, to be considered water-dependent, must be clearly subordinate to the principal water-dependent use of the site and shall, to the maximum extent practicable, be located away from the shore.

In addition to water-dependent uses, those 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. Water-enhanced facilities which shall be encouraged in Hamlin include:

1. Parks and playgrounds*
2. Pedestrian and bicycle trails *
3. Scenic overlooks and Nature Centers*
4. Motels, inns, and bed and breakfasts
5. Bait and tackle shops
6. Restaurants and marine-related retail shops, or retail shops which cater to the needs of boaters.
7. Seasonal Recreational Activities such as: Golf Courses, Ice Skating, Cross Country Skiing. Public access facilities might not be strictly water-dependent, but could nonetheless have priority for a waterfront location over any other use, water-dependent or otherwise. (See discussions on priorities in this Policy and in Policies 19 and 20.)

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.
 6. 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 overground 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

The state coastal policy regarding the development of major ports is not applicable to Hamlin.

POLICY 4

The state coastal policy regarding the strengthening of the economic base of smaller harbor areas is not applicable to Hamlin.

POLICY 5

Encourage the location of development in areas where public services and facilities essential to such development has special functional requirements or other characteristics which necessitate its location in other coastal areas.

POLICY 5A

Ensure that all development meets or exceeds state of New York, county of Monroe and Town of Hamlin codes concerning municipal water and sanitary sewer systems.

POLICY 5B

Encourage development to locate within the limits of established water districts or provide for extension of such districts in a manner which ensures the orderly growth of the town.

Explanation of Policy

The majority of housing units in the Town of Hamlin waterfront area are served by public water supply. The Town of Hamlin does not have a centralized sewage collection and treatment system. Sewage waste disposal is provided by individual household septic systems within the Hamlin LWRP area. As noted in the Inventory and Analysis, these Systems are susceptible to failure during extreme flooding events in shoreline and low-lying areas.

The general purposes of this policy as it applies to the Town of Hamlin are to:

1. Meet future public needs for water and sewerage services, utilities, solid waste disposal, health and education facilities and services, and fire and police protection;
2. Strengthen existing residential and commercial centers;
3. Increase the productivity of existing public services in areas of existing concentrated development and moderate the need to provide new public services in outlying areas;
4. Foster energy conservation by encouraging proximity between home, work, business and leisure activities; and
5. Preserve open space and agricultural land.

More specifically, the purpose of this policy is to preserve agriculture and agricultural lands in the Town. While maintaining public and environmental health is a primary concern of the Town, it is recognized that provision of a public sewage system or extension of public waterlines can spur development in

agricultural districts, established pursuant to Article 25AA of the Agricultural and Markets law, where there is a public interest in maintaining and supporting the Town's economically significant agricultural industry. For this reason, extension of these public services shall be programmed to concentrate development around the Hamlet of Hamlin, as shown in the Town's adopted updated Comprehensive Plan (January 2, 1997), and shall not be extended into established Article 25AA Agricultural Districts. In order to ensure that this policy is furthered in the waterfront area, the review of any small or large scale development proposal shall assess the adequacy of infrastructure and public services in terms of the following:

1. Adequate sewer and water capacity currently exists. Where sewer Systems do not exist, the site shall be able to accommodate a septic system which will function properly and not be affected by high water table, slope, poor percolation, proximity to water wells or to surface water bodies, or other adverse conditions;
2. Adequate capacity exists to meet public needs for fire and police protection, schools, and various health and social services;
3. Road systems are adequate to support an increased transportation load;
4. Storm water runoff from the proposed development can be accommodated by on-site and/or off-site facilities; and
5. Energy needs of the proposed development can be met by existing utility systems.

(See Policy 26.)

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.

POLICY 7

Significant coastal fish and wildlife habitats, as identified on the coastal area map, 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: (1) are essential to the survival of a large portion of a particular fish or wildlife population (e.g., feeding grounds, nursery areas); (2) support populations of rare and endangered species; (3) are found at a very low frequency within a coastal region; (4) support fish and wildlife populations having significant commercial and/or recreational value; and (5) would be difficult or impossible to replace.

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

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 §27-0901(3) as "waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may: (1) cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed or otherwise managed. A list of hazardous wastes has been adopted by DEC (6 NYCRR Part 371).

The handling, storage, transport, treatment and disposal of the materials included on this list are strictly regulated in New York State to prevent their entry or introduction into the environment. 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 nonpoint sources, and not identified as hazardous wastes, but controlled through other State laws.

POLICY 9

Expand recreational use of fish and wildlife resources in coastal areas by increasing access to existing resources, supplementing existing stocks and developing new resources. Such efforts shall be made in a manner which ensures the protection of renewable fish and wildlife resources and considers other activities dependent on them.

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

The state policy regarding the further development of commercial finfish, shellfish and crustacean resources in the coastal area is not applicable to Hamlin.

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

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, bluffs, and other natural protective features help safeguard 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, and occasional miscalculations related to lake level adjustments or other similar actions which fail to recognize their fragile nature and high protective values may diminish or destroy entirely the protective capacity of these natural features. 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

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.

Construction of erosion protection structures is expensive and often only partially effective over time. Although erosion protection structures are constructed according to best engineering practices to minimize impact and ensure a reasonable life span, they may still be harmful to adjacent or nearby properties and may induce changes in natural coastal processes. These changes can include erosion, shifts in littoral activity, impacts on habitats and the like. However, in those instances where properly engineered erosion protection structures may be likely to minimize or prevent damage or destruction to public or private property, natural protective features, and other natural resources, their construction may be allowed. 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.

(See Policy 17.)

POLICY 14

Activities and development, including the construction or reconstruction of erosion protection structures, shall be undertaken so that there will be no measureable 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, grading, excavating or dredging in nearshore or offshore waters, which change the supply and net flow of such materials, can deprive shorelands of their natural regenerative powers. Such mining, grading, excavating, and dredging should be accomplished in a manner so as not to cause an increase of erosion to such shorelines. 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 or new development or new 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

Whenever possible, use non-structural measures to minimize damage to natural resources and property from flooding and erosion. Such measures shall include: (i) the setback of buildings and structures; (ii) the planting of vegetation and the installation of sand fencing and draining; (iii) the reshaping of bluffs; (iv) the flood-proofing of buildings or their elevation above the base flood level.

Explanation of Policy

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

The 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.

Erosion and flooding protection structures can induce changes in natural coastal processes. These changes can include increased erosion, shifts in currents, impacts on habitats, and other harmful impacts. The use of erosion and flooding protection structures should be considered only after an evaluation of available non-structural measures has been made to determine if non-structural measures

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

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

1. Use of the minimum setback requirements provided for in Policy 11 of this section;
2. Strengthening of coastal landforms by such means as:
 - a. Planting appropriate vegetation on bluffs, and retaining existing natural vegetation;
 - b. Reshaping bluffs to achieve an appropriate angle of repose so as to reduce the potential for slumping and to permit the planting of stabilizing vegetation; and
 - c. Installing drainage systems on bluffs to reduce run-off and internal seepage of waters which erode or weaken the landforms.

Within identified Flood Hazard Areas:

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

POLICY 18

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

POLICY 19

Protect, maintain and increase the levels and types of access to public water-related recreation resources and facilities so that these resources and facilities may be fully utilized by all the public in accordance with reasonably anticipated public recreation needs and the protection of historic and natural resources. In providing such access, priority shall be given to public beaches, boating facilities, fishing areas, and waterfront parks.

POLICY 19A

Publicly held waterfront land shall be developed in a way that will encourage greater public access.

Explanation of Policy

Within the Town of Hamlin coastal area, the public has physical access to the waterfront at Hamlin Beach State Park along Sandy Creek at the DEC boat launch north of the Lake Ontario State Parkway. Visual access to the waterfront is available along the Lake Ontario State Parkway, along a bicycle path (Lake Ontario State Parkway, North Hamlin Road, Walker Lake Ontario Road, Martin Road, and Hamlin-Parma Town Line Road), and at the end of Hamlin-Parma Town Line Road and Westphal Road. Refer to the Inventory and Analysis for a complete discussion of public access opportunities.

The Town of Hamlin's LWRP gives high priority to providing public access to the waterfront. Thus, access to existing facilities shall be protected, and actions which will increase access to these facilities or to new water-related recreation opportunities are to be strongly encouraged. These actions include: maintaining the Lake Ontario State Parkway as a primary access route, providing adequate parking for cars and boat trailers at Hamlin Beach State Park and at the Sandy Creek boat launch, maintaining the bicycle path, pursuing acquisition of fish easements along Sandy Creek, making the Westphal Road Park useable, and maintaining public lands as outlined in Policy 20.

Despite the intent of this policy, provision of public access requires careful balancing of several factors: the demand for and adequacy of specific recreation facilities; the adequacy and type of access to such facilities; and the protection of natural resources. In addition to consideration of environmental constraints, future opportunities to increase access to active, water-dependent recreation facilities should carefully consider the potential impact of increased traffic and intensity of use on adjacent neighborhoods, and mitigate any adverse effect. Finally, in order to afford all the public an opportunity to enjoy water-related recreational resources and facilities, government agencies shall, pursuant to Title III of the Americans with Disabilities Act, provide for a barrier free environment at existing facilities, when feasible, and at new facilities.

The following additional 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 or beneficial by the public body having jurisdiction over such access as the result of a reasonable justification of the need to meet systematic objectives.
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. Town, State and federal agencies will not undertake or fund any project which increases access to a water-related resource or facility that is not open to all members of the public.

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

1. Access - the ability and right of the public to reach and use public coastal lands and waters
2. Public water-related recreation resources or facilities - all public lands or facilities suitable for passive or active recreation that requires either water or a waterfront location or is enhanced by a waterfront location
3. 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
4. A reduction in the existing level of public access includes but is not limited to the following:
 - a. The number of parking spaces at a public water-related recreation resource or facility is significantly reduced;
 - b. 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 systemwide objectives;
 - c. 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
 - d. There are substantial increases in the following: already existing special fares (not including regular fares in any instance) of public transportation to a public water-related recreation resource or facility, except where the public body having jurisdiction over such fares determines that such substantial fare increases are necessary; and/or admission fees to such a resource or facility, and an analysis shows that such increases will significantly reduce usage by individuals or families with incomes below the State government established poverty level.
5. 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 transfer of public lands that could provide public access to a public water-related recreation resource or facility; and
- c. 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.

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

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.
3. 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.
4. 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.
5. 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.)

POLICY 21

Water-dependent and water-enhanced recreation will be encouraged and facilitated, and will be given priority over non-water related uses along the coast, provided it is consistent with the preservation and enhancement of other coastal resources and takes into account demand for such facilities. In facilitating such activities, priority shall be given to areas where access to the recreation opportunities of the coast can be provided by new or existing transportation services and to those areas where the use of the shore is severely restricted by existing development.

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.

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, shall provide for water-related recreation, as a multiple use, whenever such recreational use is appropriate in light of reasonably anticipated demand for such activities and the primary purpose of the development.

Explanation of Policy

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.

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

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

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

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

The state coastal policy regarding the protection of scenic resources of statewide significance is not applicable to Hamlin.

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 25A

Protect and enhance the sandy creek corridor as a natural scenic resource of local significance.

Explanation of Policy

The Town of Hamlin waterfront area includes natural features which, in total, compose a diverse scenic resource of high quality. These natural areas include the creeks, particularly the Sandy Creek corridor, the Lake Ontario shoreline, Yanty Creek Marsh, the ponds near the eastern boundary of the Town, and open agricultural land and orchards to the south of the Lake Ontario State Parkway.

Creek Corridors

The major creeks in the Town of Hamlin coastal area, Sandy Creek, Cowsucker Creek and Yanty Creek, are important components of the Town's scenic character, adding visual interest to the primarily open, agricultural lands south of the parkway.

Sandy Creek, in particular, is a significant scenic resource which has been documented in a video tape prepared by the Town. The video tape is on file in the Town Clerk's office and serves as a baseline for evaluating the impact of proposals on the scenic values of the creek corridor.

The Sandy Creek corridor is divided into three segments. One area from the southwestern Town line to the bridge on Route 19 is characterized by heavily vegetated banks with mature trees and little intrusion by man-made structures. The creek is shallow, broad and meandering. This section of the creek is valuable as a natural, wooded landscape and shall be protected from visual alterations and intrusions, either in the form of structural intrusions or removal of vegetation which alters the character or stability of the banks.

The second segment of the creek from the Route 19 bridge north to the Lake Ontario State Parkway is generally bordered by heavily wooded banks. Development is much more evident along the banks; bank disturbance is evident and detracts from the scenic quality of the area.

The third segment of the creek from the parkway to Lake Ontario is also developed for recreational uses, but the area retains its natural characteristics because structures and natural vegetation are more harmoniously related. The views from the DEC boat launch northwest to the Brockport Yacht Club and north across the wetlands to the lake are valuable and shall not be impaired by either obstructing the views or by removing or significantly altering natural or structural elements which combine to create the views.

Yanty Creek does not traverse as much of the town as Sandy Creek and much of it dries up during the summer and fall months. Yanty Creek originates in the farmlands of the northwestern part of the town and meanders through a recently developed golf course on Moscow Road and an undeveloped area at the east end of the State Park. In the past, downed trees in the State Park caused the creek to overflow its bed along its entire length. Surrounding the mouth of the creek where it empties into Lake Ontario is a 96 acre wetland referred to as Yanty Marsh. This marsh is quite unique in that it is seldom disturbed by pedestrian traffic.

Lakeshore

In the Town of Hamlin, much of the privately-held land along the lakeshore has been developed for residential uses, which often obstruct views of the lake. Consequently, protection of vistas and visual access from public lands (see Policy 19) is critical. In addition, on remaining privately-held lands in Troutburg and on vacant large lots north of the parkway, visual access to the lake will be protected by careful siting of structures to maximize views from the parkway to the lake.

Ponds

The ponds located in the section of the coastal area immediately adjacent to the parkway also contribute to the scenic quality of Hamlin. The ponds attract birds and other wildlife.

Agricultural Lands

Unlike the more natural scenic resources in Hamlin's coastal area, the broad open fields or orchards which are visible from Town roads and the parkway are significant as a working agricultural landscape that contributes to the overall visual character of the Town.

The creeks, lakeshore, ponds and agricultural lands in Hamlin's waterfront area, singly and in combination, provide important benefits to the Town of Hamlin. They add to the value of local properties, create a pleasant environment for Town residents, attract tourists, and, in the case of agricultural lands, are important productive economic resources.

Since these resources provide positive benefits to the Town of Hamlin, they shall not be impaired. Activities which could impair or further degrade scenic resources:

1. Irreversible modification of geological forms, the destruction or removal of vegetation, the destruction or removal of structures, whenever the geological forms, vegetation or structures are significant to the scenic quality of an identified resource; and
2. Addition of structures, land forms or vegetation which, because of siting or scale will reduce an identified view or which because of scale, form, or materials, will diminish the scenic quality of an identified resource.

In order to preserve the rural character and scenic quality of the Hamlin coastal area, the following siting and facility-related guidelines shall be used:

1. Structures, including roads, power lines and signs shall be sited 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. Structures shall be oriented to retain views, save open space and provide visual organization to a site.
3. The overall site topography shall be retained to the maximum extent possible.
4. Existing vegetative density shall be retained, supplemented and maintained to the maximum extent possible, except when changes screen unattractive elements and/or add appropriate interest. A natural vegetation buffer shall be retained adjacent to wetlands and water bodies.
5. As seen from roads, the water or opposite shorelines, the mass, shape, color, reflective qualities, and texture of materials to be used in a structure shall harmonize with and complement adjacent properties, the overall site topography and existing vegetative elements. Depending on location, allowed heights of principal buildings range from 35 to 45 feet.
6. Wherever they occur, degrading or deteriorated elements, either man-made or vegetative, should be removed, screened or otherwise mitigated. Parking areas shall be separated from adjacent properties, waterbodies and roadways by a landscaped buffer. Landscaping which serves as buffer shall provide year-round screening.

7. Any new public or private road or trail and any new bridge associated with such road or trail, and running generally parallel to and not spanning Sandy Creek, shall be located, designed and constructed to maximize viewing opportunities to the creek while minimizing visibility of the road or trail from the creek, minimizing alteration of the environment, and avoiding undue adverse environmental impact.

(See Policies 1, 2, 5, 7, 26, 37, 44.)

POLICY 26

To conserve and protect agricultural lands in the state’s coastal area, an action shall not result in a loss, nor impair the productivity, of important agricultural lands, as identified on the coastal area map, if that loss or impairment would adversely affect the viability of agriculture in an agricultural district or, if there is no agricultural district, in the area surrounding such lands.

POLICY 26A

Discourage the placement of public waterlines, sanitary sewers and other services that would encourage growth in areas of the town designated for continued agricultural production.

POLICY 26B

Renew and sustain the northwest Monroe County agricultural district formed within the town under the New York state agricultural and markets law.

POLICY 26C

Limit residential development to low density single family units located so as to minimize potential disruptions to farming operations, if the residences border land still being farmed.

POLICY 26D

Prevent residential development in areas designated for agriculture which would force a change in the activities normally carried out for conventional agricultural production.

POLICY 26E

Maintain a fair and equitable taxation policy which encourages the continuation of farming activities.

POLICY 26F

Support state and county programs such as the agricultural district program aimed at protection of agricultural areas.

POLICY 26G

Encourage citizen understanding of the economics of agricultural production.

Explanation of Policy

Agricultural production occupies a substantial percentage of land and plays a significant economic role in the Town of Hamlin. Agricultural soils are predominantly classified as prime and unique, and much of the land in the Town's coastal area south of the parkway is located within the Northwest Monroe County Agricultural District, established pursuant to Article 25AA of the NYS Agriculture and Markets Law. For a full discussion of Hamlin's agricultural resources refer to the Inventory and Analysis.

While agricultural production remains a dominant land use, recent development trends are beginning to affect agricultural lands (Town of Hamlin Comprehensive Plan, January 2, 1997). It is in the long-term interest of the Town, the region, and the State to promote and maintain active farm businesses and to protect prime agricultural soils from premature or inappropriate conversion to non-agricultural use. It is also in the public interest to prevent non-agricultural uses from infringing on the normal operation of abutting farm businesses and to encourage the location of necessary agribusinesses in the Town which support the farm businesses. It is recommended that upon further updates to the Town of Hamlin Comprehensive Plan that clustering development or the purchase of development rights be addressed.

In order to retain agricultural lands and encourage active farming of these lands in the Town of Hamlin, the following development standards shall apply:

1. Agricultural uses, including, but not limited to, the growing of field crops, orchards, dairy operations and nurseries, shall be preferred within the Northwest Monroe County Agricultural District. Accessory uses in support of the primary agricultural operation are appropriate and include farm residences, barns, storage facilities, roadside stands, packing sheds, and the like.
2. Non-farm uses shall be limited to residential uses on lots of five (5) acres or more, and to agribusinesses such as feed and agricultural chemical sales, farm equipment sales, and repair businesses, product packing and/or storage operations, product processing operations, and the like.
3. The siting of non-agricultural development in a clustering manner to promote the maximum retention of agricultural land shall be encouraged.
4. Where a portion of an agricultural parcel is proposed to be used for non-agricultural purposes, the portion retained for continued agricultural use shall be that part most suited for agriculture in terms of soil capability, slope, proximity to roads, and configuration for efficient farm production. The determination shall be made in consultation with the Cooperative Extension Association of Monroe County and the Soil Conservation Service.
5. Where separate agricultural parcels abut, or are in close proximity, development proposals shall be designed so that a contiguous, efficient agricultural parcel results or movement of machinery is minimized.
6. Landscape buffering shall be required at the periphery of the residential use area abutting the agricultural use parcel to minimize disruption of the agricultural use.

7. No person shall cut fences, dump trash, garbage or waste material, destroy field crops or produce, harass farm animals or otherwise interfere with a farm business.

(See Policies 5, 25.)

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.

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 SEQRA 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 damage significant fish and wildlife and their habitats, increase shoreline erosion or flooding, or interfere with the production of hydroelectric power.

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 state coastal policy regarding the development of energy resources on the outer continental shelf in Lake Erie, and in other waterbodies is not applicable to Hamlin.

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 purposes 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.

POLICY 33A

Maintain and improve existing drainage systems serving the Lake Ontario state parkway and adjacent lands.

POLICY 33B

Develop a comprehensive storm drainage plan for the Town of Hamlin.

Explanation of Policy

Best management practices include both structural and non-structural methods of preventing or mitigating pollution caused by the discharge of storm water runoff and combined sewer overflows. In

Hamlin's waterfront area, the only major, existing structural system is that associated with the Lake Ontario State Parkway. There are no combined sewers in the Town. The parkway drainage systems need to be maintained and upgraded, but beyond this, given the rural nature of the Town's waterfront area, it is reasonable to expect that non-structural methods of handling storm water runoff (e.g., retaining natural vegetative buffers on the edge of new development sites) will continue to be the preferred approach. See Policy 37 (best management practices to minimize non-point discharge) for guidelines on such methods.

Existing culverts serving the Lake Ontario State Parkway are undersized in some cases and not regularly maintained; these conditions contribute to localized flooding in the Hamlin waterfront area. A regular maintenance schedule, in addition to a reevaluation of the adequacy of the parkway culvert system, should be undertaken.

Development of an area-wide drainage plan, incorporating improvements to Lake Ontario State Parkway drainage, will lessen the potential for storm-related flooding and control sedimentation and pollution of the Town's coastal waters.

(See Policy 37.)

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.

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

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.

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

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

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.
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 Proposed Projects

A. INTRODUCTION

The proposed land and water uses in the Hamlin LWRP area reflect the policies contained in Section III of this program. These proposed land and water uses translate the policies into a cohesive physical plan for the entire LWRP area. The proposed projects have been identified as the most appropriate and feasible given development opportunities and constraints. The uses and projects section of the Town of Hamlin LWRP is organized according to sub-areas for consistency with other sections of this program.

B. PROPOSED LAND AND WATER USES

The following three patterns have been identified within the eight sub-areas of the Hamlin LWRP area:

1. Areas of existing stable use unlikely to change significantly;
2. Areas of particular concern where important natural resources can be found; and
3. Areas suitable for a variety of uses.

Generally, established residential areas fall within the first category. In such areas, no changes in use are proposed. Agricultural use is an example of the second category. With only a few exceptions, existing land south of the New York State Parkway lies within an agricultural district. Finally, scattered throughout the Hamlin LWRP area are a limited number of areas that are suitable for more than one use. In most instances, they have been designated for a mix of water-dependent and/or enhanced uses.

Proposed land and water uses are discussed below for each of the Town of Hamlin's eight LWRP sub-areas. These uses are also illustrated on the [Map 13 -Proposed Land and Water Uses](#).

Sub-area 1 - This area contains New York State parkland, a residential area along the shoreline, and an underutilized area (Troutburg) north of the parkway. The residential area and the NYS parkland will remain in their current land uses. The Troutburg area, which is underutilized, is the only undeveloped part of the Hamlin waterfront of significant size with potential shoreline access. The Troutburg area is proposed for residential use, until a recommended planning study is completed. Once public water is made available and the study completed, zoning amendments to allow development of this important cultural resource can be considered. The land area south of the parkway is proposed for continued agricultural use, while an area in the southwest corner is proposed for continued agricultural/low density residential use.

Sub-area 2 - All land north of Lake Ontario Parkway is within Hamlin Beach State Park and is proposed to remain in open space/recreation use. The land south of the parkway is within an agricultural district, with the exception of a portion abutting Hamlin Beach State Park land along Moscow Road in the vicinity

of the parkway interchange leading to the park, and has become recreational, neighborhood business and residential in use.

Sub-area 3 - Land north of the parkway, with the exception of the Monroe County Water Authority Pumping Station and the Coast Guard auxiliary substation, is residential in nature. Most land south of the parkway is within an agricultural district. It is proposed to maintain these existing residential, agricultural and public uses.

Sub-area 4 - In the southern portion of this sub-area, south of the Lake Ontario Parkway, most of the land is currently in an agricultural district except for several pockets of residential use along Sandy Creek and a commercial area near the juncture of North Hamlin Road and Lake Road East Fork. It is proposed that the agricultural uses continue throughout this southern portion of Sub-area 4, except within a rectangle of land formed by the eastern edge of Sandy Creek, Westphal Road, the parkway and Lake Ontario where residential and recreational uses (e.g. Morgan's Cove, yacht club, boat launch, fishing docks, etc.) are slated to continue to develop. The land between the shoreline residential uses and the parkway is to be retained as open space in order to preserve wetlands and wooded areas.

Sub-area 5 - This sub-area follows the course of Sandy Creek. The southern portion of the sub-area is within an agricultural district, and it is proposed that agricultural uses continue here. Nearer the parkway along the west side of Sandy Creek, a mix of residential and commercial waterfront uses is proposed. Opposite this area on the east side of the creek, residential/water related uses are proposed.

To the north of the parkway on the east side of the creek, public water-related recreation uses are proposed to continue. Since this area includes a State-designated freshwater wetland, uses would need to be compatible with the protection of the wetland.

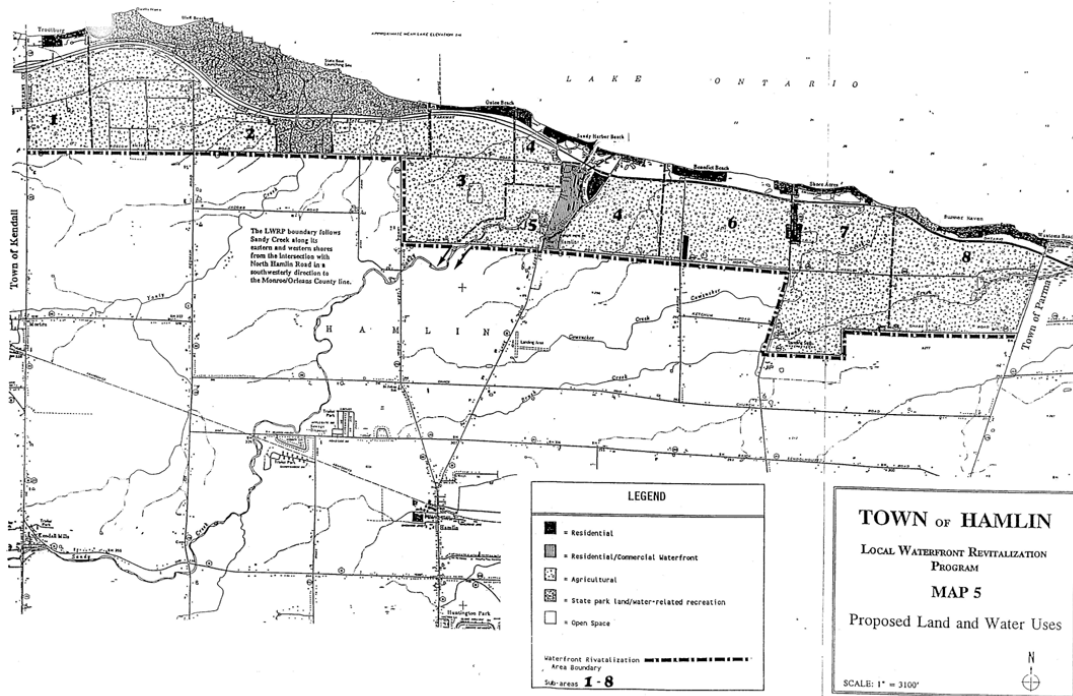
Sub-area 6 - The uses in the portion of Sub-area 6 north of the parkway are residential or open space (designated wetland). The entire area south of the parkway is within an agricultural district. All existing uses are proposed to continue in the sub-area.

Sub-area 7 - The uses in the portion of sub-area 7 north of the parkway are residential or open space (designated wetland) with the exception of a parcel of undeveloped land owned by NY State at the boundary with Sub-area 8. This property is designated for water-related recreational use or scenic overlook. The land south of the parkway within an agricultural district is proposed to remain in agricultural use.

Sub-area 8 - Much of the land north of the parkway is part of the Wautoma Beach residential area. It is proposed that residential uses continue here. A parcel of property to the west of the residential area is proposed to remain as open space, while a second parcel abutting Sub-area 7 is state and property it is recommended for water-related recreational use as scenic view and possible fishing access of Lake Ontario, and should share the same use with abutting land of Sub-area 7. All land south of the parkway is within an agricultural district and is proposed to remain in agricultural use.

C. PROPOSED PROJECTS

There are several proposed projects designed to increase public access to the shore or to upgrade public services so that appropriate development can occur. These proposed projects are discussed in greater detail below, beginning with area-wide projects.



Map 13– Proposed Land and Water Uses

1. Area-Wide Projects

a. Evaluation of Existing Drainage Structures

There is a potential for flooding in low-lying and wetland areas throughout the Hamlin waterfront. Flooding conditions were exacerbated when installation of the Lake Ontario Parkway along the Town's shoreline interrupted many of the natural drainage courses. In addition, the intensive agricultural character of the area has led to a decrease in the flow potential of existing drainage culverts and diversion cross-sections.

The West Creek Drainage study has been completed by the Town Engineer in 1991 of the existing drainage system. Some alternatives and improvements to the overall drainage system have been identified and some work completed.

b. Wastewater Study

All property within the Hamlin LWRP area, exclusive of the Hamlin Beach State Park, is serviced by individual sewage systems. Many residences are being converted from seasonal to year-round use thus rendering these systems inadequate. In addition, many of these sewage systems were installed prior to the establishment of current design and permitting requirements, and are in various stages of disrepair.

The proximity of these systems to Lake Ontario, combined with high lake levels, has created the potential for increased pollution of ground and surface water. This, in turn, poses potential health hazards, as most residences with the Hamlin LWRP area use wells for drinking water.

The following is a brief description of major topics of the proposed wastewater study for the LWRP area:

1. Total population of the LWRP area and estimates of population growth for the next 20 year period;
2. Comparisons between wastewater currently generated and expected quantities in the future;
3. Identification of alternative treatment methods;
4. Identification of measures to reduce and prevent infiltration/inflow during flooding or periods of high lake levels.
5. Development of a Town-wide Wastewater Management Plan, compatible with the LWRP;
6. Evaluation of the no-action alternative;
7. Estimates of environmental impacts of alternatives, including the no-action alternative
8. Comparison of cost/benefit data for all alternatives, and
9. Review of funding options available to assist in the installation of an improved wastewater handling/treatment system.

c. Water Distribution Study

Public water is available throughout Hamlin Beach State Park and in selected areas of all the 8 LWRP sub-areas. Those parts of the sub-areas not provided with public water use wells or have water trucked in. Expansion of all water lines in the LWRP area is anticipated with tap-in restrictions placed on all the land within agricultural districts bordering those water lines.

A Water Distribution Study could evaluate the advantages/disadvantages and costs of a Town water distribution system and would cover all sub-areas within the LWRP area.

The scope of this study would include the following:

1. The geographic boundaries of the study area;
2. The relationship of the study area to a Town-wide water management plan;

3. Determination of existing and anticipated population densities within the LWRP area (population data from the wastewater management study could be used);
4. Estimating costs for alternative installations and systems; and
5. Evaluating the potential for securing grants to fund the project.

d. Small Wetlands Study

The Town Conservation Board is undertaking a study of small wetlands. This will include an inventory and description of these wetlands. After this activity is complete, the Town may designate local wetlands and regulate development within them in order to protect these areas.

e. Wetlands Access Study

This project will evaluate several wetlands for possible public access for interpretive and educational use. The wetlands to be evaluated are site U3 and Sub-area 6, site U4 at the border of sub-areas 4 and 6, site U7 in Sub-area 5, and any others the Town may identify in its study of small wetlands. The wetlands access study will identify locations where access would be appropriate, the nature of the access to be provided, requirements for and cost of improvements, sources of funds and environmental impacts.

2. Individual Area Projects

a. Planning Study of the Troutburg Area

Troutburg is a key part of the Town of Hamlin's LWRP area. It is the only existing sizable, undeveloped location within the Town having potential for public shoreline access. It is currently privately owned. Its ultimate long-term use is of utmost concern to the Town's residents. A planning study of this location would investigate the following factors:

- 1) Development of land use alternatives to advance LWRP policies;
- 2) Identification of the costs and benefits of various land use alternatives;
- 3) Assessment of impacts of various land use alternatives on the surrounding neighborhood; and
- 4) Identification of mechanisms to implement the preferred alternative.

b. Development of a Scenic Viewing Area

This project would include the development of a scenic viewing and parking area adjacent to the Lake Ontario Parkway near the boundary of sub-areas 7 and 8. This area is adjacent to the mouth of Cowsucker Creek and provides a unique vantage point of the lake. This project would include an evaluation of alternatives in design, costs, impacts and funding sources.

c. Development of Street End Access

In an effort to increase public access to the water, an evaluation of the feasibility of developing street ends (unused public rights-of-way) would be undertaken. This study would include

consideration of: ownership, right-of-way widths, parking/access potential, policies, and financial requirements.

d. Improving Sandy Harbor

Presently, the Brockport Yacht Club provides the maintenance that keeps the harbor open, provides the navigational signal lights, and maintains the west jetty. If the club were to suddenly become unable to provide those services, the state boat launch, privately owned marinas, and many home owners along the creek would be greatly inconvenienced. The east jetty (a.k.a. Morgan's Pier) also poses a danger to people unfamiliar to the area. When the lake levels are high, none of the deteriorating, low profile east jetty can be seen by passing boaters.

Currently there is not an available sheltered access point between Oak Orchard and Braddock Bay. The feasibility of a sheltered access point should be reviewed.

e. Increase Docking Space Near the State Boat Launch

The boat launch only allows for the launching or loading of two boats at a time. Quite often, several boats can be seen lined up to be pulled from the creek but most of the waiting boaters have nothing to tie up to during the wait. Also, during these busy times, fisherman on the existing docks must give up the sport. When the launch area is not crowded with the boats, it is often overcrowded with "anglers". The docks that are normally handicap assessable are too often unavailable to the handicapped.

f. Stairway to creek

The Town owns a small park on the south side of the first bend in Sandy Creek on Westphal Road. Many fisherman park there and make a dangerous decent of the cliff there to the creek below. Though the Town does now own the face of the cliff (it belongs to the marina on the other side of the creek) arrangements could be made to provide a stairway from the park to the creek bank.

3. Cost of Proposed and ongoing Projects

Estimated costs of undertaking proposed projects are follows:

1a.	Drainage (Budgeted item)	\$ 25,000	to	\$ 30,000
1b.	Wastewater study	\$ 25,000	to	\$ 30,000
1c.	Water study	\$ 12,000	to	\$ 16,000
1d.	Small Wetlands access study	\$ 2,000	to	\$ 2,500
1e.	Wetlands study	\$ 2,000	to	\$ 2,500
2a.	Planning Study (Hamlin Kendall Water)	\$ 10,000	to	\$ 12,000

Town of Hamlin Local Waterfront Revitalization Program

2b.	Scenic viewing area - design	\$ 6,000	to	\$ 8,000
2c.	Paper street ends - study	\$ 2,000	to	\$ 3,000
2d.	Harbor improvement	\$500,000	to	\$1,000,000
2e.	Additional docks	\$ 25,000	to	\$ 40,000
2f.	Stairway to creek (Fishing rights being pursued)	\$ 10,000	to	\$ 15,000
		\$619,000	to	\$1,159,000

SECTION V Techniques for local implementation of the program

A. Local Laws and Regulations Necessary to Implement the LWRP

1. Zoning Law (Chapter 125)

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

a. Description

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

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

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

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

2. Setbacks

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

3. Lot Area and Coverage Requirements

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

4. Dock Standards

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

5. Site Plan Approval

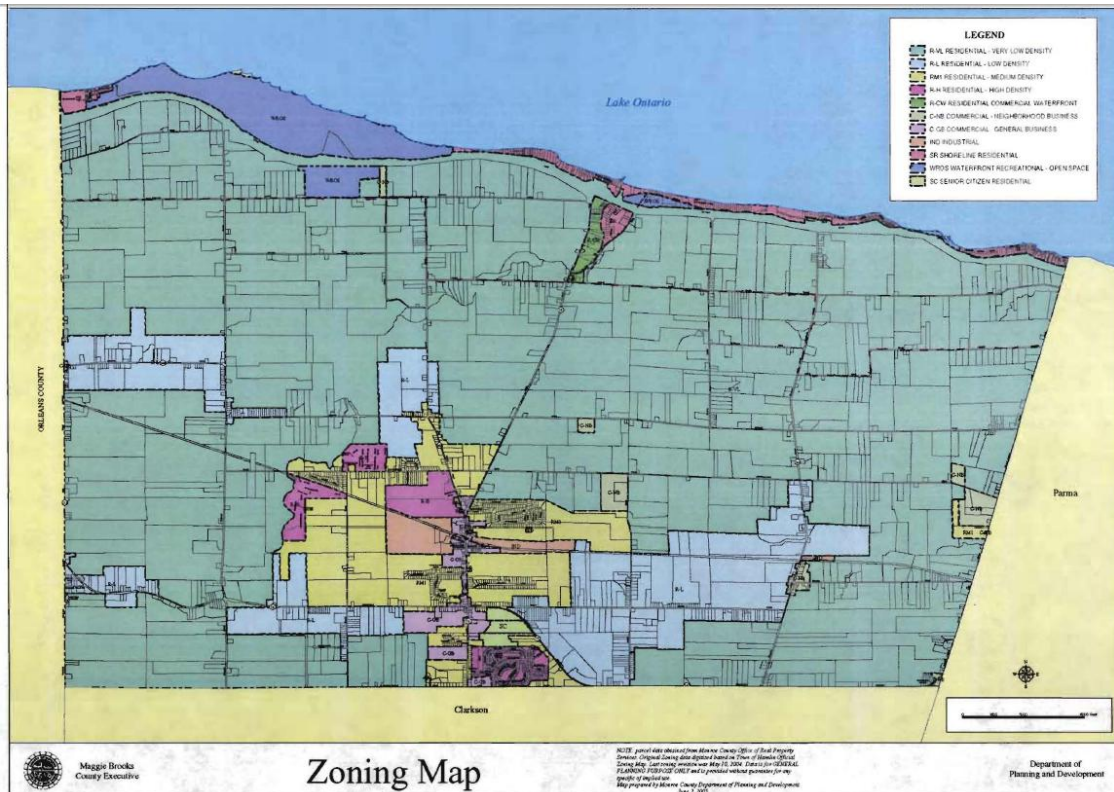
All development (including building additions) in the Town requires site plan approval. Existing procedures take into account flooding and erosion.

6. Clustering

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

b. LWRP Implementation

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



2. Flood Regulations (Chapter 58)

a. Description

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

b. LWRP Implementation

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

3. Coastal Erosion Hazard Area Law (Chapter 121)

a. Description

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

b. LWRP Implementation

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

4. Consistency Review Law (Chapter 125)

a. Description

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

b. LWRP Implementation

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

B. Other Public Actions Necessary to Implement the LWRP

The Town, through its boards and committees:

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

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

C. Management Structure Necessary to Implement the LWRP

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

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

D. Financial Resources Necessary to Implement the LWRP

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

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

E. Review of Proposed State and Federal Actions

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

SECTION VI State Actions and Programs Likely to Affect Implementation

State and federal actions will affect and be affected by implementation of the LWRP. Under State law and the U.S. Coastal Zone Management Act, certain State and federal actions within or affecting the local waterfront area must be "consistent" or "consistent to the maximum extent practicable" with the enforceable policies and purposes of the LWRP. This consistency requirement makes the LWRP a unique, intergovernmental mechanism for setting policy and making decisions and helps to prevent detrimental actions from occurring and future options from being needlessly foreclosed. At the same time, the active participation of State and federal agencies is also likely to be necessary to implement specific provisions of the LWRP.

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

The second part of this section is a more focused and descriptive list of State and federal agency actions, which are necessary to further implementation of the LWRP. It is recognized that a State or federal agency's ability to undertake such actions is subject to a variety of factors and considerations; that the consistency provisions referred to above, may not apply; and that the consistency requirements cannot be used to require a State or federal agency to undertake an action it could not undertake pursuant to other provisions of law. Reference should be made to Section IV and Section V, which also discuss State and federal assistance needed to implement the LWRP.

A. State and Federal Actions and Programs which should be undertaken in a Manner Consistent with the LWRP.

1. State Agencies

OFFICE FOR THE AGING

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

DEPARTMENT OF AGRICULTURE AND MARKETS

- 1.00 Agricultural Districts Program.
- 2.00 Rural Development Program.
- 3.00 Farm Worker Services Programs.
- 4.00 Permit and Approval Programs.
 - 4.01 Custom Slaughters/Processor Permit
 - 4.02 Processing Plant License
 - 4.03 Refrigerated Warehouse and/or Locker Plant License

DIVISION OF ALCHOLIC BEVERAGE CONTROL/STATE LIQUOR AUTHORITY

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

DIVISION 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.

DEPARTMENT OF BANKING

- 1.00 Permit and approval programs:
 - 1.01 Authorization Certificate (Bank Branch)
 - 1.02 Authorization Certificate (Bank Change of Location)
 - 1.03 Authorization Certificate (Bank Charter)
 - 1.04 Authorization Certificate (Credit Union Change of Location)
 - 1.05 Authorization Certificate (Credit Union Charter)
 - 1.06 Authorization Certificate (Credit Union Station)
 - 1.07 Authorization Certificate (Foreign Banking Corporation Change of Location)
 - 1.08 Authorization Certificate (Foreign Banking Corporation Public Accommodations Office)
 - 1.09 Authorization Certificate (Investment Company Branch)
 - 1.10 Authorization Certificate (Investment Company Change of Location)
 - 1.11 Authorization Certificate (Investment Company Charter)
 - 1.12 Authorization Certificate (Licensed Lender Change of Location)
 - 1.13 Authorization Certificate (Mutual Trust Company Charter)
 - 1.14 Authorization Certificate (Private Banker Charter)
 - 1.15 Authorization Certificate (Public Accommodation Office - Banks)
 - 1.16 Authorization Certificate (Safe Deposit Company Branch)
 - 1.17 Authorization Certificate (Safe Deposit Company Change of Location)
 - 1.18 Authorization Certificate (Safe Deposit Company Charter)
 - 1.19 Authorization Certificate (Savings Bank Charter)
 - 1.20 Authorization Certificate (Savings Bank De Novo Branch Office)
 - 1.21 Authorization Certificate (Savings Bank Public Accommodations Office)
 - 1.22 Authorization Certificate (Savings and Loan Association Branch)
 - 1.23 Authorization Certificate (Savings and Loan Association Change of Location)
 - 1.24 Authorization Certificate (Savings and Loan Association Charter)
 - 1.25 Authorization Certificate (Subsidiary Trust Company Charter)
 - 1.26 Authorization Certificate (Trust Company Branch)
 - 1.27 Authorization Certificate (Trust Company - Change of Location)
 - 1.28 Authorization Certificate (Trust Company Charter)
 - 1.29 Authorization Certificate (Trust Company Public Accommodations Office)

- 1.30 Authorization to Establish a Life Insurance Agency
- 1.31 License as a Licensed Lender
- 1.32 License for a Foreign Banking Corporation Branch

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 CORRECTIONAL SERVICES

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

DORMITORY AUTHORITY OF THE STATE OF NEW YORK

- 1.00 Financing of higher education and health care facilities.
- 2.00 Planning and design services assistance program.

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.

EDUCATION DEPARTMENT

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

NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY

- 1.00 Issuance of revenue bonds to finance pollution abatement modifications in power-generation facilities and various energy projects.

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of lands under the jurisdiction of the Department.
- 2.00 Classification of Waters Program; classification of land areas under the Clean Air Act.
- 3.00 Facilities, construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 4.00 Financial assistance/grant programs:
 - 4.01 Capital projects for limiting air pollution
 - 4.02 Cleanup of toxic waster dumps
 - 4.03 Flood control, beach erosion and other waste resource projects
 - 4.04 Operating aid to municipal wastewater treatment facilities
 - 4.05 Resource recovery and solid waste management capital projects
 - 4.06 Wastewater treatment facilities
- 5.00 Funding assistance for issuance of permits and other regulatory activities (New York City only)
- 6.00 Implementation of the Environmental Quality Bond Act of 1972, including:
 - (a) Water Quality Improvement Projects
 - (b) Land Preservation and Improvement Projects including Wetland Preservation and Restoration Projects, Unique Area Preservation Projects. Metropolitan
- 7.00 Marine Finfish and Shellfish Programs.
- 8.00 New York Harbor Drift Removal Project.
- 9.00 Permit and approval programs:

Air Resources

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

Construction Management

- 9.08 Approval of Plans and Specifications for Wastewater Treatment Facilities
Fish and Wildlife
- 9.09 Certificate to Possess and See 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 or 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 Extermination of Undesirable Fish

Lands and Forest

- 9.27 Certificate of Environmental Safety (Liquid Natural Gas and 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 Hazard Areas
- 9.55 State Pollutant Discharge Elimination System (SPDES) Permit
- 9.56 Approval – Drainage Improvement District
- 9.57 Approval - Water (Diversion for) Power
- 9.58 Approval of Well System and Permit to Operate
- 9.59 Permit – Article 15, (Protection of Water) – Dam
- 9.60 Permit – Article 15, Title 15 (Water Supply)
- 9.61 River Improvement District Approvals
- 9.62 River Regulatory District Approvals
- 9.63 Well Drilling Certificate of Registration
- 9.64 401 Water Quality Certification
- 10.00 Preparation and revision of Air Pollution State Implementation Plan.
- 11.00 Preparation and revision of Continuous Executive Program Plan.
- 12.00 Preparation and revision of Statewide Environmental Plan.
- 13.00 Protection of Natural and Man-made Beauty Program.
- 14.00 Urban Fisheries Program.
- 15.00 Urban Forestry Program.
- 16.00 Urban Wildlife Program

ENVIRONMENTAL FACILITIES CORPORATION

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

FACILITIES DEVELOPMENT CORPORATION

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

OFFICE OF GENERAL SERVICES*

- 1.00 Administration of the Public Lands Law for acquisition and disposition of lands, grants of land and grants of easement of land under water, issuance of licenses for removal of materials from lands under water, and oil and gas leases for exploration and development.

- 2.00 Administration of Article 4-B, Public Buildings Law, in regard to the protection and management of State historic and cultural properties and State uses of buildings of historic,
- 3.00 Facilities, construction, rehabilitation, expansion, or demolition.

* State Real property Law Section 334, new provision - Any survey done to subdivide waterfront properties on navigable waters depict the location of riparian (or littoral) lines prior to filing with the county clerk.

DEPARTMENT OF HEALTH

- 1.00 Facilities, construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
 - 2.01 Approval of Completed Works for Public Water Supply Improvements
 - 2.02 Approval of Plans for Public Water Supply Improvements
 - 2.03 Certificate of Need (Health Related Facility – except Hospitals)
 - 2.04 Certificate of Need (Hospitals)
 - 2.05 Operating Certificate (Diagnostic and Treatment Center)
 - 2.06 Operating Certificate (Health Related Facility)
 - 2.07 Operating Certificate (Hospice)
 - 2.08 Operating Certificate (Hospital)
 - 2.09 Operating Certificate (Nursing Home)
 - 2.10 Permit to Operate a Children’s Overnight or Day Camp
 - 2.11 Permit to Operate a Migrant Labor Camp
 - 2.12 Permit to Operate as a Retail Frozen Dessert Manufacturer
 - 2.13 Permit to Operate a Service Food Establishment
 - 2.14 Permit to Operate a Temporary Residence/Mass Gathering
 - 2.15 Permit to Operate or Maintain a Swimming Pool or Public Bathing Beach
 - 2.16 Permit to Operate Sanitary Facilities for Realty Subdivisions
 - 2.17 Shared Health Facility Registration Certificate

DIVISION OF HOUSING AND COMMUNITY RENEWAL AND ITS SUBSIDIARIES AND AFFILIATES

- 1.00 Facilities, construction, rehabilitation, expansion, or demolition.
- 2.00 Financial assistance/grant programs:
 - 2.01 Federal Housing Assistance Payments Programs (Section 8 Programs)
 - 2.02 Housing Development Fund Programs
 - 2.03 Neighborhood Preservation Companies Program
 - 2.04 Public Housing Programs
 - 2.05 Rural Initiatives Grant Program
 - 2.06 Rural Preservation Companies Program
 - 2.07 Rural Rental Assistance Program
 - 2.08 Special Needs Demonstration Projects
 - 2.09 Urban Initiatives Grant Program

- 2.10 Urban Renewal Programs
- 3.0 Preparation and implementation of plans to address housing and community renewal needs.

HOUSING FINANCE AGENCY

- 1.00 Funding programs for the construction, rehabilitation, or expansion of facilities.
- 2.00 Financial assistance/grant programs:

JOB DEVELOPMENT AUTHORITY

- 1.00 Financing assistance programs for commercial and industrial facilities.

MEDICAL CARE FACILITIES FINANCING AGENCY

- 1.00 Financing of medical care facilities.

OFFICE OF MENTAL HEALTH

- 1.00 Facilities, construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
 - 2.01 Operating Certificate (Community Residence)
 - 2.02 Operating Certificate (Family Care Homes)
 - 2.03 Operating Certificate (Inpatient Facility)
 - 2.04 Operating Certificate (Outpatient Facility)

OFFICE OF MENTAL RETARDATION AND DEVELOPMENT DISABILITIES

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

DIVISION OF MILITARY AND NAVAL AFFAIRS

- 1.00 Preparation and implementation of the State Disaster Preparedness Plan.

NATURAL HERITAGE TRUST

- 1.00 Funding program for natural heritage institution.

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 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.

POWER AUTHORITY OF THE STATE OF NEW YORK

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

ROCHESTER–GENESEE REGIONAL TRANSPORTATION AUTHORITY

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Authority.
- 2.00 Facilities, construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 3.00 Increases in special fares for transportation services to public water-related recreation resources.

NEW YORK STATE SCIENCE AND TECHNOLOGY FOUNDATION

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

DEPARTMENT OF STATE

- 1.00 Appalachian Regional Development Program.
- 2.00 Coastal Management Program
- 3.00 Community Services Block Grant Program.
- 4.00 Permit and approval programs:
 - 4.01 Billiard Room License
 - 4.02 Cemetery Operator
 - 4.03 Uniform Fire Prevention and Building Code

STATE UNIVERSITY CONSTRUCTION FUND

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

STATE UNIVERSITY OF NEW YORK

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

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
 - 3.04 Subsidies program for marginal branch lines abandoned by Conrail
 - 3.05 Subsidies program for passenger rail service
- 4.00 Permits and approval programs:
 - 4.01 Approval of applications for airport improvements (construction projects)
 - 4.02 Approval of municipal applications for Section 18 Rural and Small Urban Transit Assistance Grants (construction projects)
 - 4.03 Approval of municipal or regional transportation authority applications for funds for design, construction and rehabilitation of omnibus maintenance and storage facilities
 - 4.04 Approval of municipal or regional transportation authority applications for funds for design and construction of rapid transit facilities
 - 4.05 Certificate of Convenience and Necessity to Operate a Railroad
 - 4.06 Highway Work Permits
 - 4.07 License to Operate Major Petroleum Facilities
 - 4.08 Outdoor Advertising Permit (for off-premises advertising signs adjacent to interstate and primary highway)
 - 4.09 Real Property Division Permit for Use of State-Owned Property
- 5.00 Preparation or revision of the Statewide Master Plan for Transportation and sub-area or special plans and studies related to the transportation needs of the State.

- 6.00 Water Operation and Maintenance Program – Activities related to the containment of petroleum spills and development of an emergency oil-spill control network.

URBAN DEVELOPMENT CORPORATION and its subsidiaries and affiliates

- 1.00 Acquisition, disposition, lease, grant of easement or other activities related to the management of land under the jurisdiction of the Corporation.
- 2.00 Planning, development, financing, construction, major renovation or expansion of commercial, industrial, and civic facilities and the provision of technical assistance or financing for such activities, including, but not limited to, actions under its discretionary economic development programs such as the following:
 - (a) Tax-Exempt Financing Program
 - (b) Lease Collateral Program
 - (c) Lease Financial Program
 - (d) Targeted Investment Program
 - (e) Industrial Buildings Recycling Program
- 3.00 Administration of special projects.
- 4.00 Administration of State-funded capital grant programs.

DIVISION OF YOUTH

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

2. Federal Agencies

DIRECT FEDERAL ACTIVITIES AND DEVELOPMENT PROJECTS

DEPARTMENT OF COMMERCE

National Marine Fisheries Services

- 1.00 Fisheries Management Plans

DEPARTMENT OF DEFENSE

Army Corps of Engineers

- 1.00 Proposed authorizations for dredging, channel improvements, break-waters, other navigational works, or erosion control structures, beach replenishment, dams or flood control works, ice management practices and activities, and other projects with potential to impact coastal lands and waters.
- 2.00 Land acquisition for spoils disposal or other purposes.
- 3.00 Selection of open water disposal sites.

Army, Navy and Air Force

- 4.00 Location, design, and acquisition of new or expanded defense installations (active or reserve status, including associated housing, transportation or other facilities).
- 5.00 Plans, procedures and facilities for landing or storage use zones.
- 6.00 Establishment of impact, compatibility or restricted use zones.

DEPARTMENT OF ENERGY

- 1.00 Prohibition orders.

GENERAL SERVICES ADMINISTRATION

- 1.00 Acquisition, location and design of proposed Federal Government property or buildings, whether leased or owned by the Federal Government.
- 2.00 Disposition of Federal surplus lands and structures.

DEPARTMENT OF INTERIOR

Fish and Wildlife Service

- 1.00 Management of National Wildlife refuges and proposed acquisitions.

Mineral Management Service

- 2.00 OCS lease sale activities including tract selection, lease sale stipulations, etc.

National Park Service

- 3.00 National Park and Seashore management and proposed acquisitions.

DEPARTMENT OF TRANSPORTATION

Amtrak, Conrail

- 1.00 Expansions, curtailments, new construction, upgrading or abandonment's or railroad facilities or services, in or affecting the State's coastal area.

Coast Guard

- 2.00 Location and design, construction or enlargement of Coast Guard stations, bases, and lighthouses.
- 3.00 Location, placement or removal of navigation devices, which are not part of the routine operations under the Aids to Navigation Program (ATON).
- 4.00 Expansion, abandonment, designation or anchorages, lightening areas or shipping lanes and ice management practices and activities.

Federal Aviation Administration

- 5.00 Location and design, construction, maintenance, and demolition of Federal aids to air navigation.

Federal Highway Administration

- 6.00 Highway construction.

St. Lawrence Seaway Development Corporation

- 7.00 Acquisition, location, design, improvement and construction of new and existing facilities for the operation of the Seaway, including traffic safety, traffic control and length of navigation season.

FEDERAL LICENSES AND PERMITS

DEPARTMENT OF DEFENSE

Army Corps of Engineers

- 1.00 Construction of dams, dikes or ditches across navigable waters, or obstruction or alteration of navigable waters required under Sections 9 and 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 401, 403).
- 2.00 Establishment of harbor lines pursuant to Section 11 of the Rivers and Harbors Act of 1899 (33 U.S.C. 404, 405).
- 3.00 Occupation of seawall, bulkhead, jetty, dike, levee, wharf, pier, or other work built by the U.S. pursuant to Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408).
- 4.00 Approval of plans for improvements made at private expense under USACE supervision pursuant to the Rivers and Harbors Act of 1902 (33 U.S.C. 565).
- 5.00 Disposal of dredged spoils into the waters of the U.S., pursuant to the Clean Water Act, Section 404 (33 U.S.C. 1413)
- 6.00 All actions for which permits are required pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
- 7.00 Construction of artificial islands and fixed structures in Long Island Sound pursuant to Section 4(f) of the River and Harbors Act of 1912 (33 U.S.C.).

DEPARTMENT OF ENERGY

Economic Regulatory Commission

- 1.00 Regulation of gas pipelines, and licensing of import or export of natural gas pursuant to the Natural Gas Act (15 U.S.C. 717) and the Energy Reorganization Act of 1974.
- 2.00 Exemptions from prohibition orders.

Federal Energy Regulation Commission

- 3.00 Licenses for non-Federal hydroelectric projects and primary transmission lines under Sections 3(11), 4(e) and 15 of the Federal Power Act (16 U.S.C. 796(11), 797(11) and 808).
- 4.00 Orders for interconnection of electric transmission facilities under Section 202(b) of the Federal Power Act (15 U.S.C. 824a(b)).
- 5.00 Certificates for the construction and operation of interstate natural gas pipeline facilities, including both pipelines and terminal facilities under Section 7 (c) of the Natural Gas Act (15 U.S.C. 717f(c)).
- 6.00 Permission and approval for the abandonment of natural gas pipeline facilities under Section 7(b) of the Natural Gas Act (15) U.S.C. 717f(b)).

ENVIRONMENTAL PROTECTION AGENCY

- 1.00 NSDES permits and other permits for Federal installations, discharges in contiguous zones and ocean waters, sludge runoff and aquaculture permits pursuant to Section 401, 402, 403, 405, and 318 of the Federal Water Pollution Control Act of 1972 (33 U.S.C. 1341, 1342, 1343, and 1328).
- 2.00 Permits pursuant to the Resources Recovery and Conservation Act of 1976.

3.00 Permits pursuant to the underground injection control program under Section 1424 of the Safe Water Drinking Water Act (42 U.S.C. 300h-c).

4.00 Permits pursuant to the Clean Air Act of 1976 (42 U.S.C. 1857).

DEPARTMENT OF INTERIOR

Fish and Wildlife Services

1.00 Endangered species permits pursuant to the Endangered Species Act (16 U.S.C. 153(a)).
Mineral Management Service

2.00 Permits to drill, rights of use and easements for construction and maintenance of pipelines, gathering and flow lines and associated structures pursuant to 43 U.S.C. 1334, exploration and development plans, and any other permits or authorizations granted for activities described in detail in OCS exploration, development, and production plans.

3.00 Permits required or pipelines crossing federal lands, including OCS lands, and associated activities pursuant to the OCS Lands Act (43 U.S.C. 1334) and 43 U.S.C. 931(c) and 20 U.S.C. 185.

INTERSTATE COMMERCE COMMISSION

1.00 Authority to abandon railway lines (to the extent that the abandonment involves removal of trackage and disposition of right-of-way); authority to construct railroads; authority to construct coal slurry pipelines.

NUCLEAR REGULATORY COMMISSION

1.00 Licensing and certification of the siting, construction and operation of nuclear power plants pursuant to Atomic Energy Act of 1954, Title II of the Energy Reorganization Act of 1974 and the National Environmental Policy Act of 1969.

DEPARTMENT OF TRANSPORTATION

Coast Guard

1.00 Construction or modification of bridges, causeways or pipelines over navigable waters pursuant to 49 U.S.C. 1455.

2.00 Permits for Deepwater Ports pursuant to the Deepwater Ports Act of 1974 (33 U.S.C. 1501).

Federal Aviation Administration

3.00 Permits and licenses for construction, operation or alteration of airports.

FEDERAL ASSISTANCE*

DEPARTMENT OF AGRICULTURAL

10.068 Rural Clean Water Program

10.409 Irrigation, Drainage, and Other Soil and Water Conservation Loans

10.410 Low to Moderate Income Housing Loans

10.411 Rural Housing Site Loans

10.413 Recreation Facility Loans

- 10.414 Resource Conservation and Development Loans
- 10.415 Rural Renting Housing Loans
- 10.416 Soil and Water Loans
- 10.418 Water and Waste Disposal Systems for Rural Communities
- 10.422 Business and Industrial Loans
- 10.424 Industrial Development Grants
- 10.426 Area Development Assistance Planning Grants
- 10.429 Above Moderate Income Housing Loans
- 10.430 Energy Impacted Area Development Assistance Program
- 10.901 Resource Conservation and Development
- 10.902 Soil and Water Conservation
- 10.904 Watershed Protection and Flood Prevention
- 10.906 River Basin Surveys and Investigations

DEPARTMENT OF COMMERCE

- 11.300 Economic Development – Grants and Loans for Public Works and Development Facilities.
- 11.301 Economic Development – Business Development Assistance
- 11.302 Economic Development – Support for Planning Organizations
- 11.304 Economic Development – State and Local Economic Development Planning
- 11.305 Economic Development – State and Local Economic Development Planning
- 11.307 Special Economic Development and Adjustment Assistance Program – Long Term Economic Deterioration
- 11.308 Grants to States for Supplemental and Basic Funding of Titles I, II, III, IV, and V Activities.
- 11.405 Anadromous and Great Lakes Fisheries Conservation
- 11.407 Commercial Fisheries Research and Development
- 11.417 Sea Grant Support
- 11.427 Fisheries Development and Utilization – Research and Demonstration Grants and Cooperative Agreements Program
- 11.501 Development and Promotion of Ports and Intermodal Transportation
- 11.509 Development and Promotion of Domestic Waterborne Transport Systems

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

- 14.112 Mortgage Insurance – Construction or Substantial Rehabilitation of Condominium Projects
- 14.115 Mortgage Insurance – Development of Sales Type Cooperative Projects
- 14.117 Mortgage Insurance - Homes
- 14.124 Mortgage Insurance – Investor Sponsored Cooperative Housing
- 14.125 Mortgage Insurance – Land Development and New Communities
- 14.126 Mortgage Insurance – Management Type Cooperative Projects
- 14.127 Mortgage Insurance – Mobile Home Parks
- 14.218 Community Development Block Grants/Entitlement Grants

- 14.219 Community Development Block Grants/Small Cities Program
- 14.221 Urban Development Action Grants
- 14.223 Indian Community Development Block Grant Program

DEPARTMENT OF INTERIOR

- 15.400 Outdoor Recreation – Acquisition, Development and Planning
- 15.402 Outdoor Recreation – Technical Assistance
- 15.403 Disposal of Federal Surplus Real Property for Parks, Recreation, and Historic Monuments
- 15.411 Historic Preservation Grants-in-Aid
- 15.417 Urban Park and Recreation Recovery Program
- 15.600 Anadromous Fish Conservation
- 15.605 Fish Restoration
- 15.611 Wildlife Restoration
- 15.613 Marine Mammal Grant Program
- 15.802 Minerals Discovery Loan Program
- 15.950 National Water Research and Development Program
- 15.951 Water Resources Research and Technology – Assistance to State Institutes
- 15.952 Water Research and Technology – Matching Funds to State Institutes

DEPARTMENT OF TRANSPORTATION

- 20.102 Airport Development Aid Program
- 20.103 Airport Planning Grant Program
- 20.205 Highway Research, Planning and Construction
- 20.309 Railroad Rehabilitation and Improvement – Guarantee of Obligations
- 20.310 Railroad Rehabilitation and Improvement – Redeemable Preference Shares
- 20.506 Urban Mass Transportation Demonstration Grants
- 20.509 Public Transportation for Rural and Small Urban Areas

GENERAL SERVICES ADMINISTRATION

- 39.002 Disposal of Federal Surplus Real Property

COMMUNITY SERVICES ADMINISTRATION

- 49.002 Community Action
- 49.011 Community Economic Development
- 49.013 State Economic Opportunity Offices
- 49.017 Rural Development Loan Fund
- 49.018 Housing and Community Development (Rural Housing)

SMALL BUSINESS ADMINISTRATION

- 59.012 Small Business Loans
- 59.013 State and Local Development Company Loans
- 59.024 Water Pollution Control Loans
- 59.025 Air Pollution Control Loans

59.031 Small Business Pollution Control Financing Guarantee

ENVIRONMENTAL PROTECTION AGENCY

66.001 Air Pollution Control Program Grants

66.418 Construction Grants for Wastewater Treatment Works

66.426 Water Pollution Control – State and Area wide Water Quality Management Planning Agency

66.451 Solid and Hazardous Waste Management Program Support Grants

66.452 Solid Waste Management Demonstration Grants

66.600 Environmental Protection Consolidated Grants Program Support Comprehensive Environmental Response, Compensation and Liability (Super Fund)

* Numbers refer to the Catalog of Federal Domestic Assistance Programs, 1980 and its two subsequent updates.

B. State and Federal Programs Necessary to Further the LWRP

DEPARTMENT OF ECONOMIC DEVELOPMENT

Any action or provision of funds for the development or promotion of tourism related activities or development.

1. Any action involving the Seaway Trail.

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

1. Planning, development, construction, major renovation, or expansion of facilities in waterfront, including recreational improvement projects.
2. Advance assistance under the Small Communities and Rural Wastewater Treatment Grant Program and a subsequent construction grant subsidy.
3. Review of actions within National Register Districts pursuant to SEQR.

DIVISION OF HOUSING AND COMMUNITY RENEWAL

1. Provision of funding under the Rural Preservation Company Program.
2. Approval of funding for Rural Area Revitalization Program projects.

JOB DEVELOPMENT AUTHORITY

1. Provision of low interest mortgage loans to local non-profit development corporations to finance commercial and industrial facilities.

OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION

1. Planning, development, construction, major renovation or expansion of recreational facilities or the provision of funding for such facilities.
2. Provision of funding for State and local activities from the Land and Water Conservation Fund.
3. Planning, development, implementation or the provision of funding for recreation services program.

4. Certification of properties within the National Register Districts.
5. Provision of funding for State and local historic preservation activities.
6. Review of Type I actions within the National Historic Districts.
7. Activities under the Urban Cultural Park Program.

DEPARTMENT OF STATE

1. Provision of funding for the implementation of an approved LWRP.
2. Provision of funding under the Community Services Block Grant Program.

COUNCIL ON THE ARTS

1. Assistance from the Architecture and Environmental Arts Program for a harbor front plan.

DEPARTMENT OF TRANSPORTATION

1. Assistance for street repairs through the Consolidated Highway Improvements Program.

FEDERAL AGENCIES

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistance Secretary for Community Planning and Development

1. Funding under the Urban Development Action Grant Program for core area and Madison Barracks projects.
2. Funding under the Community Development Block Grant Program for improvements in the waterfront.

DEPARTMENT OF DEFENSE

Corps of Engineers, Buffalo District

1. Review of any proposed action within a National Register District pursuant to NEPA.

DEPARTMENT OF THE INTERIOR

National Park Service

1. Provisions of funding under the Land and Water Conservation Fund Program.
2. Review of federal actions within the National Register Districts pursuant to NEPA.

DEPARTMENT OF THE TREASURY

1. Continuation of Incentives for Qualified Building Rehabilitation.
2. Provision of appropriate tax-exempt status for non-profit agencies active in the coastal area.

ECONOMIC DEVELOPMENT ADMINISTRATION

1. Assistance under the Public Works and Economic Development Act for street improvements.

DEPARTMENT OF TRANSPORTATION

United States Coast Guard

1. Maintenance/rehabilitation of facilities.

SECTION VII Consultation with Other Affected Federal, State, Regional and Local Agencies

Numerous forms of communication, including letters, telecommunications, and personal presentations were used throughout the LWRP process to ensure that all potentially involved federal, State, and local agencies were consulted. The Hamlin Waterfront Advisory Committee worked with the agencies that will have an effect on or will be affected by the LWRP.

SECTIONON VIII Local Commitment

Included in this section is documentation of the Town of Hamlin's commitment to the LWRP and the educating of the residents and developers who live and work within the LWRP area.

An educational brochure was developed outlining the location of the LWRP area. The brochure contains definitions and a brief explanation of the LWRP's function and has been made available to everyone who resides within the LWRP boundaries. See Appendix C: Local Commitment.

Whenever necessary, residents are called together for meetings regarding issues related to LWRP enforcement. The residents get to ask questions regarding their property and the feedback provides direction for the LWRP planners.

Regular meetings of the Conservation Board are always open and the public is encouraged to attend when they have questions about activities within the LWRP area. Conservation Board representatives also attend all Town Board and support board meetings to offer immediate advice on all matters dealing with the LWRP area.

Permission was obtained from the NYS Office of Parks to erect "Welcome to the Town of Hamlin" signs along the Lake Ontario State Parkway. These signs also mention that the motorist is entering the LWRP area.