Village of Sodus Point
Local Waterfront Revitalization Program

Adopted:
Village of Sodus Point Board of Trustees, June 5, 2006

Approved:
NYS Secretary of State Frank P. Milano, December 28, 2006
Concurred:

Adopted Amendment:
Village of Sodus Point Board of Trustees, July 21, 2011
Approved:
NYS Secretary of State Cesar A. Perales, March 9, 2012
Concurred:
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The following resolution was offered by Trustee Quinn, seconded by Trustee Kennedy

**Village of Sodus Point**  
**Resolution of the Village Board of Trustees**  
**Adopting the**  
**Local Waterfront Revitalization Program**

WHEREAS, the Village of Sodus Point initiated preparation of an amendment to the 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 Village of Sodus Point Board of Trustees, as lead agency, filed a Negative Declaration-Notice of Determination of Non-Significance on September 12, 2008, for the preparation of an amendment to the Local Waterfront Revitalization Program, pursuant to Article 8 of the Environmental Conservation Law (State Environmental Quality Review Act);  
NOW, THEREFORE, BE IT RESOLVED, that the Village of Sodus Point Local Waterfront Revitalization Program Amendment is hereby adopted, and that the Mayor is authorized to submit the document to the New York State Secretary of State for approval, pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act.

Resolution adopted all voting aye.

**CERTIFICATE OF CLERK**

STATE OF NEW YORK:  
COUNTY OF WAYNE: SS:  
VILLAGE OF SODUS POINT

I, __Tracy B Durham_______, Village Clerk of the Village of Sodus Point, Wayne County, New York, DO HEREBY CERTIFY that I have compared the foregoing resolution duly adopted by the Village Board of the Village of Sodus Point on the ____21July2011____ with the original of such resolution now on file in my office, and the same is a correct and true copy of said original resolution and of the whole thereof.

Dated: 7/27/11

[Signature]

Tracy B. Durham, Village Clerk/Treasurer
March 9, 2012

Honorable Michael F. Sullivan
Mayor
Village of Sodus Point
P.O. Box 159
8356 Bay Street
Sodus Point, NY 14555

Dear Mayor Sullivan:

I am pleased to inform you that I have approved the amendment to the Village of Sodus Point Local Waterfront Revitalization Program, 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 valuable local waterfront resources along Lake Ontario and Sodus Bay.

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

The approved amendment to the Local Waterfront Revitalization Program will be available on the website of the Department of State, at www.dos.ny.gov/communitieswaterfronts/WFRevitalization/LWRP_status.html. If you have any questions, please contact Kevin Millington of the Office of Communities and Waterfronts at 518-473-2479.

Sincerely,

Cesar A. Perales
Secretary of State
George R. Stafford  
Program Manager  
State of New York  
Department of State  
One Commerce Plaza  
99 Washington Avenue  
Albany, NY 12231-0001

Dear Mr. Stafford:

Thank you for the New York Department of State’s March 28, 2012 request to incorporate amendments to the City of Rochester Local Waterfront Revitalization Program (LWRP), the Village of Sodus Point LWRP, and the Town of Hamburg LWRP into the New York Coastal Management Program (CMP). You requested that changes to the LWRPs described below be incorporated as routine program changes (RPCs), 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 April 3, 2012 and OCRM’s decision deadline was extended until July 13, 2012.

Based on our review of your submission, we concur, with the exceptions noted below, that the changes to the City of Rochester, Village of Sodus Point, and Town of Hamburg LWRPs are RPCs. We approve the incorporation of the changes to Section III of the LWRPs as enforceable policies of the New York CMP and all other changes as non-enforceable policies. Federal Consistency will apply to the approved enforceable policy changes only after the state publishes notice of this approval pursuant to 15 C.F.R. § 923.84(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.

**QUALIFICATIONS**

States may not incorporate enforceable policies by reference. If an approved enforceable policy refers to another regulation, policy, standard, guidance, or other such requirement or document (hereinafter “referenced policy”), the referenced policy itself must be submitted to and approved by OCRM as an enforceable policy in order to be applied under the federal consistency review provisions of the CZMA. Therefore, no requirement or document referenced in the approved enforceable policies may be applied for federal consistency unless that requirement or document has separately been approved by OCRM.
The City of Rochester LWRP’s enforceable policies are only contained in Section III. Although Section IV, “Recommended Projects within the LWRP,” section C. indicates that its objectives are to be used during consistency reviews, these objectives have not been submitted or approved as enforceable policies. Therefore, the Section IV objectives cannot be used for federal consistency purposes.

**CHANGES NOT APPROVED**

OCRM is not approving the following policies in Section III of the Town of Hamburg LWRP because they are preempted by federal law or raise national interest concerns: 1) Policy 6.2, 3, Eighteen Mile Creek (f); 2) Policy 13 introductory paragraph; 3) Policy 13.3(b); and 4) Policy 13.6. These policies cannot be used for CZMA federal consistency review purposes.

OCRM is not approving the incorporation of Policies 6.2, 3 Eighteen Mile Creek and parts of Policy 13.

Policy “6.2, 3 Eighteen Mile Creek” provides that the “(f) Development of hydroelectric facilities on the creek should only be permitted with run-of-river operations.” The preamble to Policy 13 provides that there are no sites along Lake Erie where the benefits of developing hydroelectric facilities are not outweighed by the economic costs and potential impacts on natural resources and to the public. Policy 13.3 (b) also provides that liquefied natural gas (LNG) facilities are to be considered inappropriate and should not be sited along the Hamburg waterfront.

Under the Federal Power Act, the authority to regulate the siting of hydroelectric facilities is expressly reserved to the federal government. As such, state and local regulation of hydroelectric facilities is preempted and cannot be “enforceable policies” under the CZMA (16 U.S.C. § 1453 (6a)). State and local policies that are preempted are not applicable for the purposes of reviewing activities for federal consistency under the CZMA.

Likewise, the regulation of the siting of liquefied natural gas facilities is preempted under the Energy Policy Act of 2005 amendments to the Natural Gas Act. State and local coastal program policies pertaining to the siting of LNG facilities cannot be applied through the federal consistency review authority granted to states under the CZMA.

Under the program approvability and program change requirements of 15 C.F.R. Part 923, state programs are to consider the national interest in the siting of energy facilities which are of greater than local significance. Apart from those provisions of Policy 13 which are preempted under federal law, OCRM finds the State has not shown that Policy 13 meets the requirement for the consideration of the national interest.

Policy 13.2 provides that “Major energy generating and transmission facilities, which utilize non-renewable resources, are considered inappropriate uses that would not provide a significant benefit along the waterfront and should not be sited in this area.” The siting of major energy facility generating and transmission facilities is of greater significance than local waterfront considerations. The State has not shown how these local considerations are balanced with
regional and national interests in meeting energy needs. Furthermore, as written, the policy is arbitrarily discriminatory and not approvable as such. The policy would allow for the placement of a transmission facility along the waterfront if the source of electricity was generated by renewable energy sources. Distribution facilities for electricity such as transmission lines and power substations, are essentially identical regardless of whether the source of the electricity is renewable or non-renewable. The State has provided no rationale to support this discriminatory policy.

Policy 13.6 states:

The Town recognizes the need to develop new indigenous energy sources but also recognizes that such development may endanger the environment. Thus, the Town discourages the development of energy resources on the outer continental shelf in Lake Erie.

There are several deficiencies with Policy 13.6 as proposed for approval as an enforceable policy for CZMA federal consistency review purposes. First, the policy does not contain a definable standard in that the use of the term “discourages” does not establish whether the development of energy resources is permissible, and if so, under what circumstances. Second, the broad scope of the policy would be preempted as applied to hydropower and liquefied natural gas facilities for the aforementioned reasons. Third, a prohibition of energy facilities in Lake Erie by the State or a local coastal program without a showing that such a policy is balanced with national and regional interests in the siting of energy facilities is not approvable as an enforceable policy for CZMA federal consistency review purposes.

**PUBLIC AND FEDERAL AGENCY COMMENTS**

OCRM received no comments on this RPC submission.

Thank you for your cooperation in this review. Please contact Kerry Kehoe at (301) 563-1151, if you have any questions.

Sincerely,

[Signature]

Joelle Gore, Acting Chief
Coastal Programs Division

Enclosure: Changes Approved and Incorporated into the New York CMP

CC:
Steve Ridler, NewYork State Department of State
Kevin Millington, NewYork State Department of State
Enclosure to OCRM's July 12, 2012, Approval of the Incorporation of Changes to
the NEW YORK COASTAL MANAGEMENT PROGRAM

Changes marked with an asterisk (*) are incorporated into the NEW YORK COASTAL MANAGEMENT
PROGRAM, but do not contain enforceable policies that can be used for Federal Consistency.

<table>
<thead>
<tr>
<th>Name/Description of State or Local Law/Regulation/Policy/Program Authority</th>
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<tr>
<td><strong>ADDED:</strong></td>
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<tr>
<td>Town of Hamburg LWRP Policies</td>
<td>Section III, Policies 1–13 with the exceptions of Policy “6.2, 3 Eighteen Mile Creek,” and Policy 13.2, 13.3 (b) and 13.6 which are not approved for application as enforceable policies for CZMA federal consistency review purposes.</td>
<td>3/9/2012</td>
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<td>City of Rochester LWRP</td>
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<tr>
<td>*General information about the history of the LWRP and the changes</td>
<td>*Executive Summary, pp. i-ii</td>
<td>12/15/2011</td>
<td>12/15/2011</td>
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<tr>
<td>*Uses and redevelopment activities and constraints for the 22-acre port site and surrounding area</td>
<td>*Section II - Historical Analysis, C; Water-Dependent and Water-Enhanced Uses, C; Recreational Opportunities and Public Access, A; Flood Hazard Areas, B; Erosion Hazard Areas, B; Transportation Network; Table II-5; and, Development Opportunities and Constraints, B and C.</td>
<td>12/15/2011</td>
<td>12/15/2011</td>
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<tr>
<td>Revisions to several policies to support the redevelopment of the port site and the redevelopment or relocation of the public boat</td>
<td>Section III - Policies 1A, 1F, and Explanation of Policies; Policies 5A and 5B, and</td>
<td>12/15/2011</td>
<td>12/15/2011</td>
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<td>launch facility; deletion of the reference to the construction of an erosion protection structure</td>
<td>Explanation of Policies; Policy 9B; Policy 13A and Explanation of Policies; Policy 19C and Explanation of Policies; Policy 20A; Policy 21A; Policy 22A; Policy 23B; and, Policy 25 Explanation of Policies</td>
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<tr>
<td>*Description of area and existing uses of the area that contains the port site and recommended land uses, projects, and design objectives within that area</td>
<td>*Section IV – Description of LWRP Subareas, Subarea D; Recommended Land Uses for each LWRP Subarea, Introduction, LWRP Subarea D table; and, Recommended Projects within the LWRP, A, B, and C.</td>
<td>12/15/2011</td>
<td>12/15/2011</td>
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<td>*Revisions to reflect changes to local laws, including the establishment of the Harbotown Village zone</td>
<td>*Section V – Policies 1, 13, 16, and 22 information</td>
<td>12/15/2011</td>
<td>12/15/2011</td>
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<tr>
<td>Village of Sodus Point LWRP</td>
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<td>*LWRP boundary extended 1,500 feet from the shoreline into Lake Ontario and Sodus Bay</td>
<td>*Section I – Waterfront Revitalization Boundary</td>
<td>3/9/2012</td>
<td>3/9/2012</td>
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<td>Focus on protecting and restoring ecological quality; explanations for how the harbor management elements and projects implement the policies</td>
<td>Section III – Policy 6.1; and, Explanation of Policy for Policies 1, 1.1, 1.2, 1.3, 2.1, 2.2, 3, 4, 6, 6.1, 6.2, 8.1, 9.1, 9.2, and 10.5</td>
<td>3/9/2012</td>
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<td>*Revised and additional proposed projects</td>
<td>*Section IV – A; B; C, C.2-15 and 19-31; and, D, D.1, D.2, D.4</td>
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<td>*Revisions to reflect minor zoning changes, included the deletion of the planned residential zone, and recommended changes to laws</td>
<td>*Section V – A.1 and 2; B; C; and E</td>
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<td>*Minor edits</td>
<td>*Section VII</td>
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DELETED:

A. INLAND BOUNDARY

The Village’s Waterfront Revitalization Area (WRA), as related to the Local Waterfront Revitalization Program, includes the entire incorporated Village, which is bounded to the north by Lake Ontario and to the east by Sodus Bay. The southern boundary of the Village is defined primarily by the centerlines of Morley Road, State Route 14, Bayview Drive and a line to the southeast that approximates a centerline between Bayview Drive and an intersection of South Shore Drive. To the southwest, the Village boundary parallels the former Penn Central Railroad. The Village line is west and approximately parallel to the former rail corridor and varies from 125’-300’ to the edge of the rail right-of-way. The westerly edge of the Village is also defined by the southern property boundaries of land parcels on Margareta Road. Portions of the westerly Village boundary conform to the centerlines of North and Margareta Roads, and an alignment with various property lines between Lake Road and Margareta Road. (See Waterfront Revitalization Area Boundary Map.)

B. WATERSIDE BOUNDARY

The waterside boundary for the WRA extends 1500’ into Lake Ontario parallel to the shoreline of the Village limits to the north. The waterside boundary also extends 1500’ beyond the shoreline to the east of the Village into Sodus Bay.
SECTION II - INVENTORY AND ANALYSIS

A. REGIONAL SETTING AND COMMUNITY CHARACTERISTICS

1. LOCATION

The Village of Sodus Point is located in Wayne County, New York, approximately 35 miles east of the City of Rochester and 40 miles west of Syracuse. The Village is bounded on the north by Lake Ontario and on the east by Sodus Bay. On the west and south, the Village abuts the Town of Sodus. Covering two square miles or 960 acres, and sheltering a permanent population of approximately 1,200, the Village of Sodus Point constitutes the population and commercial center on Sodus Bay.

Village of Sodus Point

The Village of Sodus Point via Sodus Bay offers significant opportunities for access to Lake Ontario. The Village contains approximately 4.5 miles of shoreline on Sodus Bay and is adjacent to a maintained and marked navigation channel (the Channel), connecting Lake Ontario with the Bay. Parallel stone jetties protect the Channel, extending over 1,000 feet into Lake Ontario. The west jetty has a navigation-light at its lakeside terminus. With an area of over 3,050 acres
and draining a watershed of over 46 square miles, Sodus Bay is the largest embayment on the south shore of Lake Ontario and has a rich history as a port for small vessels. Fishermen from throughout the Northeast and parts of the Midwest travel to Sodus Point and Sodus Bay for excellent Lake Ontario sport fishing. Swimming, water skiing, ice fishing, hunting, boating, bird watching, and sightseeing also draw vacationers from a large region. As a result, tourism plays a significant role in the Village’s economy.

Although it is less than an hour from metropolitan Rochester, the Village has managed to retain much of its historic rural character. Additionally, because of the Bay’s importance and its visitor population, the Village’s waterfront includes several commercial marinas, restaurants, and specialty shops. The active recreational waterfront on Lake Ontario and Sodus Bay is a counterpoint to the less developed upland neighborhoods, and areas of wooded and hilly land at the outer perimeter of the Village.

2. POPULATION AND HOUSING

The following statistics about the Village of Sodus Point from the 2000 Census highlight some characteristics of the community. The community residential population varies throughout the year. Year-round homeowners make up approximately 50% of the total home ownership. Thirty-five percent of all homes are seasonally unoccupied, with 15% of the housing units being rented. 60% of the residents lived in the same household in 1990 as they did in 1985, with families making up 70% of total households. Twenty-two percent of the families have children under 18 years old, resulting in over 264 children in the Village of Sodus Point attending primary and secondary schools.

Sixty-two (62%) percent of the work force commute between 10 minutes and one hour to work. Twelve (12%) percent commute longer than one hour, and four (4%) percent work at home.

Median family income and housing prices are higher than other Wayne County communities. The median household income is $41,272 and the median owner occupied home value is $84,900. The housing stock has a median age of 54 years. Five (5%) percent of the housing units were built between 1985 and 1990. Fifty-six (56%) percent were built before 1939, with ninety nine (99%) percent connected to public sewers.

3. GOVERNMENT

The Village of Sodus Point is an incorporated village. An elected Mayor and four-members Village Board of Trustees govern it. There are five Village Departments: Clerk/Treasurer, Highway, Water, Sewer, and Recreation. Parks are managed by the Highway Department. State law provides for the Village Board to approve Comprehensive Plans, adopt or amend Zoning Laws, and enact special regulations to protect community health, safety and welfare.
In this regard, the Village has appointed Planning and Zoning Boards. The Planning Board is responsible for long-range planning and development review. The Zoning Board of Appeals (ZBA) hears appeals regarding zoning regulations and may vary development and design standards for reasons of practical difficulty and undue hardship. The ZBA also issues special use permits for development activities which can only be approved if found to be appropriate and compatible with their surroundings. There is a code enforcement officer who inspects construction for compliance with zoning and building codes. The Village also has adopted other land use related laws covering: outdoor entertainment, noise, dock and moorings, flood protection, parks, sewer use, vehicles and traffic, fire and building codes.

4. **LAND USE AND ZONING**

The first Village ordinance, enacted in 1958 regulated various types of land use, public safety, and health, but did not include zoning or other types of planning legislation enabled by State laws. In April of 1964, a Planning Board was created. The first Zoning Map and Zoning Laws were adopted in November of 1969. A zoning map was updated and modified in 1998 and again in 2006. (See Zoning Map) The original zoning map and zoning law was initiated by the completion of a Comprehensive Development Plan and Model Zoning and Subdivision Ordinance, by the Planning firm of Brown and Anthony in February 1968. For the Zoning Law of the Village of Sodus Point, New York, go to [http://www.soduspoint.info/wp-content/uploads/2010/04/Chapter-190-Zoning.pdf](http://www.soduspoint.info/wp-content/uploads/2010/04/Chapter-190-Zoning.pdf).

The 1968 Comprehensive Development Plan contained individual plans for the Town of Sodus, and the Village of Sodus Point. The Development Plan contained the following recommendations for the Village of Sodus Point, many of which continue to be appropriate today:

1. No development should occur in flood plains, or wetlands.
2. Conversion from a seasonal to year-around economy was desirable.
3. Promotion of tourism.
4. Development of commercial frontage along Bay and Greig Streets.
5. Industrial development of lands west of First Creek and Second Creek, south of Sentell Street to the Village line.
6. Upgrading property maintenance, controlling signs, and improving the aesthetics of existing and new development with landscaping.
8. From Clover Street to the (then) Railroad Trestle, proposed water enhanced commercial development.

The current Zoning Law closely resembles the model prepared by Brown and Anthony. The Zoning Board of Appeals was created to administer the Zoning Regulations, when adopted in
Section II

1969. A Building Code Administration Law was adopted in 1970. The current Zoning Law was readopted in 1979 and modified again in 1998 and 2006. The new zoning law was designed to accomplish certain goals, including the following: (1) to give priority to water-dependent uses within the Village, (2) to promote a healthy commercial center which maintains a mix of uses and a suitable scale for the Village, and (3) to protect the traditional scale and characteristics of the residential areas. (See Zoning Map).

The existing zoning designations for the shoreline areas of the Village are primarily R (Residential) and WC (Waterfront/Commercial) with some smaller shoreline areas in P (Public) and LCR (Limited Commercial/Residential) zoning. A general description of these zoning districts, as derived from the Village Zoning Law, is as follows:

R (Residential): Conventional single-family housing at development densities consistent with existing development in the Village.

LCR (Limited Commercial/Residential): Allows multiple uses of dwellings in areas on major thoroughfares along with various low-intensity uses such as small retail shops, crafts, professional offices, personal services and home occupations.

WC (Waterfront/Commercial): Allows for water-dependent, water-enhanced, professional, general retail, tourist accommodations and visitor service businesses. This classification has special requirements for off-street parking, view protection, pedestrian circulation, dockage and architectural design.

P (Public/Institutional): Land to be used as parks, walkways and/or for public access. Upland areas within the Sodus Bay Harbor Management Plan Study Area include areas with two additional zoning designations: I (Industrial) and N (Natural Areas). A general description of these areas is as follows:

I (Industrial): Allowed uses include conventional processing, manufacturing, storage, repair of raw materials and fabricated items. Also allowed are recreational vehicle parks, boat storage, agriculture, research facilities, and several other similar uses.

N (Natural Areas): The designated N zoning districts generally coincide with the State-regulated wetland areas occurring within the Village. Any development within this zoning district requires approval by the Village Planning Board.

5. LOCAL, COUNTY AND REGIONAL PLANS

The Village of Sodus Point adopted its current Master Plan in April, 1996. The Master Plan specifically addresses several issues related to Sodus Bay, including waterfront development. It is recommended in the Plan that the Village should enhance the waterfront by strategically
locating and developing public piers, and through the identification, protection, and promotion of public landings and view sites. The Plan also recommended that the Village provide services and amenities to support waterfront development, promotes the wise use of all remaining developable lands near the waterfront, and maintains effective harbor management.

There have been several plans and studies of the County and region, which have addressed the development of the Village of Sodus Point. A separate Wayne County Trails Master Plan has tentatively identified enhancement of recreational opportunities in the Village of Sodus Point as a primary goal. The Village was also included in a regional study of the Seaway Trail.

Wayne County performs several coordinating functions, which may affect future development in the Village. The County has prepared an Agricultural Preservation Plan and a County-Wide Economic Development Strategy. The County has ongoing responsibilities to develop parks and trails, promote tourism and economic development, obtain grants, review development proposals, coordinate sewer and water improvements, and improve water quality. The Village is also a part of the Wayne County Water Quality Initiative. Since 1991, the Wayne County Water Quality Coordinating Committee (WQCC) has been identifying water quality impairments throughout the County. A monitoring station has been installed in Glenmark Creek to test water quality entering the Bay. A cooperative effort between the WQCC, Soil and Water Conservation District, Save our Sodus (SOS) and SUNY Brockport has also been monitoring water quality and fisheries in Sodus Bay.

The Great Sodus Bay Harbor Management Plan was developed as a cooperative effort by the Village of Sodus Point, the Towns of Huron and Sodus, the Wayne County Planning Department and the NYS Department of State. The purpose of the Great Sodus Bay Harbor Management Plan is to provide the vision and tools that will enable the Village and Towns to manage the activities on the surface waters of Sodus Bay and the adjacent shoreline in a comprehensive and coordinated manner. The harbor management elements, incorporated into the Village of Sodus Point LWRP, are based on the findings and recommendations of the Great Sodus Bay Harbor Management Plan.

6. **RECENT LOCAL INITIATIVES**

Questionnaires have been sent out by the Planning Board over the past ten years to solicit opinions from residents and property owners about such issues as expanded commercial and industrial development, historic preservation, public docks, noise regulations, property maintenance, tourism promotion, recreational opportunities, and revenue generation. In addition, several focus groups related to residential and commercial development, parks and recreation and fishing/boating activities were initiated as part of a Village Master Plan in 1995-96.
Several of the most successful projects have been the result of local initiatives. The Lighthouse Museum originated from the interest of a Sodus Point Museum Committee in 1972. In 1979, this group incorporated as the Sodus Bay Historical Society. In 1984, the Society entered into a 25-year renewable lease with the Town of Sodus for the Lighthouse, which became its home and has been maintained and enhanced for the benefit of the public since. The society sponsors concerts, with the financial support of local merchants and foundations. They also help sponsor the 4th of July celebration, Arts and Crafts Shows and other related events. The Fire Department, Methodist Church, Town Chamber of Commerce, Neighborhood Association of Sodus Point and the Yacht Club have annually sponsored other events such as the Carnival, Sportsman Show, Antique Boat Show, and regattas.

The Neighborhood Association of Sodus Point raised the necessary funds then organized the community to participate in the installation of a state-of-art playground system in Willow Park.

The Greater Sodus Bay Association (GSBA) participated in the Sodus Point Movie night held at Oscar Fuerst Park (Sodus Point Ball field). 2002 was the first year for the movie night, but based on public feedback it may become an annual event. The movies are geared for children and are run at dusk. Karaoke and vendors add to the charm of the event.

Save our Sodus (SOS) has grown to over five hundred members in the year 2002. As one of their many deeds they recently purchased a weed harvester for the control of weeds in Sodus Bay. GSBA and SOS have been involved with the evolution of the Inter-municipal Harbor Management Plan. They have been working with the municipalities surrounding the bay, Syracuse University, State and County Officials and the various regulatory agencies with the primary purpose of making the bay a cleaner/better bay for our children.

7. RECENT DEVELOPMENT ACTIVITIES

There has been recent investment in marinas, restaurants, hotels and recreation. Although, there has been some new housing, principally along the shoreline, the majority of building is reconstruction of existing structures or complete teardowns of one or more structures to build a larger home. The Town of Sodus with the Village of Sodus Point and funding from the Department of State recently completed the development of improved parking, an informational kiosk, landscaping and signage associated with Harriman Park. Harriman Park is a facility jointly managed and owned by the Town of Sodus and the Village of Sodus Point, respectively. The Park provides an important boat launch for recreational fishing for the Bay. The Village installed historic style lights throughout the village from 1996-2003. In addition, the village completed a project, which made improvements to the Village Greens. Boat storage facilities have expanded off Margareta Road along the old railroad corridor.
B. EXISTING LAND AND WATER USES

1. LAND USE

Former agricultural land and scattered residential land use occupies the greatest proportion of area in the Village. This land use category includes forestland, brushland, wetlands, and inactive farm fields. This type of land use is generally located along Lake Road, with scattered residences as well as in the area bounded by the former Penn-Central railroad corridor, Route 14, Bayless Road, and Morley Road.

Residential uses occupy the second largest proportion of land in the Village. Residential uses are located on both Sand Point and Sodus Point. Homes line the shoreline from the mouth of First Creek, south to the Village line. They are also located in upland areas along Lake Road, Margaretta Road, and Route 14 in the Bayless Road area, in the Ontario Street - Fitzhugh Street area, and in Sodus Bay Heights.

The water-enhanced commercial uses and seasonal businesses along the Sodus Bay area are primarily located within the Village of Sodus Point and provide services for tourists and residents.

Taverns and restaurants are concentrated in the central business district, along Greig Street. Combined land uses of residential and commercial occur in several areas including Route 14, Bay Street and Greig Street (See Existing Land Use Map).

Marinas and boat sales are the predominant commercial uses directly on the shoreline, and occupy over 10% of this area. Boat storage areas are located on large parcels scattered throughout the waterfront area.

Lodging is another important element of the Village’s commercial land use. These consist of seasonal cottages, tourist homes, and bed and breakfast establishments.

Public parks include the Wayne County Park on Sodus Point; Oscar Fuerst Park (Village of Sodus Point ball field) located near the Greig Street commercial district; Willow Park on Sodus Bay, (south of Greig Street), and the Lighthouse Park and Museum overlooking Lake Ontario.

The estimated size of each park or community owned parcels are as follows:

<table>
<thead>
<tr>
<th>Parcel</th>
<th>Area</th>
<th>Public ownership</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oscar Fuerst Park</td>
<td>3.2 acres</td>
<td>Village of Sodus Pt</td>
</tr>
<tr>
<td>Willow Park</td>
<td>3.1 acres</td>
<td>Village of Sodus</td>
</tr>
<tr>
<td>Town of Sodus (green space)</td>
<td>2.2 acres (remaining from the original 2.9)</td>
<td>Town of Sodus</td>
</tr>
</tbody>
</table>
### Parcel Area Public ownership

<table>
<thead>
<tr>
<th>Parcel</th>
<th>Area</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Village of Sodus Water</td>
<td>4.3 acres</td>
<td>Town of Sodus &amp; Village of Sodus Point</td>
</tr>
<tr>
<td>Harriman Park</td>
<td>4.2 acres</td>
<td></td>
</tr>
<tr>
<td>Water tower in the Heights</td>
<td>23.0 acres</td>
<td>Village of Sodus Point</td>
</tr>
<tr>
<td>Lighthouse</td>
<td>1.1 acres</td>
<td>Town of Sodus</td>
</tr>
<tr>
<td>Village Park adjacent to Lighthouse</td>
<td>2.3 acres</td>
<td>Village of Sodus Point</td>
</tr>
<tr>
<td>Sodus Point Park</td>
<td>6.2 acres</td>
<td>Town, county &amp; Coast Guard lands</td>
</tr>
<tr>
<td>Vista Sunset Park</td>
<td>0.2 acres</td>
<td></td>
</tr>
</tbody>
</table>

In addition, there is Harriman Park, a Town of Sodus operated and maintained boat launch located near the mouth of First Creek and an associated (and recently improved) parking area off Margaretta Road.

Institutional land uses include public buildings, schools, and churches. The former Village water treatment plant is located between the bluffs overlooking Lake Ontario by Featherly Drive.

Water storage towers are located on the south side of Lake Road, a short distance west of the plant, as well as above Sodus Bay Heights. The sewage treatment plant is located at the corner of Seaman Street and Lake Road. The Village highway facility is adjacent to the sewage treatment plant at the corner of Lake Road and Seaman Street. Other significant public buildings include: the Village Hall and the Recreation Center, the firehouse on Bay Street, the U.S. Post Office on Bay Street, and the U.S. Coast Guard station.

Agricultural areas, which are primarily orchards, are located to the west and south of the Village. Inactive agricultural lands are located west of First Creek, and north of Morley Road.

Industrial uses in the Village of Sodus Point have declined over the past twenty years. In 1986, the Genesee Brewery Malt House ceased operation. The remaining industrial use parcel is a storage and construction company located by the bay between Willow Park and Lummis Street.

The intensity of residential and commercial development along Sodus Bay attests to the strong attraction and high value of the shore lands. Virtually all-bayside parcels large enough for a house, business, or boat docking or storage facility have been developed, and any land use changes will generally require redevelopment of parcels into different uses.

Inland areas can provide new development opportunities to complement waterfront uses. These areas include adjacent to the railroad right-of-way and, to a limited degree, the highland and the forest brush land south of Bayless Road. In other areas, development should be limited to redevelopment of existing developed parcels, such as the former Genesee Malt House.
Additional development should be planned carefully, to consider the impacts upon existing businesses and infrastructure, and perhaps on residential life and the quality of the recreational experience of visitors to the Village. Further development of Sand Point and Sodus Point, the bayshore and the lakeshore must be balanced with a concern for its effect on commerce, the quality of life, and the quality of recreation.

2. UNDERWATER LANDS

The historic understanding that the air, the running waters and the sea are common to all people is the main thrust of the Public Trust Doctrine. This Doctrine, dating from Roman times and based on common law principles, guarantees the public’s right to reach and use tidal lands, waters and their living resources. 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, and 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 when the tide is in; and when the tide is out, to walk along the foreshore to gain access to the water for these purposes and to lounge and recline on the foreshore. The courts have recognized that recreation is a valid and protected Public Trust purpose. The Public Trust doctrine applies on Lake Ontario and its connecting water bodies, bays, harbors, shallows and marshes.

Upland property owners whose lands abut public trust resources have rights. The public cannot access public trust lands across private land without the owner’s permission. Additionally, these owners possess riparian rights to Lake Ontario and its connecting waters. These rights entitle the owner to access 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 land owners to promote the development of commerce. In many cases these owners placed fill in Lake Ontario to create new land. In more recent years, private use of public-trust waters include: marinas, commercial fishing operations, and docks, piers for shipping and recreational boating. Many grants were limited and a public interest in the underwater land 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 billions of dollars for the State economy. The foreshore and underwater lands of the coast are used for recreation, boating, fishing, swimming, and visual enjoyment. The tidal areas provide habitat and breeding areas for shellfish and finfish of commercial and recreational importance. Private actions that interfere with these activities diminish the public's use and enjoyment of these commercially and recreationally productive areas.

In 1992, the legislature passed Chapter 791 codifying, in part, the public trust in underwater lands. The legislature found regulation of projects and structures proposed to be constructed in or over State-owned underwater lands to be 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 owners' reasonable exercise of riparian rights and access to navigable waters did not adversely affect the public's rights. The legislature stated that use of trust lands is to be consistent with the public interest in reasonable use and responsible management of waterways for the purposes of navigation, commerce, fishing, bathing, recreation, environmental and aesthetic protection, and access to the navigable waters and lands underwater of the State.

Before considering any development activity or land purchases in the waterfront area, prospective developers and owners are recommended to check on the ownership of the adjacent underwater lands. This must be done at the New York State Office of General Services (OGS) office, located 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 areas.

According to tax maps, there are three parcels on Great Sodus Bay with deeded underwater lands. All three parcels are adjacent to upland properties located in the Village of Sodus Point.
The parcels consist of approximately 5.0 acres at the New Horizons Marina, approximately 6.5 acres at Katlyn Marine, and an area of unknown size at the Sills Marine Contractor site. The New Horizons and Katlyn Marine underwater properties are taxed by the Town of Sodus. The Sills Marine underwater land is taxed by the Village of Sodus Point as an extension of the upland parcel. With the exception of these three parcels, all other lands below the mean low water elevation of 243.3 feet (IGLD-85) are under the ownership of New York State.

It is important to fully understand the nature of the ownership of underwater lands as municipal, State and federal agencies should consider the public’s rights under the Public Trust Doctrine during their regulatory review of development proposals. In many cases, it can provide a rationale 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, both State and federal agencies can seek to have the area restored to its original condition 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 the United States.

3. **ABANDONED, UNDERUTILIZED, AND DETERIORATED SITES**

Abandoned, underutilized, and deteriorated sites in the Village coastal areas have been identified to focus efforts on structural, facade, and site improvements. Improvements should perform several functions, including enhancing the visual character of the Village, promoting the historic or nautical theme of the village, while addressing certain development or support needs (such as parking), and providing economic activity beneficial to a recreational and resort community. At the same time, they should protect and enhance the environmental resources, which support the area’s economy and improve its quality of life.

**Abandoned structures within the Village of Sodus Point**
Genesee Malt House, located on the corner of Sentell Street, west of Route 14. The facility, which was closed in 1986 by Genesee Brewery, includes a stone warehouse, several masonry silos, a parking area along Sentell Street, and an abandoned railroad siding. A small part of the building is currently leased to the Great Lakes Freshwater Research Institute.

The building appears to be in a reasonable condition, but is somewhat specialized in function, and will likely require some structural alterations to be suitable for other uses.
The current owner plans to make the necessary structural modifications, while maintaining some of the building’s original character, to make the building into a proposed series of specialty shops and boat storage facility.

Within the Village of Sodus Point, underutilized sites include the waterfront at the end of South Ontario Street, boat storage on Greig Street and boat storage off of Route 14.

Deteriorated Sites
Deteriorated structures were identified in the 1995 Master Plan study for the Village of Sodus Point. Subsequent improvements, such as renovation and new construction of commercial structures on Greig Street, renewed maintenance and improvements to several cottages and residences on Sodus Point, and considerable improvements and renovations to the marina facilities have been documented. Many of the structures in the Village have undergone substantial renovation and improvements. They are in good repair, and although some would benefit from façade work, maintenance and improvements of their grounds, there are no sites so deteriorated that they would critically affect the Village’s vitality as a waterfront community. The visual environment of the Village, which is an important factor in attracting tourists, can be
enhanced by careful consideration of landscaping and well-designed fencing to screen some of uses of the waterfront, such as boat storage and boat repair.

Business signs in the Village can affect the visual environment. Most of the signs are in good condition, but a few are dilapidated or need paint, and several are poorly located and do not fit well with their surroundings. Repositioning of several signs would substantially improve the visual character of Greig Street, and Route 14.

Enforcement of the 1986 Sodus Point Docks and Moorings Law addresses the issue of unsightly and deteriorated residential and commercial docks, and boathouses. The Docks and Moorings Law provides for an annual inspection of docks and the issuance of a permit good for three years. The inspection includes construction, durability, and safety.

4. WATER-DEPENDENT AND WATER ENHANCED USES

In addition to the public facilities providing access to Village of Sodus Point waterfront, there are a number of businesses that provide direct access and services for waterfront users. Businesses that are directly located on the Bay’s shoreline and are dependent on water access for a large portion of their business activity are termed water-dependent businesses. As in most shoreline communities, the waterfront area has many businesses that, while not directly on the shoreline and not directly engaged in marine-related trade, are enhanced by their shoreline locations. Such businesses are termed water enhanced.

**Water-dependent Uses**

In the Village of Sodus Point, water-dependent uses include: the many marinas, the docking and boat repair businesses, marine construction operations, the town and county boat launch ramps, the swimming beach, the Coast Guard station, the various navigation aids including the light at the end of the breakwater, and the sewage treatment plant. (See Existing Water Use Map) Marinas in the Village of Sodus Point tend to be full service and include activities such as boat sales, rental, service and repair, dockage, launching by ramp and by sling, ancillary sales, such as fishing, navigational and water skiing equipment, and fishing boat charters.

During the cold seasons, the Bay is used mainly for ice fishing. However, because of the abundant snowfalls and low temperature, the bay area provides the perfect setting for other cold season water-dependent recreational uses, such as skating, snowmobiling and ice sailing.

In general, commercial uses located along the Bay, especially those directly on the shoreline, are water-dependent or water enhanced uses. Most of the other commercial uses along the Bay, and all that are located on the shoreline, are water enhanced or are seasonal businesses that are dependent upon summer residents and visitors to the area.
The number of commercial and private club docks available along the Bay was inventoried in 2005 as part of an on-going study by the International Joint Commission. The results of this inventory, for the Village of Sodus Point, are presented in the table below.

<table>
<thead>
<tr>
<th>Water-dependent businesses</th>
<th>Seasonal slips</th>
<th>Transient slips</th>
<th>Moorings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arney’s Marina</td>
<td>100</td>
<td>10</td>
<td>-</td>
</tr>
<tr>
<td>Carey’s Cove Marina</td>
<td>30</td>
<td>20</td>
<td>-</td>
</tr>
<tr>
<td>Katlynn Marine</td>
<td>200</td>
<td>20</td>
<td>-</td>
</tr>
<tr>
<td>Krenzer’s Marina</td>
<td>100</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>New Horizons Yacht Harbor</td>
<td>165</td>
<td>15</td>
<td>-</td>
</tr>
<tr>
<td>Sills Marine Contractors</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Northwind Harbor</td>
<td>23</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>The Snuggery Marina</td>
<td>18</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td>Sodus Bay Yacht Club</td>
<td>50</td>
<td>10</td>
<td>23</td>
</tr>
</tbody>
</table>

As shown, there are approximately 686 seasonal, 76 transient slips and 23 moorings available along the Bay, within the Village of Sodus Point.

An inventory of the private and commercial docks and moorings was conducted between August 2004 and July 2005. Counts were taken of the number of residences, docks, vessels, boathouses, moorings and swimming platforms present. For this inventory, docks were defined as structures extending out over the water with the ability to be used for the berthing of vessels. No distinction was made for the shape or configuration of the dock. It was observed that approximately 85% of the vessels berthed at private docks are small and most of them are powered boats, except those moored off the shoreline.

It should also be noted that very small vessels, such as canoes, kayaks and windsurfers, were not included in the counts. Jet skis were included as vessels, as were small fishing and row boats if located in the water or along the shoreline.

**Inventory of Sodus Bay Shoreline**

<table>
<thead>
<tr>
<th>Homes</th>
<th>Docks</th>
<th>Vessels</th>
<th>Boathouses</th>
<th>Moorings</th>
<th>Swim platforms</th>
</tr>
</thead>
<tbody>
<tr>
<td>189</td>
<td>187</td>
<td>214</td>
<td>27</td>
<td>9</td>
<td>3</td>
</tr>
</tbody>
</table>

The 189 residences along the waterfront have 187 docks - providing berthing to 214 vessels. The inventory was conducted for the entire Sodus Bay shoreline, with the highest density of development along the shoreline was determined to occur within the Village of Sodus Point.
Section 46-a (2) of the NYS Navigation Law Article 4, grants the Village of Sodus Point the authority for “the restriction and regulation of the manner of construction and location of boathouses, moorings and docks, in any waters within or bounding the respective municipality to a distance of fifteen hundred feet from the shoreline”. The Village of Sodus Point assumed such authority through the adoption of the Docking and Mooring Law (See Appendix B).

The same inventory included collection of data on the services provided by the water-dependent businesses and the private yacht club. The table below lists the services and amenities available at each.

<table>
<thead>
<tr>
<th>Name</th>
<th>Gas</th>
<th>Diesel</th>
<th>Pump Out</th>
<th>Toilet</th>
<th>Public Ramp</th>
<th>Private Ramp</th>
<th>Marine Repairs</th>
<th>Ship's Store</th>
<th>Bait &amp; Tackle</th>
<th>Boat Rental</th>
<th>Restauran</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arney's Marina</td>
<td>X</td>
<td>X X</td>
<td></td>
<td>2*</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Carey’s Cove Marina</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
<td>X X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Katlynn Marine</td>
<td>X</td>
<td>X X</td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Krenzer’s Marina</td>
<td>X</td>
<td>X X</td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Northwind Harbor</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
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</tr>
<tr>
<td>Sodus Bay Yacht Club**</td>
<td>X</td>
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<tr>
<td>Sodus Marina</td>
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<td>X X</td>
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<td></td>
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<tr>
<td>The Snuggery Marina</td>
<td>X</td>
<td></td>
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</tr>
<tr>
<td>Totals</td>
<td>4</td>
<td>1</td>
<td>5</td>
<td>8</td>
<td>1-3*</td>
<td>1</td>
<td>3</td>
<td>3</td>
<td>1</td>
<td>1</td>
<td></td>
</tr>
</tbody>
</table>

* weekdays only
** private not-for-profit

As indicated in the table, the waterfront offers four on-water locations to purchase gas and one for diesel, four pump-outs, seven locations with public toilets, three locations with marine repairs, and three with boater supplies for purchase. In addition, there is a bait-and-tackle shop, and a boat rental place. The ability of the Village’s waterfront to support this level of marine-related services is indicative of its popularity with fishermen and recreational boaters.

Based upon the above inventory, as well as the results of the survey, it is found that:

- With the exception of launch capacity, the number of water-related facilities and the level and types of services provided are adequate to meet the needs of boaters utilizing the Bay, within the Village, as their home port and those arriving for short-term visits.
• There is a current shortage of publicly available boat launch capacity and associated parking, to meet the existing peak summer weekend demand. The lack of launch capacity results in an overload of the existing launch facilities, and sometimes an unsafe operating environment.

• The availability and location of the various boater services is not apparent upon entering the Bay, by water, from Lake Ontario. Some “gateway” to the Bay providing such information would be helpful and would enhance the use of the port by transient boaters.

Planning for Harbor Management
The Village is concerned about controlling possible future overuse of boating on the bay and recognizes the following issues that would result from overuse:

1. interference with existing navigation channels by structures such as docks, floats or anchored or moored vessels;
2. public health and safety, such as conflicts between operation of vessels in or near swimming areas, and general boating congestion;
3. substandard water quality and a need to improve water quality for a range of desired uses, such as fishing, or swimming;
4. degraded or threatened natural areas such as wetlands or significant coastal fish and wildlife habitats;
5. the need to protect important water-dependent uses in appropriate areas within the harbor;
6. the loss of public lands through allowing waterward extension of bulkheads/seawalls and/or the increase in height with resulting back(top)fill; and
7. regulate dry dock boat storage facilities.

As identified by enforcement agencies within the limits of the Village of Sodus Point, it might be necessary to limit the amount of boats going out of each private facility as well as possibly reduce the number of available parking spaces for trailer-launched vessels within the limits of the Village of Sodus Point.

The opportunity for communities to addresses conflict, congestion and competition for space in the use of a community’s surface waters and underwater land has been provided by Executive Law, Article 42, which provides local governments with the clear authority to comprehensively manage activities in harbor and nearshore areas by developing comprehensive harbor management plans and laws to implement those plans. A harbor management plan provides consideration of and guidance and regulation on the managing of boat traffic, general harbor use, optimum location and number of boat support structures, such as docks, piers, moorings,
pumpout facilities, special anchorage areas, and identification of local and federal navigation channels. It also provides the opportunity to identify various alternatives for optimum use of the waterfront and adjacent water surface, while at the same time analyzing the probable environmental effects of these alternatives.

The *Great Sodus Bay Harbor Management Plan* considers many uses of Sodus Point’s water area. These uses are examined throughout this section and include:

1. recreational boating
2. recreational fishing
3. waste management
4. dredging
5. public access
6. recreation
7. habitat and natural resource protection
8. water quality
9. open space
10. aesthetic values
11. riparian values
12. public interest in land underwater

The harbor management issues of local and regional importance, opportunities to resolve these issues, and the overall goals and objectives of the *Great Sodus Bay Harbor Management Plan* are discussed in this section.

**Water-enhanced Uses**

An inventory of all commercial water enhanced uses along the Bay, and within the Village, was conducted for the creation of the Sodus Bay Harbor Management Plan. The results for the water enhanced uses are summarized below.

**Boat repair:**
Art Ertels Auto and Marine Repair
Bill Kallusch Marine Repair
Great Lakes Yacht Works

**Lodging:**
Silver Waters Bed and Breakfast
Sodus Point Lodge

**Shops & Stores:**
Bay Haven Gift Shop
Gallery at the Point
Schirtz Grocery/Gas
Sodus Point Canvas Repair
Sodus Point Trading Company

Restaurants:
Captain Jack’s Tavern
Cooper’s Café
Hots Point (take-out restaurant)
O’Riley’s Waterfront Bar and Grill
Papa Joes Restaurant
Stephens Harborside Restaurant
The Sand Bar
Zoot’s Restaurant

Sodus Bay Area

Wayne County Soil & Water Conservation District reports that a large number of tourists, bathers, and anglers are attracted to Sodus Bay on an annual basis. Although exact figures are not available, the significant numbers of marinas (11), dockage and users seen on the bay indicate its heavy use. The most active time of the year is from Memorial Day through Labor Day. Sodus Bay has been rated as the primary site (statewide) for angler boat access during the ESLO fishing derby (Empire State Lake Ontario, Trout and Salmon Derby). During the 98-day peak summer season, marinas, cottages, restaurants and other water related facilities fill to capacity in the bay area.

<table>
<thead>
<tr>
<th>Bay-wide Usage:</th>
<th>Statistics</th>
</tr>
</thead>
<tbody>
<tr>
<td>Government owned public access areas----</td>
<td>2</td>
</tr>
<tr>
<td>Marinas with misc. facilities------------</td>
<td>11</td>
</tr>
<tr>
<td>Average boats launched per day (weekends/marina)</td>
<td>16</td>
</tr>
<tr>
<td>Average persons per boat-----------------</td>
<td>2.6</td>
</tr>
<tr>
<td>Number of public parks-------------------</td>
<td>3</td>
</tr>
<tr>
<td>Number of public beaches-----------------</td>
<td>1</td>
</tr>
<tr>
<td>Number of waterfront restaurants--------</td>
<td>12</td>
</tr>
</tbody>
</table>

The Bay is the largest on Lake Ontario’s south shore. It draws recreational boaters from far and wide. These visitors are important to the region’s quality of life and vital to the Village’s economy. In recent years, use of the Bay for recreational boating has grown rapidly as indicated by the increased numbers of docks and marinas along the Bay. However, there has been a reduction in charter boats for fishing due to the reduction in most fish stocks in the lake. The Bay, because of its size and location, also unofficially serves as a harbor of refuge.
Recreational boating occurs predominantly in the more open waters of the Bay. Sailboats and cruisers use deeper bay areas and the lake. Water skiers will often use areas, which are protected from wind, waves, and boat wakes, as well as more open areas. More sheltered areas are used for temporary anchoring for swimming, sunbathing, picnicking, wildlife observation, fishing and overnight mooring.

Wayne County and the Town of Sodus operate boat launch facilities in the Village of Sodus Point, providing additional water access. The public parks and boat launches located in the Village are important public access facilities to the Bay and Lake Ontario.

Docks, marinas and the Coast Guard mooring/anchorage area effectively use much of the Bay from First Creek to the end of Sand Point. Speed and movement of boats in this area are affected by this waterside use. Similarly, the small bay north of Sand Point has many docks. A large submerged sandbar extends parallel to the main channel, just west of the county ramps. The sandbar protrudes about 500 feet out, and is used frequently by boaters for undesignated mooring and as a swimming area. No accident history is associated with this area; the 5 mph speed and the shallow depth work well as traffic calming for boats.

Navigational breakwaters are situated near the mouth of the Bay and include the two jetties and the breakwall which protect the channel between the Bay and Lake Ontario, as well as several marker buoys and the lighthouse on the north end of the western jetty. The outlet of Sodus Bay has been reduced to a narrow, stabilized channel, by the construction of concrete and steel jetties. Condition surveys performed within this Federal Navigation Channel during July 2006 indicated shoaling has reduced depths, from the 14-15 feet depth previously measured - resulting from the dredging performed by the U.S. Army Corps of Engineers in 2004. Periodic dredging will be required to maintain the necessary depth of the channel.

The U.S. Army Corps of Engineers constructed the sea wall extending east from the Channel east jetty, and has the formal responsibility for maintenance of this structure. This is done on an as-needed basis as reports of damage are received. The Corps of Engineers also has the authority to respond to emergency situations involving breaches in the sea wall that may result in public safety threats.

**Boat Movement in Sodus Bay**

As the Bay becomes more heavily used, there is a greater likelihood of conflicts among competing uses. Initial steps have been taken to control conflicting activities, which pose safety hazards. These steps include: regulation of boat speed in the inner harbor, use of navigation aids, and enforcement of the Village law, which regulates the location, and size of docks and moorings within 1,500 feet of the shoreline. The current usage is not problematic even during the peak use weekends of the year.
A principal purpose of a Harbor Management Plan is to provide a mechanism to reduce any existing surface water use conflicts and avoid such future problems. In order to identify any existing problems, and the potential for future conflicts, the current water surface use patterns were observed and documented. These observations included an inventory of all existing docks and moorings (presented previously in this subchapter) and observations of use patterns and direct counts of vessel traffic during peak periods of demand, as detailed further in this subsection.

The observations were made directly on the water by boat by the project consultant team that prepared the *Sodus Bay Harbor Management Plan*, supplemented by landside observations from shoreline locations, as necessary. Boating use patterns on the Bay were determined through an examination of primary navigation channels, destinations and sources for movements and direct observations over the period from August 2004 through July 2005.

The primary vessel movement patterns and the areas in the Bay that were observed regularly to be used for anchoring and for fishing, as well as the Federal mooring area located south of Sand Point, are illustrated on the *Primary Movement and Anchoring Patterns Map*. It should be noted that fishing and anchoring occur in all areas of the Bay, but the highlighted areas shown on this map were found to be regularly and/or heavily utilized on a consistent basis.

As shown on the Primary Movement and Anchoring Patterns Map, the primary vessel movement pathways all converge at a single point on the Bay located just east of the eastern terminus of Sand Point, within the Village boundary. This was observed to be an area where vessels of widely varying speeds encounter each other, with cross traffic coming into the primary north-south movement from three different directions. This location is a high traffic area and is relatively restricted in size. Just north and west of this location, vessels enter a “no-wake” zone with a 5 mile per hour (mph) speed limit. As discussed in a later section of this report, the markings for this no-wake zone are not obvious.

Of particular note, with respect to use patterns, is the anchoring area located just south and west of the Channel entering from Lake Ontario. This area is shallow with a sand bottom and is very popular for anchoring and swimming. Over 100 vessels have been observed anchored in this small area on peak weekend afternoons. As this area fills, a second anchoring area located immediately south of the breakwall, west of Charles Point, is utilized for the same purpose.

The other anchoring areas indicated on the *Primary Movement and Anchoring Patterns Map*, located behind Newark Island and to the east of Thornton Point, are in deeper water and are utilized by larger vessels for protected anchorage. These areas are frequently utilized for overnight stays by transient vessels.
The fishing areas indicated on the Primary Movement and Anchoring Patterns Map show where fishermen are consistently found. Fishing occurs in other areas as well, but these generally shallow, near shore zones were almost always occupied by generally small fishing vessels.

One common Bay use not apparent on the Primary Movement and Anchoring Patterns Map is sail boat racing. These are organized by the Sodus Bay Yacht Club with some events catering to members only and others bringing visitors from other areas. As is common with sail racing, the actual event course is established on the day of the race based upon weather conditions. In fact, some races intended to be run on the Lake may be moved into the Bay, and vice-versa, depending upon the wind conditions forecast. When in the Bay, the course is usually established in the area well south of Sand Point to Thornton Point. In this area, the racing does not interfere with any primary traffic movements. On at least one occasion, however, a sail race course was observed to be set up so boats had to traverse east almost to Newark Island, traversing across a primary fairway for Bay vessel movements.

**Boat Traffic in Sodus Bay**

It is noted that there is no general methodology for conducting boat traffic counts or determining the degree of congestion or saturation of use for water bodies. F-E-S Associates, consultant for the Great Sodus Bay Harbor Management Plan, developed and utilized a methodology in which the level of Bay use is obtained as a series of instantaneous snapshots over the course of the day. The use level at these discrete times could then be analyzed and evaluated.

The vessel counts on Great Sodus Bay were obtained during four peak weekend days and one typical summer weekday. The weekend day counts were conducted on Sunday, September 5, 2004; Saturday, July 2, 2005, Sunday, July 3, 2005 and Sunday, August 7, 2005. The first three dates were holiday (Labor Day and July 4th) weekend days, and the fourth a summer Sunday - all with hot weather and ideal for boating. The weekday counts were conducted on Tuesday, June 28, 2005. School was out at this point and it was in the middle of an extended heat wave in Central and Western New York. Temperatures on that day were in the low nineties with calm winds. Given the dates and weather conditions, it is felt that the dates for which counts were obtained represent peak weekend and weekday summer conditions.

In addition to the dates when detailed counts were taken, the vessel traffic levels and use patterns on the Bay were checked and verified for consistency on at least ten other occasions, weekend and weekday. The vessel counts obtained were found to be consistent with those other periods.

The detailed traffic counts were obtained over the course of the day at two-hour intervals. At the beginning of each two-hour period, a total count of all vessels on the Bay, and what
activities they were engaged in, was obtained by sweeping the entire Bay, generally from north to south. The data so obtained represent instantaneous activity levels for the sampling times. It was felt that this is the most meaningful measure of Bay use in that it shows the "density" of vessels at any one time. In addition, this type of data lends itself well to the concepts of use as developed by the NYS Office of Parks, Recreation, and Historic Preservation, as discussed later in this section.

The Bay was broken into eight different sectors for the counts and subsequent analysis, as shown on the Bay Surface Use Sectors Map. The sectors were chosen on the basis of the use patterns observed in the initial stages of the Study.

**Sector 1:** The Channel connecting the Bay to Lake Ontario.

**Sector 2:** Area bounded by a line from the east end of Sand Point to the inland terminus of the Channel west jetty.

**Sector 3:** Area bounded by a line from the east end of Sand Point to Thornton Point.

**Sector 4:** Central portion of the Bay west of the Islands and north of Nicholas Point.

**Sector 5:** Southern section of the Bay from Nicholas Point to the Bay Bridge.

**Sector 6:** Area bounded by Newark and Eagle Islands on the west, Crescent Beach on the north and LeRoy Island on the east.

**Sector 7:** Narrow area between LeRoy Island and the mainland to the east, north of the LeRoy Island Road bridge.

**Sector 8:** Area bounded by a line from the inland terminus of the Channel east jetty and the southeastern terminus of Charles Point.

The entire Bay count for all sectors was generally completed in 50 minutes or less depending on the level of activity and weather conditions. All vessels were counted except those tied up at a permanent dock or permanent mooring. Each was also characterized by placement into different categories: power underway, power at anchor, sailing underway, sail at anchor, jet ski and row, canoe or kayak. For power vessels underway, a note was made if they were engaged in skiing or tubing and for anchored boats whether they were engaged in fishing.

The total number of vessels simultaneously utilizing the Bay versus hour of day is shown in the Bay Total Use by Time of Day graph below, for the four weekend and one weekday measurement days. It should be noted that these counts do not show the total number of vessels which are using the Bay in total on any day, only the total number using the Bay simultaneously at a given time.
As expected, the weekend use (9/5/04, 7/2/05, 7/3/05 and 8/7/05) is generally above the weekday date (6/28/05), although this is not true for all times and days. As also expected, the 3rd of July holiday use, the date of fireworks in the Village, is significantly higher than during the other weekend days or the summer weekday counted.

To illustrate the distribution of vessels around the Bay, the average weekend vessel use by sector and time is shown in Weekend Average Use by Sector and Time. As seen, Sectors 3, 4 and 5 generally exhibit the maximum total number of vessels throughout the day with the exception of the afternoon hours when Sector 2 use exceeds all others. Sectors 3, 4, and 5 represent the bulk of the Bay open water and it is expected that a large number of vessels would be present in these locations. Sector 2 is the relatively small area just to the west of the Channel that contains the shallow sand bottom. The large number of vessels in that sector during the afternoon hours directly illustrates the use of this area for anchoring and swimming.

Interpretation of the Bay use inventory in terms of the "degree of saturation" or, analogous to motor vehicle studies, in terms of "level of service" is very difficult due to the lack of any standards by which vessel activity level can be evaluated. This is especially true for Great Sodus Bay which functions as both a body of water suitable for recreational use itself and as a launch and/or docking harbor for the use of Lake Ontario.
In order to get some benchmark evaluation of the degree of vessel traffic saturation in the Bay, use is made of recreational boating facility development standards prepared by the NYS Office of Parks, Recreation, and Historic Preservation (OPRHP). These standards give guidance values for the amount of water surface area required for various vessel use activities. It should be noted that these planning standards are intended for use on enclosed waterbodies and, hence, are not directly applicable to Great Sodus Bay, which also serves as a launch and harbor for Lake Ontario.

The OPRHP standards as applied in this study are as follows:

- power and sail underway: 7 acres per vessel
- water skiing (here including tubing and jet skiing): 17.5 acres per vessel
- rowing and canoeing: 1 acre per vessel
- anchored and moored vessels: 0.2 acre per vessel

In recognition of the fact that vessels located in Sectors 1 (the Channel), 2 and 8 are traveling in the “no-wake” zone, the required areas for both power/sail underway and jet skis underway was set to 1.5 acres per vessel. This represents an area one-hundred feet wide by six-hundred, sixty feet (one-eighth mile) long, which is thought to be a reasonable and safe operating clearance area for slow moving vessels.
Utilizing the OPRHP planning factors, as modified above for Sectors 1, 2 and 8, the total number of acres necessary to accommodate the observed vessel activity within each Great Sodus Bay sector was calculated. This was done for the maximum and average of the weekend days and for the weekday counts. The resulting total vessel demand acreage for each sector is then compared to the available surface area in each sector.

The sector areas were determined by digitization of US Geological Survey base maps and found to be:

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</tr>
<tr>
<td>2</td>
<td>67</td>
</tr>
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<td>655</td>
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<td>8</td>
<td>12</td>
</tr>
<tr>
<td>Total</td>
<td>3058</td>
</tr>
</tbody>
</table>
The Summer Weekday Area Demand by Sector and Time graphic shows the area demand within each sector as a function of time for the weekday counts. The plot shows the fraction of the available area, as a percentage, within each sector that is being utilized by operating vessels. The weekday use, even for a hot summer day, is well within the capacity of the Bay.

The bulk of the Bay area, encompassing Sectors 3, 4, 5 and 6, are generally within capacity under both average and peak weekend use.

The Channel to Lake Ontario (Sector 1) has heavy weekend traffic, exceeding the theoretical capacity for some hours. However, since the vessels generally move through the channel in only two directions, in or out of the Bay, and generally segregate by traveling on the right in each direction, the Channel does not experience delays or significant congestion that might affect safety.

The Weekend Average Area Demand by Sector and Time and the Weekend Peak Area Demand by Sector and Time graphics, below, also indicate that Sector 2 does not reach its capacity, even under peak conditions.

However, this is due to the fact that the area contained in Sector 2 is much larger than the sand bar areas in which most of the vessels anchor. This sand bar itself does reach capacity and this is reflected in the large numbers seen in Sector 8, which generally serves as an alternative anchoring and swimming area when the sand bar in Sector 2 is full. Under both peak and average weekend conditions, Sector 8 is at or above the theoretical capacity during the afternoon and late afternoon hours.
The Weekend Average Area Demand by Sector and Time and the Weekend Peak Area Demand by Sector and Time graphics show the same type of data for the average of the four weekend days counted and for the peak counts obtained over the weekend days at each time of day, respectively. Note that the vertical scale in Figures 12 and 13 goes to 300% with the horizontal blue line at 100% indicating the theoretical maximum capacity.

One surprising result is the large use observed in Sector 7. This is the narrow area contained between LeRoy Island and the mainland to the east. As seen, this area is over capacity under both the average and peak weekend periods, with this condition occurring throughout the day with the exception of the earliest morning measurement period. This result is due to the fact that this area is small and narrow combined with the relatively high traffic utilizing it at relatively high speeds.

The results of the use surveys are utilized to identify issues regarding Bay surface use that are contained at the end of this section.

5. **PUBLIC ACCESS TO WATERFRONT AND PUBLIC RECREATION**

**Open Space**

There are several publicly accessible areas that provide access to the shoreline of Sodus Bay, within the Village boundary, and are regularly utilized for that purpose. Some are specifically designed for such access, such as public parks, and others are ad-hoc or unofficial, but are used to the extent feasible within the confines of the space and access available.
**Oscar Fuerst & Willow Parks**
The Oscar Fuerst Park is located near the Greig Street commercial district, east of Bay Street Extension. The entire park is periodically used for major events sponsored in the Village and various community organizations.

Willow Park, located on Sodus Bay south of Greig Street, has a developed play and picnic area, and public parking convenient to the business district.

Public access to the Bay shoreline is provided from the parking areas of the Oscar Fuerst and Willow Parks. Both provide visual access to the Bay and, with a short walk, access for fishing along the shoreline. These parks also provide ball fields and a playground that are not associated with water access use. The municipal parking area adjacent to Willow Park, on the south side of Greig Street, also provides winter access to the Bay with sufficient room for vehicles with trailers. The winter use of trailers is relatively new and coincides with the increased use of All Terrain Vehicles (ATVs) in support of ice fishing.

**Lighthouse Museum & Park**
The Village, in conjunction with the Town of Sodus and the Sodus Bay Historic Society, has developed a museum and park overlooking Lake Ontario at the Old Sodus Point Lighthouse. The park occupies a large parcel east of Ontario Street, on the lakeshore bluffs. The old lighthouse has been rehabilitated and has a live-in caretaker. The grounds are suitable for picnicking and passive recreation, enhanced by views of Lake Ontario and the boats using the near shore waters.

The Old Sodus Lighthouse is a three-story stone block structure whose central section is approximately 35 feet square. The tower of the Lighthouse is also made of stone block, and is about 15 feet square appended to the east wall of the central structure. On the west side of the structure, a 20 x 30 foot, two-story addition was constructed in about 1900, built of wood framing and clapboard siding. A front porch extends all along this front side of the building facing the very north end of Ontario Street at the Lake.

The grounds of the museum consist of approximately four acres - owned by the Town of Sodus and the Village of Sodus Point. This is a mowed area of grass and was the location of the original Keeper's house and the first Lighthouse Tower.

Picnic tables and grills are available, and park benches are located in the best scenic areas looking out over the Lake Ontario shoreline. A small gazebo provides shelter for small groups of performing artists, and is used for other functions associated with the museum, including many seasonal weddings.

The use of the Museum Lighthouse for navigation was terminated in 1900.
**Sodus Point Park**

Wayne County maintains Sodus Point Park which provides a large parking area, two swimming beaches (one on Lake Ontario and one on Sodus Bay), access to the Channel west jetty, and a two-lane boat launch - available prior to Memorial Day and after Labor Day. The park also has picnic areas, a pavilion, and public restrooms. The boat launch at the County Park is not available during the months of June, July and August due to the inability to provide sufficient parking for vehicles with trailers in addition to those associated with visitors to the other Park attractions. The boat launch, when available, does not have a fee associated with its use. The jetty is heavily utilized for fishing and for visual access to the Lake and Channel.

Wayne County has committed to improvements at this Sodus Point Park, which commenced in 2006. The improvements include a new bathhouse, curbing and striping to promote better pedestrian and vehicle circulation and parking, enhanced landscaping and an enhanced access and parking for the Channel jetty.

The park shares the end of Sodus Point with a U.S. Coast Guard Station, which occupies a narrow parcel on the bay side of the point. Adjacent to the Coast Guard Station and docks is a double boat ramp and dock, which is part of the County Park. The parking at the site can accommodate approximately seventy vehicles. (See: Public Land Use and Waterfront Access Map)

**Other Open Space**

There are parcels owned by the Town of Sodus and maintained by the Village on three of the four corners of the Ontario-Bay Street intersection. Three are public green spaces; the fourth corner is occupied by the Village firehouse.

Other designated open space parcels have been set-aside in the Sodus Bay Heights subdivision. This includes an access way to the Bay Shore. There are also various street-ends with right-of-ways near the lake or the bay, including North Fitzugh, North Ontario, and Eighth through First Streets on the lake and several on the Bay. These street ends are currently unimproved and only provide limited parking along the road edges. One of these street ends, Ontario Street, was specifically recognized as a potentially important access point to the Bay in the 2001 Sodus Bay Waterfront Initiative. As such, several conceptual designs and improvement recommendations were presented in the study.

A small fishing access site and roadside parking area is provided on Route 14 at First Creek in the Village. This access point provides access to fishing in First Creek from both sides of Route 14. This area appears regularly, but lightly, utilized and could be improved to provide safer access, safer use and better connections to the adjacent Harriman Park and its parking area.
Additionally, the Village former water supply facility is situated on the lakeshore and provides some visual access to Lake Ontario. There is a beach at the base of the bluffs below the old water supply plant. (See Public Land Use and Waterfront Access Map).

**Harriman Park**
Harriman Park, owned by the Town of Sodus, is located on Route 14 just north of First Creek. The park contains a one-lane boat launch, launch stacking area and a sitting/view point on the east side of Route 14, and a parking area nominally sufficient for 38 vehicles with trailers on the west side of Route 14. Some fencing, a kiosk and other visual enhancements are in place. There is no protected or marked cross-walk across Route 14 from the parking area to the boat launch. This boat launch has no fee associated with its use and the park is unmanned. The concrete launch at this location is wide enough to support two launch lanes, but a dock is only present on one side of the launch, effectively limiting the use to one launch lane.

The level of use of this facility was spot-checked at several times and monitored regularly over the course of one peak summer weekend and another Sunday, in 2005. Based on this survey, it was noticed that the additional vehicles were accommodated through the use of grassed areas, parking in vehicle drive aisles by individual users and the unhitching of trailers with vehicles parked alongside. It was also noted that several vehicles without trailers utilized spaces sized for vehicles with trailers. As a result of the over capacity situation, a significant number of vehicles parked along both sides of the Route 14 frontage, primarily south from the launch. This parking resulted in an unsafe roadway condition, with pedestrians having to walk in the travel lanes and vehicles on the road having limited passage width. On the second monitored Sunday, vehicles with and without trailers were parking on grassed park areas on the east side of Route 14.

To summarize the observations, the use of Harriman Park is well within capacity for weekday periods and most weekends. However, the demand for boat launching causes this facility to be overloaded during the peak summer weekends in the afternoon when the weather is good. In addition, the lack of supervisory personnel results in the inefficient use of the existing launch and parking capacity.

**Recommendations for Open Space**
The following areas should be retained as open space and to provide access and recreation:

1. The Wickham Boulevard right-of-way, extending east from Third Street to Sodus Point Park;
2. The Village of Sodus Point Parks and community spaces previously listed as community owned parcels, boat ramps and beaches;
3. The U.S. Army Corps of Engineers breakwater on the east end of the county park, defining the channel between Lake Ontario and Sodus Bay;
4. Willow Park, with 50 feet or less of waterfront;
5. A short stretch of Route 14, where the right-of-way runs parallel to the bay shore, between Margaretta Road and Sentell Street;
6. Harriman Park, the Town-maintained boat ramp and picnic area occupying about 400 feet of bayshore north of the mouth of First Creek, and east of Route 14; and the area west of Route 14 adjacent to First Creek (a newly rehabilitated parking area);
7. The right-of-way at the end of North Fitzhugh Street that can only be used as a lookout point to Lake Ontario;
8. The Commons - the remaining three corners of the original four corners defining the original; and
9. Community commons. The remaining parcels shall be protected as community green space.

Recreation Activities

Swimming
The only marked and guarded swimming area in Great Sodus Bay is at the southern side of the Wayne County Park and west of the boat launch and Coast Guard Station, the no-wake area designation for vessel operation. This area is primarily used by families with small children during hot summer days. The area is well marked and, with shallow water, the presence of law enforcement nearby, and the no-wake designation, there is no evidence that conflicts have occurred between vessels and swimmers at this location.

With good water quality, swimming does occur in other areas along the Bay. This primarily occurs off boats anchored on the sand bars. There is the potential for conflict and injury in these areas, given the congestion and the lack of segregation of swimmers from boats.

Other areas utilized for swimming are located along the shoreline near docks and privately owned swim platforms. These areas are within 100 feet of the shore and, therefore, within the no-wake zone established under State Law. Given the adequate open areas available in the Bay, conflicts between boaters and swimmers near the shoreline have not been reported as significant.

While the primary identity and use of Great Sodus Bay is as a water-based recreational asset, winter use of the Bay is a growing and seasonally important element. The period of winter-use is defined as any use of the Bay surface during the time when ice is present and stable. It varies from year to year in response to weather conditions, but generally entails approximately three months of use beginning in late December and extending through the end of March.
Ice Fishing
Current winter use is dominated by ice fishing. The ice fishing is supported by the growing use of all terrain vehicles (ATV’s) and snowmobiles. With use of these vehicles, the ice fishermen are able to bring more equipment onto the ice, including portable shelters, extending the time they can spend during a single visit.

Other Winter Activities
Other current and potential future uses are for cross-country skiing, snowmobiling without fishing, ice skating, ice sailing, ice motorcycle racing, and snowshoeing.

To assess the peak use of the Bay during the winter, a direct survey was conducted on a day expected to bring out many users. This is expected to occur on a weekend day with good ice and good weather. Given the vagaries of the winter weather, only one such weekend day was identified during the 2005 season: Saturday, February 5, 2005. The winter use survey consisted of direct counts of the number of fishermen, vehicles on the ice, support structures (ice shelters) and other users over the entire Bay. The counts were taken between the hours of 10:15 am and 4:30 pm, thought to represent the peak use period. In addition, notes were taken detailing the places where access to the ice was gained, the number of vehicles present and the locations where they are parked. In conjunction with the survey, a review was made of the support facilities present at all access points and parking areas such as restrooms and trash receptacles.

Winter surface use was observed to occur throughout the Bay, with the exception of the area north of Sand Point, for which the ice was not smooth and stable, thought to be due to wave action and resulting forces from Lake Ontario.

The following table contains the counts taken for the bay area within Village of Sodus Point boundary.

<table>
<thead>
<tr>
<th>Sodus Bay Area</th>
<th>Fishermen</th>
<th>Vehicles (ATV, Snowmobile)</th>
<th>Shelters</th>
</tr>
</thead>
<tbody>
<tr>
<td>Northwest – south of Sand Spit and east of Harriman Park to Thornton Point and Newark Island</td>
<td>112</td>
<td>17</td>
<td>30</td>
</tr>
</tbody>
</table>

It is noted that only ice fishing, and vehicle and individual movements in support of ice fishing, were observed on the ice during this weekend survey. Primary access points to the ice were observed at several locations, generally where direct access could be obtained from public spaces or rights-of-way and where at least some parking is available.
The following table lists the primary access points in the Village and details the number of vehicles, and the number of those vehicles with trailers, observed within formal parking lots and along roadways.

<table>
<thead>
<tr>
<th>Location</th>
<th>Vehicles</th>
<th># w. Trailer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Municipal Parking Lot</td>
<td>26</td>
<td>2</td>
</tr>
<tr>
<td>Harriman Park &amp; Parking Lot</td>
<td>26</td>
<td>4</td>
</tr>
<tr>
<td>Total in Parking Lots</td>
<td>52</td>
<td>6</td>
</tr>
</tbody>
</table>

In terms of support facilities, only the municipal parking lot in the Village of Sodus Point and Harriman Park had portable restrooms and garbage receptacles available.

**Issues Regarding Surface Water Uses**

On the basis of the inventory of water surface use, the following conclusions were reached and issues identified:

1. No vessel congestion or significant conflict problems are occurring on weekdays, even under the best of conditions.
2. It appears that access to the water (launches and fishing space) are adequate to meet weekday use demand even during peak summer weekday periods.
3. Under peak summer weekend conditions, congestion is evident in the Channel and in the narrow portion of the Bay between LeRoy Island and the mainland shoreline.
4. The sand bar area to the west of the Channel is heavily utilized for anchoring and swimming. This area tends to fill by mid-afternoon of peak weekend days with an overflow utilizing the area just south of the breakwall for the same purposes.
5. Most open areas in the Bay function adequately now, even during peak weekend periods. However, further growth in traffic may result in some additional areas reaching capacity.
6. There is an obvious conflict point for vessel traffic located just east of Sand Point. At this location, vessels of varying speeds intersect cross-traffic from several directions in a relatively small area.
7. On water markings for the no-wake zone located north of Sand Point are not obvious, especially for transient visitors to the Bay.
8. Present launch capacity and support parking are inadequate to meet the demand under peak conditions. In addition, the lack of supervisory personnel at the only public launch, Harriman Park, results in an inefficient use of the available parking and launch capacity.
9. Winter use of the Bay is popular with over 350 fishermen observed utilizing the ice during one afternoon. Adequate parking and support services for winter use are available at two locations in the Village of Sodus Point. Other access points, especially at Saw Mill Cove and the Lake Bluff Road/LeRoy Island areas, are inadequate to meet the peak parking demands and offer no services to support the winter use. In some areas, individuals utilize private property to gain access to the ice.

Despite the number of existing and potential opportunities for physical and visual access to the water, there are two key factors which limit recreational use and public access in the Village: insufficient parking and the absence of public docking facilities. Opportunities to address the needs are limited, and should be pursued whenever possible. Additionally, there is a demand for expanded public launch capacity on the Bay, especially for weekend periods. Increasing the capacity of the Harriman Park launch would entail several elements, including: upgrade the launch ramp and associated docks to provide two full launch lanes; and, expand and improve the parking lot. The Bay has sufficient capacity for expanded use during non-peak periods. Thus, the growth of weekday and week-long tourism during the summer and expanded winter activities can be accommodated with little further infrastructure improvements.

In order to provide the greatest benefit to the Village, the design of parking and docking facilities should involve careful siting, with landscaping that will reduce impacts on residential areas and improve or maintain the aesthetic quality of the Village. The density of development on Sand Point and along much of the Bayshore is an incentive to consider alternatives to locating parking in these areas. Greig-Bay Street area development would allow better accommodations of pedestrians and would result in an environment that will attract more commerce.

6. TRANSPORTATION SYSTEMS

Primary road access to the Village from the south is by State Route 14. Route 14 is a 55 mph, two-lane road from the New York State Thruway (I-90), twenty-five miles away. East-west access is provided by Lake Road, part of the Seaway Trail, which is a 454-mile recreational and scenic road stretching along the Lake Erie, Niagara River, Lake Ontario and St. Lawrence River shorelines. Both of these main routes are in good condition, and provide direct vehicular access to the Village’s primary commercial areas.

When industrial activity in the Village was a strong presence, the Ontario-Midland Railroad Line/Conrail tracks brought freight trains into the Village. However, with the closing of the Genesee Brewery Malt House, there was insufficient business to make the line profitable, and it was discontinued. Wayne County now owns the right-of-way and the tracks. Since it is unlikely that rail service will be re-instituted, the tracks and right-of-way are currently considered a high
priority corridor to be redeveloped as a multi-use bicycle and hiking trail between Wallington and the Village.

7. **PUBLIC UTILITIES AND SERVICES**

   **Water & Sewage Services**

   The Village of Sodus Point provides municipal sewage collection and treatment, and water service within its corporate boundaries. The Village sewage treatment plant has a capacity of 685,000 gallons per day. There are 13 pumping stations and 7 miles of sewer line. An outfall deposits treated effluent in Lake Ontario. There are no on-site septic systems within the Village of Sodus Point as specified in the Village Code.

   The Village’s water system has been connected to the Town’s, via a new line on Lake Road. This water system is composed of 11.7 miles of water mains, and two water storage towers of 500,000 and 250,000 gallons. Capacity is 430,000 gallons per day.

   The condition of the water lines varies throughout the village. The majority of the existing water lines were part of the original installation and date back to 1925. The lines need to be updated as the service life has expired and water line breaks are rather frequent. The water pressure to the restaurants on the North side of Greig Street is low and creates some hardship. Residents approaching the east end of Greig Street (the Loop) also experience hardship through low water pressure and sediments that accumulate in household utilities and water filters. The village routinely replaces segments of waterlines as funds become available.

   Any public system modifications or other activity regulated by the Department of Health must be reviewed and approved by the Geneva District Office of the Department of Health, and granted the appropriate approvals and permit, if applicable, prior to operation.

   **Gas & Electricity**

   Rochester Gas & Electric Corporation provides electrical service to the entire Village. Approximately 85 percent of Village residences use natural gas. The Lake Road area is the only part of the Village not served by gas lines.

   **Solid Waste**

   Commercial haulers who contract with individual businesses and residents for solid waste disposal serve the Village of Sodus Point.

   **Fire Protection and Law Enforcement**

   Fire and police protection are provided in the Village. The Village maintains its own part time police force, and the Wayne County Sheriff and the New York State Police provide full time service. The Wayne County Sheriff also patrols the waters of Sodus Bay and Lake Ontario using
two patrol boats. The U.S. Coast Guard Auxiliary provides additional emergency services to boaters. The Sodus Point Volunteer Fire Department provides fire protection, as well as ambulance and marine rescue services.

On-water law enforcement is provided by local and US Coast Guard personnel, based at the Coast Guard Station and adjacent Sheriff’s substation, located adjacent to the Channel at the Wayne County Sodus Point Park.

In general, the Coast Guard concentrates on security, inspections, safety checks, and search and rescue, leaving enforcement of boating use regulation to the local and State agencies. The Coast Guard auxiliary assists the Coast Guard personnel on duty during peak periods.

The principal enforcement agency is the Wayne County Sheriff’s office, which operates two patrol vessels out of the Park facility. Cutbacks in funding to the Sheriff’s office have resulted in a reduction of enforcement activities during some years to only a few peak traffic days during the boating season. Assistance to the Sheriff’s office is sometimes provided by the NYS DEC police unit through its Region 8 office.

Additionally, the presence of law enforcement is a necessary element during peak winter activity periods. Such enforcement could encompass patrol and enforcement at the winter access points, as well as patrol on the ice via snowmobile or ATV. The Wayne County Sheriff’s office, which has authority for such patrols, has indicated that it has the ability and the equipment to conduct such patrols, but lacks a dedicated and assured funding stream for this. Thus, the implementation of this action hinges upon funding. Recommendations for such funding are outlined in the section under implementation.

**Health Services**

The Newark - Wayne Hospital, in the Village of Newark, is about 20 miles away. Several critical care hospitals are located in the Rochester and Syracuse areas, 45 minutes to 1 hour away. Mercy Flight Air Transport is also available for critical emergencies throughout the Village.

### C. NATURAL RESOURCES

#### 1. GEOLOGY

Sodus Bay and the Village of Sodus Point are underlayed with fine sands and silts of a glacial beach ridge, which formed during the Wisconsin stage of the Pleistocene ice age. Glacial water flowed into this area from the south, forming a delta of fine sands and silts, which were later deeply cut by small streams.
The action of wind, waves, and groundwater has augmented this recent geologic activity to form the topography and soils, which characterize present day Sodus Point. These physical forces are ongoing, and can be seen in the eroding lakeside bluffs, and in the shifting sands on the beaches and the sandbars at the mouth of the Bay.

There are three general physiographic features in the Sodus Point coastal area: the steep bluffs along Lake Ontario shoreline; the beaches on Lake Ontario, lying at the base of the bluffs and at the entrance to Sodus Bay; and, the uplands, cut by gullies which slope steeply to the Bay.

The two peninsulas at Sand Point and the Sodus Point County Park are composed of beach sand and gravel. These areas are subject to erosion from winds and storm overwash, especially when lake levels are high.

Just west of the two peninsulas, between Eighth and North Fitzhugh Streets, the land rises gently to an elevated area of shallow silt loams purportedly overlying a clay layer. West of Fitzhugh Street and north of Lake Road, extending to the trailer homes at the western edge of the coastal area, is an area of complex hills of erodible silt and fine sand with steep slopes, interspersed by lower areas of less erodible, loamy fine sand. These loamy fine sands are subject to wind erosion if the vegetative cover is removed. The soil of the uplands is fine sands, silts and silt loams. The sands and silts are generally well-drained and easily eroded when located on a slope.

The bluffs overlooking Lake Ontario are forty to sixty feet high and are comprised of very erodible silts and fine sands. A combination of fluctuating lake levels, wind, waves, groundwater seepage, and vegetation loss result in severe erosion problems on the bluffs. Whenever the narrow beach at the foot of the bluffs is reduced or covered by high lake levels this buffer to wave action loses effectiveness. Waves can then attack the base of the bluffs. Further aggravating erosion is the relative quickness with which water moves through the upper soil layers, especially when a fragipan layer in the subsoil creates a perched water table and a lateral flow, resulting in seepage out and over the face of the bluff. In recent years, the lake level has been high and a very wet summer in 1986 caused bluffs to slump in several areas, resulting in large land losses. It should be noted, however, that bluff slumping is a principal means of replenishing protective beaches. Consequently, actions to prevent slumping must take into account the need to maintain a sand supply for the beaches along Lake Ontario.

There are also isolated areas of wetness, including two freshwater wetlands designated by the NYS Department of Environmental Conservation (DEC), as well as wetlands, which fall under the jurisdiction of the Army Corps of Engineers in the Village limits. Development within one hundred feet of the DEC designated freshwater wetlands is prohibited unless a permit is obtained.
All regulations specific to DEC regulated wetlands or Army corps of Engineers -designated wetlands will affect future development in these areas.

2. COASTAL EROSION HAZARD AREAS, SEDIMENTATION, DREDGING AND NAVIGATION

In the Village of Sodus Point, critical erosion problems occur along the Lake Ontario bluffs. See Natural Features Map. As mentioned above, the stability of the soft sandy bluffs is undermined by wave action, frost, wind, rain, and overland runoff. In addition, there are colonies of cliff swallows, which burrow into the face of bluffs.

The entire Lake Ontario shoreline in the Village has been identified as a coastal erosion hazard area and mapped pursuant to the Coastal Erosion Hazard Area Act, Article 34, and Environmental Conservation Law.

Two distinct characteristics define the Village shoreline: (1) the sandy beach, from the breakwater at the entrance to Sodus Bay west to the point where the land slopes upward to the bluffs, just east of the old lighthouse, identified as a “natural protective feature”; and (2) the eroding bluffs, west of the lighthouse to the western boundary of the Village, designated as a structural hazard area.

The most rapid erosion occurs in the central section of the Village’s bluff area, beginning approximately 1,200 feet east of the Town of Sodus/Village boundary and stretching east for about 4,200 feet. This area has an average erosion rate of 1.5 feet per year. See Natural Features Map. On either side of this area, from the Village boundary on the west, to the lighthouse property on the east, the erosion rates have been determined to average one foot per year.

Observations of ongoing bluff erosion, however, indicate that there are localized areas of slumping, which can greatly exceed the estimated average loss. These areas include the Camp DeMolay area and bluffs located at the end of North Fitzhugh Street running to the eastern side of the water treatment plant. Losses of 15 to 30 feet have been noted in these areas over the last 15 years.

The Bay is protected from the most severe wind and wave events. Prevailing winds are from the southwest. The Bay is also protected from northerly and westerly winds, but has little protection from infrequent but often-severe southeast storms.

**Water Depths, Navigation Channels and Dredging on Sodus Bay**

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

Bay bottom elevation contours, relative to IGLD-85, are shown on the Bay Bottom Elevations Map. These are based upon the latest National Oceanic and Atmospheric Administration (NOAA) soundings and charts. It is noted that a parallel planning effort on Bay water quality, being conducted for the Wayne County Water Quality Coordinating Committee, includes the preparation of a new, more detailed bathymetric mapping for the Bay.

As seen on the Bay Bottom Elevations Map, the Bay has a deep basin running down its centerline in a northwest to southeast direction from the Channel to a location past Nicholas Point, approximately four thousand feet north of the Bay Bridge. Based upon a low water elevation of 243.3 feet (IGLD-85) on Lake Ontario, this deep basin has a depth in excess of 20 feet throughout with a maximum depth in excess of forty feet. Shallower water occurs along the entire periphery of the Bay, in the southern area of the basin, north and west of Sand Point in the Village of Sodus Point, and in the large area between Eagle and LeRoy Islands and the eastern shoreline of the Bay. Remnants of the dredged channel south of Sand Point leading to the former coal trestle location, now the New Horizons marina, are apparent in the bottom contours. This feature provides deep water access to several large marinas in the area.

Maintenance of the Channel for good navigation is critical to the functioning of the Bay. Although constructed originally by the US Army Corps of Engineers as a Federal navigation project, the Corps of Engineers no longer maintains navigation channels regularly unless used for commercial shipping purposes. The Sodus Bay Channel is only dredged when a problem with water depth occurs or is imminent, and where sufficient political support can be brought to find funding for the maintenance. The Sodus Bay Channel was last dredged in 2004. Regular maintenance dredging of this Channel at a frequency of approximately once every five years is desirable to assure proper functioning. More frequent dredging of the Channel may be required if larger vessels, such as research or tour boats, begin to access the Bay.

The other factor affecting navigation depths is the water surface elevation. The water surface elevation of Great Sodus Bay varies directly with that of Lake Ontario. The Lake Ontario water levels vary on three time scales. Short-term changes, persisting on the order of hours and days, result from meteorological changes in winds and barometric pressure which can physically tilt the surface of the lake. The lake level also varies on an annual basis due to seasonal precipitation and temperature changes, generally peaking in June and with a minimum in December. Finally, the lake water level varies on a long-term, approximately 10 to 20 years basis, due to persistent drought or over average precipitation conditions on the entire Great Lakes basin. The magnitude of the variation is generally 0.5 to 1.0 feet for the short term fluctuations, approximately 1.5 feet for the annual cycle, and 4 to 6 feet for the long-term
variations. On the basis of both the magnitude and persistence of the variations, it is found that the annual and long-term fluctuations are the most important in terms of vessel use and the consequent need for dredging.

There are several recommendations regarding design depths for boating activities based upon safe vessel operation. These have been summarized in a 1994 American Society of Civil Engineers' guidebook.

A safety clearance, the depth below the bottom of the deepest draft vessel, is recommended by the US Army Corps of Engineers at 2 feet for soft bottoms (sand and mud) and 3 feet for hard bottoms. The corresponding Canadian government recommendation is 1.6 feet (0.5 m) for sandy bottoms and 2.4 feet (.75 m) for rock bottoms. The State of California recommends 2 feet below the deepest vessel or 4 feet, whichever is greater, for interior channels serving recreational boating facilities.

For the Great Lakes, the State of Michigan recommends a minimum bottom elevation at the end of recreational boat launches at 240.3 feet above sea level (IGLD-85) in Lake Ontario, in order to provide a minimum 3 foot depth for trailered vessels below a mean low water elevation assumed at 243.3 feet (IGLD-85).
In addition to boating safety clearance, water depths must be considered in terms of water quality and natural resource impacts of boating activities. Of concern is the potential for an increase in turbidity and the re-suspension of pollutant laden sediments if power boats are operated in shallow water.

Any such impact will depend upon the engine power, the depth of the water, and the type of bottom sediments present. It has been found that turbulence from motor props will cause a re-suspension of bottom sediments when water depths are less than 30 inches or when the prop is within 12 inches of the bottom. In addition, rooted aquatic vegetation will not develop in heavily used boat channels if props are generally within 12 inches of the bottom. Much of Sodus Bay has dense beds of submergent aquatic vegetation – their protection is imperative for the highly favorable conditions for spawning nursery use by the many warmwater fish species present.

In general, power boats up to approximately 25 feet in length will draw approximately 18 to 24 inches of water. Larger power boats expected to utilize Great Sodus Bay for docking, generally 42 feet in length or less with some exceptions, will draw from 30 to 36 inches of water. Thus, to assure that props remain over 12 inches from the bottom, it is necessary to have a minimum of 36 inches (3 feet) of depth in areas to be utilized by small boats and a minimum of 48 inches (4 feet) of depth in areas to be utilized by larger power boats.

On the basis of the above factors and discussion, safe and environmentally sound recreational boating on Sodus Bay will require a minimum water depth of 3 feet for power vessels up to approximately 25 feet in length and a minimum of 4 feet for larger recreational power boats. Fixed keel sailboats, on the other hand, will require a minimum of approximately 8.0 feet for sailing and 6.5 feet for sailboat docking and mooring. It is assumed that a 25 foot length is the upper limit for vessels launched via trailer on a daily basis with larger vessels generally launched via hoist on a seasonal basis and stored in water for the boating season.

In light of the above minimum recommended depths, and the expected seasonal and long-term water level variations, minimum bottom elevations for various use activities should be as follows on Sodus Bay, based upon annual average and extreme (ten year return period) water levels:

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

Comparison of the bottom elevations recommended for various uses with the bottom elevations occurring in Sodus Bay leads to the following conclusions:

- The deep central basin of Great Sodus Bay and the dredged Channel to Lake Ontario are well suited for all vessel use. Docking facilities located along the shoreline in these areas will generally provide adequate water depths for all power vessels with the exception of cove areas. Fixed-keel sailboats may not be able to dock along some shoreline areas and are more suitably berthed with a mooring located near the shoreline.

- It is imperative that the Channel be maintained through regular dredging to provide access to the Bay for all resident vessels, for visitors and for vessels seeking a harbor of refuge. No funding mechanism is in place to assure this occurs.

- The area north of Sand Point and west of the Channel to the Lake does not have suitable depths for access by fixed-keel sailboats and may not have adequate depths for larger power boats during times of low water levels on Lake Ontario. Significant expansion of commercial marina facilities in this area, especially if anticipated to serve visiting vessels traveling the Great Lakes could not occur without extensive dredging.

- The area south of the commercial area of Sand Point, the western end, has adequate depths to provide access for all recreational vessels under most lake level conditions, except for areas immediately adjacent to the shoreline. Due to previous dense development of this area for marinas, there are only one or two areas available for further use by commercial marina enterprises with shoreline docking. However, the two federally designated anchorage areas are not yet fully occupied and further expansion of these areas may be feasible to meet future needs. This area also has the potential to provide a docking or mooring area for much larger research vessels or tour boats, especially with limited dredging to rehabilitate the channel into the area formerly maintained to service the coal trestle site. In terms of water depths, the area south of Sand Point has the most
potential for the economic expansion of Great Sodus Bay as a “port” serving the recreational and commercial fleet of the Great Lakes.

- Some areas with sufficient landside space to support commercial marine operations – outside of the Village - are present along the southern and eastern Bay shorelines. These include some properties with active or former commercial marinas, such as the site of the former Gilligans restaurant near the Bay Bridge. However, the water depths leading to these sites and those close to the shoreline docking area are not suitable for such operations without extensive initial and regular maintenance dredging. Without such dredging, these areas will not be able to operate successfully, even if only small power boats are housed in them, during periods of low Lake Ontario water levels.

3. WATER RESOURCES

The character, and to a large extent, the economy of the Village of Sodus Point is tied to its location on Lake Ontario and Sodus Bay.

Two small creeks are also located within the Village, and flow into Sodus Bay. First Creek flows roughly parallel to the abandoned railroad lines, and empties into Sodus Bay near the Town boat ramp. Second Creek forms a small part of the Village’s southern boundary.

It is noted that good water quality is the basis of all uses of Sodus Bay. The New York State Department of Environmental Conservation has established water quality classifications for streams and lakes in the State. Lake Ontario has been designated as a Class A waterbody. This means that the lake is suitable for the widest range of uses including water supply, bathing, and fishing.

First and Second Creeks are designated Class D streams. Their waters are suitable for fishing but not fish propagation. Although First and Second Creeks are only minor watercourses, it is important to prevent further degradation of these and other small tributaries to Sodus Bay. Increased nutrient loads from these tributaries can contribute to weed growth, turbidity, and lower oxygen levels, all of which can adversely affect fish and wildlife, which depend on the bay. It appears that water quality of these two creeks is affected by land use outside the Village limits.

Sodus Bay is a Class B waterbody. While the bay’s waters are suitable for swimming and fishing they are not clean enough for use as a municipal water supply or for food processing. Based upon the water quality measurements made to date, the Bay waters have been classified as “stressed” with respect to use impairments for bathing, aesthetics and boating. A stressed water body is defined as one in which degradation is occasionally evident and the intended
uses are intermittently or marginally restricted. Clearly, the macrophytic weed growth and algal blooms intermittently impact swimming, boating use and aesthetics. In addition, the anoxic condition that develops in the deep waters of the Bay during some summer periods affect fish propagation and survival. An analysis of water quality trends in the Bay over the past decade indicates that this condition is stable, not improving or getting worse.

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

The Wayne County Soil and Water Conservation District, under the auspices of the Wayne County Water Quality Coordinating Committee (WQCC), has taken the lead in assessing water quality in Wayne County and offering strategies for dealing with identified problems.

Building upon past efforts to assess the Sodus Bay water quality, the WQCC has secured federal funding for the Great Sodus Embayment Resource Preservation and Watershed Enhancement Project. This on-going project is aimed at providing for both in-water and watershed measures to assess sources of pollution and identify and implement remedies. It is anticipated that the results of this effort will be utilized along with the results of this LWRP/HMP for the comprehensive and coordinated management of both the Bay and its watershed areas.

Investigations of the Sodus Bay water quality have shown that the Bay is culturally eutrophic, often experiencing algal blooms, extensive macrophytic weed growth, and anoxic conditions in the deeper waters of the Bay. These conditions are the result of elevated levels of nutrients, principally phosphorus and nitrogen, introduced to the Bay waters principally from non-point sources.

On-going efforts by the WQCC, under the Great Sodus Embayment Resource Preservation and Watershed Enhancement Project, are investigating means to limit non-point sources of pollution from the contributing watershed, limiting the release of phosphorus from the bay sediments, and managing weed growth in the Bay waters.
4. **FLOOD HAZARD AND FLOOD PRONE AREAS**

Bluff and escarpment topography along Lake Ontario and Sodus Bay generally confine flooding to areas immediately adjacent to Lake Ontario and Sodus Bay. This includes the densely developed Sand Point peninsula that is subject to periodic flooding. Localized flooding does occur inland along First Creek and nearby wetlands and low-lying areas. (See Natural Features Map).

The Flood Insurance Rate Map (FIRM) also designates the large wetland lying between Lake Road and Sentell Street as a flood prone area, shown as a 100-year flood plain.

5. **FRESHWATER WETLANDS**

Wetlands are important components of the overall Sodus Bay ecosystem. They provide spawning and feeding areas for many species of fish in certain stages of their life cycle as well as feeding and nesting areas for waterfowl and other bird species. Wetlands connected or adjacent to the Sodus Bay are shown on the Natural Features Map.

With few exceptions, New York State regulates only wetland areas that are 12.4 acres or larger pursuant to the New York Freshwater Wetland Act (Article 24). These wetland areas are mapped and classified by the NYS DEC and a permit is required for most activities occurring within the wetland boundary or within a minimum 100-foot wide adjacent area. However, they are vulnerable to disturbances such as contaminated runoff from roads and nearby development or from indiscriminate access. The state-regulated wetland areas shown on the Natural Features Map are those found on the official NYS DEC wetland maps.

Almost all wetland areas, including those under 12.4 acres in size, are also regulated by the US Army Corps of Engineers under Section 404 of the Clean Water Act. These wetland areas are not officially mapped, but a good indication is provided by the US Department of Interior National Wetland Inventory (NWI) mapping.

There are two freshwater wetlands in the Village of Sodus Point, which have been designated by the Department of Environmental Conservation. One is a linear wetland system along First Creek; the second is located behind the old Genesee Malt House, south of Lake Road. These wetlands serve several important functions including storm water retention, wildlife shelter and breeding areas, and open space benefits.

Wetland areas occurring around the Bay are a combination of deep and shallow emergent marsh ecological communities, as defined under the New York Natural Heritage Program. The deep emergent marsh community is present at the lower elevations giving way to the shallow emergent marsh community further upgrade from the Bay shoreline.

Deep emergent marsh communities occur in areas where the substrate is flooded by waters that are not subject to violent wave action and with water depths ranging from 6 inches to over
6 feet. The water levels may fluctuate seasonally, but the substrate is rarely dry, and there is usually standing water in the fall.

The most abundant emergent aquatic plants are cattails, wild rice, bur-wheeds, pickerel weed, bulrushes, arrowhead, arrowleaf, rice cutgrass, bayonet rush, water horsetail and bluejoint grass. The most abundant floating-leaved aquatic plants are fragrant water lily, duckweeds, pondweeds, spatterdock, frog's-bit, watermeal, water-shield, and water-chestnut. The most abundant submerged aquatic plants are pondweeds, coontail, chara, water milfoils, pipewort, tapegrass, liverwort, naiad, water lobelia, waterweed, water stargrass, and bladderworts.

Shallow emergent marshes occur in areas that are permanently saturated and seasonally flooded with water depths ranging from 6 inches to just over 3 feet during flood stages. The water level in shallow emergent marshes usually drops by mid to late summer and the substrate is exposed for an extended period during an average year.

The most abundant herbaceous plants occurring in the shallow emergent marshes include bluejoint grass, cattails, sedges, marsh fern, manna grasses, spikerushes, bulrushes, three-way sedge, sweetflag, marsh St. John's-wort, arrowhead, goldenrods, eupatoriums, smartweeds, marsh bedstraw, jewelweed, loosestrifes. In disturbed areas, reed canary grass and/or purple loosestrife enter and may become abundant.

Sedges may be abundant in shallow emergent marshes, but are not usually dominant. Other plants characteristic of shallow emergent marshes include blue flag iris, sensitive fern, common skullcap, begger-ticks, water-horehounds, bur-wheeds, swamp milkweed, water-hemlock, asters, marsh bellflower, water purslane, royal and cinnamon ferns, marsh cinquefoil, rushes, arrowheaf, purple-stem angelica, water docks, turtlehead, water parsnip, and cardinal flower.

The upland limits of the shallow emergent marshes also contain scattered shrubs including rough alder, water willow, shrubby dogwoods, willows, meadow sweet, and buttonbush.

6. **SIGNIFICANT COASTAL FISH AND WILDLIFE HABITAT**

Sodus Bay was designated as a Significant Coastal Fish and Wildlife Habitat by the NYS Department of State in 1987. The basis for this designation is the fact that the Bay, despite considerable development and human activity, still serves as a highly productive fish and wildlife habitat. See Appendix C.

Significant Coastal Fish and Wildlife Habitats are evaluated, designated and mapped pursuant to the Waterfront Revitalization and Coastal Resources Act (Article 42). These designations are subsequently incorporated in the Coastal Management Program under authority provided by the Federal Coastal Zone Management Act. One specific policy under the Coastal Management Program is that: "Significant coastal fish and wildlife habitats will be protected, preserved, and,
where practical, restored so as to maintain their viability as habitats." State and federal
government activities subject to review under the Coastal Management Program must be
shown to be consistent with this and other policies.

As part of its designation of the Bay as a Significant Coastal Fish and Wildlife habitat, the NYS
DEC conducted a review of its properties. Based upon this review, it was found that Sodus Bay
has outstanding habitat values for resident and Lake Ontario based fisheries resources. This is
based upon the presence of the dense beds of aquatic vegetation, good water quality, sandy
substrates and freshwater tributaries, which create highly favorable conditions for spawning
and nursery use by many species.

Warmwater fishes found in the Bay and immediate surrounding areas include gizzard shad,
brown bullhead, white perch, yellow perch, largemouth bass, pumpkinseed, bluegill, rock bass,
crappie, and northern pike. Sodus Bay is a major concentration area for yellow perch in Lake
Ontario. Concentrations of white sucker, smallmouth bass, and various salmonid species occur
in Sodus Bay prior to and after spawning runs in the major tributaries.

Wetland areas bordering Sodus Bay contribute significantly to the productive fisheries and
support a variety of wildlife species themselves. These wetlands serve as nesting and feeding
areas for a variety of waterfowl and other marsh birds, including green-backed heron, great
blue heron, mallard, wood duck, belted kingfisher, marsh wren, red-winged blackbird, and
swamp sparrow.

Other wildlife species found around Sodus Bay include white-tailed deer, beaver, raccoon,
mink, muskrat, green frog, northern leopard frog, and painted turtle.

The open waters of Sodus Bay are also important feeding and refuge areas for concentrations
of waterfowl wintering along the Lake Ontario coast. Mid-winter aerial surveys of waterfowl
abundance for the period 1976-1985 indicate average concentrations of approximately 250
birds in the bay each year (1,380 in peak year), including scaup, common goldeneye, mallard,
mergansers, black duck, and Canada goose. Waterfowl use of the area during winter is
influenced by the extent of ice cover each year. Concentrations of many waterfowl species, as
well as loons, grebes, gulls, terns, and occasional bald eagles (E) and osprey (T), also occur in
Sodus Bay during spring and fall migrations (March - April and October - November,
respectively).

According to the NYS DEC, no endangered or threatened species reside in the Bay or its
immediately surrounding area. The presence of one species of special concern, the eastern
spiny softshell turtle (Apalone s. spinifera) has been reported in the Bay.
No current aquaculture activities, commercial or amateur, are occurring on Great Sodus Bay, nor are there any known current plans or proposals for such activities.

Intensive aquaculture activity is known to have the potential for adverse water quality impacts. This results from the introduction of large quantities of nutrients, especially nitrogen and phosphorus compounds, to water bodies when aquaculture production is present. It is noted in this regard that, as described in the previous section, water quality maintenance and improvement is an important public goal for Great Sodus Bay and limiting further introduction of nutrients, especially phosphorus compounds, has been identified as critical to this effort.

7. **ISSUES REGARDING ENVIRONMENTAL CONDITIONS**

On the basis of the information contained in this section, the following issues were identified:

- It is imperative that the Channel be maintained through regular dredging to provide access to the Bay for all resident vessels, for visitors and for vessels seeking a harbor of refuge. No funding mechanism is in place to assure this occurs.

- The area north of Sand Point and west of the Channel to the Lake does not have suitable depths to allow for a significant expansion of commercial marina facilities. By contrast, the area south of the Village has adequate water depths and, hence, the most potential for the economic expansion of Great Sodus Bay as a “port” serving the recreational and commercial fleet of the Great Lakes. The two federally designated anchorage areas, south of the Village, are not yet fully occupied and further expansion of these areas may be feasible to meet future needs. This area also has the potential to provide a docking or mooring area for much larger research vessels or tour boats, especially with limited dredging to rehabilitate the channel formerly maintained to service the coal trestle site.

- Some areas with sufficient landside space to support commercial marine operations are present along the southern and eastern Bay shorelines. However, the water depths in this area are not suitable for such operations without extensive initial and regular maintenance dredging.

- Good water quality is the basis of all uses of Great Sodus Bay. In a parallel effort, the Wayne County Water Quality Coordinating Committee is addressing water quality problems. It is noted that boating use has not been identified as a significant source of pollutants for the Bay.

- A number of wetland areas border the Bay shoreline and have a direct hydraulic connect with it. These wetland areas are important components of the overall
Bay ecosystem. Their protection is vital for both water quality maintenance and for the fisheries and wildlife of the Bay.

D. HISTORIC RESOURCES

1. SODUS POINT HISTORY

Robert Morris, a wealthy Philadelphia land speculator, first purchased Sodus Point, part of the so-called Phelps Gorham Purchase. Mr. Morris had already been involved in extensive land operations in the Genesee Country, and had agents in all principal cities of Europe. His agent in London was Temple Franklin, son of Benjamin Franklin, who sold almost 1,200,000 acres including the Sodus Point area to an association consisting of Sir William Pultney, John Nornby, and Patrick Colquhoun. This association became known as the Pultney Estate and Charles Williamson was chosen to be the local agent for the estate in the Genesee Country. Charles Williamson, a British captain during the Revolution, first came to the Genesee Country in February of 1792, and it was during the next year that he chose the Sodus Bay area as the site for commercial development for markets to the north and east. In the spring of 1794, he had roads cut from Palmyra and Phelps town to the Bay.

Charles Williamson planned for the Town to be located between Salmon Creek and Great Sodus Bay. It was to include spacious streets and a public square in the center, mills built at the falls on Salmon Creek, and an anchorage area in the Bay. He is quoted as saying: “as the harbor of Great Sodus Bay is acknowledged to be the finest on Lake Ontario, this town will command advantages unknown to the country”. Joseph Colt surveyed the area now known as the Village of Sodus Point at this time. The map showed in-lots of 1/4 acre, out-lots of ten acres, and was named Great Sodus.

In 1801, Great Sodus became the City of Troupville after Colonel Robert Troup, the new agent for the Pultney Estate. Mr. Williamson built a tavern and mills on Salmon Creek. Captain William Wickham built a general store, and the Town became a thriving fishing and boat building port. It was this accessibility that would eventually lead to the battle of Sodus Point during the War of 1812. When war was declared with Britain on June 19, 1812, the Village of Sodus, of which Sodus Point was a part, had a population of 150 resident taxpayers. Sodus Point became a busy supply center for government troops stationed at Fort Niagara and Sackett’s Harbor. Fort Niagara was located at the western side of Lake Ontario and Sackett’s Harbor was to the east. Sodus Point was conveniently situated in the middle of these two places. From the beginning of the war, it was the policy of British ships to travel along the shore of Lake Ontario and, if a village was found to be undefended, any available stores were taken, either by negotiation or force. At the onset of war, a local militia was set up consisting of men from Sodus and the neighboring towns of Williamson, Ontario, and Marion.
From time to time, these men, under the command of Major William Rogers, would meet at the Point in anticipation of an attack, whenever British sails were spotted on the lake. However, there were no full time troops regularly stationed at the Point. (Mulberry Sun and Record; August 12, 1999) It was during the War of 1812 that the British burned the Village after being unable to confiscate stores and ammunition (the people had moved these to safe hiding places).

The steamship era was an exciting time as the lake steamers came into the Point with coal for Canada and other lake ports, and there were passenger services on the bay with docks at Charles Point, Lake Bluff, Bonnie Castle Resort and all of the islands. In Sodus Point, the steamers had their docks located on the south side of Sand Point and were scheduled to meet all the trains and trolleys. The Village’s name was changed to Sodus Point and it became a government Port of Entry.

Concern for the safety of shipping, fishermen and recreational boaters led to the federal government being petitioned to have a lighthouse established. The first lighthouse was built on the bluff in 1825. It was replaced in 1871 by the present lighthouse, which was in use until 1901 when the light was transferred to the tower on the end of the pier, a beacon light known as the Outer Light.

2. ARCHEOLOGICALLY SENSITIVE AREAS

The population in the Great Lakes area is estimated to have been between 60,000 and 117,000 in the 16th century, when Europeans began their search for a passage to the Orient through the Great Lakes. The native people occupied widely scattered villages and grew corn, squash, beans and tobacco. They moved once or twice in a generation, when the resources in an area became exhausted. (Source: http://www.epa.gov/glnpo/atlas/glat-ch3.html#Native%20People)

The area in and around what is now the Village of Sodus Point has been recorded as a favorite rendezvous area of Native American Indians. It was also the spot which first attracted European explorers and Jesuit Missionaries. Subsequently, the entire Village is considered an archeologically sensitive area by the NYS OPRHP. Therefore, prior to any ground disturbing activities, a Phase I Cultural Resources Survey should be conducted unless prior ground disturbance can be documented. See: Archeologically Sensitive Areas Map.

3. **HISTORIC STRUCTURES**

Following consultation with Nancy Todd of the New York State Office of Parks Recreation and Historic Preservation (SHPO) three structures have been identified as being on the National Historic Register:

<table>
<thead>
<tr>
<th>Place</th>
<th>Year added/number</th>
<th>Location</th>
<th>History</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>LOTUS schooner</strong> (Also known as MISS GLOUCESTER schooner)</td>
<td>added 1990 - Structure - #90000694</td>
<td>Trestle Landing Marina, Co. Rt. 14 at Sentell Rd., Sodus Point</td>
<td>It has a maritime history; was designed and build by Ted Zickes and William H. Hand Jr.; was used for water transportation between 1900 and 1924; owned by local government.</td>
</tr>
<tr>
<td><strong>Sodus Point Lighthouse</strong></td>
<td>added 1976 - Structure - #76001288</td>
<td>Off NY 14 at Lake Ontario, Sodus Point</td>
<td>It was used for defense and transportation between 1850 and 1899. It continues to be used for defense, and as a single dwelling (facility) by the Coast Guard.</td>
</tr>
<tr>
<td><strong>Customs House</strong> (Also known as Old Customs House)</td>
<td>added 1980 - Building - #80002787 Removed for safety reasons in 2000.</td>
<td>Sentell St., Sodus Point</td>
<td>Its builder is unknown, it functioned as a facility for commerce and trade between 1850 and 1899.</td>
</tr>
</tbody>
</table>

Source: National Register of Historic places, New York, Wayne County
http://www.nationalregisterofhistoricplaces.com/NY/Wayne/state.html
Structures that are eligible for the register could only be identified following an in-depth analysis of the structures in the Village. These potentially historic eligible structures exist primarily on North Ontario Street. A historic district may be appropriate for properties on Ontario Street and would include the churches along Route 14. (See Historic and Significant Cultural Sites Map). Other possible sites include the Village Hall Complex and the Town Greens (Village Greens) at Bay and Ontario Streets.

E. SCENIC RESOURCES AND IMPORTANT VISTAS

Shoreline communities possess a variety of unique aesthetic characteristics and visual experiences. A water-side location offers opportunities for views over the water, as well as views of the shoreline from the water. In a small community such as the Village of Sodus Point, there are few locations where an awareness of the surrounding body of water, either Lake Ontario or Sodus Bay, is not present. The community’s appeal, and its reason for existence, depends to a large extent on this relationship of land and water. The extensive shoreline of the Village provides many scenic resources that both attract tourists and directly influence the aesthetic character of the Village.

The lakeshore and Sodus Bay each offer a different visual experience. Lake Ontario is a vast body of water, which stretches to the horizon. Fishing boats, sailboats, many birds, and an occasional jumping fish are found close to shore. Waves vary from gentle swells to pounding surf on narrow beaches of sand and stone. Extensive, eroded bluffs rise above the beaches. Farther out, an occasional ship or lake barge can be seen, bound for Lake Erie or the St. Lawrence River.

The Bay, by contrast, is an enclosed waterbody, bounded by irregular green shorelines and islands. Resorts and cottages are located along its shores. Within the Village of Sodus Point, marinas, docks, and moorings line the shore. The rich diversity of fish and wildlife in the Bay contributes to its attractiveness.

Although the Village of Sodus Point is a densely developed community, there are areas where the public can enjoy the scenic resources of Lake Ontario and Sodus Bay. These viewing sites are shown on Natural Features Map. A brief description of each site follows:

**Site 1: Wayne County Sodus Point Park**

Wayne County Sodus Point Park is located at the eastern end of Wickham Boulevard. The northern side of the park is adjacent to Lake Ontario and offers a panoramic view of the beach and the lake. Charles Point, across the mouth of the bay, and the tree-lined shores of Newark and Eagle Islands in Sodus Bay, are also visible from the park.
Site 2: Willow Park - Greig Street
This small Village park located at the south side of Greig Street contains a gently elevated grassy picnic area. The park is set on a small inlet, and offers a view of the inner bay between Sand Point and South Shore Road. The waters adjacent to the park are used for docks and mooring. The park contains a skate board facility and recently added playground equipment.

Site 3: Old Sodus Lighthouse Museum and Park
The Old Sodus Lighthouse Museum is located in a Town park on the lakeshore at the end of North Ontario Street. The site is on the eastern edge of the bluffs, just west of the Sodus Point beaches. Views of Lake Ontario and the steep bluffs along the lakeshore are available from the site. The lighthouse itself, set on a grassy promontory with several mature trees, is a scenic resource for the Village.

Site 4: Sunset Vista
At the end of North Fitzhugh Street is a small, yet quaint area to view the sunset. Due to the layout of Sodus Point, viewing west for a sunset is a rather unique setting. This area is planned for some small park amenities to further convenience the viewing public.

Site 5: Town Boat Ramp and Picnic Area
The Town boat ramp and picnic area on Route 14, near Margareta Road, offers a panoramic view of the Bay, and the shoreline of Newark and Eagle Islands. Recent site improvements include parking, a park entry sign, and information kiosk.

Site 6: Sand Point
Although Sand Point is densely developed with both commercial and residential land uses, larger lots at the eastern end of the peninsula permit views of the Bay to pedestrians and motorists. This area is valuable because it permits uninterrupted views of the bay. Some access points exist at street ends.

Site 7: The Sodus Bay Golf Course
Due to its location on an elevated area, the golf course offers an excellent vantage point from which to see both the Bay and the lake and is itself a visually attractive site.

F. GREAT SODUS BAY HARBOR MANAGEMENT PLAN
The Village of Sodus Point recognizes the need to manage its nearshore areas of Sodus Bay, and have integrated the Great Sodus Bay Harbor Management Plan within this LWRP. The Inventory and Analysis has discussed the many uses and issues associated with the Bay in the Village of Sodus Point. The key issues identified in this section relate to a number of harbor management issues. These include protection of habitats and wetlands, improvements to public access,
maintenance dredging of the Channel, and protection of water quality (through improved water and sewer utilities).

Sodus Bay is a State-designated Significant Coastal Fish and Wildlife Habitat (SCFWH). The Village of Sodus Point recognizes the need to review and incorporate the habitat documentation for the SCFWH into the planning and design of any proposed improvements, so as not to impair this highly productive fish and wildlife habitat. Similarly, freshwater wetlands in the Village of Sodus Point are important components of the overall Bay ecosystem.

The Great Sodus Bay has the location and features to make it a world class recreational boating resource. An issue associated with this status is the increased demand for boat launching access to the Bay, and the need to accommodate expanded marine use and facilities for transient boaters. Subsection II–C identified the potential of providing increased capacity at the Harriman Park launch. The Village identified that upgrading the launch ramp and expanding the parking lot could improve boater access to the Bay and reduce peak hour congestion and conflicts at the launch. In support of public access, the Village also proposes a public pier to accommodate transient boats of all sizes, including patrol and other harbor support vessels.

The Village has identified the need to develop measures to assure that marine-related public infrastructure is maintained. Routine maintenance dredging of the Channel connecting Sodus Bay to Lake Ontario is needed for continued recreational boat access. While the US Army Corps of Engineers has the formal responsibility for maintenance dredging of harbor entrance channels in the Great Lakes, it has been eliminated for all but harbors actively utilized for commercial shipping. Under the current situation, the Corps of Engineers will contract to dredge recreational harbors, but on an ad-hoc basis and is usually put off until there is a problem. The Regional Dredging Management Plan (2000), recommended the creation of a new entity to take on this responsibility.

The Village has identified protection of water quality, through improved water and sewer utilities, as a high priority. Proposed projects identified by the Village include upgrading sewage and water lines underlying the eastern end of Greig Street; and, installation of a sewer pipeline connection from the Village to Charles Point with the potential for future connections to other areas in the Towns of Sodus and Huron.

Winter use of the Bay is popular and adequate parking and support services for winter use are available at two locations in the Village.

There are no commercial shipping, commercial fishing, recreational fishing or underwater land issues of significance in the harbor management area of the Village of Sodus Point.
The opportunities to tackle these issues have been considered in the Inventory and Analysis and are discussed in more detail within Sections III, IV, and V.

G. ISSUES AND OPPORTUNITIES

Following are a number of key issues influencing the development and use of the waterfront area within the Village of Sodus Point:

i. Redevelopment and reuse of abandoned or underutilized sites and structures in the coastal area, particularly the Genesee Malt House, the end of South Ontario Street, the boat storage on Greig Street and the boat storage off of Route 14.

ii. Need for new or improved public sewer and water utilities, particularly the one underlying the eastern end of Greig Street, to deal with existing problems and the potential for some modest development and/or re-development.

iii. Conflicts between recreational activities and vessel anchorage or mooring areas, the operation of vessels in or near swimming areas.

iv. Insufficient public launch capacity and support parking at the only facility in the village, Harriman Park.

v. Shoreline erosion from boat wake.

vi. Boating congestion during peak periods, particularly in the area between Charles Point, Sodus Point and Newark Island.

vii. Need for boater education and better navigational markings (on water markings).

viii. Better landside support, such as enhanced access, restrooms, parking, trash receptacles, for winter water-dependent activities.

ix. Impacts of water surface use on water quality and the need to improve or maintain water quality for a range of desired uses, such as fishing, swimming, or domestic uses.

x. Lack of noise regulations for vessel use and associated land uses.

xi. Impacts of use on natural areas such as wetlands or significant coastal fish and wildlife habitats.

xii. Maintenance or provision of Sodus Bay infrastructure, such as roadways, navigation channels, aids to navigation, bulkheads, boat ramps, docks, sewage treatment and vessel waste pumpout facilities, but not to the detriment of natural resources.

xiii. Any appropriate limits on public access to the Bay or public use of the Bay area, to control overuse.

xiv. Demand for and supply of appropriate vessel support facilities, including sufficiently maintained navigation channels or basin depths.
xv. Dredging and dredged material disposal.
xvi. Protection of important water-dependent uses in appropriate areas within the Bay.
xvii. Improved scenic quality and visual access to the Bay.
xviii. Lack of shared management of the Bay resources.
xix. Existing non-water-dependent uses or zoning in areas appropriate for water-dependent uses.
xx. Inappropriate land uses or zoning of wetland areas, bay surfaces or coastal hazard areas.

Based on the inventory of existing conditions, the following opportunities have been identified:

i. Transform the Sodus Bay area in a world class recreational boating resource, and link compatible activities on and around the Bay to benefit both, residents and visitors.

ii. Partner with the other Sodus Bay communities to improve the infrastructure that supports the weekday and week-long tourism during summer and to expand winter activities.

iii. Organize a bay management/preservation commission with representation from each of the three municipalities to coordinate resource management programs on the Bay. Provide technical assistance to facilitate and guide local bay management.

iv. Market the bay management efforts, by using a variety of news-media.

v. Promote ecotourism in the Village and the surrounding area.

vi. Improve public education of the Bay as a significant coastal fish and wildlife habitat, and conflicting uses of the resource.

vii. Support private recreation development in the form of camping areas to provide alternative overnight facilities for fisherman and boaters with tents or camper vehicles.

viii. Protect the natural features of the area and promote them as a resource for world class environmental research.

ix. Increase the number of dry dock boat storage facilities and adopt associated regulations.

x. Build a public pier as a gateway to the Bay, to accommodate transient boats of all sizes and be available for patrol and harbor support vessels, and to provide information about available services.

xi. Create promotional and educational displays and fliers to promote the features of the Bay and educate the public regarding its use.
xii. Collaborate with the other Sodus Bay communities to develop an Open Space Plan for the Sodus Bay, which should identify and incorporate areas around the bay that are unsuitable or highly sensitive for development, provide scenic views of the bay or have high value for public use, and propose.

xiii. Conduct a feasibility study to identify significant and valued natural areas for preservation, and areas suitable for development for public access. Consider the conservation value and educational potential of each identified site, its accessibility for public use, and development costs and acquisition strategies if it is not in public ownership.

xiv. Continue to collaborate with the other Sodus Bay communities to establish coordinated management practices to guide and review future development along the Bay.
DEVELOPED WATERFRONT POLICIES

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

Explanation of Policy

The Village of Sodus Point waterfront area is heavily developed with a mixture of general commercial, marine commercial, public recreational and residential uses. Most of the structures and sites associated with these uses are in good condition. Only a few could be considered deteriorated or under used. These deteriorated or underutilized sites should be redeveloped with commercial or tourism-related uses while protecting stable residential uses. Whenever the structure/site has water frontage, water-dependent uses should be favored. Otherwise, new uses should be in some way related to waterfront activities.

The Village of Sodus Point will encourage the investment of capital in projects that support commercial or tourism related water-dependent and water-enhanced uses along the waterfront.

State, federal, and local agencies must ensure that any direct funding and permitting actions further the revitalization of waterfront areas within the Village of Sodus Point. When any such action, or similar action, is proposed, it must be analyzed to determine if the action would contribute to or adversely affect the Village’s waterfront revitalization plans and efforts.

1.1 Concentrate development and redevelopment in order to revitalize deteriorated and underutilized waterfronts and strengthen the traditional waterfront focus of a community.

Improvements to abandoned, underutilized, and deteriorated sites in the Village should perform several functions, including enhancing the visual character of the Village, promoting the historic or nautical theme of the village while addressing certain development or support needs (such as parking), and providing economic activity beneficial to a recreational and resort community. At the same time, they should
protect and enhance the environmental resources that support the area’s economy and improve its quality of life.

Within the Village of Sodus Point, underutilized sites include the waterfront at the end of South Ontario Street and boat storage on Greig Street. Subsequent improvements, such as renovation and new construction of commercial structures on Greig Street, renewed maintenance and improvements to several cottages and residences on Sodus Point, and considerable improvements and renovations to the marina facilities have been documented.

Many of the structures in the Village have undergone substantial renovation and improvements. They are in good repair, and although some would benefit from façade work and maintenance, and improvements of their grounds, there are no sites so deteriorated that they would critically affect the Village’s vitality as a waterfront community.

The visual environment of the Village, which is an important factor in attracting tourists, can be enhanced by careful consideration of landscaping and well-designed fencing to screen some of uses of the waterfront, such as boat storage and boat repair.

Business signs in the Village can affect the visual environment. Most of the signs are in good condition, but a few are dilapidated or need paint, and several are poorly located and do not fit well with their surroundings. Repositioning of several signs would substantially improve the visual character of Greig Street, and Route 14.

Enforcement of the 1986 Sodus Point Docks and Moorings Law addresses the issue of unsightly and deteriorated residential and commercial docks and boathouses. The Docks and Moorings Law provides for an annual inspection of docks and the issuance of a permit good for one year. The inspection includes construction, durability, and safety.

The Village will use all planning and regulatory tools available to stimulate development or redevelopment of dilapidated or underutilized sites on the waterfront. Such development shall constitute a suitable match between water-dependent uses and appropriate use of related Lake Ontario and Sodus Bay water areas. When reviewing sites for development or redevelopment, the Village shall consider the following factors:

- Water access and navigation rights in accordance with the Public Trust Doctrine;
- Public access and trails where appropriate;
- Protection of sensitive environmental resources (bluffs, beaches, water quality, habitat);
- Protection of visual resources;
- Access to public services; and
• Protection of existing land use, investments and the economic base of the community.

The following planning principles should be used to guide investment and preparation of development strategies and plans:
• Compatibility of the new development with traditional and/or desired uses which are dependent on or enhanced by a waterfront location.
• New development will enhance existing uses and will not affect anticipated future uses.
• Plan for new development based on the area’s intensity of use.
• Scale development to be appropriate to the setting.
• Design development to highlight existing resources, such as local history and important natural and man-made features to reinforce community identity.
• Design the waterfront as a focus for activity that draws people to the waterfront and links the waterfront to upland portions of the community.
• Meet community and regional needs and market demands in making development choices.
• Recognize environmental constraints as limiting development.
• Restore environmental quality to degraded areas.
• Update the infrastructure supporting water and sewer services to the waterfront area, ensure that new development does not overwhelm the existing drinking water and sewer infrastructure, and that upgrading the existing infrastructure will not burden the existing development.

All development or uses should recognize the unique qualities of a waterfront location by:
• designing the waterfront, especially along Greig Street on Sand Point, to link development and its waterfront setting;
• ensuring that any new development is within an appropriate scale with surrounding buildings and responsive to its environmental setting;
• using building and site design to make beneficial use of a coastal location and associated coastal resources;
• minimizing consumption of waterfront lands and potential adverse impacts on natural resources;
• limiting shoreline alteration and surface water coverage, including the loss of public lands through allowing waterward extension of bulkheads/seawalls and/or the increase in height with resulting backfill;
1.2. Ensure that development or uses make beneficial use of their waterfront coastal location.

There is a limited amount of available real estate along the waterfront area in the Village. Subsequently, any new development of these waterfront parcels must be carefully regulated and planned. Public access, water-dependent recreation and water-dependent commercial must be weighed against residential and environmental concerns. Existing water-dependent uses should be given preferential consideration for their waterfront locations. New water-dependent uses should respond to and respect existing residential areas and the quality of the environment. Development proposals should go further to stabilize and enhance, when practicable, qualities of view, water quality, habitat as well as public access. Public access includes both landside use and waterside use.

A primary objective of this policy is to create a process by which water-dependent uses can be accommodated well into the future. The build-out analysis conducted as part of the Great Sodus Point Harbor Management Plan concludes that the Village of Sodus Point is the most advantageous for marine expansion. As mentioned in Section IV under Proposed Projects, water depths and landside support dictate that the shoreline area on the south and southwest side of the Village of Sodus Point is the most advantageous for expanded marina uses. The primary reason for choosing this area is the existence of deep water access, due to the remnants of the dredged channel that used to service the coal trestle in that area. It is also a reasonably sheltered area with good roadway access and undeveloped or underdeveloped land areas that could be used for marine expansion.

Also, there are several facilities in this general vicinity that could similarly be developed to accommodate a variety of uses, including a large scale marine research station if such a facility is developed on the U.S. side of Lake Ontario.
Water-dependent uses
Water-dependent uses are activities which require a location in, on, over, or adjacent to the water because the activities require direct access to water and the use of water is an integral part of the activity. Water-dependent uses should be promoted where appropriate and given precedence over other types of development at suitable waterfront sites. Existing water-dependent uses should be protected.

Development along the shoreline which is not dependent on a waterfront location, or which cannot make beneficial use of a waterfront location, should be avoided.

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.

Water enhanced uses
Water enhanced uses may be encouraged where they are compatible with surrounding development and are designed to make beneficial use of their coastal location.

Water enhanced uses are the activities that do not require a location on or adjacent to the water to function, but whose location on the waterfront could add to public enjoyment and use of the water's edge, if properly designed and sited. Water enhanced uses are generally of a recreational, cultural, commercial, or retail nature.

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

In addition to water-dependent uses, those uses, which are enhanced by a waterfront location, should be encouraged to locate along the shore, though not at the expense of water-dependent uses. A water enhanced use is defined as a use or activity which does not require a location adjacent to or over coastal waters, but whose location on land adjacent to the shore adds to the public use and enjoyment of the water’s edge. Water enhanced uses are primarily recreational, cultural, retail, or entertainment uses. A restaurant, which uses good site design to take advantage of a waterfront view, is an example of a water enhanced use.

To ensure that water enhanced uses make beneficial use of their waterfront location, they should be sited and designed to:

- attract people to or near the waterfront and provide opportunities for access that is oriented to the coast
• provide public views to or from the water (see C. Proposed Projects, in Section IV)
• minimize consumption of waterfront land and protect sensitive waterfront areas
• not interfere with the operation of water-dependent uses
• not cause significant adverse impacts to community character and surrounding land and water resources
• provide revenue that could form a funding pool for water-dependent uses with marginal profits
• ensure that the infrastructure and parking areas are maintained and improved to properly support existing and new uses along the waterfront

Uses should be avoided which would:
• result in unnecessary and avoidable loss of coastal resources
• ignore their coastal setting as indicated by design or orientation, and
• do not, by their nature, derive economic benefit from a waterfront location

1.3. Maintain and enhance natural areas, recreation, open space, and agricultural lands.

Natural areas, open space, and recreational land produce public benefits that may not be immediately tangible. In addition to scenic and recreational benefits, these lands may also support habitat for commercially or ecologically important fish and wildlife, provide watershed management of flood control benefits, serve to recharge ground water, and maintain links to a region's agricultural heritage. Such areas include wetlands, forested areas and agricultural lands (identified in Section II). (See Section IV, Proposed Projects, Sodus Bay Open Space Plan Feasibility Study)

To enhance community character and maintain the quality of the natural and man-made environments, potential adverse impacts on existing development, physical environments, and economic factors should be addressed and mitigated. Development requirements should reflect site characteristics, limit the disturbance of land and water, and foster visual compatibility of the development with surrounding areas.

Adverse impacts on natural resources should be avoided, including:
• deterioration of water quality
• loss, fragmentation, and impairment of habitats and wetlands
• alterations to natural protective features and changes to the natural processes of erosion and accretion that lead to increased erosion rates, damage by coastal storms, and flooding

Special consideration should be given to protecting stands of large trees, specifically along the western entrance to the Village of Sodus Point along Lake Road (Seaway Trail).
In addition, the forests that grow in the unique depressions or valleys that run throughout the Village should be protected. The open space value of agricultural land should be protected, preferably through retention of agricultural production.

The expansion of infrastructure into undeveloped areas should be avoided where such expansion would promote growth and development detrimental to natural resources and agricultural productivity.

1.4. **Minimize potential adverse land use, environmental, and economic impacts that would result from proposed development.**

To enhance community character and maintain the quality of the natural and man-made environments of the coastal area, potential adverse impacts on existing development, physical environments, and economic factors should be addressed and mitigated. Development requirements should reflect existing site characteristics, limit the disturbance of land and water, and foster visual compatibility of development with surrounding areas.

Cumulative and secondary adverse impacts from development and redevelopment should be minimized. Cumulative impacts are the result of the incremental or increased impact of repetitive actions or activities when added to other past, present, or future actions or activities. Secondary impacts are those, which are foreseeable, but occur at a later time or at a greater distance from the action, and are caused by an action or activity, whether directly or indirectly.

Potential adverse impacts on existing development should be minimized, as follows:

- Avoid introduction of discordant features which would detract from the community by comparing the proposed development with existing mass and distribution of structures, scale, intensity of use, architectural style, land use pattern, or other indicators of community character.

- Mitigate adverse impacts among existing incompatible uses by avoiding expansion of conflicting uses, promoting mixed-use development approaches which would reduce potential for conflict, mitigating potential conflicts by segregating incompatible uses, and providing buffers, or using other design measures to reduce conflict between incompatible uses.

- Protect the surrounding community from adverse impacts due to substantial introductions of or increases in odors, noise or traffic.

- Integrate waterfront areas with upland communities by: providing physical linkages between the upland community and the waterfront, matching uses to
community needs, particularly as related to demographic characteristics, and limiting exclusion of the waterfront from the surrounding community.

- Prevent displacement or impairment of the operation of water-dependent uses.

Potential adverse economic impacts should be minimized, as follows:
- Prevent deterioration of the site and surrounding area by preventing derelict or dilapidated conditions, avoiding detraction from community character, and preventing isolation of community and people from the waterfront.
- Protect and enhance the community's economic base.
- Promote a diverse economic base.
- Where expansion of infrastructure or services is necessary:
  - Increase existing facility and service capacity and efficiency to foster concentration of development, and avoid expansion of improvements and services into previously undeveloped areas.

1.5. Protect stable residential areas.

New development located in or adjacent to existing residential areas should be compatible with neighborhood character. New development can result in a reduction of informal public access points, which may be of significance to a residential area. The potential loss of these informal public access points emphasizes the need to foster opportunities to provide new public access points for the community.

New uses in a stable residential area should be avoided when the use, its size and scale will significantly impair neighborhood character. New construction, redevelopment, and screening, such as fences and landscaping, should not reduce or eliminate vistas that connect people to the water.

**POLICY 2**

*Preserve historic resources of the Coastal Area.*

**Explanation of Policy**

Archaeological sites and historic structures are tangible links to the past development of a community—both its cultural and economic life—providing a connection to past generations and events. The Native American sites, Colonial era farmsteads and outbuildings, 19th century commercial districts, fishing villages, lighthouses, shipwrecks and Gilded Age mansions are important components in defining the Village of Sodus Point's distinctive identity and heritage.
In a broader sense, these resources, taken together, continue to shape the coastal culture of New York State.

The intent of this policy is to preserve the historic and archaeological resources of the Coastal Area. Concern extends not only to the specific site or resource but also with the area adjacent to and around specific sites or resources. The quality of adjacent areas is often critical to maintaining the quality and value of the resource. Effective preservation of historic resources must also include active efforts, when appropriate, to restore or revitalize. While the Coastal Management Program addresses all such resources within the coastal area, it actively promotes preservation of historic, archaeological, and cultural resources that have a coastal relationship.

This policy is divided into three sections. The first section addresses protection of historic resources and presents standards to prevent or minimize loss of these resources. Section 2 provides standards to protect archaeological resources. The final section deals with resources that are of importance to the maritime heritage of the lighthouses, shipwrecks, and traditional centers of maritime activity.

2.1 Maximize preservation and retention of historic resources.

These standards are derived from and explain the U.S. Secretary of the Interior's Standards for Identification, Restoration, and Rehabilitation of historic resources. Consult the Secretary of the Interior's standards for additional detail on specific aspects of historic preservation.

I. Historic resources are those structures, landscapes, districts, areas or sites, or underwater structures or artifacts which are listed or designated as follows:
   A. any historic resource in a federal or state park established, solely or in part, in order to protect and preserve the resource
   B. any resource on, nominated to be on, or determined eligible to be on the National or State Register of Historic Places
   C. any cultural resource managed by the New York State Nature and Historic Preserve Trust or the New York State Natural Heritage Trust
   D. any archaeological resource which is on the inventories of archaeological sites maintained by the New York State Department of Education or the Office of Parks, Recreation, and Historic Preservation
   E. any resource which is a significant component of an Urban Cultural Park/Heritage Area
   F. any locally designated historic or archaeological resources protected by a local law or ordinance
II. Identify those elements important in defining the character and value of a historic resource.

This section presents standards to assist in defining the specific elements that make up the historic character of the resource, once a resource has been identified as being historic.

A. Use designation information, available documentation, and original research to identify important character-defining elements of the historic resource in terms of its:
   1. time, place, and use
   2. materials, features, spaces, and spatial relationships
   3. setting within its physical surroundings and the community
   4. association with historic events, people, or groups

B. Determine the value of the historic resource as indicated by:
   1. its membership within a group of related resources which would be adversely impacted by the loss of any one of the group of resources
   2. the rarity of the resource in terms of the quality of its historic elements or in the significance of it as an example, or
   3. the significance of events, people, or groups associated with the resource

III. Preserve and retain the historic character-defining elements of the resource. Use the following standards to achieve the least degree of intervention. These standards should be applied as much as possible to achieve complete preservation and retention of the resource. Passive approaches are often insufficient to achieve needed preservation; an active commitment to preservation is necessary.

A. Protect and maintain historic materials and features according to the following approach:
   1. Evaluate the physical condition of important materials and features.
   2. Stabilize materials and features to prevent further deterioration.
   3. Protect important materials and features from inadvertent or deliberate removal or damage.
   4. Ensure the protection of historic elements through a program of non-intrusive maintenance of important materials and features.
B. Repair historic materials and features according to recognized preservation methods when their physical condition warrants.

C. When a historic feature is missing or the level of deterioration or damage precludes maintenance or repair:
   1. Limit the replacement of extensively deteriorated features or missing parts to the minimum degree necessary to maintain the historic character of the resource.
   2. Maintain historic character where a deteriorated or damaged feature is replaced in its entirety. In replacing features, the historic character of the resource can be best maintained by replacing parts with the same kind of material. Substitute materials may be suitable if replacement in kind is not technically or economically feasible and the form, design, and material convey the visual appearance of the remaining parts of the feature.
   3. When re-establishing a missing feature, ensure that the new feature is consistent with the historic elements of the resource. If adequate historical, pictorial, and physical documentation exists so that the feature may be accurately reproduced, use available documentation to design and construct a new feature. If adequate documentation does not exist, design and construct a new feature that is compatible with the remaining features of the resource. The new design should be based on research, pictorial, and other evidence so that a true historical appearance is created.

IV. Provide for efficient, compatible use of the historic resource.
A valid approach to preserving historic resources is to provide for on-going, compatible use of that resource.

A. Foster uses that maximize retention of the historic character of the resource:
   1. Maximum retention of historic character is best achieved by using the resource as it was historically used.
   2. If the resource cannot be used as it was historically used, adapt a use to the historic resource that maximizes retention of character-defining materials and features.

B. Minimize alterations to the resource to preserve and retain its historic character.
1. Minimize potential negative impacts on the resource's historic character due to necessary updates in systems to meet health and safety code requirements or to conserve energy.

2. Make alterations to the resource only as needed to ensure its continued use and provided that adverse impact on the resource is minimized. Alterations should not obscure, destroy, or radically change character-defining spaces, materials, features, or finishes in order to minimize adverse impact on the resource. Alterations may include selective removal of features that are not historic elements of the resource and its setting and that detract from the overall historic character of the resource.

3. Construct new additions only after it is determined that an exterior addition is the only viable means of assuring continued use of the resource.

4. In constructing new additions, use appropriate design and construction to minimize adverse impact on the resource's historic character. Adverse impact can minimized in new additions by: clearly differentiating from historic materials and features; using design compatible with the historic materials, forms and details, size, scale and proportion, and massing of the resource to protect the integrity of the resource and its setting. In addition, new additions should be designed such that, if removed in the future, the essential form and integrity of the historic resource and its setting would not be impaired.

V. Minimize loss of historic resources or the historic character of the resources of the Coastal Area when it is not possible to completely preserve and retain the resource.

A. Relocate an historic resource when it cannot be preserved in place and:

1. the resource is imperiled:
   a) directly by a proposed activity which has no viable alternative which would not result in adverse effects on the resource, or
   b) indirectly by surrounding conditions which are likely to result in degradation or inadequate maintenance of the resource
2. the resource cannot be adapted for use on the existing site which would result in preservation of the resource

3. a suitable site for relocation is available, and

4. it is technically and economically feasible to move the resource

B. Allow for demolition of the resource only when:

1. it is not feasible to protect the resource through relocation, and

2. the resource has been officially certified as being imminently dangerous to life or public health, or

3. the resource cannot be adapted for any use on the existing site or on any new site

C. Document in detail the character-defining elements of the historic resource in its original context prior to relocation or demolition of the resource.

VI. Avoid potential adverse impacts of development on adjacent or nearby historic resources.

A. Protect historic resources by ensuring that development is compatible with the historic character of the affected resource.

B. Design development to a size, scale, proportion, mass, and with a spatial relationship compatible with the historic resource.

C. Design development using materials, features, forms, details, textures, and colors compatible with similar features of the historic resource.

VII. Limit adverse cumulative impacts on historic resources.

A. Minimize the potential adverse cumulative impact on a historic resource which is a member of a group of related resources that may be adversely impacted by the loss or diminution of any one of the members of the group.

B. Minimize the potential cumulative impacts of a series of otherwise minor interventions on a historic resource.

C. Minimize potential cumulative impacts from development adjacent to the historic resource.
2.2 Protect and preserve archaeological resources.

The area in and around what is now Sodus Point has been recorded as a favorite rendezvous area of Native American Indians. It was also the spot which first attracted European explorers and Jesuit Missionaries. Subsequently, the State Historic Preservation Office considers that the entire Village is a sensitive area for archaeological resources. See: Archeologically Sensitive Areas Map.

I. Conduct a cultural resource investigation when an action is proposed on an archaeological site, fossil bed, or in an area identified for potential archaeological State Department of Education.
   A. Conduct a site survey to determine the presence or absence of cultural resources in the project's potential impact area.
   B. If cultural resources are discovered as a result of the initial survey, conduct a detailed evaluation of the cultural resource to provide adequate data to allow a determination of the resource's archaeological significance.

II If impacts are anticipated on a significant archaeological resource, minimize potential adverse impacts by:
   A. redesigning the project
   B. reducing direct impacts on the resource, and
   C. recovering data prior to construction

III. Avoid disturbance or adverse effects on any object of archaeological or paleontological interest situated on or under lands owned by the State of New York. These resources may not be appropriated for private use.

2.3 Protect and enhance resources that are significant to the coastal culture of the Village of Sodus Point.

I. Protect historic shipwrecks and shipwrecks to which the state holds title. Colonial era to modern-day shipwrecks lie in coastal waters. While the location of many of these ships is well documented, more research remains to be done to identify and protect these historic and recreational resources as significant components of the coastal culture of the state. Historic shipwrecks are those wrecks which, by reason of their antiquity or their historic, architectural, archaeological, or cultural value, have state or national importance and are eligible for inclusion on the State or National Register of Historic Places. The state holds title to all shipwrecks determined to be abandoned under the Abandoned Shipwrecks Act of 1987.
A. Provide for the long-term protection of historic through the least degree of intervention. The least degree of intervention can be achieved by preserving historic shipwrecks in place. When preservation is not feasible, record and recovers shipwrecks or their artifacts. See Section II for more details.

B. Manage shipwrecks to provide for public appreciation, use, and benefit. The nature of public use and benefits associated with shipwrecks is very diverse. Sport divers should have reasonable access to explore shipwrecks. Additional public appreciation and enjoyment of shipwrecks can be achieved through interpretive access, which describes the history and value of the resource. Archaeological research on historic shipwrecks is particularly important where research can be reasonably expected to yield information important to understanding the past. See: Section II, 4B.

C. Avoid disturbance to shipwrecks unless the shipwreck: poses a navigation hazard; or, would impede efforts to restore natural resource values.

D. Prevent unauthorized collection of shipwreck artifacts and associated direct or cumulative impacts.

E. Maintain the natural resource values that are associated with shipwreck sites, which may be sensitive to disturbance.

II. Preserve and enhance historic lighthouses and other navigational structures. Historic lighthouses and other navigation aids are significant to the coastal culture of the state. The Sodus Bay Historical Society, in accordance with an agreement and lease from the Town of Sodus since 1984, is committed to preserving the Old Sodus Bay Lighthouse and Maritime Museum. The use of the Museum Lighthouse for navigation was terminated in 1900. The building was placed on the National Register of Historic Places in 1990.

A. Provide for the long-term protection of historic lighthouses and navigation aids listed or eligible to be listed in the National or State Register of Historic Places through the least degree of intervention.

B. Protect historic lighthouses from erosion hazards.

1. Use nonstructural methods such as beach nourishment as the first choice in providing protection from erosion hazards.
2. Relocate historic lighthouses, which are imperiled by erosion hazards that cannot be managed by nonstructural methods. Imperiled lighthouses should be relocated to adjacent sites whenever feasible, as determined by economics and engineering constraints. In relocating a lighthouse, particular attention should be given to preserving the original context and function of the lighthouse. In addition, any decision to relocate a lighthouse should provide for a sufficient period of protection to warrant the expenditure of funds for relocation.

3. Use hard structural erosion control measures to preserve historic only if:
   a) the lighthouse is clearly imperiled by erosion hazards
   b) relocation is not feasible based on economic or engineering constraints
   c) nonstructural approaches would not provide sufficient protection, and
   d) hard structures would not adversely affect coastal processes.

III. Protect the character of historic maritime communities.

Historic maritime communities are significant to the coastal culture of the state.

A. Preserve traditional uses which define the maritime character of the area.

B. Preserve maritime character by maintaining appropriate scales, intensity of use, and architectural style.

C. Provide interpretive materials in appropriate settings to augment the public's understanding and appreciation of the state's maritime heritage.

The New York State Office of Parks, Recreation, and Historic Preservation, OPRHP, has identified the Village of Sodus Point as an area of archeological sensitivity. Prior to undertaking any Type I or unlisted action, the agency shall ensure that the State Historic Preservation Officer has been consulted to determine whether significant archeological resources are present at the site and to identify measures that are necessary to preserve or avoid damage to these resources. All
practicable means shall be used to preserve significant archeological resources.

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

**POLICY 3**

*Enhance visual quality and protect outstanding scenic resources.*

**Explanation of Policy**

A number of juxtaposing elements combine to create the Village of Sodus Point’s unique visual character. They include: the expanse of Lake Ontario contrasted with the enclosure of Sodus Bay; the lakeshore bluffs and other steep areas contrasted with the beach and other low-lying areas; and the dense Village development with surrounding undeveloped rural landscape areas. The Village has a number of public access points along the shoreline, which include many opportunities to view the natural and human elements comprising the Village and to enjoy harbor activity.

Visual resources and important vistas are described in Section II: Inventory and Analysis, in this report.

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

**Guidelines:**

1. Siting structures and other development back from shorelines (particularly bluffs) or in other inconspicuous locations to maintain the attractive quality of the shoreline and to retain views to and from the shore;
2. Clustering or orienting structures to retain views, retain qualities of open space, and provide visual organization to a development;
3. Incorporating existing structures (especially historic buildings) into the overall development scheme of a project;
4. Removing deteriorated and/or degrading elements;
5. Maintaining or restoring the original land form, except when changes screen unattractive elements and/or add appropriate interest;
6. Maintaining or adding vegetation to provide interest, encourage the presence of wildlife, blend structures into the site, and obscure unattractive elements, (such as parking lots and boat storage areas), except when selective clearing removes unsightly, diseased or hazardous vegetation and when selective clearing within public parks, at Village street ends and along rights-of-way creates views of coastal waters;
7. Using appropriate materials (wood, stone, wrought iron fencing, earth berms) in addition to vegetation to screen unattractive elements;
8. Using appropriate scales (building height shall be limited to thirty feet for residential structures and for principal non-residential structures), forms, and materials to ensure that buildings and other structures are compatible with and add interest to the Village’s visual environment;
9. Minimizing the effects, as much as possible, of facility operation (e.g. lighting, noise, and odor); and
10. Provide for burying overhead wires whenever practicable especially in the Business District on Greig Street.

Also, the Great Sodus Point Harbor Management Plan recommends that several Bay viewpoints be designated as “visual resources of local significance” by the Village. It is believed that this action, in conjunction with development review by the Great Sodus Bay Intermunicipal Committee, will be sufficient to provide a reasonable level of protection for the identified viewpoints and their viewsheds. (See Section IV, C. Proposed Projects)
NATURAL WATERFRONT RESOURCES

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

Explanation of Policy

In response to existing or perceived erosion and flood hazards, many landowners construct erosion control structures. While some erosion control structures are necessary to protect development, there are many erosion control structures located along the coast are not necessary for erosion protection.

Erosion control structures often contribute to erosion both on and off the site due to poor design and siting and lack of down drift remediation. Increased erosion, aesthetic impairments, loss of public recreational resources, loss of habitats, and water quality degradation can result from individual hardening of the shoreline. The cumulative impact of these structures is potentially large. Before a permit is granted to allow construction of hard erosion control structures, the purpose, function, impact, and alternatives to the project need to be carefully evaluated to determine that the structures are necessary and to avoid adverse impacts.

Although some sections of the waterfront has been heavily fortified, significant stretches remain in a natural state. The natural shoreline has an inherent natural, social, and economic value that should be respected to ensure continuing benefits to the state. Consequently, those portions of the shoreline that are not fortified should generally remain in a natural condition to respond to coastal processes. Portions of the shoreline that have been hardened should be returned to a natural condition where feasible and appropriate.

Development and redevelopment in hazard areas needs to be managed to reduce exposure to coastal hazards. Hardening of the shoreline is to be avoided except when alternative means, such as soft engineering alternatives, beach nourishment, revegetation, offshore bar building, or inlet sand bypassing, are impractical to protect principal structures or extensive public investment (land, infrastructure, facilities). Areas of extensive public investment are found in developed centers.

Barrier landforms that protect significant public investment or natural resources should be maintained. Soft structural protection methods are to be used to conform with the natural coastal processes. Barrier beach landforms should be maintained by using clean, compatible dredge material, when feasible, for beach nourishment, offshore bar building, or marsh creation projects.
In suitable locations and where appropriate, interpretive materials could be considered to enhance the public's education on natural coastal processes.

This policy seeks to protect life, structures, and natural resources from flooding and erosion hazards throughout the Coastal Area. The policy reflects state flooding and erosion regulations and provides measures for reduction of hazards and protection of resources.

The historic Sodus Point Lighthouse and Museum had a revetment constructed by the US Army Corps of Engineers in 2001 to ensure the continued existence of the lighthouse structure and its setting. If additional efforts are required to stabilize the earth along the shoreline of the Sodus Point Lighthouse property, action will be taken to prevent any additional loss of the lighthouse proper.

Policy standards are divided into seven sections. Section 1 presents standards directed at protection of life and property, including measures for minimizing losses from flooding and erosion arranged in order of priority, ranging from avoidance to hard structural approaches. Section 2 addresses natural protective features. Section 3 addresses protection of public lands or public trust lands. Measures for water-dependent uses and navigation are provided in Section 4. Section 5 establishes conditions for expenditure of public funds for management of flood and erosion hazards contingent on public benefit. Section 6 calls for compliance with municipal erosion management plans. The last section directs that sea level rise be considered in development of major projects.

4.1 Minimize losses of human life and structures from flooding and erosion hazards by using the following management measures, which are presented in order of priority.

Coastal Barrier Resource Area is any one of the designated and mapped areas under the Coastal Barrier Resources Act of 1982, (P.L. 97-348), and any areas designated and mapped under the Coastal Barrier Improvement Act of 1990 (P.L. 101-591), as administered by the U.S. Fish and Wildlife Service, and any future designations that may occur through amendments to these laws.

Coastal Hazard Area is any coastal area included within the Erosion Hazard Area as designated by the New York State Department of Environmental Conservation pursuant to the Coastal Erosion Hazard Areas Act of 1981 (Article 34 of the Environmental Conservation Law), and any coastal area included within a V-zone as designated on Flood Insurance Rate Maps prepared by the Federal Emergency Management Agency pursuant to the National Flood Insurance Act of 1968 (P.L. 90-448) and the Flood Disaster Protection Act of 1973 (P.L. 93-234).
Natural protective features are beaches, dunes, shoals, bars, spits, barrier islands, bluffs, and wetlands; and associated natural vegetation.

I. Minimize potential loss and damage by locating development and structures away from flooding and erosion hazards.

A. Avoid developing new structures and uses or reconstruction of structures damaged by 50 percent or more of their value in areas which are likely to be exposed to hazards unless:

1. the structure or use functionally requires a location on the coast or in coastal waters
2. the new development would be located in an area of substantial public investment
3. the new structure or use is necessary for shoreline development which:
   a) reinforces the role of Maritime Centers and Areas for Concentrated Development in concentrating water-dependent uses and other development
   b) would not result in impairment of natural resources

B. Locate new structures which are not functionally dependent on a location on or in coastal waters, are not in areas of substantial public investment, or do not reinforce the role of a developed working waterfront, as far away from flooding and erosion hazards as possible.

1. No development is permitted in natural protective feature areas (nearshore, beaches, bluffs, primary dunes, and wetlands as defined under 6 NYCRR Part 505), except as specifically allowed under the relevant portions of 6 NYCRR 505.8.
2. Locate new development away from coastal hazards associated with inlet areas.
3. Avoid hazards by siting structures to maximize the distance from Coastal Erosion Hazard Areas.
4. Provide sufficient lot depth to allow relocation of structures and maintenance of required setbacks over a period of thirty years.
C. Where practical, moving existing structures and development which are exposed to hazards away from the hazard is preferred over maintaining structures and development in place. Maintaining existing development and structures in hazard areas may be warranted for:

1. structures which functionally require a location on the coast or in coastal waters, or
2. water-dependent uses which, by the nature of the use, cannot avoid exposure to hazards, or
3. sites in areas with extensive public investment, public infrastructure, or major public facilities

D. Provide public infrastructure in or near identified high velocity flood zones, structural hazard areas, or natural protective features only if the infrastructure:

1. will not promote new development or expansion of existing development in: a Coastal Barrier Resource Area, except as provided in the Coastal Barrier Resource System Act; a Coastal Erosion Hazard Area; or a V-zone.
2. is designed in a manner which will not impair protective capacities of natural protective features, and
3. is designed to avoid or withstand damage from flooding and erosion

II. Use vegetative non-structural measures, which have a reasonable probability of managing flooding and erosion based on capacities of natural protective features at every opportunity.

III. Enhance existing natural protective features and use non-structural measures, which have a reasonable probability of managing erosion.

A. Enhance the protective capabilities of beaches by using fill, artificial nourishment, dredge disposal, or by restoring coastal processes.

1. Use only clean sand or gravel with a grain size equivalent to or slightly larger than the native material at the project site.
2. Design criteria for enhancing the protective capabilities of beaches should not exceed the level necessary to achieve protection from a 30-year storm, except where there is an overriding public benefit.

3. Provide for sand by-passing at engineered inlets or other shore protection structures to maintain coastal processes and protective capabilities of beaches.

B. Protect and enhance existing dunes or create new dunes using fill, artificial nourishment, or entrapment of windborne sand.

1. Use only clean sand with a grain size equivalent or slightly larger than native dune material.

2. Design criteria for created dunes should not exceed the overtopping height defined by the 30-year storm, except where there is an overriding public benefit.

3. Enhance existing or created dunes using snow fencing and dune vegetation.

4. Construct and provide for use of walkovers to prevent pedestrian damage to existing and enhanced dunes.

C. Increase protective capacity of natural protective features using practical vegetative measures in association with all other enhancement efforts.

IV. Use hard structural erosion protection measures for control of erosion only where:

A. Avoidance of the hazard is not appropriate because a structure is: functionally dependent on a location on or in coastal waters; located in an area of extensive public investment; or reinforces the role of Maritime Centers or Areas for Concentrated Development.

B. Vegetative approaches to controlling erosion are not effective.

C. Enhancement of natural protective features would not prove practical in providing erosion protection.

D. Construction of a hard structure is the only practical design consideration and is essential to protecting the principal use.
E. The proposed hard structural erosion protection measures are:
   1. limited to the minimum scale necessary
   2. based on sound engineering practices

F. Practical vegetative methods have been included in the project design and implementation.

G. Adequate mitigation is provided and maintained to ensure that there is no adverse impact to adjacent property or to natural coastal processes and natural resources and, if undertaken by a private property owner, does not incur significant direct or indirect public costs.

4.2 Preserve and restore natural protective features.

I. Maximize the protective capabilities of natural protective features by:
   A. avoiding alteration or interference with shorelines in a natural condition
   B. enhancing existing natural protective features
   C. restoring the condition of impaired natural protective features wherever practical
   D. using practical vegetative approaches to stabilize natural shoreline features
   E. managing activities to limit damage to, or reverse damage which has diminished, the protective capacities of the natural shoreline
   F. providing relevant signage or other educational or interpretive material to increase public awareness of the importance of natural protective features

II. Minimize interference with natural coastal processes.
   A. Provide for natural supply and movement of unconsolidated materials and for water and wind transport.
   B. Limit intrusion of structures into coastal waters.
   C. Limited interference with coastal processes may be allowed where the principal purpose of the structure is necessary to:
1. simulate natural processes where existing structures have altered the coast, or

2. provide necessary public benefits for flooding and erosion protection, or

3. provide for the efficient operation of water-dependent uses

D. Limited interference is to be mitigated to ensure that there is no adverse impact to adjacent property, to natural coastal processes and natural resources, and, if undertaken by a private property owner, does not incur significant direct or indirect public costs.

4.3 Protect public lands and public trust lands and use of these lands when undertaking all erosion or flood control projects.

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

II. Avoid losses or likely losses of public trust lands or use of these lands, including public access along the shore, which can be reasonably attributed to or anticipated to result from erosion protection structures.

III. Provide and maintain compensatory mitigation of unavoidable impacts to ensure that there is no adverse impact to adjacent property, to natural coastal processes and natural resources, or to public trust lands and their use.

4.4 Manage navigation infrastructure to limit adverse impacts on coastal processes.

I. Manage navigation channels to limit adverse impacts on coastal processes.

A. Design channel construction and maintenance to protect and enhance natural protective features and prevent destabilization of adjacent areas by:

1. using dredging setbacks from established channel edges and designing finished slopes to ensure their stability

2. locating channels away from erodible features, where feasible

3. preventing adverse alteration of basin hydrology

4. including by-passing methods to maintain navigability and reduce frequency of dredging
B. Use clean dredged material as beach nourishment whenever the grain size of the dredged material is the same size or slightly larger than the grain size of the potential recipient beach.

II. Manage stabilized inlets to limit adverse impacts on coastal processes.

A. Include sand bypassing at all engineered or stabilized inlets which interrupt littoral processes.

B. Manage flood and ebb tidal deltas to simulate natural processes.

C. Avoid extending jetties when it will increase disruption of coastal processes.

4.5 Expend public funds for management or control of flooding or erosion hazards only in areas of the coast which will result in proportionate public benefit.

Give priority in expenditure of public funds to actions which protect public health and safety, mitigate past flooding and erosion, protect areas of intensive development, and protect substantial public investment (land, infrastructure, facilities).

I. Expenditure of public funds for flooding or erosion control projects:

A. is limited to those circumstances where public benefits exceed public costs

B. is prohibited for the exclusive purpose of flooding or erosion protection for private development, with the exception of work done by an erosion control district, and

C. may be apportioned among each level of participating governmental authority according to the relative public benefit accrued

II. Factors to be used in determining public benefit attributable to the proposed flood or erosion control measure include:

A. economic benefits derived from protection of public infrastructure and investment and protection of water-dependent commerce, or

B. protection of significant natural resources and maintenance or restoration of coastal processes, or

C. integrity of natural protective features, or
D. extent of public infrastructure investment, or
E. extent of existing or potential public use

Applications of these factors indicate that public expenditure for erosion and flood control projects may be warranted in developed centers.

4.6 Comply with the provisions of any municipal erosion management plan, consistent with the provisions of this policy.

4.7 Include sea level rise calculations in siting and design of all major projects having more than a fifty year design life.

POLICY 5
Protect and improve water resources.

Explanation of Policy

The purpose of this policy is to protect the quality and quantity of water in the Coastal Area. Quality considerations include both point and nonpoint pollution management. Water quality protection and improvement must be accomplished by the combination of managing new and remediation existing sources of pollution. In some areas with existing water quality impairments, aggressive remediation measures may be needed.

Five sections present the standards for this policy. The first section deals with both point and nonpoint sources of pollution. These standards reflect state regulations for point source discharge, treatment of sanitary and industrial wastes, and discharges into navigable waters. Section 2 presents specific approaches for managing nonpoint source pollution according to the land use or pollution source categories. Section 3 summarizes existing regulations for protection of coastal water quality. Section 4 specifically addresses cumulative and secondary impacts as related to water quality. The last section deals with protection of potable water supplies from contamination, salt water intrusion, and depletion.

5.1 Prohibit direct or indirect discharges, which would cause or contribute to contravention of water quality standards and targets.

I. Prevent point source discharges into coastal waters and manages or avoid land and water uses, which would:

A. exceed applicable effluent limitations
B. cause or contribute to contravention of water quality classification and use standards
C. materially adversely affects receiving water quality
D. violate a vessel no-discharge zone

II. Ensure effective treatment of sanitary sewage and industrial discharges by:

A. maintaining efficient operation of sewage and industrial treatment facilities
B. providing, at a minimum, effective secondary treatment of sanitary sewage
C. modifying existing sewage treatment facilities to provide improved nitrogen removal capacity
D. incorporating treatment beyond secondary, as feasible, particularly focusing on nitrogen removal, as part of new wastewater treatment plant design
E. reducing demand on treatment facilities:
   1. reduce infiltration of excess water in collection and transport systems
   2. eliminate unauthorized collection system hookups
   3. pre-treat industrial wastes
   4. limit discharge volumes and pollutant loadings to or below authorized levels
   5. install low-flow water conservation fixtures in:
      a) all new development, and
      b) when replacing fixtures in existing development
F. reducing the loadings of toxic materials into coastal waters by including limits on toxic metals as part of wastewater treatment plant (WWTP) effluent permits
G. reducing or eliminating combined sewer overflows
H. providing and managing on-site disposal systems:
   1. Use on-site disposal systems only when impractical to connect with public sewer systems.
2. Protect surface and groundwater against contamination from pathogens and excessive nutrient loading by keeping septic effluent separated from groundwater and by providing adequate treatment of septic effluent.

This standard addresses performance of septic systems. Factors to include in assessing septic systems include water table elevation, soil porosity, and system design. Septic system capacity is an important factor which can be controlled by reducing unnecessary organic loads (e.g., by avoiding use of garbage disposals). Nutrient loading to groundwater is of concern based on cumulative effects and resulting contamination of potable groundwater water and excessive nutrient loadings into surface waters including through springs and groundwater lens ponds.

3. Encourage evaluation and implementation of alternative or innovative on-site sanitary waste systems to remediate on-site systems that currently do not adequately treat or separate effluent.

5.2 Minimize nonpoint pollution of coastal waters and manage activities causing nonpoint pollution.

I. Minimize nonpoint pollution of coastal waters using the following approaches, which are presented in order of priority.

A. Avoid nonpoint pollution by limiting nonpoint sources.

1. Reduce or eliminate introduction of materials which may contribute to nonpoint pollution.

2. Avoid activities, which would increase off-site stormwater runoff and transport of pollutants.

3. Control and manage stormwater runoff to:
   a. minimize transport of pollutants, and
   b. restore sites to emulate natural stormwater runoff conditions where degraded stormwater runoff conditions exist, or
   c. achieve no net increase of runoff where unimpaired stormwater runoff conditions exist
4. Retain or establish vegetation to maintain or provide:
   a. soil stabilization, and
   b. filtering capacity in riparian and littoral zones

5. Preserve natural hydrologic conditions.
   a. Maintain natural surface water flow characteristics.
   b. Retain natural watercourses and drainage systems where present.
   c. Where natural drainage systems are absent or incapable of handling the anticipated runoff demands:
      (1) develop open vegetated drainage systems as the preferred approach and design these systems to include long and indirect flow paths and to decrease peak runoff flows
      (2) use closed drainage systems only where site constraints and stormwater flow demands make open water systems infeasible

B. Reduce pollutant loads to coastal waters by managing unavoidable nonpoint sources and use appropriate best management practices as determined by site characteristics, design standards, operational conditions, and maintenance programs.

II. Reduce nonpoint source pollution using specific management measures appropriate to specific land use or pollution source categories.

This section presents summary management measures to apply to specific land use or pollution sources. These management measures are to be applied within the context of the prioritized approach of avoidance, reduction, and management presented in the previous policy section. Further information on specific management measures is contained in Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters (U.S. EPA, 840-B-92-002).

A. Agriculture
   1. Control soil erosion and contain sediment in order to avoid entry of soils into coastal waters.
2. Manage nutrient loadings by applying nutrients only in amounts needed for crop growth, avoiding nutrient applications, which will result in nutrient loadings to coastal waters and tributaries.

3. Limit contamination of coastal waters from pesticides to the extent possible by applying pesticides only when economically appropriate and in a safe manner.

4. Manage irrigation and use of chemicals to avoid contamination of return flows with fertilizers, pesticides or their residues, or accumulated salts; and to prevent contamination of source waters by avoiding backflow of waters used to apply chemicals through irrigation.

B. Urban
1. For new development, manage total suspended solids in runoff to remain at predevelopment loadings.

2. For site development, limit activities that increase erosion or the amount or velocity of stormwater runoff.

3. For construction sites, reduce erosion and retain sedimentation on site, and limit and control use of chemicals and nutrients.

4. For new on-site sewage disposal systems, ensure that siting, design, maintenance, and operation prevent discharge of pollutants.

5. Plan, site, and design roads and highways to manage erosion and sediment loss, and limit disturbance of land and vegetation.

6. Plan, site, and design bridges to protect ecosystems.

7. For roads, highways, and bridges, minimize to the extent practical the runoff of contaminants to coastal waters.

C. Marinas
1. Site and design marinas such that tides and/or currents will aid in flushing of the site or renew its water regularly.

2. Assess impact on water quality as part of marina siting and design. Do not site new marinas in Class SA waters.
3. Manage stormwater runoff, discharge of hazardous substances, and solid waste.

D. Hydro modifications
   1. Maintain the physical and chemical characteristics of surface waters, reduce adverse impacts, and, where possible improve the physical and chemical characteristics of surface waters in channels.
   2. Minimize impacts of channelization and channel modification on instream and riparian habitat, and identify opportunities to restore habitat.
   3. Use vegetative means, where possible, to protect stream banks and shorelines from erosion.
   4. Manage wetlands that have been channelized to simulate natural hydrology.

E. Floatables and litter
   1. Prohibit all direct or indirect discharges of refuse or litter into waters of the state or upon public lands contiguous to and within 100 feet of waters of the state.
   2. Limit entry of floatables to surface waters through containment and prevention of litter.
   3. Remove and dispose of floatables and litter from surface waters and shorelines.
   4. Implement pollution prevention and education programs to reduce discharge of floatables and litter into storm drains.

5.3 Protect and enhance water quality of coastal waters.
   I. Protect water quality based on an evaluation of physical factors (pH, dissolved oxygen, dissolved solids, nutrients, odor, color and turbidity), health factors (pathogens, chemical contaminants, and toxicity), and aesthetic factors (oils, floatables, refuse, and suspended solids).
   II. Minimize disturbance of streams including their bed and banks in order to prevent erosion of soil, increased turbidity, and irregular variation in velocity, temperature, and level of water.
III. Protect water quality of coastal waters, estuaries, tidal marshes, and wetlands that are adjacent to and contiguous at any point to navigable waters from adverse impacts associated with excavation.

IV. Limit potential adverse impacts on water quality due to excavation or placement of fill using avoidance and minimization methods including reduction in scope of work and use of clean fill.

5.4 Limit the potential for cumulative and secondary impact of watershed development and other activities on water quality and quantity.

I. Protect water quality by ensuring that watershed development results in:
   A. protection of areas that provide important water quality benefits
   B. maintenance of natural characteristics of drainage systems, and
   C. protection of areas that are particularly susceptible to erosion and sediment loss

II. Limit the individual impacts associated with development to prevent cumulative water quality impacts which would lead to a failure to meet water quality standards.

5.5 Protect and conserve quality and quantity of potable water.

I. Prevent contamination of potable waters by limiting discharges of pollutants to maintain water quality according to water quality classification, and limiting land use practices which are likely to contribute to contravention of surface and groundwater quality classifications for potable water supplies.

II. Prevent depletion of existing potable water supplies by limiting saltwater intrusion in aquifers and estuaries, through conservation methods or restrictions on water supply use and withdrawals, and by allowing for recharge of potable aquifers.

   - Limit cumulative impact of development on groundwater recharge areas to ensure replenishment of potable groundwater supplies.
POLICY 6
Protect and restore ecological resources, including significant fish and wildlife habitats, wetlands, and rare ecological communities.

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

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

6.1 Protect and restore ecological quality
The Village of Sodus Point is committed to avoiding adverse changes to the quality of the Sodus Bay ecosystem and to mitigating impacts of new development. As described in the Greater Sodus Bay Harbor Management Plan, and in Section IV, under C. Proposed Projects, a process that coordinates open space planning and acquisition through the Sodus Bay municipalities should be created. The plan produced by this process would identify and incorporate areas around the bay that are unsuitable for development, are highly sensitive to development impacts, provide scenic views of the bay or have high value and accessibility for public use. Also, this plan would identify significant and valued natural areas for preservation and potential development for public access, consider the conservation value, educational potential of each identified site, development costs, and acquisition strategies - if not in public ownership.

6.2 Protect Significant Coastal Fish and Wildlife Habitats.
Significant Coastal Fish and Wildlife Habitats, identified by the Department of Environmental Conservation as critical to the maintenance or re-establishment of species of fish and wildlife in the coastal area and designated by the Secretary of State,
must be protected for the habitat values they provide and to avoid permanent adverse changes to the coastal ecosystem.

Sodus Bay is a State-Designated Significant Coastal Fish and Wildlife Habitat and is described in individual Significant Coastal Fish and Wildlife Habitat narratives and outlined on boundary maps prepared by the Department of State.

The first section of these standards presents the criteria for designation of Significant Coastal Fish and Wildlife Habitats. The remaining standards for this section are to be applied to any activity that is subject to consistency review under federal and state laws. Examples of generic activities, which could destroy or significantly impair habitat values, are provided within the impact assessment section of the narrative for each designated habitat.

Significant fish and wildlife habitats are those habitat areas which:

a. Exhibit to a substantial degree one or more of the following characteristics:
   1. is essential to the survival of a large portion of a particular fish or wildlife population
   2. supports a species which is either endangered, threatened, or of special concern as those terms are defined at 6 NYCRR Part 182
   3. supports fish or wildlife populations having significant commercial, recreational or educational value, or
   4. is of a type which is not commonly found in the state or a coastal region of the state, and

b. Are difficult, or even impossible, to replace in kind.

Uses or activities should be avoided which would:

a. Destroy habitat values through direct physical alteration, disturbance, or pollution, or the indirect effects of actions, which would result in a loss of habitat.

b. Significantly impair the viability of a habitat beyond the tolerance range of fish and wildlife species through:
   1. Degradation of existing habitat elements
   2. Change in environmental conditions
   3. Functional loss of habitat values, or
4. Adverse alteration of physical, biological, or chemical characteristics.

Where destruction or significant impairment of habitat values cannot be avoided, potential impacts of land use or development should be minimized through appropriate mitigation. Use mitigation measures, which are likely to result in the least environmentally damaging feasible alternative. Mitigation includes:

a. avoidance of potential adverse impacts, including:
   1. avoiding ecologically sensitive areas
   2. scheduling activities to avoid vulnerable periods in life cycles or the creation of unfavorable environmental conditions
   3. preventing fragmentation of intact habitat areas

b. minimization of unavoidable potential adverse impacts, including:
   1. reducing scale or intensity of use or development
   2. designing projects to result in the least amount of potential adverse impact
   3. choosing alternative actions or methods that would lessen potential impact

c. specific measures designed to protect habitat values from impacts that cannot be sufficiently avoided or minimized to prevent habitat destruction or significant habitat impairment

d. specific protective measures included in the narratives for each designated Significant Coastal Fish and Wildlife Habitat area.

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

Sodus Bay is approximately 3,000 acres with maximum depths of 45 feet, but is mostly shallow, with depths of less than 20 feet. The outlet of Sodus Bay has been reduced to a narrow stabilized channel by construction of concrete and steel jetties. The bay receives inflow from four creeks. Sizeable areas of emergent vegetation have developed at the lower ends of the creeks, and in the sheltered portions of the bay. Wetlands border Sodus, First and Second Creeks.
The entire bay is used for recreation during the summer months, and there is a trend toward extending the season from March to November, with use in the early and late weeks by salmonid fishermen. Despite the human disturbance, the area still serves as a productive fish and wildlife habitat. (Refer to Section II, Inventory and Analysis for additional details.)

Any activity that substantially degrades water quality, such as increases in temperature or turbidity, alteration of water depths or increase or decrease of inflows in Sodus Bay would adversely affect a variety of fish and wildlife species. Discharges of untreated stormwater runoff containing sediments or chemical pollutants (including fertilizers, herbicides, or insecticides) will potentially result in adverse impacts on fish and wildlife resources of the area. Habitat disturbances would be especially detrimental during fish spawning and nursery periods (March - July for most warmwater species, and September - November for most salmonids) and waterfowl breeding seasons (April - July for most species). Elimination of wetland habitats (including submergent aquatic beds), as a result of dredging or filling, would reduce the value of this area to fish and wildlife. Construction and maintenance of shoreline structures, such as docks, piers, and bulkheads, may have a significant impact on the shoreline habitat. Existing areas of natural vegetation bordering the Bay should be maintained for their value as cover for wildlife, perch and nesting sites, and buffer zones. Barriers to fish migrations between Sodus Bay, Lake Ontario, and any tributary stream, could have significant effects on fish populations in the area. Any substantial physical alteration of the outlet or barrier beach formation would affect the fisheries resources, and human use of the area. However, public access to Sodus Bay should be maintained or enhanced to ensure that adequate opportunities for compatible human uses of the fish and wildlife resources are available.

Guidelines:

- The Sodus Bay habitat shall be protected, preserved, and where practical, restored so as to maintain its viability as a habitat.

- Protect fish and wildlife resources in the coastal area from the introduction of hazardous wastes and other pollutants which bio-accumulate in the food chain or which cause significant modification to habitats or related natural resources.

6.3 Support the restoration of Significant Coastal Fish and Wildlife Habitats wherever possible so as to foster their continued existence as natural, self-regulating systems.

Measures, which can be undertaken to restore significant habitats, include:
a. reconstructing lost physical conditions to maximize habitat values
b. adjusting adversely altered chemical characteristics to emulate natural conditions
c. manipulating biological characteristics to emulate natural conditions through re-introduction of indigenous flora and fauna

6.4 Protect and restore freshwater wetlands.

Wetlands provide numerous benefits, including, but not limited to, the following: habitat for fish and wildlife; erosion and flood control; natural pollution treatment; groundwater protection; and aesthetic open space.

The following measures can further the protection or restoration of wetlands:

a. Compliance with the statutory and regulatory requirements of the Freshwater Wetlands Act and the Stream Protection Act.

b. Prevention of the net loss of wetlands by:
   • Avoiding placement of fill or excavation of wetlands.
   • Minimizing adverse impacts resulting from unavoidable fill, excavation or other activities.
   • Providing compensatory mitigation for adverse impacts, which may result from unavoidable fill, excavation or other activities remaining after all appropriate and practicable minimization has been accomplished.

Provide and maintain adequate vegetative buffers between wetlands and adjacent or nearby uses and activities in order to ensure protection of the wetlands character, quality, values, and functions.

POLICY 7

Protect and improve air quality in the Coastal Area.

Explanation of Policy

This policy provides for protection of the coastal area from air pollution generated within the coastal area or adversely affecting coastal air quality.

The four sections of this policy are divided to reflect the organization of state statutes. The first section addresses point and nonpoint sources of air pollution, stationary sources, mobile sources, and sources of acid rain precursors. Section 2 deals directly with atmospheric
discharges of radioactive material and Section 3 addresses chlorofluorocarbons. The last section addresses atmospheric deposition of pollutants.

7.1 **Control or abate existing, and prevent new air pollution.**

I. Limit pollution resulting from new or existing stationary air contamination sources, consistent with:
   - G. attainment or maintenance of any applicable ambient air quality standard
   - H. applicable New Source Performance Standards
   - C. applicable control strategy of the State Implementation Plan, and
   - D. applicable Prevention of Significant Deterioration requirements

II. Recycle or salvage air contaminants using best available air cleaning technologies.

III. Limit pollution resulting from vehicular or vessel movement or operation, including actions, which directly or indirectly change transportation uses or operation, consistent with attainment or maintenance of applicable ambient air quality standards, and applicable portions of any control strategy of the State Implementation Plan.

IV. Restrict emissions of air contaminants to the outdoor atmosphere which are potentially injurious to human, plant, or animal life or property, or unreasonably interfere with the comfortable enjoyment of life or property.

V. Limit new facility or stationary source emissions of acid deposition precursors consistent with achieving final control target levels for wet sulfur deposition in sensitive receptor areas, and meeting New Source Performance Standards for the emissions of oxides of nitrogen.

7.2 **Limit discharges of atmospheric radioactive material to a level that is as low as practicable.**

7.3 **Capture and recycle chlorofluorocarbon compounds during service and repair of air-conditioning and refrigeration units to the greatest extent possible.**
POLICY 8

Minimize environmental degradation in the Coastal Area from solid waste and hazardous substances.

Explanation of Policy

Development of the Coastal Area has resulted in contamination of some waterfront parcels, particularly from industrial uses. Former landfills may produce leachates which degrade both surface and industrial waste dumps, may pose immediate problems and can preclude or delay appropriate reuse of coastal lands. Smaller and more incremental solid waste problems arise from littering.

The intent of this policy is to protect people from sources of contamination and to protect coastal resources from degradation through proper control and management of wastes and hazardous materials. In addition, this policy is intended to promote the expeditious remediation and reclamation of hazardous waste sites in developed centers to permit redevelopment.

Standards are divided into four major categories according to the type of material addressed: solid waste, hazardous wastes, toxic pollutants and hazardous substances, and petroleum products. Two additional sections of standards address transportation of solid and hazardous wastes and siting requirements for solid and hazardous waste facilities. Section 1 establishes requirements for the handling, management, and transportation of solid waste. It also includes the state's management priorities for the reduction, reuse, and disposal of solid wastes. Section 2 deals with the treatment, storage, and disposal of hazardous wastes and includes standards for minimizing potential exposures through appropriate management. Section 3 addresses degradation of the environment resulting from discharges of toxic substances. Section 4 addresses storage and transportation of petroleum products and protocols for spill cleanup. Section 5 addresses transportation of solid and hazardous substances. Section 6 includes siting criteria for solid and hazardous waste facilities.

8.1 Manage solid waste to protect public health and control pollution.

I. Solid wastes are those materials defined under ECL §27-0701 and 6 NYCRR Part 360 1.2.

II. Plan for proper and effective solid waste disposal prior to undertaking major development or activities generating solid wastes.

III. Manage solid waste in accordance with the following solid waste management priorities:

   A. Reduce the amount of solid waste generated.
B. Reuse material for the purpose for which it was originally intended or recycle material that cannot be reused.

C. Use land burial or other approved methods to dispose of solid waste that is not being reused or recycled.

Municipal, industrial, and commercial discharges include not only end-of-the pipe discharges into surface and groundwater but also general non-point source site runoff, including leaching, spillages, sludge, and other waste disposal, and drainage from material storage sites. Also, regulated 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. Subsequently, enterprises located in the Village of Sodus Point’s commercial and industrial zones are not to discharge materials or chemicals, which would be harmful to the Village’s sewers or sewage treatment plant.

Pursuant to the Federal Clean Water Act of 1977, the State has classified its coastal and other waters in accordance with considerations 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 requirements established by the State pursuant to the Federal Clean Water Act. First and Second Creeks are classified as (D) streams. It is not recommended that the classification be changed; however, further degradation of water quality in these streams is to be prevented. It appears that water quality issues affecting these streams originate outside the Village limits.

Sanitary Waste Treatment System - The Village maintains a modern sanitary waste treatment system, and requires all new development to hook into Village sanitary sewers. Consequently, it is not necessary to encourage the use of alternative or innovative systems for sewage wastes or discharge.

Stormwater Runoff - Best management practices include both structural and non-structural methods of preventing or mitigating pollution caused by the discharge of stormwater runoff and sewer overflows. At present, structural approaches to controlling stormwater runoff are not always economically feasible. The Clean Water Act encourages innovative stormwater management.
Until funding for such projects becomes available, non-structural approaches (e.g., improved street cleaning, reduced use of road salt) should be encouraged.

Agricultural activities are potential sources of non-point pollution of coastal waters around Sodus Bay. The Village’s coastal area contains few active agricultural areas, such as the orchards along Route 14. However, other agricultural activities upstream on First and Second Creeks and outside Village jurisdiction may have the potential for non-point pollution. The Village should collaborate with and encourage the Town of Sodus with an education program to identify and minimize any discharges from upland agricultural activities.

Other possible sources of non-point pollution in the Village include: Village roads (sands, silt, salt, and petrochemicals), the Village parking lots, the Wayne County Park beach parking area and boat ramp, the Town boat ramp, bayside marinas and boat service and cleaning yards, and the lawns of the golf course and bayside residences.

**Vessel Wastes** - Other practices, such as the discharging vessel wastes into the waters surrounding the Village of Sodus Point, can have a number of negative effects. These effects could be particularly offensive on the bayside of the Village where water circulates less freely. Vessel wastes can threaten the quality of the Sodus Bay Significant Fish and Wildlife Habitat, and the public beaches of Sodus Point. They can also diminish the attractiveness of near shore waters, especially near Sand Point, where boating and onshore recreational pursuits are most intense. Therefore, this policy requires compliance with federal waste discharge standards developed pursuant to 1987 amendments to the Federal Clean Waters Act. These standards limit the discharge of sewage, garbage, rubbish, and other solid and liquid materials from watercraft and marinas, which provide dockage or moorings for boats, equipped with marine sanitation devices. These businesses are to provide pump out facilities adequate to serve the Marina during times of peak activity. Boat discharges into the Lake and Bay waters are regulated by the Clean Waters Act. However, both a program of education and enforcement are needed to change some boaters’ current habits of illegal discharging. The Village of Sodus Point, in collaboration with the other Bay communities, is committed to educating boaters about the services that are provided around the bay for vessel waste discharge.

**Dredging** - Dredging often proves to be essential for waterfront revitalization and development, maintaining channels at sufficient depths, removing pollutants, and meeting other coastal management needs. Dredging in the Village of Sodus...
Point area is undertaken to keep open the boating channel between Lake Ontario and Sodus Bay. Occasional dredging also maintains access to marinas in the bay. Such dredging projects, however, may temporarily but adversely affect water quality. Often these adverse effects can be minimized through careful design and timing of the dredging operation and proper siting of the dredge spoil disposal site. Dredging permits shall be granted if it has been satisfactorily demonstrated that these anticipated adverse effects have been reduced to levels, which satisfy State dredging permit standards set forth in regulations developed pursuant to the Environmental Conservation Law, and are consistent with policies pertaining to the protection of coastal resources.

**Oil Pollutants** - Within the Village of Sodus Point, several gasoline stations and marinas near the Bay use petroleum products. Shipment and storage of these products must comply with State regulations and will be done in a manner which prevents or minimizes spills into the Bay waters. Storage will comply with Bulk Storage Regulations, promulgated by DEC.

The Village has no control of, or association with, shipping on Lake Ontario. Shipping of petroleum or hazardous materials is regulated at the State and Federal levels to minimize the risk of spill.

**Guidelines:**

The following guidelines shall be applied to all development and land use activities within the Village of Sodus Point waterfront area to reduce or minimize non-point source pollution:

1. Adjacent to creeks and DEC-designated wetlands -- a natural vegetative buffer of 25 feet shall be maintained with impervious surfaces set back 100 feet. Along the Bay shore, a natural vegetated strip should also be maintained or reintroduced as practicable. Where this is not practicable, development shall ensure that runoff from the site does not directly enter a water body.

2. Impervious surfaces, such as structures, driveways, walks, or parking areas shall be designed, located, constructed, and maintained to minimize the amount and velocity of runoff entering a wetland, stream, or the Bay. A high ratio of vegetated areas, grasslined swales and retention basins are examples of mitigative measures, which should be, incorporated in future site designs.
3. Development shall preserve salient natural features of a site, minimize grading and cut and fill operations, ensure conformity with natural topography and retain vegetation to the maximum extent practicable in order to create the least erosion potential and handle adequately the volume and rate of velocity of surface water runoff.

4. Natural drainage patterns shall be protected and incorporated into proposed site designs. If natural drainage patterns are demonstrated to be adversely affecting a natural protective future (beach or bluff), 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.

5. Site preparation, including stripping of vegetative cover and grading, shall be undertaken so that no individual building site is stripped of its vegetative cover more than thirty (30) days prior to commencement of construction. Best practices for sedimentation controls shall be required with all new construction.

6. Disturbed soils shall be stabilized and revegetated or seeded as soon as practicable. During the interim construction period, erosion protection measures such as temporary vegetation, retention ponds, recharge basins, berming, silt traps, and mulching shall be used to ensure that erosion is minimized and mitigated.

7. In no case shall stormwater be diverted to another property either during site preparation or after development.

8. The amount and velocity of runoff from a site after development shall approximate pre-development characteristics. However, if the site is adjacent to coastal waters, stormwater shall be contained on-site, to the maximum extent practicable, to prevent direct discharge of runoff into coastal waters.

9. Use of chemical cleaning agents to service machinery, equipment, or boats shall be kept to a minimum; chemicals shall be disposed of in an environmentally safe manner.

10. Boat ramps, street ends, and parking areas shall be designed to prevent direct runoff into waterbodies.
11. The Village will minimize the use of road salt and alternative chemicals on Village maintained streets/roads, provided safe road conditions can be maintained on such streets/roads.

In addition to these guidelines, the following educational programs should be pursued:

- Educate employees of waterside businesses in the use of cleaning practices which avoid soil or water contamination; and
- Educate residents on the pollutant potential from fertilizer and pesticide applications to lawns and gardens.

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

Within the Village of Sodus Point there is currently no use involving production, transport, storage, treatment, or disposal of solid waste that would cause damage to groundwater, surface water supplies, coastal fish and wildlife habitats, recreation areas, or scenic resources. Such production, storage, treatment, or disposal shall not be permitted in the waterfront area.

IV. Create and support a market for maximum resource recovery by using materials and products manufactured with recovered materials, and recovering materials as a source of supply for manufacturing materials and products.

V. Prevent the discharge of solid wastes into the environment by using proper handling, management, and transportation practices.

VI. Operate solid waste management facilities to prevent or reduce water pollution, air pollution, noise pollution, obnoxious odors, litter, pest infestation, and other conditions harmful to the public health.

8.2 Manage hazardous wastes to protect public health and control pollution.

I. Hazardous wastes are those materials defined under ECL §27-0901 and 6 NYCRR Part 371.

II. Manage hazardous waste in accordance with the following priorities:
A. Eliminate or reduce generation of hazardous wastes to the maximum extent practical.
B. Recover, reuse, or recycle remaining hazardous wastes to the maximum extent practical.
C. Use detoxification, treatment, or destruction technologies to dispose of hazardous wastes, which cannot be reduced, recovered, reused, or recycled.
D. Phase out land disposal of industrial hazardous wastes.

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

IV. Remediate inactive hazardous waste disposal sites.

A. Expedite remediation of substances hazardous in developed centers to permit redevelopment of the sites.
B. Select a remediation remedy at a particular site to ensure that the public health and the environment will be protected. The future use of a site may determine the selected cleanup levels.

8.3 Protect the environment from degradation due to toxic pollutants and substances hazardous to the environment.

I. Substances hazardous to the environment are defined under ECL §37-0101. Toxic pollutants are defined under ECL §17-0105.

II. Prevent release of toxic pollutants or substances hazardous to the environment which would have a deleterious effect on fish and wildlife resources.

III. Prevent environmental degradation due to persistent toxic pollutants:
   A. Limit discharges of bioaccumulative substances.
   B. Avoid resuspension of toxic pollutants and hazardous substances and wastes and re-entry of bioaccumulative substances into the food chain from existing environmental sources.

IV. Prevent and control environmental pollution due to release of radioactive materials as defined under 6 NYCRR Part 380.

V. Protect public health, public and private property, and fish and wildlife from inappropriate use of pesticides.
A. Pesticides are those substances defined under ECL §33-0101 and 6 NYCRR Part 325.
B. Limit use of pesticides to effectively target actual pest populations as indicated through integrated pest management methods.
C. Prevent direct or indirect entry of pesticides into waterways.
D. Minimize exposure of people, fish, and wildlife to pesticides.

VI. Report, respond to, and take action to correct all unregulated releases of substances hazardous to the environment.

8.4 Prevent and remediate discharge of petroleum products.

I. Minimize adverse impacts from potential oil spills by appropriate siting of petroleum off-loading facilities.

II. Demonstrate that an adequate plan for prevention and control of petroleum discharges is in place at any major petroleum-related facility.

III. Prevent discharges of petroleum products by following methods approved for handling and storage of petroleum products and using approved design and maintenance principles for storage facilities.

IV. Clean up and remove any petroleum discharge.
Undertake clean-up and removal activities in accordance with the guidelines contained in the New York State Water Quality Accident Contingency Plan and Handbook and the procedures specified in the New York State Water Quality Accident Contingency Plan and Handbook.

A. Give first priority to minimizing environmental damage:
   1. Respond quickly to contain petroleum spills.
   2. Contain discharges immediately after discovery.
B. Recover and recycle petroleum discharges using the best available practices.

8.5 Transport solid waste and hazardous substances and waste using routes and methods which protect the safety, well-being, and general welfare of the public and the environmental resources of the state; and protect continued use of all transportation corridors and highways and transportation facilities.

I. Solid and hazardous waste facilities should not be located within the coastal area unless there is a demonstrated need for waterborne transport of waste materials and substances.
II. If the need for a coastal location is demonstrated, preclude impairment of coastal resources from solid and hazardous waste facilities by siting these facilities so that they are not located in or would not adversely affect:
   A. agricultural lands
   B. natural protective feature areas
   C. surface waters, primary water supply, or principal aquifers
   D. designated Significant Coastal Fish and Wildlife Habitats
   E. habitats critical to vulnerable fish and wildlife species, vulnerable plant species, and rare ecological communities, and
   F. wetlands

PUBLIC WATERFRONT POLICIES

POLICY 9
Provide for public access to, and recreational use of, coastal waters, public lands, and public resources of the Coastal Area.

Explanation of Policy

Along many stretches of the coast physical and visual access to coastal lands and waters is limited for the general public. Limitations on reaching or viewing the coast are further heightened by a general lack of opportunity for diverse forms of recreation at those sites that do provide access. Often access and recreational opportunities that are available are limited to local residents. Existing development has made much of the coast inaccessible and new development has been eliminating remaining opportunities to provide meaningful public access. In addition to loss of opportunities for physical access, visual access has also been lost due to the loss of vantage points or outright blockage of views. In some locations, access along public trust lands of the shore has been impeded by long docks and shoreline fortification has led to physical loss of access. Use of the water surface has also been inappropriately impeded by long structures.

Existing public access and opportunities for recreation are inadequate to meet the needs of the residents of the State. Given the lack of adequate public access and recreation, this policy incorporates measures needed to provide public access throughout the coastal area. The need to maintain and improve existing public access and facilities is the first of these measures, and is necessary to ensure that use of existing access sites and facilities is optimized in order to accommodate existing demand. The second measure is to capitalize on all available...
opportunities to provide additional visual and physical public access along with appropriate opportunities for recreation.

The policy is divided into five sections. The first section promotes physical access through protection of existing access and recreation facilities and provisions for additional physical access. Section 2 presents standards for protection and provision of visual access. Section 3 deals with the public trust doctrine as a critical component of ensuring public access to the coast. Standards to clarify and reinforce public trust rights are contained in this section. Section 4 addresses structures in public trust lands and waters. Section 5 provides standards to prevent the despoliation of natural areas when public access is developed.

9.1. **Promote appropriate physical public access and recreation throughout the coastal area.**

I. Provide a level of public access and type of recreational use which takes into account the following factors:
   A. proximity to population centers
   B. public demand for access and recreational use
   C. type and sensitivity of natural resources affected
   D. purpose of public institutions which may exist on the site
   E. accessibility to the public access site or facility
   F. the needs of special groups such as the elderly and persons with disabilities
   G. the potential for adverse impacts on adjacent land uses

II. Provide convenient, well-defined physical public access to and along the coast for water-related recreation, for all seasons. (See Section IV, C Proposed projects, Improve Access for Winter Use.)

III. Protect and maintain existing public access and water-related recreation facilities.
   A. Prevent physical deterioration of facilities due to lack of maintenance or overuse.
   B. Prevent any on-site or adjacent development project or activity from directly or indirectly impairing physical public access and recreation or adversely affecting its quality.
   C. Protect and maintain established access and recreation facilities.
D. Protect and maintain the infrastructure supporting public access and recreational facilities.

IV. Provide additional physical public access and recreation facilities at public sites throughout the coastal area.

A. Promote acquisition of additional public park lands to meet existing public access and recreation needs.

B. Provide for public access and recreation facilities on non-park public waterfront lands as a secondary use.

C. Provide for public access at streets terminating at the shoreline.

D. Provide access and recreation facilities to all members of the public whenever access or recreation is directly or indirectly supported through federal or State projects or funding.

E. Retain a public interest which will be adequate to preserve public access and recreation opportunities in publicly owned lands immediately adjacent to the shore in any transfer of public lands.

This standard promotes expansion of a network of recreational opportunities through physical linkages that would establish greenways and blueways.

V. Provide physical public access to, and/or water-related recreation facilities on, coastal lands and waters whenever development or activities are likely to affect the public's use and enjoyment of public coastal lands and waters. Provide incentives to private development projects which provide public access and/or water-related recreation facilities.

VI. Restrict public access and recreation only where incompatible with public safety and protection natural resources.

9.2 Provide public visual access to coastal lands and waters or open space at all sites where physically practical. (See Section IV.C. Proposed projects, #22)

I. Avoid loss of existing visual access.

A. Limit physical blockage of existing visual access by development or activities due to the scale, design, location, or type structures.
B. Protect view corridors provided by streets and other public areas leading to the coast.

C. Protect visual access to open space areas associated with natural resources.

II. Minimize adverse impact on visual access.
   A. Provide for view corridors to the coast in those locations where new structures would block views of the coast from inland public vantage points.
   B. Use structural design and building siting techniques to preserve or retain visual access and minimize obstruction of views.
   C. Visual access requirements may be reduced where site conditions, including vegetative cover or natural protective features, block potential views.
   D. Vegetative or structural screening of an industrial or commercial waterfront site is allowed if the resulting overall visual quality outweighs the loss of visual access.

III. Provide compensatory mitigation for loss of visual access.
   A. Provide public visual access from vantage points on the site where development of the site blocks visual access from inland public vantage points.
   B. Provide for additional and comparable visual access at nearby locations if physical access cannot be provided on-site.

IV. Increase visual access to the coast whenever practical.
   A. Provide pull offs along public roads at appropriate locations to enhance opportunities for visual access to coastal lands and waters.
   B. Provide interpretative exhibits at appropriate locations for visual access to enhance public understanding and enjoyment of views of coastal lands and waters and its associated water-dependent uses.
C. Provide visual access to areas of high visual quality including community waterfronts, water-dependent uses, agriculture, natural resources, and panoramas of the lake and the bay.

9.3 Preserve public interest in and use of lands and waters held in public trust by the state and other government levels.

I. Limit grants, leases, easements, permits or lesser interest in lands underwater in accordance with an assessment of potential adverse impacts of the proposed use, structure, or facility on public interest in public lands under water. Use the following factors in assessing potential adverse impact:
   A. environmental impact
   B. values for natural resource management, public recreation, and commerce
   C. size, character, and effect of the transfer in relation to neighboring uses
   D. potential for interference with navigation, public uses of waterway, and riparian rights
   E. effect of the transfer of interest on the natural resources associated with the lands
   F. water-dependent nature of use
   G. adverse economic impact on existing commercial enterprises, and
   H. consistency with the public interest for purposes of navigation and commerce, fishing, bathing, and access to navigable waters and the need of the owners of private property to safeguard development

II. Limit the transfer of interest in public trust lands to the minimum necessary conveyance of public interest.
   A. Provide the minimum conveyance using the legal instrument, which results in the least abrogation of public interest.
   B. Limit the physical extent of any conveyance to the minimum amount of land necessary.

III. Grants in fee of underwater lands are limited to exceptional circumstances.

IV. Retain a public interest in the transfer of interest in underwater lands, which will be adequate to preserve public access, recreation opportunities, and other public trust purposes.
V. Private uses, structures, or facilities on underwater lands are limited to those circumstances where ownership of the underwater lands or riparian interest has been legally validated either through proof of ownership of the underwater lands or adjacent riparian parcel, or by assignment of riparian interest by the riparian owner.

VI. Avoid substantial loss of public interest in public trust lands by assessing the cumulative impact of individual conveyances of grants, easements, and leases of public trust lands.

VII. Resume and re-establish public trust interests in existing grants which are no longer being exercised according to terms of the grant, or where the use is not in conformity with the public trust doctrine.

9.4. Assure public access along public trust lands above the line of mean low water.

A. Provide free and substantially unobstructed passage along public trust shorelands.

B. Interference with passage along the shoreline is limited to the minimum extent necessary to gain access from the upland to the water.

C. Provide passage around interferences on public trust lands through adjacent upland easements or other mitigation where public access is substantially impeded.

D. Require that all publicly owned land allow for perpendicular access to trust lands whenever compatible with the principal use of the public land.

E. Provide access to, and reasonable recreational use of, navigable waters and public trust lands under water.

F. Provide for free and unobstructed public use of all navigable waters below the line of mean high water for navigation, recreation, and other public trust purposes, including the incidental rights of public anchoring.

G. Allow obstruction of public use, including navigation, in navigable waters:

1. for water-dependent uses involving navigation and commerce which require structures or activities in water as part of the use
2. for commercial recreational boating facilities, provided that the loss of navigable waters and use of underwater lands is offset by sufficient public benefits

3. in order to gain reasonable access to navigable waters from riparian lands

H. Obstruction of navigable waters and underwater lands is limited:

1. to the extent that it interferes with commercial navigation the right of commercial navigation is superior to all other uses on navigable waters and may not be obstructed.

2. to the minimum necessary for access to navigable waters, which is determined by evaluating the following factors:
   a. the extent of the use's dependence on access to navigable waters
   b. the range of tidal water level fluctuation
   c. the size and nature of the body of water
   d. the nature of public use of the adjacent waters
   e. the traditional means of access used by surrounding similar uses
   f. whether or not alternative means to gain access are available

I. Piers, docking facilities, and catwalks must not result in an unnecessary interference with use of public trust lands. Alternatives to long piers or docks include use of dinghies to reach moored boats and mooring in nearby marinas, but generally not dredging to accommodate boat draft.

1. by extent and characteristics of the developable adjacent upland area and its ability to support in-water development for the water-dependent use

2. by potential adverse effects on natural resources and their uses, and

3. by potential adverse effects on public safety

J. Structures extending beyond the minimum necessary for access to navigable waters impair public trust interests and open space values associated with the water's surface. Allow such structures only in the following circumstances:

1. when necessary for practical and convenient operation of water-dependent industry or commerce, and provided that obstruction of commercial navigation does not result

2. for commercial recreational boating facilities provided that:
Village of Sodus Point Local Waterfront Revitalization Program

a) the loss of navigable waters and use of underwater lands is offset by sufficient public benefit, and

b) obstruction of commercial navigation does not result

3. when the principal purpose of the structure is necessary:

   a) to provide public access for recreational uses

   b) for improvements for navigation

   c) for protection from coastal hazards, or

   d) for essential public transportation and transmission facilities

9.5 Provide access and recreation, which is compatible with natural resource values.

I. Provide appropriate access and associated recreational activity that will avoid potential adverse impacts on natural resources. Use the following factors in determining the potential for adverse environmental effects:

   A. intensity of the associated recreational, scientific, or educational activity.

   B. level of likely disturbance associated with the proposed activity. The following types of access or associated activities are listed in decreasing order of potential for disturbance:

       1. motorized activities

       2. active, non-motorized activities, including water-dependent and water-related uses

       3. passive activities

       4. avoidance of the area

   C. Sensitivity of the natural resources involved and the extent of the ecological benefits associated with avoidance of the area.

II. Limit public access and recreational activities where uncontrolled public use would lead to impairment of natural resources.

   A. Establish appropriate seasonal limitations on access and recreation in order to minimize adverse impacts on fish and wildlife species.
B. Provide stewardship, which is capable of controlling, anticipated adverse impacts before providing public access.

C. Physically limit or avoid provision of public access to natural resource areas whose principal values are based on the lack of human disturbance.

D. Provide educational, interpretive, research, and passive uses of natural resources through appropriate design and control of public access and recreation.

III. Provide public access for fish and wildlife resource related activities, including fishing and hunting, provided that the level of access would not result in a loss of resources necessary to continue supporting these uses.

IV. Provide access using methods and structures, which maintain and protect open space areas associated with natural resources. Determine the extent of visual and physical impairment by structures extending through these open space areas based on:

A. the value of the open space as indicated by unfragmented size or mass of the wetland or other natural resources, distance to navigable water, and wetland value, and

B. the size, length, and design of proposed structures.

WORKING WATERFRONT POLICIES

POLICY 10

Protect water-dependent uses, promote siting of new water-dependent uses in suitable locations and support efficient harbor operation.

Explanation of Policy

The intent of this policy is to protect existing water-dependent commercial, industrial, and recreational uses and to promote their future siting in accordance with the reasonably expected demand for such uses. It is also the intent of this policy to foster orderly water use management to address the problems of conflict, congestion, and competition for space in the use of surface waters and underwater lands.
It is important for the Village of Sodus Point to consider water-dependent uses and facilities on or adjacent to the waterfront especially as associated with current and future use of near-water sites to Sodus Bay and Lake Ontario. Through the Village’s zoning ordinance and the local law regarding docks and mooring regulation, development can occur that favors appropriate water-dependent and water enhanced development proposals. These regulations, especially the Village’s docks and mooring law, have the potential to protect the natural environment, local community character and scenic resources as well as water-dependent uses of the Lake and the Bay.

There is a limited amount of available real estate along the waterfront area in the Village. Subsequently, any new development of these waterfront parcels must be carefully regulated and planned. Public access, water-dependent recreation and water-dependent commercial must be weighed against residential and environmental concerns. Existing water-dependent uses should be given preferential consideration for their waterfront locations. New water-dependent uses should respond to and respect existing residential areas and the quality of the environment. Development proposals should go further to stabilize and enhance, when practicable, qualities of view, water quality, habitat as well as public access. Public access includes both land-side use and water-side use as guaranteed by the Office of General Services (OGS).

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

10.1. Protect water-dependent uses.

Water-dependent uses are activities that require a location in, on, over, or adjacent to a waterway because the activity requires direct access to the waterway (i.e. a marina) or the use of water (i.e., an industry which uses water for production or cooling purposes).

Actions should be avoided which would adversely impact or interfere with existing water-dependent uses.

In general, the following are considered to be water-dependent uses in the Village of Sodus Point:

- public and private marinas
- fishing piers
- swimming beaches
- yacht clubs
• boat yards
• commercial and recreational fishing facilities
• tour boat and charter boat facilities
• unloading and aggregate trans-shipment facilities
• waterborne commerce
• ferries
• marine educational or laboratory facilities
• water-related public and quasi-public utilities
• navigational aides

Much of the Village’s bay front from Sodus Point Park to just south of Harriman Park is already devoted to water-dependant uses with the exception of residential development. These uses should remain as the predominant uses in this area. In addition, new water-dependent uses will be preferred along the Bay. New water enhanced uses as defined above will also be encouraged. If there is no immediate demand for a water-dependent or enhanced use, but a future demand can be reasonably foreseen, temporary non-water related uses may be allowed.

10.2. **Promote the siting of new water-dependent uses at suitable locations and provide for their safe operation.**

In general, water-dependent uses, such as marinas, should be located within urban or developed areas that contain concentrations of water-dependent commercial, industrial, or recreational uses and essential support facilities. Water-dependent uses should be discouraged from rural or undeveloped areas unless there is a lack of suitable sites within a nearby urban area and there is a demonstrated demand for the use, the use has unique locational requirements that necessitate a particular site, or the use is of a small scale and has the principal purpose of providing access to a waterway and is consistent with the character of the area.

Adverse impacts of new and expanding water-dependent uses should be minimized. Water-dependent uses should be sited in locations where:

• the need for dredging is minimized;
• waterside and landside access, as well as upland space for parking and other facilities, is adequate;
• the necessary infrastructure exists or is easily accessible, including adequate shoreline stabilization structures, roads, water supply and sewage disposal facilities, and vessel waste pump-out and waste disposal facilities; and
• water quality classifications are compatible.
Ensure that new or expanding marinas:

- incorporate marine services and boat repair, as feasible, to meet a range of boating needs;
- do not displace or impair the operation of water-dependent transportation, industry, or commerce;
- do not encroach upon navigation channels or channel buffer areas;
- incorporate public access to the shore through provisions, such as including access from the upland, boat ramps, and transient boat mooring;
- limit discharge of sewage by providing pump out facilities unless the State’s Clean Vessel Act plan indicates that adequate pumpout facilities exist; and
- avoid or minimize adverse impacts on natural resources and existing neighborhoods and communities.

**10.3. Improve the economic viability of water-dependent uses.**

Many water-dependent uses often contain and are supported by non-water-dependent uses that are complementary and supportive to the water-dependent use and do not impair the ability of water-dependent uses to function. These non-water-dependent uses often mix compatibly with water-dependent uses, provide beneficial support, and positively affect the working waterfront character.

Non-water-dependent accessory or mixed use developments may be allowed, provided:

- accessory uses are subordinate and functionally related to the principal water-dependent use and contribute to sustaining the water-dependent use;
- mixed uses subsidize the water-dependent use and are accompanied by a demonstrable commitment to continue operation of the water-dependent use;
- uses are sited and operated so as not to interfere with the principal operation of the site for a water-dependent use; and
- uses do not preclude future expansion of a water-dependent use.

Locations that exhibit important natural resource values, such as significant resources, such as wetlands and fish and wildlife habitats, should be avoided.

Other uses may be incorporated in the waterfront, particularly water enhanced and marine support services, provided that these uses:

- improve the working waterfront and its character;
- do not interfere with the efficient operation of another water-dependent use;
- make beneficial use of a coastal location through siting and design; and
- increase public enjoyment of the waterfront.
10.4. Allow water-enhanced uses which complement or improve the viability of water-dependent uses.

In addition to water-dependent uses, certain uses which are enhanced by a waterfront location may be appropriate to locate along the shoreline, though not in a manner which would preclude future water-dependent uses. Water-enhanced uses are activities that do not require a location on the waterfront to function, but whose location on the waterfront could add to public enjoyment and use of the water's edge, if properly designed and sited. Water-enhanced uses are generally of a recreational, cultural, commercial, or retail nature.

Many water-dependent uses are often supported by water-enhanced uses that are complementary to the water-dependent use and do not impair the ability of water-dependent uses to function. Water enhanced uses should be compatible with water-dependent uses, provide beneficial support, and be a positive impact on the waterfront.

A water enhanced use could function on an inland site but would be more profitable and provide more enjoyment to users if located on the water. A water enhanced use must be open to the public (e.g., a restaurant, hotel, or complex of shops).

When determining if a water enhanced use is appropriate for siting along a waterfront, the following factors should be considered:

- The use would provide an economic incentive to prevent the loss of a water-dependent use.
- The use would be sited and operated so as not to interfere with water-dependent uses.
- The use would be sited in a manner which does not preclude future expansion of a water-dependent use.
- The activity makes beneficial use of a shoreline location through siting and design to increase public enjoyment of the waterfront and enhance community character.

10.5. Promote the efficient management of surface waters and underwater lands.

Lack of effective water use management contributes to congestion and competition for space within harbors, surface waters, and underwater lands. As a result, natural resources can be degraded and communities are not able to take advantage of tourism and economic growth opportunities.

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

• Site marinas, in-water structures, and surface water so as not to encroach upon navigation channels and to minimize potential impacts on sensitive resources such as wetlands and fish/wildlife habitats.

• Uses which are not water-dependent (i.e. decks and platforms) should not be allowed on or over surface waters.

• The establishment of future water use zones and the siting of in-water structures should be done in a manner, which minimizes potential impacts on sensitive resources such as wetlands and fish/wildlife habitats.

Additionally, as per recommendations from the Greater Sodus Bay Harbor Management Plan, the intermunicipal agreement establishing the Great Sodus Bay Watershed Intermunicipal Committee should be modified by the participating municipalities to provide authority to the Committee to review and comment on land use decisions proposed within the Sodus Bay Harbor Management Area. Such review comments would provide a regional, bay-wide perspective to the local officials to help inform their decision-making. The Greater Sodus Bay Harbor Management Plan also recommends the creation of a Harbor Master position, which would advance the concept of a coordinated intergovernmental approach to better manage the water activities that take place on the Bay.

**POLICY 11**

**Promote sustainable uses of living aquatic resources in coastal waters.**

**Explanation of Policy**

Recreation uses of coastal fish and wildlife resources include consumptive uses such as fishing and hunting, and non-consumptive uses such as wildlife photography, bird watching, and nature studies.

The following guidelines should be considered relative to State and federal regulations as they relate to their consistency with the above policy.

**Guidelines:**
• Consideration should be made as to whether an action will impede existing or future utilization of the State’s recreational fish and wildlife resources;

• Efforts should be made to increase access to recreational fish and wildlife resources while not leading to over utilization of any such 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 a habitat area.

• Any public or private sector initiatives to supplement existing stocks (e.g., stocking fisheries) or develop new resources (e.g., creating private fee-hunting or fee-fishing facilities) must be done in accord with existing State law; and

• An ecological study, to quantify as much as possible the ability of Sodus Bay’s fish and wildlife to survive and flourish under current levels of boat traffic and shoreline and nearshore development, should be undertaken as part of any significant (e.g. SEQR designation) development proposal, or planning efforts.

**POLICY 12**

**Protect agricultural lands.**

The Village of Sodus Point has very little active agricultural land, the loss of which would not affect the production levels or crop availability of the region.

**12.1 Establish and maintain favorable conditions, which support existing or promote new coastal agricultural production.**

A. Promote new and maintain existing local support services and commercial enterprises necessary to support agricultural operations.

B. Provide economic support of existing agriculture by allowing mixed uses, which would assist in retention of the agricultural use.

C. Promote activities and market conditions that would likely prevent conversion of farmlands to other land uses.

1. Avoid activities which would likely result in real estate market conditions that would be unfavorable to continued agricultural use.

2. Promote activities, which protect and expand agricultural commodity markets.
12.2 Minimize adverse impacts on agriculture from unavoidable conversion of agricultural land or agricultural production to other land uses.

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

B. Retain or incorporate opportunities for continuing agricultural use.

POLICY 13
Promote appropriate use and development of energy and mineral resources.

This policy is divided into five sections. The first calls for conservation of energy resources. Section 2 addresses alternative energy sources. Section 3 provides standards to ensure maximum efficiency and minimum environmental impacts when siting energy facilities. Section 4 presents standards to minimize the impact of large fuel storage facilities. The last section addresses mineral extraction.

13.1 Conserve energy resources.

The Village of Sodus Point is configured in a concentrated manner where infrastructure and services are efficiently provided. Alternative modes of transportation are some ways that energy conservation can be achieved. In this regard, a number of trails projects are currently being considered within the context of the Wayne County Trails Master Plan Project funded in part by Trailworks Inc.

Guidelines:

- Whenever possible, multi-use trail systems which promote walking, biking and using muscle-powered means of mobility in the Village shall be encouraged. Site planning guidelines should include alternatives to use of personal cars where possible, especially within the close-in-residential/commercial precinct.

- Since railroad redevelopment is not feasible, the Village should work with Wayne County to develop the Wallington to Sodus Point trail along the old Penn-Central Rail right-of-way. Recreational Trails Program funding has been awarded for development of a multi-use trail along the former Penn Central Railroad Right-of-Way between Wallington and Sodus Point. In addition, trail development such as the right-of-way along the Wickham Boulevard should be developed as part of a local trails improvements project.
I. Promote energy efficient modes of transportation.
   A. Promote and maintain facilities for waterborne cargo and passenger transportation.
   B. Integrate access to mass transit facilities and, where feasible, provide secure bicycle parking and safe bicycle lanes in new development projects.

II. Plan and construct sites using energy efficient design. Energy efficient design includes consideration for solar utilization, protection from wind, and landscaping for thermal control.

III. Promote greater energy generating efficiency through design upgrades of existing facilities.

13.2. Promote alternative energy sources that are self-sustaining, including solar and wind powered energy generation.

I. Avoid interference with coastal resources and processes, including interference with migratory birds, from wind farm developments.

II. There are no existing hydroelectric power generation facilities in the Village of Sodus Point. There are also no sites where the benefits of developing hydroelectric generating facilities are not outweighed by the economic costs and the potential adverse impacts on natural resources.

13.3. Ensure maximum efficiency and minimum adverse environmental impact when siting major energy generating facilities.

I. Major energy generating facilities may be sited in a coastal location where a clear public benefit is established using the following factors:
   A. There is a demonstrated need for the facility.
   B. The facility will satisfy additional electric capacity needs or electric system needs,
   C. alternative available methods of power generation and alternative sources of energy cannot reasonably meet the public need.
   D. Upgrades of existing facilities cannot reasonably meet the public need.
   E. The facility incorporates feasible public recreational uses.

II. Achieve maximum transmission efficiency by siting major energy generating facilities close to load centers.
III. Preclude the potential degradation of coastal resources by siting and constructing new electric energy generating and transmission facilities so that they would not adversely affect:
A. commercial navigation
B. commercial and recreational fishing
C. agricultural lands
D. designated Significant Coastal Fish and Wildlife Habitats
E. habitats critical to vulnerable fish and wildlife species, vulnerable plant species, and rare ecological communities
F. wetlands
G. historic resources, and
H. scenic resources

13.4 Minimize adverse impacts from fuel storage facilities.
I. Prohibit the production, storage, or retention of petroleum products in earthen reservoirs.

II. Protect natural resources by preparing and complying with an approved oil spill contingency plan.

13.5 Minimize adverse impacts associated with mineral extraction.
I. Factors to be used in determining the appropriateness of a commercial mining operation include:
A. compatibility with adjacent uses
B. loss of use of the site for other potential uses
C. alteration of coastal geological landforms
D. impact on designated sole-source aquifers
E. adverse impact on natural resources
F. degradation of visual quality

II. Removal of soils and overburden requires appropriate site preparation and subsequent site reclamation in accordance with an approved plan for the suitable use of affected lands, including:
A. drainage and water control to reduce soil erosion
B. proposed future use of the affected lands, and
C. specific activities, including:
   1. revegetation
   2. disposal of refuse or spoil
   3. drainage and water control features
4. grading and slope treatment
5. proposals for the prevention of pollution and the protection of the environment

III. Limit sub-aqueous sand and gravel extraction to activities necessary for navigation or erosion control.
The intent of this LWRP is to rediscover economic development and quality of life, attract destination tourism, and protect the environmental qualities of the area. Proposals for the future use of Sodus Point’s coastal area reflect the pattern of existing land uses, the observed and anticipated trends in development, the natural physical limitations to development, and the cultural and natural resources which should be protected or enhanced. See the Proposed Land Use Map and Proposed Water Use Map.

A. PROPOSED LAND USES

The uses proposed for the coastal area of the Village of Sodus Point reflect its character as a resort community and recreational harbor of regional importance.

1. UNDEVELOPED INLAND AREA

Most of the undeveloped inland area and the lakeshore bluffs are designated for large lot residential or agricultural uses. Use of a large lot, low-density residential zone is appropriate for these areas, to avoid inappropriate development of marginal lands. The development needs of the Village can be partially met in these areas.

Several sites in this inland area should be utilized for other uses, which are needed to support the more intensive development of the shore areas. These include: parking lots, boat and equipment storage areas, campgrounds for tents, camp trailers and recreational vehicles. Parking for cars and cars with trailers is the greatest limiting factor to expanding public access, docking and commercial activities along the shore. These supportive uses would be subject to special permits and site plan review to ensure: compatibility with residential and agricultural uses; site design which accommodates physical site restrictions; appropriate visual buffering; and, provision for water, sewers, and road access.

The sites most suitable for this type of future parking are the two segments of the old railroad right-of-way running to the south and east of the tracks, one segment extending south of Margaretta Road.
2. **EXISTING RESIDENTIAL AREAS**

Existing residential development in the Village will continue. These areas include the uplands, Sand Point, Sodus Point, and sections of the bay’s shore. Since these areas are almost completely developed, new construction will either be compatible infill or disposal of a few smaller structures to make way for larger residences.

3. **BAY’S SHORE AND NEAR-BAY AREAS**

Commercial land uses are proposed for the bay’s shore and areas near the bay, located roughly from Sand Point to First Creek. Most of this area is already devoted to such uses, although there are some residential uses interspersed. The commercial uses along the shoreline are principally water-dependent, and include docking and marina businesses. A concentration of restaurants on Sand Point is an exception to this. Slightly inland are several lodging, gas and grocery stores, boat yards and restaurants. Some locations in this vicinity may be appropriate for hotel and/or town house development.

Private docks that exist in scattered locations along the bay shore will continue, pursuant to the 1986 Docks and Moorings Law, until such a time as these sites are redeveloped into water-dependent commercial or recreational and public access uses.

Water enhanced uses, such as a lodging facility or a store engaged in selling articles ancillary to water-dependent recreation would be encouraged in the area bounded by the bay, the railroad tracks and Margaretta and Sentell Street. Along the immediate shoreline, such uses would have next-highest priority, but not if they displace existing water-dependent uses or prevent reasonably anticipated new water-dependent uses.

4. **RECREATION AND PUBLIC ACCESS THROUGHOUT THE COASTAL WATERFRONT AREA**

Existing public recreation and access facilities along the water are proposed to be maintained and where possible, enlarged and enhanced at the following sites: Wayne County beach, ramp and park; the Oscar Fuerst Ball Field; Willow Park; the North Ontario lighthouse museum and park; the South Shore Drive Sodus Bay Heights public reservation parcels, and the Town of Sodus ramp; and Harriman Park. Future sites with potential for access include: the municipal parking lot and the right-of-way from Bay Street along the southern side of Willow Park and the bay’s shore to the county land. This also includes street end ROWs south of Maiden land and the North Fitzhugh viewing area.

Private recreation development in the form of camping areas is proposed to provide alternative overnight facilities for fisherman and boaters with tents or camper vehicles. Areas suitable for camping include: the wooded parcel west of Route 14, around the wetland; the track right-of-
way between Margareta Road and Sentell Street; and, the area south of Margareta Road to and including the undeveloped 25 acre parcel on the town line.

Future plans will consider increased use of the underutilized waterfront at the end of South Ontario Street, the boat storage on Greig Street and the boat storage off of Route 14.

5. OPEN SPACE AND CONSERVATION AREAS

Wetland and erosion hazard areas are proposed to be preserved as open space and conservation areas. (See Natural Features Map) Because most of the undeveloped land in the coastal area possesses some development limitations, this category generally includes only those areas having significant environmental value or posing serious threats to life or property. Their designation also protects water quality and scenic values. State regulations limit development in these areas. They are: the lake shore bluffs between the western village line and the old lighthouse property; the lake shore beach east of the bluffs; and the two DEC - regulated wetland areas west of South Fitzhugh Street and adjacent to First Creek. Some limited Village - owned open space along South Shore Road is also included in this category. See Proposed Land Use Map.

B. PROPOSED WATER USES

The Village's jurisdiction over the water for regulation of docks, moorings and boat operation and any activities or construction not land-based, extends a distance of 1,500 feet from the shoreline. The Inter-municipal Group (Towns of Huron and Sodus, and Village of Sodus Point) has developed the Greater Sodus Bay Harbor Management Plan to manage activities in the harbor and near shore areas.

The water uses proposed reflect existing development and uses of the water. Areas which will continue to be used for recreational boating and fishing include: the waters around the channel entering the bay; the waters north of the residential area of Sand Point and immediately to the east; and the waters generally south of a line drawn from the east end of Sand Point to the southeast corner marks of the designated mooring area. The Corps of Engineers special anchorage areas occupying about 30 acres of water immediately south of Sand Point from the Sodus Bay Yacht Club east will also continue to be used predominantly by sailboats that have deeper drafts and are less able to use some dock areas. Expanded mooring facilities are appropriate and could be provided south of this area for approximately 500 feet and in a small area approximately 750-1000 feet east of the Town ramp, extending south of the Arney’s Marina dock from about 300 to 1000 feet. The areas south of the Town ramp, to the south side of the mouth of First Creek and south of the eastward line drawn perpendicular to the south end of South Shore Drive (the wetlands at the mouth of the southern creek), should not be
disturbed by either land or water use development. Sodus Bay is a State-designated Significant Coastal Fish and Wildlife Habitat (SCFWH). Any activity and impact which could destroy or significantly impair the habitat will be required to remain consistent with the SCFWH and the Village of Sodus Point LWRP.

Public recreation and short-term mooring are proposed for the large shallow sandbar which is located near the breakwater at the mouth of the bay, thereby continuing a traditional practice of use by boaters and swimmers during the summer season.

The near shore waters of the lake will continue to be used for recreational boating, fishing and swimming. See Proposed Water Use Map.

C. PROPOSED PROJECTS

Throughout the Planning Process numerous studies, guidelines, plans, and design and construction projects were suggested by the public at large through focus group sessions and by the consultant by engaging in on-site observation and evaluation. The projects listed below are consistent with the policies outlined in Section III, and seek to restore and revitalize underutilized waterfront sites, improve existing public recreation facilities and provide additional public access to the waterfront area, link public sites along the waterfront, and protect and improve natural resources.

1. WAR OF 1812, INTERPRETIVE TRAIL

It was observed that while the Village of Sodus Point figured prominently in the War of 1812 as the only significant harbor on Lake Ontario, little interpretation or recognition of that event is evident in the Village. The State of New York has included the Village in its brochure promotion of the War events; however, the only evidence of this in the Village is a standard State sign and some information on display at the Sodus Bay Lighthouse Museum. This project has its origins in reconstructing the sidewalk and tree lawn along Bay Street heading east through the Village Greens. Another site specific project was proposed for the Village Greens, providing a landscape edge defining the public and private property, installing period lighting to provide safe use of the greens at night and as well as creating a strong civic identity to this place and rebuilding sidewalks at street edge along all four greens.

It has been proposed to link the Bay Street and Village Green projects to make a more coherent whole. Simultaneously, the new project area would be themed as a War of 1812 Interpretive Trail. This should recognize the War effort in the Village and connect smaller projects and provide consistency as well as create a more fundable project.

Section IV
2. SCENIC BYWAY AND GREENWAY TRAIL/ SEAWAY TRAIL

The Village of Sodus Point has a lack of sidewalks, multi-modal trails and a formally designated greenway, despite the fact that the Village is laced with public lands which are both on and off road right-of-ways. The sidewalk system throughout the Village is incomplete, existing in one block and often absent on the next. There are informal trails that are used on occasion, mostly by residents, which follow old rail right-of-ways or just follow the shoreline. Numerous public points of access to the Bay and the Lake were identified during the search into the public owned lands. It is in the context of identifying the public need to move around the Village as pedestrians, combined with the definition of public-owned lands that lead to the proposed Greenway concept for the Village of Sodus Point.

One segment of the greenway is defined as a corridor running north to south. It begins in the Harriman Park, the Town-owned and -maintained Boat Launch on Route 14, and parallels the Bay Shore, ultimately intersecting Bay Street. This is significant in that the portion of the scenic byway and greenway occurs within the Seaway Trail and also intersects with the proposed War of 1812, Interpretive Trail. The scenic byway and Greenway Trail also would connect the Seaway Trail, information kiosk at the Town boat launch with a sidewalk (at the outer edge of the Route 14 right-of-way) that would have an unobstructed view of the Bay and marina activities for long uninterrupted stretches of the walk.

This proposed segment of the Greenway would visually improve the entrance to the Village from the south on Route 14; support the State’s efforts to enhance the Seaway Trail; bring activity and life to this important corridor and connect future and existing development along this corridor. Existing commercial and restaurant operations and residents of the homes along Route 14 would all be served by developing this segment of the Greenway Trail.

NYSDOT advised that based on current shared use path design guidance (i.e. and 8’ to 10’ wide path) such a facility will not fit within the public right-of-way of State Route 14, and would likely impact adjacent buildings. It is recognized that drainage swales, utility poles, trees, mailboxes, building setbacks, guard rails, etc. within the available 12’ of right-of-way on the east side of Route 14 present significant obstacles to design and construction and may force construction of a pedestrian only path with accepted sidewalk dimensions.

3. WICKHAM BOULEVARD GREENWAY TRAIL

One of the most heavily used segments of the local-greenway spans the two Village Parks near Greig Street and the County-owned Sodus Point Park at the beach. Numerous pedestrians of all ages are regularly seen walking between the commercial activities on Greig Street and the sand beach area at Sodus Point Park. Wickham Boulevard, which parallels this segment of the greenway, is heavily traveled, especially in the summer, with traffic heading to the public
beach. In the past, pedestrians and vehicles used to share the same narrow road pavement, creating a dangerous condition.

A walkway developed on publicly owned land connects the Village Parks, Greig Street and Sodus Point Park and beach. This is a segment of the Village Greenway System. Pedestrians and vehicles are separated along Wickham Boulevard. The walkway serves visitors and residents of the Village.

This trail is a significant amenity for the Village, it provides safe access to the Village parks and associated lands and reduces the prospect of serious injury due to vehicle and pedestrian conflicts on Wickham Boulevard.

4. **PUBLIC PIER**

The Village of Sodus Point critically needs a public pier to accommodate transient boats of all sizes. This public pier would act to house boaters in search of refuge from Lake Ontario or who just wish to visit Sodus Bay. The public dock would give Sodus Point a sense of arrival (Gateway) for traveling boaters and would become essential to the character of the Village of Sodus Point and Sodus Bay in general.

**Desirable Location/Design Attributes**

**Minimum Elements:**

- Close (walking distance) to shops and restaurants.
- Adequate water depths to accommodate a range of vessel sizes. (Suggest a minimum of 4 feet relative to mean low water for at least a portion of the dock.)
- Tie-ups could be alongside or through the use of finger piers, depending upon location, width and water depths. A floating dock system or floating docks off a fixed pier should be utilized with room for a minimum of 10 vessels.
- Access to, or the provision of, public restroom facilities on the land side.
- Information board on the dock or an information kiosk to be located at the landside access point.

**Approximate Cost:** $30,000 excluding site acquisition and landside support (restrooms).

**Optional/Future Elements:**

- Centralize all or a portion of the law enforcement vessel docking at the public pier. This would help with management and provide an information source.
• Linked to permanent, fixed pier providing pedestrian “promenade”. This would be a wider platform (12-20 feet) with lights and rails, along the lines of a boardwalk. The floating docking platform could be connected to this by gangways at the sides or off the end.

• Provide adjacent paved parking area to accommodate approximately 30 vehicles.

• Provide some transient, overnight vessel slips with hookups, perhaps under the direction of a Harbor Master. An alternative or complementary action would be to provide moorings for use by transient boaters with a small shuttle vessel.

**Approximate Cost:** $87,000 for pier plus docks plus $39,000 for parking lot for total $126,000, excluding restroom facilities.

One time capital funding for site acquisition and initial development could be locally funded but is more likely to come from one of the potential external sources such as:

• Grant Programs such as those administered by the NYS Department of State (DOS) and the Office of Parks, Recreation and Historic Preservation (OPRHP) under the Environmental Protection Fund. These are generally matching funds granted to preserve, rehabilitate, restore or acquire lands, waters or structures for park, recreation, conservation or preservation purposes.

• One time Congressional appropriations or NYS Assembly/Senate “member items”. These are generally for one-time, high visibility expenditures meeting a community need.

• Bonding directly by local governments, perhaps utilizing a Section 190 Harbor Improvement District for repayment.

Operational funding and maintenance will be a local responsibility. These costs may be at least partially offset through a nominal fee for overnight docking at the pier, voluntary business contributions in recognition of the potential for increased sales resulting from the presence of the pier, the sale of advertising on the pier, nominal rentals for dock and office space for marine law enforcement agencies, and/or the operation of commercial enterprises on the pier via permit or lease.

5. **PROMOTE THE VILLAGE OF SODUS POINT**

Promotion could occur through a series of marketing campaigns that might include spots on TV, ads in newspapers, trade magazines and could possibly include advertisement in the New York State Department of Economic Development “I love New York” publications. The “new” Sodus Point concept could convey the new image the Village is attempting to demonstrate.
6. **DEVELOP CAMPING FACILITIES**

There is an opportunity to encourage the development of private campgrounds within the Village to accommodate fisherman and other visitors. The areas, which may be suitable for this activity, are located near Route 14, the track right-of-way between Sentell Street and Margaretta Road, and south of Margaretta Road.

Potential campground areas, if developed, will have to be reviewed and approved by the Geneva District Office of the Department of Health prior to construction, and receive a permit prior to operation.

7. **HARRIMAN PARK LAUNCH IMPROVEMENTS**

Design and implement improvements that will increase the capacity of the Harriman Park launch. Reduce the existing peak hour congestion and provide increased capacity through the following steps:

- upgrade the launch ramp and associated docks to provide two full launch lanes
- expand and improve the parking lot
- institute on-site management, at least for weekend periods
- upgrade the entrance to the ramp and install an attendant’s booth
- provide a marked and signed pedestrian crossing of Route 14

An additional desirable element of the proposed improvements to the Harriman Park is the installation of a restroom facility.

Implementation of the proposed capital and operational improvements at Harriman Park will require local action by the Town of Sodus, perhaps in conjunction with the Village of Sodus Point.

8. **PLANNING & DESIGN FEASIBILITY STUDY FOR A PUBLIC PIER AND INFORMATION CENTER**

Study the potential to develop a public landing/pier as a gateway and information center for visitors arriving in the Bay by boat. The visiting vessels should be able to tie up for short-term visits to reach services and attractions. The information center could provide visitors with a list/map of the recreational resources and activities available around the Bay.

9. **SODUS BAY OPEN SPACE PLAN FEASIBILITY STUDY**

Create a process that coordinates open space planning and acquisition through the Sodus Bay municipalities, and produce a plan that identifies areas around the Bay that are unsuitable for development, are highly sensitive to development impacts, provide scenic views of the bay or have high value for public use. This should also include areas currently designated for public access and recreation, and any developed pedestrian walkways/trails. Significant and valued
natural areas should be identified for preservation and development of low impact public access. Consider the conservation value and educational potential of each identified site, its accessibility for public use, and development costs and acquisition strategies if it is not in public ownership. Based on the feasibility study, prepare funding strategies for acquisition and development of the best-suited site.

10. IMPROVEMENT OF WATERFRONT ANCILLARY FACILITIES AND LANDSCAPING
The Village should identify ancillary facilities (restrooms, trash receptacles, benches, tables, covered shelters etc.) needed at the public boat launches, public beaches and waterfront parks. Also, areas where landscaping would help to screen certain uses along the waterfront should be identified.

11. INCREASE ACCESS TO THE WATER
The municipal parking lot and the right-of-way from Bay Street, along the southern side of Willow, are sites identified as possible future access points to the water of the Bay.

12. IMPROVE THE INFRASTRUCTURE SUPPORTING WATER AND SEWER SERVICES
a) The condition of the water lines varies throughout the Village. The majority of the existing water lines were part of the original installation and date back to 1925. The lines need to be updated as the service life has expired and water line breaks are frequent. The water pressure to the restaurants on the North side of Greig Street is low and creates some hardship. Residents approaching the east end of Greig Street also experience hardship through low water pressure and sediments that accumulate in household utilities and water filters.

b) A sewer pipeline from the Village of Sodus Point to the “Sand Bar” will allow for the collection of currently untreated sewage being discharged into Sodus Bay. The Village of Sodus Point Waste Treatment Plant currently operates at approximately a fifty percent capacity and can easily handle the additional effluent. This connection will eventually allow for the municipalities of Huron, and Rose to connect with the Village of Sodus Point Sewage Treatment. The overall effect of cleaning the bay would take a big step with this action. In addition, with the reduction in phosphorus and nitrogen being dumped into the bay it may have a positive effect on reduction of weed growth.

Grants from HUD and other federal and State Community Grants are crucial to making this project happen. In addition, the Village of Sodus Point would have to agree to provide out of district services with appropriate water and sewer rents.
All fourteen of the Village’s sewer pump stations have been upgraded in terms of control panel replacement, SCADA, and generator backup; natural gas generators have replaced diesel generators. The project was completed in January 2010, at a total project cost of $825,000.

13. **EXPAND AVAILABILITY OF OVERNIGHT ACCOMMODATIONS AND BANQUET FACILITIES**

Additional overnight accommodations are the key to the future success of the Village. Current conditions are unacceptable for any necessary growth. There are not enough available beds to effectively plan for any sizable water related activity. Weddings, for example that currently take place in the village, are forced to make accommodations in locations as far away as Newark, New York. In order for the Village to become a self-supporting community and attract viable businesses, the addition of at least fifty rooms (a hotel) and a meeting facility are essential.

14. **PLACE UTILITIES UNDERGROUND**

As the Village is afforded opportunities in the future, overhead utilities should be placed underground in the Central Business District (CBD). This would improve the aesthetics of the Village and would improve the views to and from the water.

15. **PROVIDE ON-WATER TRANSPORTATION**

With the powerful connection to the water that exists in Sodus Point and the opportunity to do more, the Village needs to provide a system of water transportation. This would be one more method to provide people who would not normally have the ability to get on the water a chance to get out on the water.

16. **FIRE STATION**

The Village of Sodus Point Fire Station is located in what was once known as the commons. This historic section of the Village requires an architectural facelift to fit the character of the community. Cape Cod-style amenities such as clap board siding, a pitched roof with a cupola and shutters would help make the structure fit into the water side community.

17. **PROPERTY ACQUISITION**

At some point it may be necessary to acquire parcels of property to make critical connections between pieces of unconnected trail systems. In addition, acquisition may be necessary to institute the master plan as well as to expand on points for access to the water.

18. **HISTORIC DISTRICTS**

The Village of Sodus Point has potential historic districts. These areas should be further defined and formally recognized. These districts could then be mapped and used as part of a historic
Sodus Point Brochure or walking tour. In addition, funding or tax advantages may be available for those who qualify.

19. VILLAGE OF SODUS POINT DESIGN GUIDELINES

Design guidelines should be prepared, including concepts for building design, new layouts for better pedestrian access to the water, design a walk of shops, move existing boat storage facilities to better locations and consider the idea of a “super store” for boat sales and combine all the various boat sales in one location with one general manager. This would allow for convenience in boat shopping and advertising dollars could be used to reach a larger audience. This same idea should be applied to a state of the art boat repair facility.

This would allow for several acres of prime waterfront acreage to be utilized for a more diversified purpose. Views to the water would be improved. New restaurants, stores and hotels could occupy this valuable real estate.

20. BRIDGE OVER FIRST CREEK AT THE ROUTE 14

Improvements at this location are intended to be implemented with the eventual replacement of the existing culvert on Route 14 over First Creek, when the culvert will reach the end of its service life. There are currently two structures at this location, a culvert carrying traffic and a deteriorating structure, remnant of a previous narrow concrete culvert. Fishing occurs off both structures.

When the culvert currently caring vehicular traffic reaches the end of its service life, DOT will consider including sidewalks in the design of the new culvert, if they are warranted (i.e. if there are enough pedestrian generators nearby -schools, parks, residences, businesses) and if there is enough right-of-way to accommodate sidewalks in this location. NYSDOT does not encourage fishing off of any of its highways and structures, so it is unlikely to construct a new culvert with a double railing system.

Proposed improvements at this location consist of:

1. Add pedestrian walkways part of the eventual replacement of the existing culvert on Route 14 and removal of the older concrete structure.

2. Install pedestrian walkways on both the east and west sides of Route 14 connecting the bridge walkways to the east picnic/bench area and the west parking area of Harriman Park, respectively.

Costs for the recommended improvements cannot be estimated at this time as the suggested improvements would be incorporated into the bridge replacement at the time that occurs.
21. **EXPANDED MARINA USE**

Given its location and features, Sodus Bay is uniquely positioned to host expanded, large scale commercial marine activities, as it did in the past. This includes potential research, marine commercial transport or expanded marina uses.

As discussed in detail in the Inventory and Analysis, water depths and landside support dictate that the shoreline area on the south and southwest side of the Village is the most advantageous for such growth. The primary reason is the existence of deep water access. It is also a reasonably sheltered area with good roadway access and undeveloped or under-developed land areas that could be used for marine expansion.

A good example of such use is the New Horizon Yacht Basin located on Route 14. This facility is a re-development of the docking area for the coal trestle, supplemented by support and ancillary facilities located away from the shoreline and across Route 14. There are several other facilities in this general vicinity that could similarly be developed to accommodate a variety of uses, including a large scale marine research station if such a facility is developed on the U.S. side of Lake Ontario.

The water area in the portion of the Village identified as the most appropriate location for large scale expansion of marine related development is already extensively occupied with docks. In addition, the shoreline in this area has a generally concave configuration, resulting in restricted access to adjacent parcels when docking facilities are extended significant distances offshore. Given this, it is unlikely that significant new boating facilities can be developed in this area unless extensive use is made of offshore moorings and/or dry rack storage.

22. **DISSEMINATION OF INFORMATION**

There is an identified need to better inform boaters using the Bay - regarding local navigation rules, the location of the no-wake zone, and the locations and availability of services, including a public pier. This information need will expand as Sodus Bay grows as a destination for visitors. Better informed boaters will be less tempted to discharge sewage, garbage, rubbish, and other solid and liquid materials from the watercrafts into the Lake’s and Bay’s waters.

Several methods have been identified for getting this information out. While printed pamphlets can be utilized and are cheap to produce, the cost and efficiency of distribution is relatively high compared to fixed location displays. On the other hand, fixed signs would need to be large and prominent to be visually accessible from entry points, and can be costly to establish and maintain.

It is recommended that the primary method to be used on Sodus Bay is signage with a limited use of printed pamphlets. The signs would all have an identical look and format reflecting some
sort of “branding” for the Bay as a destination. At least one, very large version of the sign should be posted on the west jetty of the channel, near the Coast Guard Station location. Other, smaller versions of the signs could be incorporated into a kiosk, similar to that established at Harriman Park, which could also be utilized to post notices at marinas, launch ramps and at a public dock, when established.

The suggested format is a large, colored map of the Bay. On the map would be a prominent depiction of the no-wake zone as well as locations for services and facilities. The map key could contain space for brief advertising of services, the sale of which may be used to help fund the signs.

In addition to the signage, it is possible to use a low-power FM broadcast (LPFM). Signs announcing the availability of the broadcast could be posted at entries. The broadcast itself would be a looped announcement with Bay information. Donations may be utilized to fund a portion of the cost for this, even if in exchange for service information listings for boaters. The cost of establishing such a service can vary substantially depending upon the type and quality of equipment and the cost of constructing an antenna. A reasonable estimate of initial cost would be approximately $10,000 with minimal operating expenses primarily associated with space for the broadcast equipment and electric power utilized.

It is recommended that the development, distribution, installation and maintenance of informational signage and brochures be delegated to a willing private, voluntary organization under the supervision of the Great Sodus Bay Watershed Intermunicipal Committee, or the future Harbor Master. Suggestions for appropriate organizations include the Coast Guard Auxiliary, the local Chamber of Commerce, or citizens groups such as Save Our Sodus (SOS), the Great Sodus Bay Association, or similar entity.

Initial and operational funding should be derived from advertising in the form of listings for goods and services that can be placed on the signage and in informational brochures. The intent is to have a uniform look to all signage and brochures with services in the form of a directory keyed to map location. Signage would be placed at the Bay entrance channel, the future public pier and at all public launches. Brochures would be placed in kiosks located at all public launches and at participating marinas and businesses.

If desired in the future, the same entity could also sponsor a low-power FM radio broadcast (termed an LPFM station). Licenses to broadcast at a maximum 100 watts are available from the Federal Communications Commission to non-profit educational, public safety and transportation entities. Details on applying for such licensure can be found at the FCC web site at: http://www.fcc.gov/mb/audio/lpfm/. Such broadcasts have the potential to reach a 3-5 mile radius. Thus, it is suggested that this eventually be operated out of the public pier (depending
upon its location), with initial operation from the Lighthouse museum site or a site within the County Park at the Bay entrance channel. The signage at the Bay entrance and public launches would announce the frequency and direct visitors to the broadcast. The broadcast could alternate informational announcements with a directory of available services. Funding would be via donations, most likely from local businesses.

23. HARBOR MASTER

Complementary to the information dissemination is to have a designated Harbor Master. The Harbor Master position would also advance the concept of a coordinated intergovernmental approach to better manage the water activities that take place on the Bay. This is anticipated as a paid position with the responsibility to be available to greet boaters entering the Bay or at the public dock, to provide information directly and through hand-outs, and to manage the public dock facility, public launches and, perhaps, to be the administrative officer for the docking and mooring laws of the Sodus Bay municipalities.

This position is envisioned to be seasonal, May through September, if administration of the local docking and mooring laws is not part of the responsibilities. In this case, the following duties are anticipated for this position:

- Be a visible presence on the Bay particularly during peak boating times;
- Assist boaters and other visitors; conduct public relations and educational activities; arrange emergency assistance; offer guidance and information about local facilities, attractions, marinas, pump-out facilities, vessel repair, parts and equipment, recreation, restaurants and lodging; provide information about boating rules and regulations, including speed and wake restrictions;
- In conjunction with the hosting municipality, most likely the Village, manage the operation of the public pier including allocation of dock space, collection of fees if fees are charged, and the display and dissemination of educational materials;
- Manage the operations at the public launch facilities during the boating season. This is to initially include Harriman Park and, if developed, the new proposed launch site in the Town of Huron. The Harbor Master will manage the part time help at the launch site, oversee and be responsible for the financial transactions at the facility, manage and promote the large event permit program and, under the oversight and approval authority of the Intermunicipal Committee and the municipality owning the launch, set rules for use of the launch site and associated park.
• While not authorized to issue tickets for violations, it is anticipated that the Harbor Master will work closely with the Wayne County Sheriff’s office, the US Coast Guard, and the NYS DEC enforcement officials to assist in monitoring compliance with boating rules and the enforcement of speed and wake restrictions;

• Assist the participating agencies and jurisdictions in implementing the Bay-wide LWRP(s) and Great Sodus Bay Harbor Management Plan and carrying out their responsibilities for the Bay;

• Meet at least twice annually with the Intermunicipal Committee, once in April or May and once in September or October;

• Conduct periodic surveys of boater types, times of peak activity and surface water usage;

• Help coordinate organized events to minimize conflicts among the various users of the Bay; and

• Prepare an annual report in the fall of each year for the Intermunicipal Committee detailing the Harbor Master activities during the boating season, the operations at the launch site(s), the observations of Bay use, and identifying any issues regarding Bay use and associated docking and mooring facilities.

Should the Village and Towns of Huron and Sodus decide to delegate responsibility for administration of the local docking and mooring laws to the Harbor Master, the position would increase to a full-time, twelve month paid position. In that case, the following additional duties should be included as part of the Harbor Master responsibilities:

• Administer the docking and mooring laws for the Village of Sodus Point and the Towns of Sodus (upon completion and adoption of a local law) and Huron, including initial review of applications, attendance at Zoning and/or Planning Board meetings where dock or mooring applications are being considered, inspection and enforcement and all other duties as specified under each of the local laws or as specified in implementing legislation at the local level.

• Meet monthly with the Intermunicipal Committee and provide a summary report on docking and mooring permits and issues as they arise.

As future use of the Bay by transient boaters grows, the Harbor Master could also be charged with installation and operation of temporary moorings, including the collection of a nominal usage fee.
A more detailed, but still approximate estimate of the cost of a part-time, seasonal Harbor Master position is presented in the following table:

<table>
<thead>
<tr>
<th>Costs</th>
<th>One Launch Scenario</th>
<th>Two Launch Scenario</th>
</tr>
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<tbody>
<tr>
<td>Harbor Master Salary</td>
<td>$10,000</td>
<td>$10,000</td>
</tr>
<tr>
<td>launch salaries (12 hr/day weekends plus 8 hr/day weekdays June, July and August @ $10/hr)</td>
<td>$9,120</td>
<td>$18,240</td>
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<tr>
<td>vessel operation</td>
<td>$5,000</td>
<td>$5,000</td>
</tr>
<tr>
<td>Total</td>
<td>$24,120</td>
<td>$33,240</td>
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Income

<table>
<thead>
<tr>
<th></th>
<th>One Launch Scenario</th>
<th>Two Launch Scenario</th>
</tr>
</thead>
<tbody>
<tr>
<td>launch fees (50/day weekends + 15/day weekdays @ $5)</td>
<td>$12,125</td>
<td>$24,250</td>
</tr>
<tr>
<td>permits (5 @ $100.)</td>
<td>$500</td>
<td>$500</td>
</tr>
<tr>
<td>Total</td>
<td>$12,625</td>
<td>$24,750</td>
</tr>
</tbody>
</table>

net                  | -$11,495           | -$8,490             |

As shown in the table, if seasonal it is estimated that the Harbor Master position for Sodus Bay will require approximately $11,500 in annual funding beyond the income reasonably anticipated to be generated by charging a fee at a single launch site. This annual subsidy could drop by several thousand dollars if a second launch is developed and operated. These estimates include operating costs for a vessel, but not the initial capital cost for acquisition and fitting of the vessel.

Initiation of a Harbor Master position will require a cooperative effort by the three municipalities and, perhaps, Wayne County. It is recommended that this position be created within the Village of Sodus Point government or under the County government administration, within the public works department, the planning department or the Sheriff’s office. Actions by the municipalities would be required to guarantee at least a portion of the operational funding for this position and, in the event that the Harbor Master administers the municipal docking laws, to grant such authority to the Harbor Master.

It is proposed that funding for capital start up costs for this position be obtained from external sources, as listed in the section under Funding. As also detailed under Funding, it is intended...
that at least some of the operational costs for this position be met through user fees/contributions. However, the municipalities and the County may need to provide some base level of guaranteed support in the event that user fees do not fully fund the position. In addition, if the position entails administration of the municipal docking and mooring local laws, some base level of funding from the municipalities will be required.

24. NAVIGATIONAL MARKINGS
The two buoys designating the no-wake zone boundary are difficult to see and recognize. It is recommended that they be replaced with a continuous string of new buoys, four in all, that would better delineate the bounds visually.

As detailed under implementation, a preliminary cost estimate for this is approximately $4,000.

Implementation of the improved navigation markings will require purchase of the new markers by the County, with annual installation being provided by the County Sheriff’s office as is done now. This action involves a small capital expense, estimated at approximately $4,000. This should be funded through an allocation to the Wayne County Sheriff’s office budget.

25. CHANNEL FOG HORN
Replace, repair or re-activate the fog horn that formerly operated at the Channel. When operational, the fog horn provides a navigational aid and adds to the ambiance of the area as a harbor.

Implementation of this action requires an application to and approval by the U.S. Coast Guard for a privately maintained navigational marker. As funding becomes available for the replacement or repair, purchase, installation and maintenance of the fog horn could then be turned over the Harbor Master.

26. PIER LIGHTHOUSE
Due to settling and shifting of the outlet jetty, the navigational beacon within the existing lighthouse at the end of the west pier requires periodic leveling and adjustment. The responsibility for such maintenance rests with the U.S. Coast Guard, which checks and adjusts as necessary at the beginning of each boating season and more often if problems are reported.

Maintenance of the pier lighthouse is the responsibility of the U.S. Coast Guard. The Coast Guard schedules maintenance visits once per year at the beginning of the boating season. The only action that may be required is to notify the Coast Guard if operational problems are observed during the boating season. This could be an assigned responsibility of the Harbor Master. No further implementation actions or funding is necessary.
27. **REGULATION OF LARGE SCALE EVENTS**

The purpose of this element is to reach out to organizers of large scale water events, such as fishing tournaments, to assure participants are aware of local regulations. A secondary outcome could be the provision of funds to help defray the costs of launch use and law enforcement during these events.

Implementation will require authorization by the operators of the public launches on the Bay. This includes Wayne County for the Sodus Point Park launch when open, the Town of Sodus for Harriman Park and the County or the Town of Huron in the event a new launch is developed at the south end of the Bay. It is recommended that this activity be included as a responsibility of the Harbor Master and would be funded solely by user fees associated with permitting and/or launch fees.

The goal of this action is to make sure that boaters utilizing the Bay for large-scale organized events receive educational materials outlining the local navigation rules and common courtesy. To this end, it is recommended that a permit be required for any organized event that results in the use of one or more of the public launches for ten or more boats. These events will primarily be fishing tournaments but may also include kayak, small sailboat, jet-ski, or canoe races/tours as those uses mature on the Bay. It is recommended that this permit have a nominal fee associated with it based upon the number of boats expected. This could be calculated on the basis of 75% of the nominal fee for using the launch.

With the permit, the organizing entity would receive tags or coupons allowing entrants to utilize the launch and parking area. Along with the tags/coupons, the organizing entity would be required as a condition of the permit to distribute an educational brochure to all entrants. This brochure would show the location of no-wake zones, remind the user of safe boating practices and offer any other educational information as desired by the Harbor Master and Intermunicipal Committee. Production of this brochure could be underwritten by the sale of advertisement for services by local businesses in a portion of the brochure.

28. **IMPROVE ACCESS FOR WINTER USE**

Winter use is a major activity on the Bay and has the potential for further economic and recreational development. However, the current access is inadequate to meet the demand under peak conditions and adequate services are not conveniently provided.

A key to enhancing winter use is in providing appropriate winter access locations, with support services, and to discourage the use of other, non-designated access points. It is believed that control of parking is the best way of encouraging participants to utilize designated access points.
On the basis of existing use patterns, it is recommended that new access points be created and/or enhanced. In the Village of Sodus Point these are:
- the municipal parking lot in the Village of Sodus Point; and
- Harriman Park

The access points would be plowed with a clear path to the ice surface. Trash receptacles and restroom facilities should be provided at these locations.

Improvements for winter access will require action by the three municipalities, perhaps in cooperation with Wayne County. Operations and maintenance of these facilities will continue to be provided by the municipalities and County forces under their normal DPW operations.

29. IDENTIFY ENTITY RESPONSIBLE FOR PERIODIC DREDGING OF THE CHANNEL

The construction of the Channel connecting Sodus Bay to Lake Ontario and its protecting jetties was done by the Federal government through the US Army Corps of Engineers. While the U.S. Army Corps of Engineers has the formal responsibility for maintenance dredging of the Channel, funding for routine maintenance dredging of harbor entrance channels in the Great Lakes has been eliminated for all but harbors actively utilized for commercial shipping.

A study of dredging for small ports along the south shore of Lake Ontario was completed in 2000. The report, the Regional Dredging Management Plan (RDMP), recommended the creation of a new entity to take on this responsibility. Funding for the maintenance dredging would come from a variety of sources, including a proposed add-on fee for boat registrations. The program proposed under this plan would also have the potential to contract for maintenance dredging of interior areas of Lake Ontario embayment, including entrance channels to marinas and boat launches, under separate contract. An update to this study is underway and anticipated to be completed by 2012.

Implementation of such a plan can be achieved through several models, as detailed within the RDMP. It will require a cooperative effort of all the County governments along the Lake Ontario shoreline. Depending upon the implementation model utilized, it may also require new legislation by the State.

30. INTERMUNICIPAL COMMITTEE REVIEW MECHANISM

It is recommended that the intermunicipal agreement establishing the Great Sodus Bay Watershed Intermunicipal Committee be modified by the participating municipalities to provide authority to the Committee to provide review comments to the municipalities regarding land use decisions proposed within the Sodus Bay Harbor Management Area. Such review comments would provide a regional, bay-wide perspective to the local officials to help inform their decision making.
As part of this review authority, the Intermunicipal Committee would commit to meeting on at least a monthly basis in order to provide responsive reviews to the municipalities, and the municipalities would commit to not issuing approvals for actions subject to referral until review comments are received, subject to a thirty day maximum from receipt of the referral by the Wayne County Planning Department. It would be the responsibility of the County Planning Department to coordinate the scheduling of the Intermunicipal Committee meetings, assemble agendas and application materials, prepare meeting minutes, and transmit review comments back to the municipalities.

It is recommended that any proposed land use change, construction or development requiring either site plan approval, subdivision approval, the issuance of a special permit or a waiver or variance from any of the substantive requirements listed above under a local docking and mooring law be referred to the Intermunicipal Committee for review and comment. All such referrals would follow the identical procedures as currently utilized for referrals to the County Planning Department under Section 239-m of the NYS Town Law.

The Intermunicipal Committee would also play an integral role in developing uniform docking and mooring laws, for the Village of Sodus Point, Town of Sodus and Town of Huron.

Implementation would require modification of the intermunicipal agreement establishing the Great Sodus Bay Watershed Intermunicipal Committee. The modifications would provide authority to the Committee to provide review comments to the municipalities, as detailed in Section 8.2.8. This new intermunicipal agreement would have to be adopted by resolution in the three participating municipalities. In addition, the Wayne County Planning Department would need to agree to coordinate the committee work.

Funding sources that could provide support for this action:

- General municipal and/or County tax revenues (general fund).
- User fees for launch sites, public pier docking and, as demand grows, transient-use moorings.
- User fee assessed on a per dock basis for commercial and/or residential docks.
- Section 190 Harbor Improvement Districts set up within each municipality.

### 31. ENHANCED PUBLIC EDUCATION

Interpretive signage and brochures should be developed to heighten awareness of the significance of the natural resources present in the Village and the potential impact caused by conflicting uses and activities, particularly with regard to the values relating to the Sodus Bay Significant Coastal Fish & Wildlife Habitat.
D.  DETAILED PROJECT DESCRIPTIONS

Projects #1-4 described above are further detailed in the following pages. Each project is outlined in a format that should make it more suitable for use in grant writing. A map that characterizes opportunities and constraints, key features in the Village, site-specific connections and general proposals are provided. A detailed cost estimate for each project outlines unit costs as well as a complete summary. Site-specific sketches are provided where possible to help illustrate design intentions.

1.  WAR OF 1812 INTERPRETIVE TRAIL

Geographic Area: Village of Sodus Point Greenway, parallel to the shore of Lake Ontario and Sodus Bay, a spur of the Seaway Trail.

Functional Area: Along Bay Street between the intersection of Route 14 and Lake Road and the Village Green of Sodus Point and Ontario Street.

Transportation: Parallel to the primary regional highway, Route 14 is both a scenic byway and corridor for the Seaway Trail.

Recreation and Tourism: This project proposes greenway development along Bay Street within the Right of Way and recognizes the War of 1812 Trail, culminating in an interpretive kiosk at the historic village green. The project is adjacent to historical Lake Ontario lighthouse and the maritime museum. Access to Lake Ontario and Sodus Bay are within one village block of the Greenway.

Commercial: The extension of the Bay Street War of 1812 Interpretive Trail culminates in the commercial/retail center of the Village of Sodus Point. Access to all restaurants and stores is a 5-minute walk.

Residential Areas: Bay Street and Ontario Street are lined with historic homes.

Industrial Area: Waterfront industry and maritime activities are within walking distance of Bay Street. These are accessible along Route 14, Ontario and Fitzhugh Streets.

Environmental: A SEQRA document will be completed prior to the implementation of the project. Any environmental issues
will be reviewed and discussed for any negative and positive impacts.

**Lead Organization:** Village of Sodus Point

**Description:** The project involves the enhancement and interpretation of a segment of the War of 1812 Trail as it enters the Village of Sodus Point. This segment of the greenway would establish a handicap accessible walk through the historic district of the village. It would include a tree planting proposal and a historic period lighting scheme within the 42-foot wide tree lawn, which is now primarily paved over. The new walk in an historic landscape setting would include interpretive signage revealing the strategic location of Sodus Point in the War of 1812 and the individual settlers of the village who made a difference in this conflict.

**Time Frame:** Completion – Spring 2013

**Costs and Funding:** Project estimate for 2008 is $90,631

**Barriers to Implementation:** Relocation of Saint Rose’s Church parking, which now occurs in the public Right-of-way on Bay Street.
2. SCENIC BYWAY AND GREENWAY TRAIL/SEAWAY TRAIL

Geographic Area: Village of Sodus Point Greenway, parallel to the shore of Lake Ontario and Sodus Bay, a spur of the Seaway Trail

Functional Area: Along Rte. 14 between Harriman Park/Boat Launch (Town of Sodus) and Lake Road/Bay Street intersection in the Village of Sodus Point

Transportation: Route 14 Right-of-way within the Village of Sodus Point is also the Seaway Trail Corridor.

Recreation and Tourism: This multi-modal Greenway development along Route 14 links a recreational destination (Harriman Park and Boat Launch) and the historic center of the Village of Sodus Point. Several marinas front upon the proposed Greenway. Charter boats, boat launching, fishing and other related water-based activities would be accessed from the greenway.
Commercial: The commercial center for the Village of Sodus Point is within a 5-10 minute walk of the proposed Greenway. The commercial/retail center can be reached by the War of 1812 Interpretive Trail that parallels Bay Street.

Residential Areas: The proposed Greenway terminates in the historic residential district of the Village of Sodus Point, which approximates the intersection of Rte. 14 and Bay Street. It is likely that the residential community of the Village will be significant users of the Greenway. The proposed trail will link two neighborhoods; the residential area and the more contemporary “heights” neighborhood.

Industrial Area: The Great Sodus Bay waters will edge the Greenway Trail.

Environmental: SEQRA documentation will be completed prior to the implementation of the project. Any environmental issues will be reviewed and discussed for any negative and positive impacts.

Lead Organization: Village of Sodus Point

Description: This project would provide a multi-use trail that connects the north and south sides of the Village of Sodus Point along Route 14. Currently, no sidewalks or trails exist for pedestrian or bicycle use other than the road shoulders along Rte. 14. The proposed Greenway will provide amenities such as lighting, street tree planting and rustic stone construction consistent with surrounding vernacular details. It will provide a safe walking surface for visitors and residents connecting residential, commercial, parkland and the Town of Sodus Boat launch at Harriman Park.

Time Frame: To be determined

Costs and Funding: Project estimate as of 2006 is $131,740 (likely to become considerably higher)

Barriers to Implementation: Such a facility, based on current shared use path design guidance (i.e. and 8' to 10' wide path), will not fit within
the public right-of-way of State Route 14, and would likely impact adjacent buildings. Coordination with property owners along Route 14 is necessary. Sections of the walk/trail traverse marina functions which utilize public right-of-ways. Subsequently, special site-specific details and agreements would need to be developed. Construction documents would need to be prepared to acquire competitive bids.
### 3. Wickham Boulevard Greenway Trail

**Geographic Area:** Village of Sodus Point Greenway, parallel and adjacent to the Great Sodus Bay

**Functional Area:** Along Wickham Boulevard between the Village-owned Parks on Greig Street and the county owned park Sodus Point Park

**Recreation and Tourism:** The Wickham Boulevard Greenway is proposed within a primary non-marina based recreation area in the Village of Sodus Point. Two public beaches are linked to the

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### Table: Site Work

<table>
<thead>
<tr>
<th>Description</th>
<th>Qty</th>
<th>Unit</th>
<th>Cost/Unit</th>
<th>Subtotal</th>
</tr>
</thead>
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<tr>
<td><strong>SITE WORK</strong></td>
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<td></td>
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<td></td>
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<tr>
<td>Demolition</td>
<td></td>
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<td></td>
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<tr>
<td>Remove ex. pavement</td>
<td>30</td>
<td>SY</td>
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<td>LS</td>
<td>$2,000.00</td>
<td>$2,000.00</td>
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<tr>
<td><strong>Pavements and Concrete</strong></td>
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<tr>
<td>Pavement Stripping</td>
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<tr>
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<tr>
<td><strong>Lighting</strong></td>
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<td></td>
<td></td>
<td></td>
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<tr>
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<tr>
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<tr>
<td><strong>Landscape Accessories</strong></td>
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<td></td>
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<td>$6,000.00</td>
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<td>New bench/installed</td>
<td>5</td>
<td>EA</td>
<td>$1,200.00</td>
<td>$6,000.00</td>
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<tr>
<td><strong>TOTAL SITE WORK</strong></td>
<td></td>
<td></td>
<td></td>
<td>$131,740</td>
</tr>
</tbody>
</table>

*Note: It is assumed that the proposed Seaway Trail Kiosk would be coordinated with a comprehensive state effort. Subsequently, no estimate for construction is given here.*
Wickham Boulevard segment of the Greenway. This section of the Greenway also links two significant Village Parks, which provide active recreation and a fishing dock. Wickham Boulevard is contiguous with this Greenway segment.

Commercial: The Wickham Boulevard Greenway crosses the foot of Greig Street, the primary commercial street of the Village. This segment of the greenway is essential in that it is the only pedestrian link to the commercial area on Greig Street since this part of the Village is built upon a sand bar peninsula.

Residential Areas: The Wickham Boulevard Greenway directly serves the most densely populated neighborhood in the Village. All of the Lakeview neighborhood streets feed into Wickham Boulevard. Subsequently, pedestrian traffic would do the same, being collected on the Greenway Trail.

Industrial Area: The Wickham Boulevard Trail is unrelated to any industrial areas of the Village.

Environmental Areas: Just off-shore on the Bay, parallel to the greenway, is a submerged sandbar. This unique condition allows for shallow water and safe swimming, but also limits boat traffic in this area.

Lead Organization: Village of Sodus Point

Description: This project involves the development of a Greenway trail within an area that desperately needs a separate and safe pedestrian walkway. The Village with Wayne County owns contiguous land for this portion of the Greenway requiring no land purchases or extenuating negotiations with abutters. The wide paved trail will allow pedestrian use to be shared with bicycle riders, in-line skaters and other modes of non-motorized transportation.
### Wickham Boulevard Greenway Trail

**Village of Sodus Point, NY,**  
**April 2005**

<table>
<thead>
<tr>
<th>Description</th>
<th>Qty</th>
<th>Unit</th>
<th>Cost/Unit</th>
<th>Subtotal</th>
<th>Total</th>
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<td><strong>D. Site Work</strong></td>
<td></td>
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<tr>
<td>Remove asphalt parking and base</td>
<td>420</td>
<td>SY</td>
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<td>Remove soil for walk base</td>
<td>1000</td>
<td>SY</td>
<td>$2.75</td>
<td>$2750</td>
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<tr>
<td>Disposal (Budget)</td>
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<td>LS</td>
<td>$2000</td>
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<td><strong>Pavements and Concrete</strong></td>
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<td>Recycled Asphalt Walk (8” width, 2” resurface, 6” gravel)</td>
<td>1600</td>
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<td>$40,000</td>
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<td><strong>E. Landscape</strong></td>
<td></td>
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<td></td>
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<td>$45,140</td>
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<tr>
<td>Provide and install new tree</td>
<td>12</td>
<td>EA</td>
<td>$275</td>
<td>$3300</td>
<td></td>
</tr>
<tr>
<td>Install new lawn and topsoil 1 to 3 inch depth AOBEE</td>
<td>2400</td>
<td>SY</td>
<td>$9.10</td>
<td>$21,840</td>
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<td>Masonry guide rail</td>
<td>400</td>
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<tr>
<td>New fixtures</td>
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<td>Conduit and Cable (PVC)</td>
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<td>LF</td>
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<td><strong>G. Landscape Items</strong></td>
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<td></td>
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<tr>
<td>New Bench</td>
<td>6</td>
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<td><strong>H. Total Site Work</strong></td>
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<td></td>
<td></td>
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<td>$124,969</td>
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**Section IV**

29
SECTION V  TECHNIQUES FOR LOCAL IMPLEMENTATION OF THE PROGRAM

A. LOCAL LAWS AND REGULATIONS NECESSARY TO IMPLEMENT THE LWRP

1. EXISTING LAWS

The Village of Sodus Point is unique in its implementation of the LWRP in that the Village policies, sub policies and zoning have all been updated to reflect the intent of the long anticipated LWRP. In addition, as the corporate limits of the Village of Sodus Point are the land limits of the LWRP, no separate zoning regulations apply to parts of the community.

The Village of Sodus Point has in place the following local laws which affect and partially implement the purposes of the Local Waterfront Revitalization Program: Zoning (Revised in 1998 and 2006); the Flood Damage Prevention Law (1977); the Sewer Use Law (1976); the Sewer Rent Law (1976); and the Docks and Moorings Law (1986).

Zoning- Chapter 190

The current Zoning Law was amended in 1979 and again in 1998. The Zoning Law was designed to accomplish certain goals including the following:

a. To give priority to water dependent uses within the Village
b. To promote a healthy commercial center, this maintains a mix of uses and a suitable scale for the Village
c. To protect the traditional scale and characteristics of the residential areas.
d. To protect open space, natural features and conservation areas

The following zoning districts apply to properties within the LWRP:

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>R</td>
<td>Residential</td>
</tr>
<tr>
<td>MH</td>
<td>Mobile Home Park</td>
</tr>
<tr>
<td>LCR</td>
<td>Limited Commercial/Residential</td>
</tr>
<tr>
<td>WC</td>
<td>Waterfront/Commercial</td>
</tr>
<tr>
<td>I</td>
<td>Industrial</td>
</tr>
<tr>
<td>P</td>
<td>Public</td>
</tr>
</tbody>
</table>
Natural Areas

The districts, illustrated on the Zoning Map, provide for the following:

- **R** Residential: Conventional single-family housing at current development densities.
- **MH** Mobile Home Park: Four or more manufactured homes on a single lot, or complexes of owned lots for the exclusive use of mobile/manufactured housing.
- **LCR** Limited Commercial/Residential: Allows multiple use of dwellings in areas on major thoroughfares along with various low-intensity uses such as small retail shops, crafts, professional offices, personal services and home occupations.
- **WC** Waterfront/Commercial: Water-dependent, water-enhanced, professional, general retail, tourist accommodations and visitor service businesses; this classification has special requirements for off-street parking, view protection, pedestrian circulation, dockage architectural design.
- **I** Industrial: Conventional processing, manufacturing, storage, of raw materials and fabricated items; also would allow recreational vehicle parking, boat storage, agriculture and research facilities.
- **P** Public/Institutional: Land to be used as parks, walkways and/or public access.
- **N** Natural Areas: Provides land for natural areas.

In addition to the zoning districts, the Village’s Zoning-Law also provides for the following:

- Residential Cluster Development – In order to promote health and general welfare of the community and to preserve and make available open space, the Village Board may grant a developer the right to vary the residential density within a tract to be developed (but not maintained) under single ownership, leaving a substantial area free of building lots.

- Site Plan Review – Except for one and two-family dwelling units in approved subdivisions, no building permit or certificate of occupancy for a change in use of an existing premises may be issued except in accordance with specified standards and procedures. Factors considered in site plan review include: location, arrangement, size and design of buildings, lighting and signs; landscaping; stormwater drainage; pedestrian access and parking.
• Subdivision of Land – Property to be subdivided must be approved by the Planning Board in conformance with specified procedures, including design standards requirements. In case the lands sought to be shown upon the subdivision map are contiguous to the navigable waters of the state and have frontage on such waters, such map shall show the extension of the littoral property line or lines of such lots, plots, blocks, sites, or units from the intersections of said line or lines with the high water mark into said navigable waters of the state. Such map shall show sufficient data to define the location of the riparian/littoral area associated with such lots, plots, blocks, sites or units.

Flood Damage Prevention Law
This law, adopted in 1977, regulates construction in any area, which is designed as an “area of special flood hazard.” Although it does not prevent construction in these areas, it does a developer to obtain a variance and incorporates certain flood proofing and prevention measures, which are intended to minimize public and private losses due to flood conditions. The Village Building Inspector is responsible for administering this law and for granting or denying permits in accordance with its provisions.

Sewer Use Law
This law regulates the use of public and private sewers and drains, private sewer disposal, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer systems. In addition, the Sewer Rent Law establishes a schedule of rates for sewer service based on the type of use. Fees collected are applied to the cost of operation and maintenance of the Village Sewer Works.

Docks and Mooring Law
The Docks and Moorings Law of the Village of Sodus Point, Chapter 86 enacted in 1986 and substantially amended in 1999, establishes comprehensive controls for the construction, installation, and locations of docks, piers, boathouses, structures, and mooring buoys. This law provides for the appointment of a Docks and Mooring Inspector by the Mayor, with subsequent approval by the Board of Trustees, and for the inspection of all docks and moorings in the Village, and the collection of an annual fee. The inspector examines all permit applications for all docks, structures, piers, etc. within 1500 feet from the shoreline.

Except for docks extending less than 60 feet from the shoreline and less than 60 feet in total length, a dock or mooring permit must be obtained by approval from the Village Zoning Board of Appeals (ZBA). Specifications for docks in the Law call for a width of 2.5 to 8 feet and a 10 foot clearance from adjacent property lines. Additional width is obtained only through a Special Permit issued by the ZBA.
The number of docks permitted by right in a residential zone is one for the first 75 feet of lot width plus one additional for each additional 75 feet of lot width. Docks and piers shall be straight or T-shaped and extend at right angles to the shoreline where practicable. For properties zoned for business or industrial use, up to 4 docks are permitted per lot. Additional docks may be allowed with a Special Use Permit from the ZBA. The number and configuration of docks and piers shall be determined on a case-by-case basis considering the location, limiting natural features of the site, and demonstrated need for such docks.

Mooring buoys are permitted only in connection with a littoral parcel and must be within 20 feet of property line extensions and less than 100 feet from the shoreline. One mooring buoy is permitted per littoral parcel. No permit is required for mooring buoys within the federally designated special anchorage areas.

Under the Docks and Moorings Law, deicers are not permitted within 300 feet of a public access area. In addition, all deicers must be set to create an open water area of no more than 20 feet from the structures being protected. Finally, all areas with deicing must be marked with specified signage, not less than four feet by four feet which displays lettering in blaze orange in letters not less than six inches in height, which states: “Caution: Open Water.” Nighttime warnings consist of flashing amber light, which can be seen from the water side a minimum distance of 500 feet.

**Waterfront Consistency Review Law**

The Waterfront Consistency Review Law requires that all Village personnel, officials, boards, agencies and committees act consistently with the policies and purposes of the Village of Sodus LWRP, and amendments made thereto. (See Appendix A)

2. **LAWS RECOMMENDED FOR ADOPTION/CHANGE TO MAXIMIZE CONSISTENCY WITH LWRP**

**Zoning Chapter 190 Amendment**

**Dry Rack Storage.** Current requirements for commercial marinas within the WC Zoning District include a maximum height of 35 feet, maximum lot coverage of 40% and a minimum setback from the shoreline (front setback) of 25 feet.

To address a deficiency regarding the use of dry rack storage, the following additional provisions are recommended to allow and encourage the use of dry rack storage while protecting adjacent land uses:

- **Dry Stack Boat Storage Definitions** Storage of boats in a vertical rack system, outdoors or within an enclosed or semi-enclosed building, providing storage of at least two layers of boats.
Under District Uses:

- Dry stack boat storage permitted as:
  - a stand-alone warehouse use – permitted in the I (Industrial) zone of the Village of Sodus Point.
  - an accessory use to a marina – permitted in the WC (Waterfront Commercial) zone of the Village of Sodus Point.

- Parking Requirement:
  - Minimum of one off-street parking space per four dry storage units required in addition to requirement for other on-site uses.

- Setbacks/Buffers:
  - Setbacks for dry stack boat storage from any abutting residential property line shall be 2.75 times the height of the structure if enclosed or 2.75 times the height of the highest point of any stored vessels if unenclosed.
  - To protect the visual appearance of the shoreline, as viewed from the water and from adjacent upland areas, dry rack storage facilities should be set back from the water’s edge a minimum distance of 400 feet.
  - Buffering and architectural treatment of any dry stack boat storage facility shall be such as to be consistent with the surrounding land uses and with adequate, nearly opaque, vegetative and other screening to minimize visual impacts of the facility and its operation. Architectural treatment and buffering shall be at the discretion of the Planning Board in the Village of Sodus Point under its authority to grant Site Plan approval.
  - Projects utilizing dry stack boat storage shall be designed so that the use of noise-generating equipment, such as forklifts, or activities, such as boat repairs, are located as far from adjacent residential property lines as feasible to lessen impacts to residents. In no case shall such activities occur within the required setback from any adjacent residential property line.

It is believed that incorporation of the above recommended definitions and standards will allow for and encourage the use of dry rack storage while protecting the neighborhood within which they may occur.

**Docks and Moorings Law Amendment**

The *Great Sodus Bay Harbor Management Plan* recommends that communities around the Bay establish uniform regulations regarding the use of deicing equipment. Implementation will
require the passage of resolutions in the Village of Sodus Point (and the Town of Huron) to amend their existing docking and mooring ordinances consistent with the recommendations. During the winter season, nighttime visibility should be assured through the use of reflectors instead of a blinking light, which has been found to detract from the aesthetics of the Bay.

The *Great Sodus Bay Harbor Management Plan* also recommends uniform standards for docks, moorings and other in-water structures for the three municipalities bordering Sodus Bay -- while allowing for differences in administrative structure and implementation. At present, the Village of Sodus Point and the Town of Huron have docking and mooring laws while the Town of Sodus does not. Implementation of the recommended requirements requires amendment of the existing Village of Sodus Point Docks and Moorings Law.

The substantive areas should include specification of the number of docks and boat slips permitted based upon water frontage and land use, the minimum setback from property line extensions, the maximum length and surface area of structures, and regulation of boathouses and deicers.

The following substantive standards are recommended in each of these areas:

1. **The maximum number of docks and boat slips per parcel** is based upon length of water frontage and adjacent land use. In each case, a mooring may be substituted for a permitted boat slip on a one-for-one basis.

   **For Residential land uses:**

<table>
<thead>
<tr>
<th>Length Range</th>
<th>Number of Slips and Docks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 25 feet</td>
<td>1 boat slip, 1 dock</td>
</tr>
<tr>
<td>25.01 feet to 50 feet</td>
<td>2 boat slips, 1 dock</td>
</tr>
<tr>
<td>50.01 feet to 100 feet</td>
<td>3 boat slips, 1 dock</td>
</tr>
<tr>
<td>100.01 feet to 150 feet</td>
<td>4 boat slips, 2 docks</td>
</tr>
<tr>
<td>150.01 feet to 200 feet</td>
<td>5 boat slips, 2 docks</td>
</tr>
<tr>
<td>&gt; 200 feet</td>
<td>+1 slip per 50 feet +1 dock per 100 feet</td>
</tr>
</tbody>
</table>

   **Non-Residential**

   (Note that the maximum number of slips is subject to all other land use and zoning restrictions, including parking requirements.)

   **Yacht Clubs and Marinas:**

<table>
<thead>
<tr>
<th>Length Range</th>
<th>Number of Slips and Moorings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Requires minimum 200 feet</td>
<td>total of 75 boat slips and/or moorings</td>
</tr>
<tr>
<td>200 feet to 250 feet</td>
<td>total of 75 boat slips and/or moorings</td>
</tr>
</tbody>
</table>
> 250 feet +20 slips and/or moorings per 50 feet

Restaurants:

<table>
<thead>
<tr>
<th>Requirements</th>
<th>Slips and/or Moorings</th>
</tr>
</thead>
<tbody>
<tr>
<td>100 feet to 150 feet</td>
<td>up to 20 boat slips</td>
</tr>
<tr>
<td>&gt; 150 feet</td>
<td>up to 30 boat slips</td>
</tr>
<tr>
<td>&gt; 200 feet</td>
<td>+10 slips per 50 feet to maximum of 25% of the seating capacity</td>
</tr>
</tbody>
</table>

2. Minimum setbacks from property line extensions**:
   - 10 feet for residential uses abutting another residential use
   - 30 feet for non-residential use property abutting a residential use property
   - 15 feet for a non-residential use abutting another non-residential use

**The minimum setbacks apply to the docking structures only and not to the vessels berthed at the docks. These setbacks also apply to moorings and should be based upon the closest point at which a moored vessel can be to the property line extension. Methods for determining property line extensions can vary among the municipalities, but should be consistent with at least one of the methods recommended by the NYS Office of General Services.

3. Maximum dock lengths and surface areas.

Each permitted dock associated with a residential lot shall not exceed a total of eight hundred (800) square feet, including walkways. For the purposes of this section, width is measured parallel to the mean high water line; length is measured perpendicular to the mean high water line.

(i) The main walkway of a dock is the section extending from the mean high water line toward the navigable water of the Bay. The main walkway shall not exceed a maximum width of eight (8) feet as measured parallel to the mean high water line. The surface area of the portion of the main walkway that extends from the mean high water mark towards the navigable water of the Bay shall constitute no less than fifty (50) percent of the total surface area of the dock and associated structures.

(ii) No part of the dock or associated structures and equipment shall extend beyond a line or curve drawn parallel to the mean high water line at a distance of sixty (60) feet from the mean high water line toward the navigable water of the Bay.
(iii) If the water depth is less than three (3) feet as measured from the mean low water level at the "sixty (60) feet line" referenced in (ii), the maximum length of the dock may be extended to reach the underwater elevation level of 240.3 feet IGLD 85 (established by a mean low water elevation of 243.3 feet minus 3.0 feet). Under no circumstances may any part of the dock or associated structures extend beyond a line drawn 100 feet from the mean high water line nor may the total surface area exceed eight hundred (800) square feet.

(iv) The use of fingers, "T" or "L" shaped appendages are permitted in any configuration from the main walkway of the dock to form boat slip spaces. Such appendages must be set out in the water a minimum of 20 feet where the main dock walkway meets the mean high water line. The total surface area of all such appendages shall not exceed 300 square feet per dock.

4. **Boathouses.**
   Not permitted. See section on “non-conforming structures” regarding existing boathouses.

5. **Deicers.**
   Requires a permit. Allowed if setback is at least 300 feet from public access areas. Open water around structures limited to 20 feet. Day signage and nighttime visibility required. Nighttime visibility to be provided through the use of red reflectors meeting US DOT requirements.

6. **Pre-Existing Non-Conforming Structures.**
   Pre-existing, non-conforming structures subject to regulation under the above provisions are grandfathered and may remain in use until such time the structure is damaged beyond 50% of the replacement cost or otherwise becomes unusable. At such time the facility shall be made to conform to the adopted Docking and Mooring Law provisions.

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**B. STATE FUNDING SOURCES TO IMPLEMENT THE LWRP**

**Environmental Protection Fund**

The Environmental Protection Fund (EPF) is a State program that offers matching grant funds for waterfront planning and development projects, parks and recreation improvements, and historic preservation projects. Funds can be used for planning and design services, for land acquisition and for the construction of project improvements. The Department of State and the
Office of Parks, Recreation and Historic Preservation both distribute EPF funding, typically on an annual basis. The EPF criteria for recreation projects favor proposals that would provide additional water-based recreation opportunities or access to water-based sites.

**1996 Clean Water/Clean Air Bond Act**

The Bond Act passed by State voters in November of 1996 provides a variety of opportunities for communities to obtain grants for clean water/clean air projects. One specific component of the Bond Act that would apply to the Village’s waterfront area enables the State of New York to provide grants to a municipality for a park or heritage area project that:

a) develops, enhances or expands public access to a water body
b) promotes water based recreation
c) enhances the natural cultural or historic aspects of the water body
d) preserves historically significant projects or sites. The New York State Office of Parks, Recreation and Historic Preservation administers this component of the Bond Act.

A second component of the 1996 Bond Act provides resources for the Department of Environmental Conservation and the Office of Parks, Recreation and Historic Preservation to purchase land or conservation easements for parcels that develop, expand or enhance water quality protection or public access to water bodies.

**State Legislature ‘Member Items’**

Members of the state legislature have access to significant funding for projects they deem as important in their local districts. State legislators should be kept informed about the community’s vision and funding needs for various projects.

C. **FEDERAL FUNDING SOURCES TO IMPLEMENT THE LWRP**

**Transportation Equity Act for the 21st Century (TEA-21)**

In 1991, the U.S. Congress passed the Intermodal Surface Transportation Efficiency Act (ISTEA) requiring that bicycle and pedestrian transportation projects be included in metropolitan transportation plans. ISTEA significantly increased funding for such projects. The Transportation Equity Act for the 21st Century (TEA-21) increases funding for bicycle and pedestrian transportation projects beyond those provided in ISTEA. Most federal funding programs provide 80% of the total amount for trail development and require 20% local matching funds.

**Transportation Enhancement Program**

The Transportation Enhancement Program (TEP) has been and continues to be the most common funding source for trail projects. This program requires states to utilize 10% of their
Federal Surface Transportation Program allocation for enhancing the transportation system. TEA-21 spells out eligible purposes, which include bicycle and pedestrian facilities, as well as historic preservation, scenic beautification and others. It is anticipated that there will be TEP funding through 2010. Unique among federal transportation programs, the TEP permits the non-federal match to be in-kind contributions; all other programs require cash match.

**Hazard Elimination Program**

The purpose of the Hazard Elimination Program is to identify and correct locations that may constitute a danger to motorists, bicyclists and pedestrians. These funds can be used for trail development, where it is documented that use of the roadways has resulted in a significant number of accidents involving cycling and/or pedestrians.

**Surface Transportation Program**

This program typically focuses on road construction, reconstruction and repair. However, a permitted use of STP funds is the development of transportation facilities in conjunction with road projects. STP funds can also be used for maps, brochures and public service announcements.

**National Highway System Funds**

NHS funds can be used to develop multi-use trails and shoulder improvements in highway corridors, including interstate highways.

### D. LOCAL GOVERNMENT FUNDING SOURCES TO IMPLEMENT THE LWRP

Wayne County and Village government will be required to provide matching funds and/or in-kind contributions for all State (50% match) and federal grants (20% match). They can, of course, choose to take on project planning and construction with their own funding, if unsuccessful with State and federal funding applications.

**Village, Town and County Parks/Transportation Works Department**

Village staff members, along with elected and appointed officials, should build local interest in the designated LWRP projects and develop funding proposals. Staff time will often provide in-kind contributions toward the local matching funds required.

**Private and Non-Profit Sector Involvement**

Building partnerships with members of the local business community and any non-for-profit is critical to long-term successful project development efforts. Leaders of the business community are key volunteers and leaders in the non-profit sector. The leadership of business...
representatives will strengthen grant applications and sometimes provide a source of matching funds for the local portion of State and federal grants.

E. FUNDING SOURCES BY PROJECT TYPE

A hierarchy of funding sources could be tapped to provide the one time funding for capital and marine infrastructure improvements. These include:

1. Grant Programs such as those administered by the NYS Department of State (DOS) and the Office of Parks, Recreation and Historic Preservation (OPRHP) under the Environmental Protection Fund. These are generally matching funds granted to preserve, rehabilitate, restore or acquire lands, waters or structures for park, recreation, conservation or preservation purposes.

2. One time Congressional appropriations or NYS Assembly/Senate “member items”. These are generally for one-time, high visibility expenditures meeting a community need.

3. Bonding directly by local governments, perhaps utilizing a Section 190 Harbor Improvement District for repayment.

Funding sources that could provide support for items needing continuous expenditures:

1. General municipal and/or county tax revenues (general fund).

2. User fees for launch sites, public pier docking and, as demand grows, transient-use moorings.

3. User fee assessed on a per dock basis for commercial and/or residential docks.

4. Section 190 Harbor Improvement Districts set up within each municipality.
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.

Pursuant to the State Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Executive Law, Article 42), the Secretary of State notifies affected State agencies of those agency actions and programs that are to be undertaken in a manner consistent with approved LWRPs. (See Appendix D) The following list of State actions and programs is that list. The State Waterfront Revitalization of Coastal Areas and Inland Waterways Act requires that a LWRP identify those elements of the program that can be implemented by the local government, unaided, and those that can only be implemented with the aid of other levels of government or other agencies. Such statement shall include those permit, license, certification or approval programs; grant, loan subsidy or other funding assistance programs; facilities construction, and planning programs that may affect the achievement of the LWRP. Federal agency actions and programs subject to consistency requirements are indentified in the New York State Coastal Management Program and by implementing the regulations of the U.S. Coastal Zone Management Act.

The second part of this section is a more focused and descriptive list of State and federal agency actions that are necessary for further implementation of the LWRP. It is recognized that a State and 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 discusses State and federal assistance needed to implement the LWRP.
6.1 STATE AND FEDERAL PROGRAMS THAT SHOULD BE UNDERTAKEN IN A MANNER CONSISTENT WITH THE LOCAL WATERFRONT REVITALIZATION PROGRAM

A. 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 Program
4.00 Permit and approval programs:
   4.01 Custom Slaughters/Processor Permit
   4.02 Processing Plant License
   4.03 Refrigerated Warehouse and/or Locker Plant License

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

**OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES**

1.00 Facilities, construction, rehabilitation, expansion, or demolition or the funding of such activities.  
2.00 Permit and approval programs:  
   2.01 Certificate of approval (Substance Abuse Services Program)  
3.00 Permit and approval:  
   3.01 Letter Approval for Certificate of Need  
   3.02 Operating Certificate (Alcoholism Facility)  
   3.03 Operating Certificate (Community Residence)  
   3.04 Operating Certificate (Outpatient Facility)  
   3.05 Operating Certificate (Sobering-Up Station)

**COUNCIL ON THE ARTS**

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

**DEPARTMENT OF BANKING**

1.00 Permit and approval programs:  
   1.01 Authorization Certificate (Bank Branch)  
   1.02 Authorization Certificate (Bank Change of Location)  
   1.03 Authorization Certificate (Bank Charter)  
   1.04 Authorization Certificate (Credit Union Change of Location)  
   1.05 Authorization Certificate (Credit Union Charter)  
   1.06 Authorization Certificate (Credit Union Station)  
   1.07 Authorization Certificate (Foreign Banking Corporation Change of Location)  
   1.08 Authorization Certificate (Foreign Banking Corp. Public Accommodations Office)  
   1.09 Authorization Certificate (Investment Company Branch)  
   1.10 Authorization Certificate (Investment Company Change of Location)  
   1.11 Authorization Certificate (Investment Company Charter)  
   1.12 Authorization Certificate (Licensed Lender Change of Location)  
   1.13 Authorization Certificate (Mutual Trust Company Charter)  
   1.14 Authorization Certificate (Private Banker Charter)  
   1.15 Authorization Certificate (Public Accommodation Office – Banks)  
   1.16 Authorization Certificate (Safe Deposit Company Branch)
1.17 Authorization Certificate (Safe Deposit Company Change of Location)
1.18 Authorization Certificate (Safe Deposit Company Charter)
1.19 Authorization Certificate (Savings Bank Charter)
1.20 Authorization Certificate (Savings Bank DeNovo Branch Office)
1.21 Authorization Certificate (Savings Bank Public Accommodations Office)
1.22 Authorization Certificate (Savings and Loan Association Branch)
1.23 Authorization Certificate (Savings and Loan Association Change of Location)
1.24 Authorization Certificate (Savings and Loan Association Charter)
1.25 Authorization Certificate (Subsidiary Trust Company Charter)
1.26 Authorization Certificate (Trust Company Branch)
1.27 Authorization Certificate (Trust Company – Change of Location)
1.28 Authorization Certificate (Trust Company Charter)
1.29 Authorization Certificate (Trust Company Public Accommodations Office)
1.30 Authorization to Establish a Life Insurance Agency
1.31 License as a Licensed Lender
1.32 License for a Foreign Banking Corporation Branch

**OFFICE OF CHILDREN AND FAMILY SERVICES**

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

2.00 Homeless Housing and Assistance Program.

3.00 Permit and approval programs:
   3.01 Certificate of Incorporation (Adult Residential Care Facilities)
   3.02 Operating Certificate (Children's Services)
   3.03 Operating Certificate (Enriched Housing Program)
   3.04 Operating Certificate (Home for Adults)
   3.05 Operating Certificate (Proprietary Home)
   3.06 Operating Certificate (Public Home)
   3.07 Operating Certificate (Special Care Home)
   3.08 Permit to Operate a Day Care Center

**DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION**

1.00 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/ 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, demolition or the funding of such activities.
2.00 Permit and approval programs:
   2.01 Certification of Incorporation (Regents Charter)
   2.02 Private Business School Registration
   2.03 Private School License
   2.04 Registered Manufacturer of Drugs and/or Devices
   2.05 Registered Pharmacy Certificate
   2.06 Registered Wholesale of Drugs and/or Devices
   2.07 Registered Wholesaler-Repacker of Drugs and/or Devices
   2.08 Storekeeper’s Certificate
3.00 Administration of Article 5, Section 233 of the Educational Law regarding the removal of archaeological and paleontological objects under the waters of the State.

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 waste dumps
   4.03 Flood control, beach erosion, and other water resource projects
   4.04 Operating aid to municipal wastewater treatment facilities
   4.05 Resource recovery and solid waste management capital projects
   4.06 Wastewater treatment facilities
6.00 Implementation of the Environmental Quality Bond Act of 1972, including:
   (a) Water Quality Improvement Projects
(b) Land Preservation and Improvement Projects including Wetland Preservation and Restoration Projects, Unique Area Preservation Projects, Metropolitan Parks Projects, Open Space Preservation Projects, and Waterways Projects.

7.00 Marine Finfish and Shellfish Programs

9.00 Permit and approval programs

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

**Construction Management**
9.08 Approval of Plans and Specifications for Wastewater Treatment Facilities

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

**Hazardous Substances**
9.24 Permit to Use Chemicals for the Control or Elimination of Aquatic Insects
9.25 Permit to Use Chemicals for the Control or Elimination of Aquatic Vegetation
9.26 Permit to Use Chemicals for the Control or Elimination of Undesirable Fish
Lands and Forest
9.27 Certificate of Environmental Safety (Liquid Natural Gas/Liquid Petroleum Gas)
9.28 Floating Object Permit
9.29 Marine Regatta Permit
9.30 Navigation Aid Permit

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

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

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

Water Resources
9.49 Approval of Plans for Wastewater Disposal Systems
9.50 Certificate of Approval of Realty Subdivision Plans
9.51 Certificate of Compliance (Industrial Wastewater Treatment Facility)
9.52 Letters of Certification for Major Onshore Petroleum Facility Oil Spill Prevention and Control Plan
9.53 Permit - Article 36, (Construction in Flood Hazard Areas)
9.54 Permit for State Agency Activities for Development in Coastal Erosion Hazards Areas
9.55 Permit for State Agency Activities for Development in Coastal Erosion Hazards Areas
9.56 State Pollutant Discharge Elimination System (SPDES) Permit
9.57 Approval – Drainage Improvement District
9.58 Approval – Water (Diversions for Power)
9.59 Approval of Well System and Permit to Operate
9.60 Permit – Article 15, (Protection of Water) – Dam
9.61 Permit – Article 15, Title 15 (Water Supply)
9.62 River Improvement District Permits
9.63 River Regulatory District approvals
9.64 Well Drilling Certificate of Registration
9.65 401 Water Quality Certification

10.00 Preparation and revision of Air Pollution State Implementation Plan.
11.00 Preparation and revision of Continuous Executive Program Plan.
12.00 Preparation and revision of Statewide Environmental Plan.
13.00 Protection of Natural and Man-made Beauty Program.
14.00 Urban Fisheries Program.
15.00 Urban Forestry Program.
16.00 Urban Wildlife Program.

ENVIRONMENTAL FACILITIES CORPORATION
1.00 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, architectural or cultural significance.
3.00 Facilities construction, rehabilitation, expansion, or demolition.
4.00 Administration of Article 5, Section 233, Subsection 5 of the Education Law on removal of archaeological and paleontological objects under the waters of the State.
5.00 Administration of Article 3, Section 32 of the Navigation Law regarding location of structures in or on navigable waters.
6.00 Section 334 of the State Real Estate Law regarding subdivision of waterfront properties on navigable waters to include the location of riparian lines.

DEPARTMENT OF HEALTH
1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
2.00 Permit and approval programs:
   2.01 Approval of Completed Works for Public Water Supply Improvements
   2.02 Approval of Plans for Public Water Supply Improvements.
   2.03 Certificate of Need (Health Related Facility - except Hospitals)
   2.04 Certificate of Need (Hospitals)
   2.05 Operating Certificate (Diagnostic and Treatment Center)
   2.06 Operating Certificate (Health Related Facility)
   2.07 Operating Certificate (Hospice)
   2.08 Operating Certificate (Hospital)
   2.09 Operating Certificate (Nursing Home)
   2.10 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 HOMES AND COMMUNITY RENEWAL and its subsidiaries and affiliates
1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
2.00 Financial assistance/grant programs:
   2.01 Federal Housing Assistance Payments Programs (Section 8 Programs)
   2.02 Housing Development Fund Programs
   2.03 Neighborhood Preservation Companies Program
   2.04 Public Housing Programs
   2.05 Rural Initiatives Grant Program
   2.06 Rural Preservation Companies Program
   2.07 Rural Rental Assistance Program
   2.08 Special Needs Demonstration Projects
   2.09 Urban Initiatives Grant Program
   2.10 Urban Renewal Programs
3. 00 Preparation and implementation of plans to address housing and community renewal needs.

**HOUSING FINANCE AGENCY**
1.00 Funding programs for the construction, rehabilitation, or expansion of facilities.
2.00 Affordable Housing Corporation

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

**DIVISION OF MILITARY AND NAVAL AFFAIRS**
1.00 Preparation and implementation of the State Disaster Preparedness Plan.

**NATURAL HERITAGE TRUST**
1.0 Funding program for natural heritage institutions.

**ROCHESTER-GENESEE REGIONAL TRANSPORTATION AUTHORITY (regional agency)**
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.

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

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

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

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

4.00 Funding program for State and local historic preservation projects.

5.00 Land and Water Conservation Fund programs.

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

7.00 Permit and approval programs:
   - 7.01 Floating Objects Permit
   - 7.02 Marine Regatta Permit
   - 7.03 Navigation Aide Permit
   - 7.04 Posting of Signs Outside State Parks

8.00 Preparation and revision of the Statewide Comprehensive Outdoor Recreation Plan and the Statewide Comprehensive Historic Preservation Plan and other plans for public access, recreation, historic preservation or related purposes.

9.00 Recreation services program.

10.00 Urban Cultural Parks Program.

11.00 Planning, construction, rehabilitation, expansion, demolition or the funding of such activities and/or projects funded through the Environmental Protection Fund (Environmental Protection Act of 1993) or Clean Water/Clean Air Bond Act of 1996.

**POWER AUTHORITY OF THE STATE OF NEW YORK**

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

2.00 Facilities construction, rehabilitation, expansion, or demolition.

**NEW YORK STATE FOUNDATION FOR SCIENCE, TECHNOLOGY AND INNOVATION**

1.00 Corporation for Innovation Development Program.

2.00 Center for Advanced Technology Program.

**DEPARTMENT OF STATE**

1.00 Appalachian Regional Development Program.

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

3.00 Community Services Block Grant Program.

4.00 Permit and approval programs:
   4.01 Billiard Room License
   4.02 Cemetery Operator
   4.03 Uniform Fire Prevention and Building Code

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)
   3.03 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
1.0 Facilities construction, rehabilitation, expansion, or demolition or the funding for approval of such activities.

B. FEDERAL AGENCIES

I. ACTIVITIES UNDERTAKEN DIRECTLY BY OR IN BEHALF OF FEDERAL AGENCIES

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, breakwaters, 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 spoil 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.

DEPARTMENT OF INTERIOR
Fish and Wildlife Service
1.00 Management of National Wildlife refuges and proposed acquisitions.
National Park Service
2.00 National Park and Seashore management and proposed acquisitions.
Minerals Management Service
3.00 OCS lease sale activities including tract selection, lease sale stipulations, etc.

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

DEPARTMENT OF TRANSPORTATION
Federal Aviation Administration
4.00 Location and design, construction, maintenance, and demolition of Federal aids to air navigation.
Federal Highway Administration
5.00 Highway construction.
6 II.  FEDERAL LICENSES, PERMITS AND OTHER FORMS OF APPROVAL OR AUTHORIZATION

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 Corps 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. 1344).

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

Energy 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 Regulatory 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 NPDES 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).

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

NUCLEAR REGULATORY COMMISSION


DEPARTMENT OF HOMELAND SECURITY

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).

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration
3.00 Permits and licenses for construction, operation or alteration of airports.
III. FEDERAL FINANCIAL ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

DEPARTMENT OF AGRICULTURE
10.068 Rural Clean Water Program
10.409 Irrigation, Drainage, and Other Soil and Water Conservation Loans
10.410 Low to Moderate Income Housing Loans
10.411 Rural Housing Site Loans
10.413 Recreation Facility Loans
10.414 Resource Conservation and Development Loans
10.415 Rural Renting Housing Loans
10.416 Soil and Water Loans
10.418 Water and Waste Disposal Systems for Rural Communities
10.419 Watershed Protection and Flood Prevention Loans
10.422 Business and Industrial Loans
10.423 Community Facilities Loans
10.424 Industrial Development Grants
10.426 Area Development Assistance Planning Grants
10.429 Above Moderate Income Housing Loans
10.430 Energy Impacted Area Development Assistance Program
10.901 Resource Conservation and Development
10.902 Soil and Water Conservation
10.904 Watershed Protection and Flood Prevention
10.906 River Basin Surveys and Investigations

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

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)

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 Areawide 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)

GENERAL SERVICES ADMINISTRATION
   39.002 Disposal of Federal Surplus Real Property

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

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

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

* Numbers refer to the Catalog of Federal Domestic Assistance Programs, 1980 and its two subsequent updates.
STATE AND FEDERAL PROGRAMS NECESSARY TO FURTHER THE LWRP

A. STATE PROGRAMS

A. Department of Environmental Conservation
Funding assistance with planning studies and/or design and construction of projects targeted to mitigate localized flooding problems in the Town’s waterfront area, particularly along Route 5 in Sub-Area 1.
Funding assistance with planning studies and/or design and construction of projects targeted to control and mitigate localized flooding problems in the Town’s waterfront area.
Funding assistance through the Environmental Quality Bond Act of 1972 for improvement projects at Hamburg Town Park.
Technical assistance with updates and revisions to the Coastal Erosion Hazard Area mapping.

B. Environmental Facilities Corp.
Funding assistance for the planning, design and construction of sewer extensions or other improvement projects within the Erie County Sewer Districts.

C. Department of State
Funding approval and technical assistance for LWRP implementation of various planning, design and construction projects, as outlined in Section IV of this Program.
Funding assistance through the Environmental Quality Bond Act of 1972 for the land preservation and protection of the unique resources at Bennett Beach and for improvement projects at local parks in Hamburg.

D. Department of Economic Development / Empire State Development Corporation
Assistance is needed for the preparation of economic feasibility studies for the reuse of various deteriorated and unutilized structures, as well as for the siting or improvement of public facilities.

E. Office of General Services
Prior to any development occurring in the water or on the immediate waterfront, OGS will be contacted for a determination of the State’s interest in underwater or formerly underwater lands and for authorization to use and occupy such lands.

F. Office of Parks, Recreation, and Historic Preservation
Funding assistance for the planning, design and construction of expansion or improvement projects at Woodlawn Beach State Park.
Funding approval under programs such as the Land and Water Conservation Fund and the Clean Water / Environmental Protection Fund for development of or improvements to waterfront parkland.
Funding assistance to continue the multi-use trail development along the waterfront on Route and for the development of the Lake Erie Scenic Overlook on the former Foit’s property.

G. Division of Housing and Community Renewal
Funding and technical assistance with revitalization efforts in the Woodlawn community.

H. New York State Department of Transportation
Funding assistance with the development of the Old Lake Shore Road Multi-Use Pathway.

B. FEDERAL PROGRAMS

A. Department of Defense
Technical assistance and funding for flooding and erosion control projects on Route 5 in Athol Springs and Old Lake Shore Road erosion control and stabilization.

B. Federal Highway Administration
Funding and technical assistance for the design and construction of the Hamburg Multi-Use Pathway.

C. Department of Commerce
Funding and technical assistance for economic development projects in the Woodlawn Beach hamlet area.

D. Department of Housing and Urban Development
Funding assistance for community projects through the Community Develop Block Grants program.

E. Small Business Administration
Funding and technical assistance for local businesses along the waterfront to stimulate economic development.
A. LOCAL COMMITMENT

The Village of Sodus Point was committed to adopting a Local Waterfront Revitalization Program (LWRP) as a policy document, to supplement the Village Master Plan (1996), and to amend its LWRP to integrate the Sodus Bay Harbor Management Plan (HMP), in 2010. The Village of Sodus Point adopted regulations in support of the LWRP as local laws, similar or equal to other implementation mechanisms such as the local law regulating mooring and docking. The Village is committed to implementing the list of recommended projects through funding partnerships and other funding sources.

The development of the original LWRP, and amendments thereto, was undertaken under the direction of the Mayor of the Village of Sodus Point with the Village’s Planning Board. The Planning Board reviewed and edited the LWRP document throughout its development. The Director for Planning, Wayne County, was provided all draft documentation of this report for informational purposes.

Planning efforts, technical assistance, information and data gathering and user inputs were provided by three focus groups during the Village’s Master Planning effort (1996). The focus groups included residential, fishing and boating and recreation/environmental interests.

Planning Board members and staff participated in the development and review of this document. Monthly meetings were held for over a six-month period in the development of this report. Information pertaining to the Sodus Bay HMP was reviewed extensively by the Sodus Bay Intermunicipal Committee, with Village representation.

The requirements for SEQRA were satisfied following the completion of the Environmental Assessment Form (EAF) and determination of No Significant Impact (Negative Declaration) by the Village Board of Trustees.
B. CONSULTATION WITH OTHER AGENCIES

1. METHOD
The Village of Sodus Point established and carried out several approaches for consulting with Federal, State, regional and other local agencies that may be affected by the Village of Sodus Point’s development of the Local Waterfront Revitalization Program (LWRP). The methods were used to facilitate understanding of the Village’s LWRP, promote information sharing, coordinate related Village and agency activities and resolve conflicts between the Village’s LWRP and the policies and/or programs of these governmental agencies.

2. CONSULTATION
Local Consultation
Consultation has consisted of maintaining a close relationship with other Village entities whose actions and/or functions may be affected by the LWRP. These include the Village Board of Trustees, the Sodus Point Planning and Zoning Boards; and the Highway, Water and Sewer Departments.

The other local governments likely to be affected by the LWRP are the towns surrounding Sodus Bay and The Village of Sodus Point. No plans currently exist for these other communities to prepare LWRPs. However, these communities have entered into an inter-municipal agreement with the Village of Sodus Point to prepare a Harbor Management Plan for the Greater Sodus Bay.

Regional Consultation
The Wayne County Planning Department and the Town of Sodus worked on some of the original LWRP documentation and have been involved with review of the Draft Local Waterfront Revitalization Plan (DLWRP)

State Agency Consultation
Consultation with the Department of State has taken place throughout the preparation of the DLWRP. Telephone conversations, field visits, and e-mails have focused on LWRP preparation, methods of implementation, legal and programmatic concerns. The Department of Environmental Conservation and the Office of General Services were also involved.

Federal Consultation
The US Army Corps of Engineers was contacted as the LWRP was evolving.
Chapter 186
WATERFRONT CONSISTENCY

§ 186-1. Title.
This chapter will be known as the "Village of Sodus Point Waterfront Consistency Law."

§ 186-2. Statutory authority; purpose.
A. This chapter is adopted under the authority of the Municipal Home Rule Law and the Waterfront Revitalization of Coastal Areas and Inland Waterways Act of the State of New York (Article 42 of the Executive Law).

B. The purpose of the chapter is to provide a framework for agencies of the Village of Sodus Point to consider the policies and purposes contained in the Local Waterfront Revitalization Program when reviewing applications for actions or direct agency actions located in the waterfront area; and to assure that such actions and direct actions are consistent with the said policies and purposes.

C. It is the intention of the Village of Sodus Point that the preservation, enhancement and utilization of the natural and man-made resources of the unique waterfront area of the Village occur in a coordinated and comprehensive manner to ensure a proper balance between natural resources and the need to accommodate...
population growth and economic development. Accordingly, this chapter is intended to achieve such a balance, permitting the beneficial use of waterfront resources while preventing loss of fish and wildlife; adverse impacts to historic structures; diminution of open space areas or public access to the waterfront; erosion of shoreline; losses due to flooding, erosion and sedimentation; or permanent adverse changes to ecological systems.

D. The substantive provisions of the chapter shall only apply while there is in existence a Local Waterfront Revitalization Program which has been adopted in accordance with Article 42 of the Executive Law of the State of New York.

§ 186-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ACTIONS - Either Type I or unlisted actions as defined in SEQRA regulations which are undertaken by an applicant and which include:

A. Projects or physical activities, such as construction or other activities, that may affect the environment by changing the use, appearance or condition of any natural resource or structure, that:
   (1) Are directly undertaken by an agency; or
   (2) Involve funding by an agency; or
   (3) Require one or more new or modified approvals from an agency or agencies;

B. Agency planning and policy-making activities that may affect the environment and commit the agency to a definite course of future decisions;

C. Adoption of agency rules, regulations and procedures, including local laws, codes, ordinances, executive orders and resolutions that may affect the environment; and

D. Any combinations of the above.

AGENCY - Any board, agency, department, office, other body, or officer of the Village of Sodus Point.

APPLICANT - Any person, corporation, partnership, or other entity requesting approval or funding of an action, or undertaking any action for which approval is required pursuant to the chapter.
BUILDING INSPECTOR - The Building Inspector or, if none, the Code Enforcement Officer of the Village of Sodus Point.

CONSISTENT - The action will comply with the LWRP policy standards and conditions.

DIRECT ACTIONS - Actions planned and proposed for implementation by an agency, such as, but not limited to, a capital project, rule-making, procedure-making and policy-making.

LOCAL WATERFRONT REVITALIZATION PROGRAM (LWRP) - The Local Waterfront Revitalization Program of the Village of Sodus Point, approved by the Secretary of State pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Executive Law, Article 42), a copy of which shall be on file in the Office of the Village Clerk of the Village of Sodus Point.

WATERFRONT AREA - The Waterfront Revitalization Area delineated in the Village's Local Waterfront Revitalization Program.

WATERFRONT ASSESSMENT FORM (WAF)- The form used by an agency to assist it in determining the consistency of an action with the Local Waterfront Revitalization Program.

§ 186-4. Review of actions.

A. Whenever a proposed action is located in the Village's waterfront area, an agency shall, prior to approving, funding or undertaking the action, make a determination that it is consistent with the LWRP policy standards and conditions set forth in Subsection D below.

B. Whenever an agency receives an application for approval or funding of an action or as early as possible in the agency's formulation of a direct action to be located in the waterfront area, the applicant, or in the case of direct action, the agency, shall prepare a Waterfront Assessment Form (WAF) to assist with the consistency review.

C. Whenever an agency shall make a determination that an action is not consistent with the LWRP policy standards and conditions, it shall notify the applicant of such findings and the reason therefore within 45 days of filing of the application.

D. Actions to be undertaken within the waterfront area shall be evaluated for consistency in accordance with the following LWRP policy standards and conditions, which are derived from and further explained and described in Section III of the Village of Sodus Point LWRP, a copy of which shall be on file in the Village Clerk's
office and available for inspection during normal business hours. In the case of direct actions, the agency shall also consult with Section IV of the LWRP in making its consistency determination.

1. Fostering a pattern of development in the Village of Sodus Point that enhances community character, preserves open space, makes efficient use of the infrastructure, makes beneficial use of a waterfront location, and minimizes potential adverse impacts of development.

2. Preserving and protecting historic resources.

3. Enhancing visual quality and protecting outstanding scenic resources.

4. Minimizing loss of life, structures and natural resources from flooding and erosion.

5. Protecting and improving water resources.

6. Protecting and restoring ecological resources, including significant fish and wildlife habitats, wetlands and rare ecological communities.

7. Protecting and improving air quality.

8. Minimizing environmental degradation from solid waste and hazardous substances and wastes.

9. Improving public access to the waterfront and the use of public lands.

10. Protecting existing water-dependent uses in the Village of Sodus Point and promoting the siting of new water-dependent uses in suitable locations.

11. Promoting the sustainable use of living marine resources in the Village of Sodus Point.


13. Promoting appropriate use and development of energy and mineral resources.

E. If the agency determines that the action would not be consistent with one or more of the LWRP policy standards and conditions, such actions shall not be undertaken unless the determining agency makes a written finding with respect to the proposed action that:
(1) No reasonable alternatives exist which would permit the action to be undertaken in a manner which will not substantially hinder the achievement of such LWRP policy standards and conditions.

(2) The action would be undertaken in a manner which will minimize all adverse effects on such LWRP policy standards and conditions; and

(3) The action will advance one or more of the other LWRP policy standards and conditions; and

(4) The action will result in an overriding Village, regional or state-wide public benefit.

F. Each agency shall maintain a file for each action made the subject of a consistency determination. Such files shall be under the control of the Village Clerk.

§ 186-5. Enforcement.

A. The Village Building Inspector shall be responsible for enforcing this chapter. No work or activity on an action in the waterfront area which is subject to review under this chapter shall be commenced or undertaken until the Building Inspector has been presented with a written determination from an agency that the action is consistent with the Village's LWRP policy standards and conditions.

B. In the event that any construction, action or other activity is being performed in violation of this chapter or any conditions imposed thereunder, the Building Inspector shall issue a stop-work order and all work shall immediately cease. No further work or activity shall be undertaken on the project so long as a stop-work order is in effect. Posting of a stop-work order at any work site, or delivery to any individual shall constitute issuance. Issuance of a stop-work order shall not be a prerequisite to prosecution for violating this chapter.

§ 186-6. Penalties for offenses.

A. The undertaking or performing or exercising any action as defined herein without agency approval shall constitute a violation of this chapter and shall be punishable by a fine not to exceed $250 or imprisonment for not more than 15 days, or both such fine and imprisonment.

B. Each week of continuing violation of this chapter shall constitute a separate violation.
C. This chapter may be enforced by a civil action, and any violation thereof may be enjoined by a court of competent jurisdiction.

§ 186-7. Severability.

The provisions of this chapter are severable. If any provision of this chapter is found invalid, such finding shall not affect the validity of this chapter as a whole or any part or provision hereof other than the provision so found to be invalid.

§ 186-8. When effective.

This chapter takes effect immediately upon its filing in the office of the Secretary of State.
Village of Sodus Point
Waterfront Assessment Form

A. **INSTRUCTIONS** (please print or type all answers)

1. Applicants or, in the case of direct actions, municipal agencies, shall complete this Waterfront Assessment Form (WAF) for proposed actions that are subject to the LWRP consistency, review. This assessment is intended to supplement other information used by an agency in making a determination of consistency with the Village of Sodus Point Local Waterfront Revitalization Program.

2. Before answering the questions in Section C, the preparer of the form should review the policies and explanations of policy contained in the Local Waterfront Revitalization Program (LWRP), a copy of which is on file in the Village Clerk's office. A proposed action should be evaluated as to its significant beneficial and adverse effects upon the waterfront area.

3. If any question in Section C on this form is answered "yes", then the proposed action may affect the achievement of the LWRP policy standards and conditions contained in the consistency review law. Thus, the action should be analyzed in more detail and, if necessary, modified prior to making determination that it is consistent to the maximum extent practicable, with the LWRP policy standards and conditions. If an action cannot be certified as consistent with the LWRP policy standards and conditions, it shall not be undertaken.

B. **DESCRIPTION OF SITE AND PROPOSED ACTION**

1. Type of agency action (check all appropriate responses):
   - (a) Directly undertaken (e.g. capital construction, planning activity, agency regulation, land transaction etc)  
   - (b) Financial assistance (e.g. grant, loan, subsidy)  
   - (c) Permit, approval, license, certification  
   - (d) Agency undertaking action:  
   - (e) Action is a:  
     Type I Action  
     Unlisted Action
2. Describe nature and extent of action:

_____________________________________________________________________
_____________________________________________________________________
_____________________________________________________________________
_____________________________________________________________________  
3. Location of action:

_____________________________________________________________________
_____________________________________________________________________
_____________________________________________________________________

Street or Site Description

4. Size of site __________________________________________________________

5. Present land use _____________________________________________________

6. Present zoning classification ___________________________________________

7. Describe any unique or unusual land forms on the project site (i.e. bluffs, ground
depressions, other geological formations):

_____________________________________________________________________
_____________________________________________________________________
_____________________________________________________________________  
8. Percentage of site that contains slopes of 15% or greater: ________________

9. Streams, lakes, ponds or wetlands existing within or continuous to the project
area?
   (1) Name _____________________________________________________________
   (2) Size (in acres) ____________________________________________________

10. Applicant Information:
    (a) Name of applicant (or agency): ________________________________
    (b) Mailing address: ________________________________________________
    (c) Telephone number: Area code (   ) ________________________________
    (d) Application number, if any: ________________________________
11. Will the action be directly undertaken, require funding, or approval by a State or Federal agency?

Yes__ No__  If yes, which State or Federal agency? _______________________
________________________________________________

C. WATERFRONT ASSESSMENT (Check either Yes or No for each of the following questions).

1. **Will the proposed action have a significant effect upon:**

   Yes  No

   (a) Commercial or recreation use of fish and wildlife resources? ___ ___

   (b) Scenic quality of the waterfront environment? ___ ___

   (c) Development of future or existing water dependent uses? ___ ___

   (d) Stability of the shoreline? ___ ___

   (e) Surface or groundwater quality? ___ ___

   (t) Existing or potential public recreation opportunities? ___ ___

   (g) Structures, sites or districts of historic, archeological or cultural ___ ___

   significance to the municipality, state or nation?

2. **Will the proposed action involve or result in any of the following:**

   Yes  No

   (a) Physical alteration of land along the shoreline, land under water or coastal waters? ___ ___

   (b) Physical alteration of two or more acres of land located elsewhere in the local waterfront revitalization area? ___ ___

   (c) Expansion of existing public services or infrastructure in underdeveloped or low density areas of the waterfront area? ___ ___

   (d) Energy facility not subject to Article VII or VIII of the Public Service Law? ___ ___

   (e) Mining excavation filling or dredging? ___ ___

   (f) Reduction of existing or potential public access to or along the shore? ___ ___
(g) Sale or change in use of publicly-owned lands located on the shoreline or underwater? ___  ___

(h) Development within designated flood hazard area? ___  ___

(i) Development on a natural feature that provides protection against flooding or erosion? ___  ___

(j) Diminished surface or groundwater quality? ___  ___

(k) Removal of ground cover from the site? ___  ___

3. Project Information: Yes  No

(a) If project is to be located adjacent to the shore:

(1) Will water-related recreation be provided? ___  ___

(2) Will public access to the shoreline be provided? ___  ___

(3) Does the project require a waterfront site ___  ___

(4) Will it supplant a recreation or maritime use? ___  ___

(5) Do essential public services and facilities presently exist at or near the site? ___  ___

(6) Is the project site located in an area of high erosion? ___  ___

(7) Is project located in a flood prone area? ___  ___

(b) If the project site is publicly owned:

1. Will the project protect, maintain and/or increase the level and types of public access to water-related recreation resources and facilities? ___  ___

   1. If located in the foreshore, will access to those and adjacent lands be provided? ___  ___

   3. Will it involve the siting and construction of major energy facilities? ___  ___

   4. Will it involve the discharge of effluents from major ___  ___
stream electric generating and industrial facilities into a waterway?

(c) Is the project site presently used by the community as an open space or recreation area?  

(d) Does the site offer or include scenic views or vistas known to be important to the community?  

(e) Will the surface area of any waterways or wetland areas be increased or decreased by the proposal?  

(f) Will the project involve any waste discharges?  

(g) Does the project involve surface or subsurface liquid waste disposal?  

(h) Does this project involve transport, storage, treatment or disposal of solid waste or hazardous material?  

(i) Does the project involve shipment or storage of petroleum products?  

(j) Does the project involve discharge of toxins, hazardous substances or other pollutants?  

(k) Will the project affect any area designated as a freshwater wetland?  

(l) Will the project alter drainage flow patterns or surface water runoff on to or from the site?  

(m) Will best management practices be utilized to control stormwater runoff into waterways?  

(n) Will the project cause emissions which exceed Federal or State air quality standards or generate significant amounts of nitrates or sulfates?
D. REMARKS OR ADDITIONAL INFORMATION. (Add any additional sheets necessary to complete this form).

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(Note: The Village may require additional or supplemental information at its discretion.)

If assistance or further information is needed to complete this form, please contact the Village Building Inspector at (315) 483-6935 or Village Clerk at (315) 483-9881

Name of Applicant: ________________________________________________________________

Preparer’s Name: ____________________________ Telephone Number: (   )______ ________

Title: ____________________________ Agency:__________________________________________

Date:_______________________________
APPENDIX B  DOCKS AND MOORINGS LAW

Chapter 86
DOCKS AND MOORINGS

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General Provisions

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§ 86-2. General intent.
§ 86-3. Word usage.
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ARTICLE VI
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§ 86-24. Form and content of application.
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§ 86-29. County Planning Board approval.
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ARTICLE VIII
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§ 86-33. Applicability; compliance with provisions.
§ 86-34.  Prohibited acts.

[HISTORY: Adopted by the Board of Trustees of the Village of Sodus Point 5-15-1986 by L.L. No. 2-1986. Amendments noted where applicable.]

GENERAL REFERENCES
Zoning — See Ch. 190.

ARTICLE I
General Provisions
[Amended 9-9-1999 by L.L. No. 2-1999]

§ 86-1.  Title
This chapter shall be known and may be cited as the "Docks and Moorings Law of the Village of Sodus Point."

§ 86-2.  General intent.
The intent of this chapter is to establish comprehensive controls for the construction, installation and location of docks, piers, boathouses, structures and mooring buoys surrounding the corporate limits of the village in order to promote and protect health, safety, comfort, convenience and the general welfare of the people.

§ 86-3.  Word usage.
Words used in the present tense include the future; the singular shall include the plural, the plural, the singular and the masculine, the feminine; and the word "shall" is mandatory and not permissive.

§ 86-4.  Definitions.
When used in this chapter, unless otherwise expressly stated, or the context or the subject matter otherwise requires, the following terms shall have the meanings indicated:

BERTH — A waterside area adjoining any structure, dock or pier, the purpose for which is the wet storage of a boat, yacht or any floating craft.

BERTHING AND MOORING FACILITY — A waterside area consisting of one or more structures, docks, piers or mooring buoys or a combination thereof, used for the berthing or mooring of boats, yachts or other floating craft, whether manually, mechanically or sail-powered.
§ 86-4 DOCKS AND MOORINGS § 86-6

BOARD OF APPEALS — The Board of Appeals of the Village of Sodus Point constituted pursuant to § 7-712, Subdivision 1, of the Village Law of the State of New York.

BOATHOUSE — Any building or similar superstructure used primarily for the storage and sheltering of watercraft, including such subordinate uses customarily incident to such primary use.

DEICER — Any mechanism that impedes the formation of ice by the movement of air bubbles or chemical applications by which warmer, subsurface water is drawn up and deflected to the surface, creating a circulation of warmer water that prevents ice formation.

DOCK — Any dock, wharf, structure or fixed platform extending out over the water built on floats, columns, open timber, piles or similar openwork supports.

PIER — Any structure extending out over the water built upon fill, which shall include, but shall not be limited to, earth, clay, silt, sand, gravel, stone, rock, shale, concrete (whole or fragmentary), ashes, cinders, slag, metal, whether or not enclosed or contained, crib, crib work of wood, timber, logs, concrete or metal, bulkheads and cofferdams of timber sheeting, bracing or piling or steel sheet piling or steel H piling, separate or in combination.

PUBLIC ACCESS AREA — Streets or rights-of-way open to the public which allow access from land onto the waters of Sodus Bay. The following locations are deemed public access areas: Maiden Lane, Margareta Road, South Shore between house No. 8275 and house No. 8285, South Ontario Street and Willow Park, north of the public parking lot on Greig Street.

STRUCTURE — Any pier, wharf, dolphin, dock, weir, boom, breakwater, bulkhead, revetment, reprays, jetty, permanent mooring structure, power transmission line, permanently moored floating vessels, pilings, aids to navigation or other obstacle or obstruction.

VILLAGE — The Village of Sodus Point.

ARTICLE II
Administration
[Amended 9-9-1999 by L.L. No. 2-1999]


There is hereby established the office of the Docks and Moorings Inspector, who shall be appointed annually by the Mayor subject to the approval of the Board of Trustees.

§ 86-6. Power and duties.

It shall be the duty of the Docks and Moorings Inspector to enforce the provisions of this chapter. He shall examine all applications for all permits and issue permits only for construction and uses therein in accordance with the requirements of this chapter and also other laws, rules and regulations of the village enforced at the time of application.
§ 86-7. Records and reports.

The Docks and Moorings Inspector shall maintain in the office of the Village Clerk records and files of all applications for permits with any accompanying plans and documents, which shall be matters of public record. He shall make such reports as the Village Board requires and shall report to the Village Board all problems that arise in the administration of this chapter.

§ 86-8. Inspection; fees.

A. It shall be the duty of the Docks and Moorings Inspector to inspect, on at least an annual basis, every dock, pier and boathouse in any waters bounding the village within a distance of 1,500 feet from the shoreline for compliance with § 86-10 of this chapter and, in the case of use allowed by special permit, compliance with any conditions or requirements attached thereto.

B. The permittee shall pay to the Docks and Moorings Inspector the sum of $3 per boathouse and per 60 linear feet of dock or pier on an annual basis. Said sum shall be paid upon the issuance of a permit pursuant to Article VI, Article VII or Article VIII of this chapter and annually thereafter on the anniversary of such permit. Application fees shall be credited towards any inspection fee required, except in the case of a special permit issued to Article VII of this chapter. Failure to pay any fee required hereunder shall be grounds for revocation of any permit issued under this chapter.


Whenever the Docks and Moorings Inspector has reasonable grounds to believe that activity is being undertaken contrary to the provisions of this chapter or any permit issued thereunder, he may order the activity stopped by notice in writing to anyone engaged in such activity or causing such activity to be done, and such person shall forthwith stop such activity until notice is received in writing than such stop order has been withdrawn or canceled. Such order and notice may be served upon a person to whom it is directed either by delivering it personally to him or by posting the same upon a conspicuous portion of the dock, pier, boathouse, structure or mooring buoy in use or under construction and sending a copy of the same by registered mail.

§ 86-10. Permits required.

Except as otherwise provided in this chapter, no dock, pier, boathouse, deicer, structure or mooring buoy shall be placed, located, constructed, maintained or used in any waters bounding the village within a distance of 1,500 feet from the shoreline without a permit issued in accordance with this chapter. Any such dock, pier, boathouse, deicer, structure or mooring buoy shall be unlawful until a permit is issued.
§ 86-11. Docks and deicers.

A. The Docks and Moorings Inspector is authorized to issue a permit for any dock conforming to the requirements of this chapter that extends into the waters bounding the village for a distance of 60 feet or less from the shoreline and is no more than 60 linear feet in total length.

B. The Board of Appeals is authorized to issue a special permit for any dock extending into the waters bounding the village for a distance wholly within 1,500 feet but greater than 60 feet from the shoreline, and for any pier or structure wholly within 1,500 feet from the shoreline, subject to the provisions of this chapter.

C. The Docks and Moorings Inspector is authorized to issue a permit for a deicer conforming to the requirements of this chapter for use with a structure located greater than 300 feet from a public access area.


No boathouse or similar superstructure shall be permitted above the decks of docks, piers or structures in any waters bounding the village within a distance of 1,500 feet from the shoreline without a special permit from the Board of Appeals.

ARTICLE III
Moorings


The Docks and Moorings Inspector is authorized to issue a permit for any mooring buoy conforming to the requirements of this chapter. Mooring buoys shall be placed only in connection with littoral parcels. Such buoys shall be placed only within an area parallel and 20 feet inward of parcel lines extended bayward as prescribed in § 86-23B and C of this chapter and to a depth necessary for the safe mooring of a boat not to exceed 100 feet from the shoreline. Mooring buoys shall be placed in staggered fashion where practicable to avoid being directly opposite a neighboring mooring buoy. There shall be no more than one mooring buoy for each littoral parcel. The Board of Appeals may by special permit allow more than one mooring buoy and at locations other than those herein allowed.

§ 86-14. Special anchorage area.

Mooring buoys within special anchorage areas designated as such pursuant to Chapter 33, Code of Federal Regulations § 110.86, are allowed without permit. Copies of permits for mooring buoys within any special anchorage area from any federal, state or county agency or official shall be filed with the Docks and Moorings Inspector.
ARTICLE IV
Off-Street Parking Regulations


Any berthing and mooring facility that is located within a distance of 1,500 feet from the shoreline leasing berths or moorings for the personal use of the lessee shall provide one off-street parking space for every three berths or moorings so leased.


Every berthing and mooring facility that is located within a distance of 1,500 feet from the shoreline leasing berths or moorings for the commercial use of the lessee, including boat charters, shall provide one off-street parking space for every berth or mooring so leased.

§ 86-17. Size and location of parking.

A. The off-street parking spaces required by §§ 86-15 and 86-16 shall be at least nine feet wide and 19 feet long, have direct and usable driveway access to a public street and shall be no further than 1,500 feet from the berthing or mooring facility. Whenever a fraction of a space is required, a full space shall be provided. The off-street parking requirements are in addition to any other parking requirements provided in the Chapter 190, Zoning, of the Village of Sodus Point. Parking areas shall be suitably landscaped to mitigate adverse visual impacts, shall be designed so as not to affect adversely the quantity and quality of stormwater runoff and shall be maintained in good condition.

B. The Board of Appeals may by special permit authorize the location of required off-street parking at a site or sites greater than 1,500 feet from the berthing and mooring facility where adequate arrangements are made for transporting users of the facility from and to the specially permitted off-street parking site or sites.


The Board of Trustees may, from time to time, on a case-by-case basis, by resolution allow parking spaces located in village-owned parking lots or areas to be credited to berthing and mooring facilities for the purpose of complying with this article. Said parking spaces shall be located within 1,500 feet of the berthing and mooring facility to be served. In determining whether to grant such permission, the Board of Trustees shall consider the parking needs of the public and existing facilities, and the demonstrated inability of the berthing and mooring facility to meet the requirements of §§ 86-15 and 86-16 and the impracticability of securing compliance under § 86-17B. If such permission is granted, the Board of Trustees shall determine the conditions of such permission, including the number of spaces so credited and the duration of such permission, and shall require payment by the berthing and mooring facility affected of an annual charge per parking space credited. This charge shall be established and modified from time to time by resolution of the Board of Trustees. The charge shall reflect the cost of maintaining, repairing and reconstructing parking spaces so credited, and may reflect the cost of constructing new spaces displaced by those so credited.

All docks and piers in any waters bounding the village within a distance of 1,500 feet from the shoreline shall have an unobstructed width of at least 2½ feet, but not greater than eight feet. The Board of Appeals may by special permit authorize a dock or pier of a width greater than eight feet.

§ 86-20. Construction.

All docks, piers and boathouses in any waters bounding the village within a distance of 1,500 feet from the shoreline 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, piers and boathouses 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. Docks, piers and boathouses shall be at all times maintained in accordance with the provisions of this chapter and in a sturdy, durable and safe condition in conformity with generally accepted standards.


All docks and piers in any waters bounding the village within a distance of 1,500 feet from the shoreline shall provide a safe pedestrian surface at all times parallel to water surface, except for gangways onto such docks or piers from the shoreline or extensions thereof, which gangways shall be covered with a nonskid material.

§ 86-22. Location.

A. All docks and piers in any waters bounding the village within a distance 1,500 feet from the shoreline shall be placed only in connection with littoral parcels and shall be located where practicable to allow a minimum clearance of 10 feet from adjacent parcel lines.

B. In the case of littoral parcels bounding a substantially straight shoreline, docks and piers shall be located in the area fixed by projection of parcel lines bayward at right angles from the shoreline.

C. In the case of littoral parcels bounding a concave or convex shoreline, docks and piers shall be located in the area fixed by projection of the parcel lines bayward along the line bisecting the angle formed by the shoreline at its intersection with the parcel lines. 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 littoral parcels practicable access to navigable water.
§ 86-23. Dock and pier limitations and configurations.

A. There shall be no more than one dock or pier for each residentially zoned littoral parcel with less than 75 feet of shoreline. One additional dock or pier is allowed for each additional 75 feet of water frontage. Docks and piers shall be straight or T-shaped and extend at right angles to the shoreline where practicable.

B. There shall be no more than four docks or piers for every waterfront lot zoned business or industrial. A special permit may be granted by the Board of Appeals to permit a greater number of docks in the case of berthing and mooring facilities so located where sufficient shoreline and support are present to allow a greater number of docks or piers. A greater number of docks or piers may be allowed by special permit for commercial users such as restaurants where it can be demonstrated that additional piers are needed to accommodate the expected boat traffic to the use. The number and configuration of docks and piers shall be determined on a case-by-case basis considering the location, limiting natural features of the site, demonstrated need for such docks and compliance with Article IV of this chapter.

C. Docks or piers adjacent to residentially zoned littoral parcels shall not be used for the leasing of berths. This section shall not apply to berths used by members of the permittee’s family or visiting guests.

§ 86-23.1. Deicer limitations and configuration.

A. Deicers shall not be permitted within 300 feet of a public access area.

B. Deicers shall be installed in a manner so as not to create open water in excess of 20 feet from the structure serviced by the deicer.

C. Every structure for which a deicer shall be permitted shall be posted in such a manner as to warn persons from the land and water side of the use and operation of such deicer.

1. Daytime warnings shall consist of a sign of not less than four feet by four feet which displays lettering in blaze orange in letters not less than six inches in height, which states: "Caution: Open Water."

2. Nighttime warnings shall consist of a flashing amber light of at least six inches in diameter, which can be seen from the water side a minimum distance of 500 feet. Such warning light must operate nightly between dusk and dawn.

3. Such warning lights and signs must be in use and functioning between December 1 and April 1.

ARTICLE VI
Permit Applications


A. In any instance in which the Docks and Moorings Inspector is required to consider a permit under this chapter, other than for a deicer permit, an applicant shall submit an application.
on a form prescribed by the Docks and Moorings Inspector. The application shall be submitted with a fee of $5, accompanied by a plot plan drawn to scale, adequately dimensioned, showing the location of all existing docks, piers, boathouses, structures and mooring buoys within 100 feet of the proposed dock or mooring buoy. The plot plan shall also show the applicant’s parcel lines and their bayward extensions drawn in accordance with § 86-22 of this chapter. The applicant shall provide such other information as the Docks and Moorings Inspector may require, including but not limited to filings with or permits from federal, state or county authorities, description of the manner of construction and installation, the materials to be used, evidence of ownership or possessory right, by easement, license, right-of-way or other, regarding the abutting shoreline and grants or leases pursuant to Article 6 of the Public Lands Law of the State of New York, regarding lands under water.

B. In any instance in which the Docks and Moorings Inspector is required to consider a deicer permit under this chapter, an applicant shall submit an application on a form prescribed by the Docks and Moorings Inspector. The application shall be submitted without a fee, accompanied by a plan drawn to scale, adequately dimensioned, showing the location of the existing structure and the location of the deicer in its relation to said structure. The applicant shall provide such other information as the Docks and Moorings Inspector may require, including, but not limited to, the type of deicer to be utilized and the manufacturer’s specifications for same.


A. If the proposed dock or mooring buoy conforms to the requirements of this chapter and does not impair navigational safety or unreasonably restrict public or private access to navigable water, the Docks and Moorings Inspector shall issue a permit for a one-year period commencing upon approval by the Inspector and running through the last day of February of the following year.

B. If the proposed deicer conforms with the requirements of this chapter and does not impair the safety of persons seeking ingress and egress onto Sodus Bay, the Docks and Moorings Inspector shall issue a permit for a one-year period commencing upon approval by the Inspector and running through the first day of April of the following year.


Any person aggrieved by any action of the Docks and Moorings Inspector taken pursuant to the provisions of this chapter, including any officer, department, board or bureau of the village, may appeal to the Board of Appeals in the same manner as prescribed in § 7-712 of the Village Law of the State of New York and in accordance with the rules and regulations of the Board of Appeals. The Board of Appeals shall, upon appeal, hear and decide any question involving the interpretation of any provision of this chapter.

In any instance in which the Board of Appeals is required to consider a special permit under this chapter, the applicant shall submit an application accompanied by a fee of $50 to the Secretary of the Board of Appeals and a plot plan, drawn to scale and accurately dimensioned, showing the location of all existing and proposed docks, piers, boathouses, structures and mooring buoys abutting or used in conjunction with his lot, including off-street parking, if required, and any docks, piers, boathouses, structures and mooring buoys within 200 feet of such existing or proposed docks, piers, structures and mooring buoys. The plot plan shall also show the applicant’s parcel lines and their bayward extensions drawn in accordance with § 86-22 of this chapter. The applicant shall provide such other information as the Board of Appeals may require, including but not limited to filings with or permits from federal, state and county authorities, a description of the manner of construction and materials to be used, or evidence of ownership or possessory right, by easement, license, right-of-way or other regarding the abutting shoreline, and grants or leases pursuant to Article 6 of the Public Lands Law of the State of New York, regarding lands under water.


The application shall be referred to the Village Planning Board for recommendation and report to the Board of Appeals.

§ 86-29. County Planning Board approval.

The application shall be referred to the Wayne County Planning Board for recommendation and report to the Board of Appeals if so required by § 239-m of the General Municipal Law.


The Board of Appeals shall fix a reasonable time for the hearing of such application and, not fewer than 10 days prior to the hearing date, publish such notice at least once in the official newspaper of the village. The Board of Appeals shall give written notice of such hearing to the applicant and the New York State Department of Environmental Conservation and the Federal Corps of Engineers, by registered or certified mail, and to all littoral landowners within 500 feet of the proposed dock, pier, boathouse or structure, by ordinary mail commended to the custody of the United States Post Office not less than 10 days prior to said hearing.

§ 86-31. Special permit determination.

The Board of Appeals, after the public hearing, shall not issue the permit unless it shall first:

A. Determine that the proposed use is so designed, located or proposed to be located so as to protect the public health, safety, welfare and convenience of the community.
B. Determine that the proposed use will not cause substantial injury to the value or beneficial use of other property in the vicinity where it is to be located or infringe the riparian rights of other littoral parcels.

C. Determine that the proposed use will be compatible with the adjoining property and require such conditions as may be necessary to afford protection for such adjoining property.

D. Determine that the proposed use will not impair navigational safety or unduly burden the free and open use of the waters bounding the village to a distance of 1,500 feet from the shoreline.

E. Determine that the proposed use conforms with all applicable requirements of this chapter and state and federal requirements.

F. Determine compliance with the State Environmental Quality Review Act.

G. Consider the effect of the proposed use upon the logical, efficient and economical provision of public services, such as police and fire protection, streets, water and sewer and public parking and public recreation facilities.

H. Impose such conditions, in addition to those required, as may be necessary to ensure that the intent of this chapter is complied with, which conditions may include modification of the design, size and location of the proposed use, the minimizing of noxious, offensive or hazardous elements, and adequate standards for parking, lighting and sanitation.

§ 86-32. Duration of permits.

A. A special permit issued under this chapter shall continue in effect until it automatically expires or is modified, suspended or revoked. A special permit shall be for an indefinite duration, unless the Board of Appeals specifies an expiration date.

B. The Board of Appeals may reevaluate the circumstances and conditions of any permit issued under this chapter either on its own motion, at the request of the permittee or a third party or at the request of the Docks and Moorings Inspector. The Board of Appeals may modify, suspend for a definite duration or revoke a permit as may be made necessary by considerations of the public interest. Among the factors to be considered are the extent of the permittee's compliance with the terms and conditions of the permit; whether or not circumstances relating to the authorized activity have changed since issuance of the permit and the continuing adequacy of the permit conditions; any significant objections to the authorized activity that were not earlier considered; revisions to applicable statutory or regulatory authorities; and the extent to which modification, suspension or revocation would adversely affect plans, investments and actions the permittee has reasonably made or taken in reliance on the permit.

C. The Board of Appeals shall not modify, suspend for a definite duration or revoke any permit granted pursuant to this chapter until after a public hearing is held on such proposed action pursuant to § 86-30 of this article. The Board of Appeals, however, may order suspension of any permit prior to public hearing in the case of public emergency whereby circumstances affecting public buildings, public property, navigational safety or the health, safety or property of the public require immediate action that cannot await public hearing.
§ 86-33. Applicability; compliance with provisions.

This chapter shall apply to all docks, piers, boathouses, structures or moorings now or hereafter existing in the waters bounding the Village of Sodus Point to the distance of 1,500 feet, except as follows:

A. Docks, piers, boathouses, structures and mooring buoys permanently located in such waters on March 20, 1986, the first date of publication of notice of public hearing upon this chapter in the official newspaper of the village, shall be exempt from the provisions of §§ 86-10, 86-11, 86-12, 86-13, 86-22B and C and 86-23 of this chapter. Docks, piers, boathouses, structures and mooring buoys that are replaced or reinstalled on an annual basis or are now or hereafter damaged to the extent of 50% of replacement value shall not be deemed permanent. All alterations, modifications, extensions or replacements of such permanent docks, piers, boathouses, structures and mooring buoys shall hereafter conform in all respects to the provisions of this chapter. No dock, pier, boathouse, structure or mooring buoy shall be deemed exempt until a permit certifying such exemption is issued by the Docks and Moorings Inspector. Application for such permit shall be made in accordance with Article VI of this chapter.

B. Docks, piers, boathouses, structures and mooring buoys located in such waters on the date of adoption of this chapter, or which were in use during a one-year period prior to said date, shall comply with the provisions of this chapter not later than January 1, 1987.

C. Operators of berthing and mooring facilities may apply to the Board of Appeals for a variance from the requirements of Article IV of this chapter upon the showing of undue hardship for a period of time specified by the Board of Appeals, which variance shall not be greater than two years, and may be granted upon such terms and conditions as the Board of Appeals deems necessary and appropriate.

ARTICLE IX
Enforcement


Any person, firm, corporation or other entity who owns, places, locates, constructs or maintains any dock, pier, boathouse, deicer, structure or mooring buoy in violation of this chapter, or any other person who knowingly commits, takes part or assists in such acts shall be guilty of a violation of this chapter. The Docks and Moorings Inspector, any sworn police officer of the Village of Sodus Point Police Department or the Division of State Police, or the Sheriff, undersheriff and any deputy sheriff of the County of Wayne, is empowered to commence criminal actions pursuant to this chapter.
§ 86-35. Penalties for offenses.

Any violation of any provision of this chapter shall be deemed a violation, and any person found guilty thereof shall be liable to a fine which shall not exceed $150 or to imprisonment not to exceed 15 days, or to both such fine and imprisonment, and each day’s failure to comply with such provision shall constitute a separate violation. The Village Court of the Village of Sodus Point is invested with jurisdiction to hear and determine actions brought pursuant to this chapter.

§ 86-36. Additional remedies.

The village may maintain an action or proceeding in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of any provision of this chapter.


This chapter shall not be construed to hold any Docks and Mooring Inspector or the Village of Sodus Point responsible for any damages to person or property by reason of the inspection or reinspection authorized herein or failure to inspect or reinspect, as required by this chapter or any permits issued thereunder, nor shall they be liable for any damage to persons or property by reason of the Docks and Moorings Inspector exercising his discretion as provided in this chapter.
## APPENDIX C  SIGNIFICANT COASTAL FISH AND WILDLIFE HABITAT

### COASTAL FISH & WILDLIFE HABITAT RATING FORM

<table>
<thead>
<tr>
<th>Name of Area:</th>
<th>Sodus Bay</th>
</tr>
</thead>
<tbody>
<tr>
<td>Designated:</td>
<td>October 15, 1987</td>
</tr>
<tr>
<td>County:</td>
<td>Wayne</td>
</tr>
<tr>
<td>Town(s):</td>
<td>Sodus, Huron</td>
</tr>
<tr>
<td>7'/2' Quadrangle(s):</td>
<td>Sodus Point, NY; Rose, NY</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Score</th>
<th>Criterion</th>
</tr>
</thead>
<tbody>
<tr>
<td>20</td>
<td>Ecosystem Rarity (ER)</td>
</tr>
<tr>
<td></td>
<td>One of the largest sheltered bay ecosystems on the Great Lakes, but rarity reduced by human disturbance. Geometric mean: ((16 \times 25)^{\frac{1}{2}})</td>
</tr>
<tr>
<td>0</td>
<td>Species Vulnerability (SV)</td>
</tr>
<tr>
<td></td>
<td>No endangered, threatened or special concern species reside in the area.</td>
</tr>
<tr>
<td>18</td>
<td>Human Use (HU)</td>
</tr>
<tr>
<td></td>
<td>Recreational fishery attracts visitors from throughout New York State; a significant number of yellow perch caught are sold to local commercial markets. Additive division: (16 + 4/2)</td>
</tr>
<tr>
<td>9</td>
<td>Population Level (PL)</td>
</tr>
<tr>
<td></td>
<td>One of the major spawning and nursery areas for yellow perch and other warmwater fish species in Lake Ontario.</td>
</tr>
<tr>
<td>1.2</td>
<td>Replaceability (R)</td>
</tr>
<tr>
<td></td>
<td>Irreplaceable.</td>
</tr>
</tbody>
</table>

**SIGNIFICANCE VALUE = \([(ER + SV + HU + PL) \times R] = 56\)**
BACKGROUND

New York State's Coastal Management Program (CMP) includes a total of 44 policies which are applicable to development and use proposals within or affecting the State's coastal area. Any activity that is subject to review under Federal or State laws, or under applicable local laws contained in an approved local waterfront revitalization program will be judged for its consistency with these policies.

Once a determination is made that the proposed action is subject to consistency review, a specific policy aimed at the protection of fish and wildlife resources of statewide significance applies. The specific policy statement is as follows: "Significant coastal fish and wildlife habitats will be protected, preserved, and, where practical, restored so as to maintain their viability as habitats." The New York State Department of Environmental Conservation (DEC) evaluates the significance of coastal fish and wildlife habitats, and following a recommendation from the DEC, the Department of State designates and maps specific areas. Although designated habitat areas are delineated on the coastal area map, the applicability of this policy does not depend on the specific location of the habitat, but on the determination that the proposed action is subject to consistency review.

Significant coastal fish and wildlife habitats are evaluated, designated and mapped under the authority of the Coastal Management Program's enabling legislation, the Waterfront Revitalization and Coastal Resources Act (Executive Law of New York, Article 42). These designations are subsequently incorporated in the Coastal Management Program under authority provided by the Federal Coastal Zone Management Act.

This narrative, along with its accompanying map, constitutes a record of the basis for this significant coastal fish and wildlife habitat's designation and provides specific information regarding the fish and wildlife resources that depend on this area. General information is also provided to assist in evaluating impacts of proposed activities on parameters which are essential to the habitat's values. This information is to be used in conjunction with the habitat impairment test found in the impact assessment section to determine whether the proposed activities are consistent with the significant coastal habitats policy.
DESIGNATED HABITAT: SODUS BAY

LOCATION AND DESCRIPTION OF HABITAT:

Sodus Bay is located on the south shore of Lake Ontario, just east of the Village of Sodus Point, in the Towns of Sodus and Huron, Wayne County (7.5' Quadrangles: Sodus Point, N.Y.; and Rose, N.Y.). The fish and wildlife habitat is an approximate 3,000 acre embayment, separated from the lake by a narrow barrier beach. Maximum depth of Sodus Bay is approximately 45 feet, but much of the area is relatively shallow (less than 20 feet deep), with dense beds of submergent aquatic vegetation. The outlet of Sodus Bay has been reduced to a narrow, stabilized channel, by the construction of concrete and steel jetties. Sodus Bay receives inflow from First, Second, Third, and Sodus Creeks; all but Sodus are small, low to medium gradient, warmwater streams. Sodus Creek is a relatively large, medium gradient, coolwater stream, draining approximately 20 square miles of rural farmland. Sizeable areas of emergent wetland vegetation have developed at the lower ends of these tributaries, and in sheltered portions of Sodus Bay. Most of the land area bordering Sodus Bay is privately owned, resulting in extensive development of residential areas, marinas, and bulkheads, and considerable disturbance of shoreline habitats. Two exceptions are the wetlands bordering Sodus Creek (south of County Route 143), and the wetlands located east of LeRoy Island, both of which are part of the NYSDEC's Lake Shore Marshes Wildlife Management Area. The area receives intensive recreational use (e.g., fishing, swimming, boating) during the summer months.

FISH AND WILDLIFE VALUES:

Sodus Bay is one of the largest sheltered bays on Lake Ontario. Extensive littoral areas, such as those found in Sodus Bay, are unusual in the Great Lakes Plain ecological region. Although human activities in the area have resulted in considerable habitat disturbance, the area still serves as a highly productive fish and wildlife habitat.

Sodus Bay has outstanding habitat values for resident and Lake Ontario based fisheries resources. The dense beds of aquatic vegetation, high water quality, sandy substrates, and freshwater tributaries, create highly favorable conditions for spawning and nursery use by many species. Warmwater fishes found in the area include gizzard shad, brown bullhead, white perch, yellow perch, largemouth bass, pumpkinseed, bluegill, rock bass, crappie, and northern pike. Sodus Bay is a major concentration area for yellow perch in Lake Ontario. Concentrations of white sucker, smallmouth bass, and various salmonid species occur in Sodus Bay prior to and after spawning runs in the major tributaries. Salmonid populations in the area are the result of an ongoing effort by the NYSDEC to establish a major salmonid fishery in the Great Lakes, through stocking. In both 1984 and 1985, approximately 200,000 chinook salmon fingerlings were released in Sodus Bay. The diverse and productive fisheries in Sodus Bay provide excellent opportunities for recreational fishing. Access to the area is available from many locations, and there is heavy fishing pressure throughout the year. Anglers from throughout New York State are attracted to the area, especially for the yellow perch ice fishery and the spring bullhead fishery. A considerable number of yellow perch caught in the bay are sold to commercial markets in the Rochester area.
Wetland areas bordering Sodus Bay contribute significantly to the productive fisheries in the bay, and support a variety of wildlife species. These wetlands serve as nesting and feeding areas for a variety of waterfowl and other marsh birds, including green-backed heron, great blue heron, mallard, wood duck, belted kingfisher, marsh wren, red-winged blackbird, and swamp sparrow. Other wildlife species found around Sodus Bay include white-tailed deer, beaver, raccoon, mink, muskrat, green frog, northern leopard frog, and painted turtle.

The open waters of Sodus Bay are important feeding and refuge areas for concentrations of waterfowl wintering along the Lake Ontario coast. Mid-winter aerial surveys of waterfowl abundance for the period 1976-1985 indicate average concentrations of approximately 250 birds in the bay each year (1,380 in peak year), including scaup, common goldeneye, mallard, mergansers, black duck, and Canada goose. Waterfowl use of the area during winter is influenced by the extent of ice cover each year. Concentrations of many waterfowl species, as well as loons, grebes, gulls, terns, and occasional bald eagles (E) and osprey (T), also occur in Sodus Bay during spring and fall migrations (March - April and October - November, respectively). However, there are no significant wildlife related human uses of this area.

**IMPACT ASSESSMENT:**

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

The specific habitat impairment test that must be met is as follows.

In order to protect and preserve a significant habitat, land and water uses or development shall not be undertaken if such actions would:

- destroy the habitat; or,
- significantly impair the viability of a habitat.

*Habitat destruction* is defined as the loss of fish or wildlife use through direct physical alteration, disturbance, or pollution of a designated area or through the indirect effects of these actions on a designated area. Habitat destruction may be indicated by changes in vegetation, substrate, or hydrology, or increases in runoff, erosion, sedimentation, or pollutants.

*Significant impairment* is defined as reduction in vital resources (e.g., food, shelter, living space) or change in environmental conditions (e.g., temperature, substrate, salinity) beyond the tolerance range of an organism. Indicators of a significantly impaired habitat focus on ecological alterations and may include but are not limited to reduced carrying capacity, changes in community structure (food chain relationships, species diversity), reduced productivity and/or increased incidence of disease and mortality.
The *tolerance range* of an organism is not defined as the physiological range of conditions beyond which a species will not survive at all, but as the ecological range of conditions that supports the species population or has the potential to support a restored population, where practical. Either the loss of individuals through an increase in emigration or an increase in death rate indicates that the tolerance range of an organism has been exceeded. An abrupt increase in death rate may occur as an environmental factor falls beyond a tolerance limit (a range has both upper and lower limits). Many environmental factors, however, do not have a sharply defined tolerance limit, but produce increasing emigration or death rates with increasing departure from conditions that are optimal for the species.

The range of parameters which should be considered in applying the habitat impairment test include but are not limited to the following:

1. physical parameters such as living space, circulation, flushing rates, tidal amplitude, turbidity, water temperature, depth (including loss of littoral zone), morphology, substrate type, vegetation, structure, erosion and sedimentation rates;

2. biological parameters such as community structure, food chain relationships, species diversity, predator/prey relationships, population size, mortality rates, reproductive rates, meristic features, behavioral patterns and migratory patterns; and,

3. chemical parameters such as dissolved oxygen, carbon dioxide, acidity, dissolved solids, nutrients, organics, salinity, and pollutants (heavy metals, toxics and hazardous materials).

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

Any activity that substantially degrades water quality, increases temperature or turbidity, alters water depths, reduces inflows, or increases water level fluctuations in Sodus Bay would adversely affect a variety of fish and wildlife species. Discharges of sewage or stormwater runoff containing sediments or chemical pollutants (including fertilizers, herbicides, or insecticides) could result in adverse impacts on fish and wildlife resources of the area. Habitat disturbances would be especially detrimental during fish spawning and nursery periods (March - July for most warmwater species, and September - November for most salmonids) and wildlife breeding seasons (April - July for most species). Elimination of wetland habitats (including submergent aquatic beds) as a result of dredging or filling, would reduce the value of this area to fish and wildlife. Construction and maintenance of shoreline structures, such as docks, piers, bulkheads, or revetments, in areas not previously disturbed by development, could have a significant impact on the habitat. Existing areas of natural vegetation bordering the bay should be maintained for their value as cover for wildlife, perch sites, and buffer zones. Barriers to fish migrations between Sodus Bay, Lake Ontario, and any tributary stream, could have significant effects on fish populations in the area and in connected waters. Any substantial physical alteration of the outlet or barrier beach formation would affect the fisheries resources, and human use of the area. However, public access to Sodus Bay should be maintained or enhanced to ensure that adequate opportunities for compatible human uses of the fish and wildlife resources are available.
KNOWLEDGEABLE CONTACTS:

Tom Hart or Greg Capobianco
Division of Coastal Resources & Waterfront Revitalization
NYS Department of State
162 Washington Avenue
Albany, NY  12231
Phone:  (518) 474-6000

Carl Widmer, Fisheries Manager
or Larry Myers, Wildlife Manager
or Matt Sanderson, Environmental Protection Biologist
NYSDEC - Region 8
6274 E. Avon-Lima Road
Avon, N.Y.  14414
Phone: (716) 226-2466

NYSDEC - Information Services
700 Troy-Schenectady Road
Latham, NY 12110
Phone: (518) 783-3932
GUIDELINES FOR NOTIFICATION AND REVIEW OF STATE AGENCY ACTIONS WHERE LOCAL WATERFRONT REVITALIZATION PROGRAMS ARE IN EFFECT

I. PURPOSES OF GUIDELINES

A. The Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Article 42 of the Executive Law) and the Department of State’s regulations (19 NYCRR Part 600) require certain state agency actions identified by the Secretary of State to be consistent to the maximum extent practicable with the policies and purposes of approved Local Waterfront Revitalization Programs (LWRPs). These guidelines are intended to assist state agencies in meeting that statutory consistency obligation.

B. The Act also requires that state agencies provide timely notice to the situs local government whenever an identified action will occur within an area covered by an approved LWRP. These guidelines describe a process for complying with this notification requirement. They also provide procedures to assist local governments in carrying out their review responsibilities in a timely manner.

C. The Secretary of State is required by the Act to confer with state agencies and local governments when notified by a local government that a proposed state agency action may conflict with the policies and purposes of its approved LWRP. These guidelines establish a procedure for resolving such conflicts.

II. DEFINITIONS

A. Action means:

1. A "Type 1" or "Unlisted" action as defined by the State Environmental Quality Review Act (SEQRA);

2. Occurring within the boundaries of an approved LWRP; and
3. Being taken pursuant to a state agency program or activity which has been identified by the Secretary of State as likely to affect the policies and purposes of the LWRP.

**B. Consistent to the maximum extent practicable** means that an action will not substantially hinder the achievement of any of the policies and purposes of an approved LWRP and, whenever practicable, will advance one or more of such policies. If an action will substantially hinder any of the policies or purposes of an approved LWRP, then the action must be one:

1. For which no reasonable alternatives exist that would avoid or overcome any substantial hindrance;

2. That will minimize all adverse effects on the policies or purposes of the LWRP to the maximum extent practicable; and

3. That will result in an overriding regional or statewide public benefit.

**C. Local Waterfront Revitalization Program or LWRP** means a program prepared and adopted by a local government and approved by the Secretary of State pursuant to Executive Law, Article 42; which program contains policies on the management of land, water and man-made resources, proposed land uses and specific projects that are essential to program implementation.

### III. NOTIFICATION PROCEDURE

**A.** When a state agency is considering an action as described in II above, the state agency shall notify the affected local government.

**B.** Notification of a proposed action by a state agency:

1. Shall fully describe the nature and location of the action;

2. Shall be accomplished by use of either the State Clearinghouse, other existing state agency notification procedures, or through an alternative procedure agreed upon by the state agency and local government;

3. Should be provided to the local official identified in the LWRP of the situs local government as early in the planning stages of the action as possible, but in any event at least 30 days prior to the agency's decision on the action. (The timely filing of a copy of a completed Coastal Assessment Form with the local LWRP official should be considered adequate notification of a proposed action.)
C. If the proposed action will require the preparation of a draft environmental impact statement, the filing of this draft document with the chief executive officer can serve as the state agency's notification to the situs local government.

IV. LOCAL GOVERNMENT REVIEW PROCEDURE

A. Upon receipt of notification from a state agency, the situs local government will be responsible for evaluating a proposed action against the policies and purposes of its approved LWRP. Upon request of the local official identified in the LWRP, the state agency should promptly provide the situs local government with whatever additional information is available which will assist the situs local government to evaluate the proposed action.

B. If the situs local government cannot identify any conflicts between the proposed action and the applicable policies and purposes of its approved LWRP, it should inform the state agency in writing of its finding. Upon receipt of the local government's finding, the state agency may proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600.

C. If the situs local government does not notify the state agency in writing of its finding within the established review period, the state agency may then presume that the proposed action does not conflict with the policies and purposes of the municipality's approved LWRP.

D. If the situs local government notifies the state agency in writing that the proposed action does conflict with the policies and/or purposes of its approved LWRP, the state agency shall not proceed with its consideration of, or decision on, the proposed action as long as the Resolution of Conflicts procedure established in V below shall apply. The local government shall forward a copy of the identified conflicts to the Secretary of State at the time when the state agency is notified. In notifying the state agency, the local government shall identify the specific policies and purposes of the LWRP with which the proposed action conflicts.

V. RESOLUTION OF CONFLICTS

A. The following procedure applies whenever a local government has notified the Secretary of State and state agency that a proposed action conflicts with the policies and purposes of its approved LWRP:
1. Upon receipt of notification from a local government that a proposed action conflicts with its approved LWRP, the state agency should contact the local LWRP official to discuss the content of the identified conflicts and the means for resolving them. A meeting of state agency and local government representatives may be necessary to discuss and resolve the identified conflicts. This discussion should take place within 30 days of the receipt of a conflict notification from the local government.

2. If the discussion between the situs local government and the state agency results in the resolution of the identified conflicts, then, within seven days of the discussion, the situs local government shall notify the state agency in writing, with a copy forwarded to the Secretary of State, that all of the identified conflicts have been resolved. The state agency can then proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600.

3. If the consultation between the situs local government and the state agency does not lead to the resolution of the identified conflicts, either party may request, in writing, the assistance of the Secretary of State to resolve any or all of the identified conflicts. This request must be received by the Secretary within 15 days following the discussion between the situs local government and the state agency. The party requesting the assistance of the Secretary of State shall forward a copy of their request to the other party.

4. Within 30 days following the receipt of a request for assistance, the Secretary or a Department of State official or employee designated by the Secretary, will discuss the identified conflicts and circumstances preventing their resolution with appropriate representatives from the state agency and situs local government.

5. If agreement among all parties cannot be reached during this discussion, the Secretary shall, within 15 days, notify both parties of his/her findings and recommendations.

6. The state agency shall not proceed with its consideration of, or decision on, the proposed action as long as the foregoing Resolution of Conflicts procedures shall apply.
PROCEDURAL GUIDELINES FOR COORDINATING NYS
DEPARTMENT OF STATE (DOS) & LWRP CONSISTENCY REVIEW
OF FEDERAL AGENCY ACTIONS

DIRECT ACTIONS

1. After acknowledging the receipt of a consistency determination and supporting
documentation from a federal agency, DOS will forward copies of the determination and
other descriptive information on the proposed direct action to the program coordinator
(of an approved LWRP) and other interested parties.

2. This notification will indicate the date by which all comments and recommendations
must be submitted to DOS and will identify the Department's principal reviewer for the
proposed action.

3. The review period will be about twenty-five (25) days. If comments and
recommendations are not received by the date indicated in the notification, DOS will
presume that the municipality has "no opinion" on the consistency of the proposed
direct federal agency action with local coastal policies.

4. If DOS does not fully concur with and/or has any questions on the comments and
recommendations submitted by the municipality, DOS will contact the municipality to
discuss any differences of opinion or questions prior to agreeing or disagreeing with the
federal agency's consistency determination on the proposed direct action.

5. A copy of DOS' "agreement" or "disagreement" letter to the federal agency will be
forwarded to the local program coordinator.

PERMIT AND LICENSE ACTIONS

1. DOS will acknowledge the receipt of an applicant's consistency certification and
application materials. At that time, DOS will forward a copy of the submitted
documentation to the program coordinator than will identify the Department's principal
reviewer for the proposed action.

2. Within thirty (30) days of receiving such information, the program coordinator will
contact the principal reviewer for DOS to discuss: (a) the need to request additional
information for review purposes; and (b) any possible problems pertaining to the
consistency of a proposed action with local coastal policies.
3. When DOS and the program coordinator agree that additional information is necessary, DOS will request the applicant to provide the information. A copy of this information will be provided to the program coordinator upon receipt.

4. Within thirty (30) days of receiving the requested additional information or discussing possible problems of a proposed action with the principal reviewer for DOS, whichever is later, the program coordinator will notify DOS of the reasons why a proposed action may be inconsistent or consistent with local coastal policies.

5. After the notification, the program coordinator will submit the municipality's written comments and recommendations on a proposed permit action to DOS before or at the conclusion of the official public comment period. If such comments and recommendations are not forwarded to DOS by the end of the public comment period, DOS will presume that the municipality has "no opinion" on the consistency of the proposed action with local coastal policies.

6. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the municipality on a proposed permit action, DOS will contact the program coordinator to discuss any differences of opinion prior to issuing a letter of "concurrence" or "objection" letter to the applicant.

7. A copy of DOS' "concurrence" or "objective" letter to the applicant will be forwarded to the program coordinator.

FINANCIAL ASSISTANCE ACTIONS

1. Upon receiving notification of a proposed federal financial assistance action, DOS will request information on the action from the applicant for consistency review purposes. As appropriate, DOS will also request the applicant to provide a copy of the application documentation to the program coordinator. A copy of this letter will be forwarded to the coordinator and will serve as notification that the proposed action may be subject to review.

2. DOS will acknowledge the receipt of the requested information and provide a copy of this acknowledgement to the program coordinator. DOS may, at this time, request the applicant to submit additional information for review purposes.

3. The review period will conclude thirty (30) days after the date on DOS' letter of acknowledgement or the receipt of requested additional information, whichever is later. The review period may be extended for major financial assistance actions.
4. The program coordinator must submit the municipality's comments and recommendations on the proposed action to DOS within twenty days (or other time agreed to by DOS and the program coordinator) from the start of the review period. If comments and recommendations are not received within this period, DOS will presume that the municipality has "no opinion" on the consistency of the proposed financial assistance action with local coastal policies.

5. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the municipality, DOS will contact the program coordinator to discuss any differences of opinion or questions prior to notifying the applicant of DOS' consistency decision.

6. A copy of DOS' consistency decision letter to the applicant will be forwarded to the program coordinator.