City of Rochester
Local Waterfront Revitalization Program

Approved
City of Rochester City Council, September [illegible]

Approved
NYS Secretary of State Gail S. Shaffer, November 26, 1991

Concurred
U.S. Office of Ocean and Coastal Resource Management, January 28, 1991

STATE OF NEW YORK
DEPARTMENT OF STATE
ALBANY, N.Y. 12231-0001

GAIL S. SHAFFER
SECRETARY OF STATE

RECEIVED
JUN - 3 1992

MAY 29 1992

Mr. James Burgess
Chief
Coastal Programs Division
Office of Ocean and Coastal Resource
Management
National Oceanic and Atmospheric
Administration
1825 Connecticut Avenue, NW
Universal Building South
Washington, D.C. 20235

Dear Mr. Burgess:

Enclosed is the City of Rochester Local Waterfront Revitalization Program (LWRP). The LWRP has been adopted by the municipality and approved by the New York State Secretary of State. In addition, your office has concurred on its incorporation into the State's Coastal Management Program as a routine program implementation action. Copies of this document are also being transmitted to State agencies, as well as selected federal, county, and local agencies.

Should you have any questions or concerns regarding this document, feel free to contact either myself or Charles McCaffrey of this office at (518) 474-6000.

Sincerely,

George R. Stafford
Director
Division of Coastal Resources
and Waterfront Revitalization

GRS:gn
Enclosure

printed on recycled paper

City of Rochester
Local Waterfront Revitalization Program

HT177 .R63 C58 1990 c.2

US Department of Commerce
NOAA Coastal Services Center Library
2234 South Hobson Avenue
Charleston, SC 29405-2413

Adopted:
City of Rochester City Council, September 13, 1990

Approved:
NYS Secretary of State Gail S. Shaffer, November 26, 1990

Concurred:
U.S. Office of Ocean and Coastal Resource Management, January 28, 1991

This Local Waterfront Revitalization Program has been adopted and approved in accordance with the provisions of the Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Executive Law, Article 42) and its implementing regulations (6 NYCRR 601). Federal concurrence on the incorporation of this Local Waterfront Revitalization Program into the New York State Coastal Management Program as a Routine Program Implementation has been obtained in accordance with the provisions of the U.S. Coastal Zone Management Act of 1972 (P.L. 92-583), as amended, and its implementing regulations (15 CFR 923).

The preparation of this program was financially aided by a federal grant from the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Management, under the Coastal Zone Management Act of 1972, as amended. Federal Grant No. NA-82-AA-D-CZ068.

The New York State Coastal Management Program and the preparation of Local Waterfront Revitalization Programs are administered by the New York State Department of State, Division of Coastal Resources and Waterfront Revitalization, 162 Washington Avenue, New York 12231.

US Department of Commerce
NOAA Coastal [illegible] Center Library
2234 Sou[illegible]venue
Charleston, [illegible]2413

STATE OF NEW YORK
DEPARTMENT OF STATE
ALBANY, N.Y. 12231-0001

GAIL S. SHAFFER
SECRETARY OF STATE

November 26, 1990

Honorable Thomas P. Ryan
Mayor
City of Rochester
City Hall
30 Church Street
Rochester, NY 14614

Dear Mayor Ryan:

It is with great pleasure that I inform you that, pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act, I have approved the City of Rochester Local Waterfront Revitalization Program (LWRP). The City is to be commended for its thoughtful and energetic response to opportunities presented along its waterfront.

I will notify State agencies shortly that I have approved the City LWRP and will provide them with a list of their activities which must be undertaken in a manner consistent to the maximum extent practicable with the Rochester LWRP.

Again, I would like to commend the City on its efforts to develop the LWRP and look forward to working with you in the years to come as you endeavor to revitalize your waterfront.

Sincerely,

Gail S. Shaffer

GSS:gn

City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

TO WHOM IT MAY CONCERN:

I hereby certify that the following is a true copy of an ordinance which was duly passed by the Council of the City of Rochester on September 11, 19 90 and Approved (not disapproved, approved, repassed after disapproval) by the Mayor of the City of Rochester, and was deemed duly adopted on September 13, 1990 in accordance with the applicable provisions of law.

Ordinance No. 90-362

Approving The Local Waterfront Revitalization Program And Authorizing Its Transmission To The New York State Department of State

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the City's Local Waterfront Revitalization Program and the Mayor is hereby authorized to transmit said program to the New York State Department of State for approval in accordance with Article 42 of the Executive Law of New York State.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Curran, Councilmembers Childress Brown, Giess, King, Mains, Muldoon, Norwood, Padilla, Stevenson - 9.

Nays - None - 0.

Attest Ellen S. Clifford

City Clerk

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT
Washington, D.C. 20235

George Stafford
Director
Division of Coastal Resources
and Waterfront Revitalization
Department of State
162 Washington Street
Albany, N.Y. 12231

Dear ~~Mr. Stafford:~~ George,

The Office of Ocean and Coastal Resource Management concurs with your request to incorporate the City of Rochester Local Waterfront Revitalization Program (LWRP) into the New York State Coastal Management Program as a Routine Program Implementation (RPI) change. We received comments from three Federal agencies, none objecting to incorporating the LWRP as a RPI. This approval assumes you will make no further changes to the document in addition to the ones submitted.

In accordance with the Coastal Management Regulations, 15 CFR 923.84, Federal Consistency will apply to the City of Rochester after you publish notice of our approval.

Sincerely,

Timothy R.E. Keeney
Director

CITY OF ROCHESTER
LOCAL WATERFRONT REVITALIZATION PROGRAM

TABLE OF CONTENTS

SECTION	SECTION TITLE	PAGE
EXECUTIVE SUMMARY	. . . . .	ES-1
I	WATERFRONT REVITALIZATION AREA BOUNDARY	
	Boundary narrative description	I-3
	Maps	I-5
II	INVENTORY AND ANALYSIS	
	Table of contents	II-3
	Inventory and analysis	II-5
III	WATERFRONT REVITALIZATION PROGRAM POLICIES	
	Table of contents	III-3
	Policies	III-5
IV	PROPOSED LAND AND WATER USES AND PROPOSED PROJECTS	
	Table of contents	IV-3
	Recommended land uses for each LWRP subarea . . .	IV-13
	Recommended projects within the LWRP	IV-32
	Summary of section	IV-52
V	TECHNIQUES FOR IMPLEMENTATION OF THE PROGRAM	
	Table of contents	V-3
	Implementing techniques	V-9
	Summary of implementing techniques	V-39
	Summary of section	V-40
VI	STATE AND FEDERAL ACTIONS AND PROGRAMS LIKELY TO AFFECT IMPLEMENTATION	
	Introduction	VI-3
	Actions and programs to be undertaken in a manner consistent with the program	VI-4
	Actions and programs necessary to further the program	VI-26
VII	CONSULTATION WITH OTHER AFFECTED FEDERAL, STATE REGIONAL AND LOCAL AGENCIES	VII-3
VIII	LOCAL COMMITMENT	VIII-3
	APPENDIX	
	Rochester River Harbor Redevelopment Design and Feasibility Study	1
	Legislation Resulting from the Rochester LWRP . .	47

CITY OF ROCHESTER
LOCAL WATERFRONT REVITALIZATION PROGRAM

LISTING OF MAPS

I-1	LWRP boundary	I-5
II-1	Location Map - City of Rochester	II-6
II-2	Rochester's Waterfront planning areas	II-8
II-3	Early Rochester settlements	II-10
II-4	LWRP existing land uses	II-15
II-5	Public parkland within the LWRP	II-25
II-6	LWRP scenic views and vistas	II-35
II-7	LWRP natural resources	II-39
II-8	Major land owners within the LWRP	II-54
II-9	The Port and River Street sites	II-57
II-10	Significant Coastal Fish and Wildlife Habitats . .	II-67
IV-1	LWRP subareas	IV-7
IV-2	Ontario Beach Park, Port Authority Site and River Street Redevelopment Area Concept Plan	IV-39
V-1	Zoning in the LWRP	

CITY OF ROCHESTER
LOCAL WATERFRONT REVITALIZATION PROGRAM

LISTING OF TABLES

II-1	LWRP existing land uses	II-14
II-2	Culturally significant sites within the LWRP . . .	II-34
II-3	State designated wetlands within the LWRP	II-44
II-4	NYS Registry inactive hazardous waste sites within the LWRP	II-51
II-5	Relevant laws and regulations	II-52
IV-1	Summary of LWRP policy evaluations by subarea . . .	IV-20
V-1	Summary of legislation and additional actions which implement LWRP policies	V-39

CITY OF ROCHESTER
LOCAL WATERFRONT REVITALIZATION PROGRAM (LWRP)

EXECUTIVE SUMMARY

INTRODUCTION

The New York State Local Waterfront Revitalization Program (LWRP) is designed to give coastal communities an opportunity to analyze their shoreline areas, establish policies to guide development, and implement appropriate waterfront land uses and projects. A LWRP is a planning framework for future public and private development activities or actions within the waterfront revitalization area. Approval of a LWRP also makes municipalities eligible for state financial assistance to implement proposed projects.

The City of Rochester considers its Lake Ontario and Genesee River shorelines to be among its most important recreational, aesthetic and economic resources. The city's LWRP will restore and revitalize deteriorated and underutilized waterfront areas by promoting water and recreation-oriented uses and activities appropriate for the waterfront revitalization area. Rochester's LWRP will become the New York State Coastal Management Plan for this area, requiring state and federal actions within the boundary to be consistent with locally determined policies and development guidelines.

OVERVIEW

The City of Rochester's LWRP is divided into eight sections and an appendix:

* SECTION I provides a narrative description and map of the LWRP boundary;
* SECTION II provides an inventory and analysis of the natural and man-made resources within the LWRP;
* SECTION III describes the policies governing the LWRP;
* SECTION IV details proposed land uses and projects within the LWRP;
* SECTION V summarizes the techniques to be used for implementing the LWRP;
* SECTION VI describes the state and federal programs likely to affect implementation of the LWRP;

* SECTION VII provides a summary of the city's consultations with other affected municipalities and government agencies; and
* SECTION VIII describes the methodology for obtaining local commitment and citizen input.
* The APPENDIX consists of city zoning and ordinance regulations.

SUMMARY OF THE CITY OF ROCHESTER'S LWRP

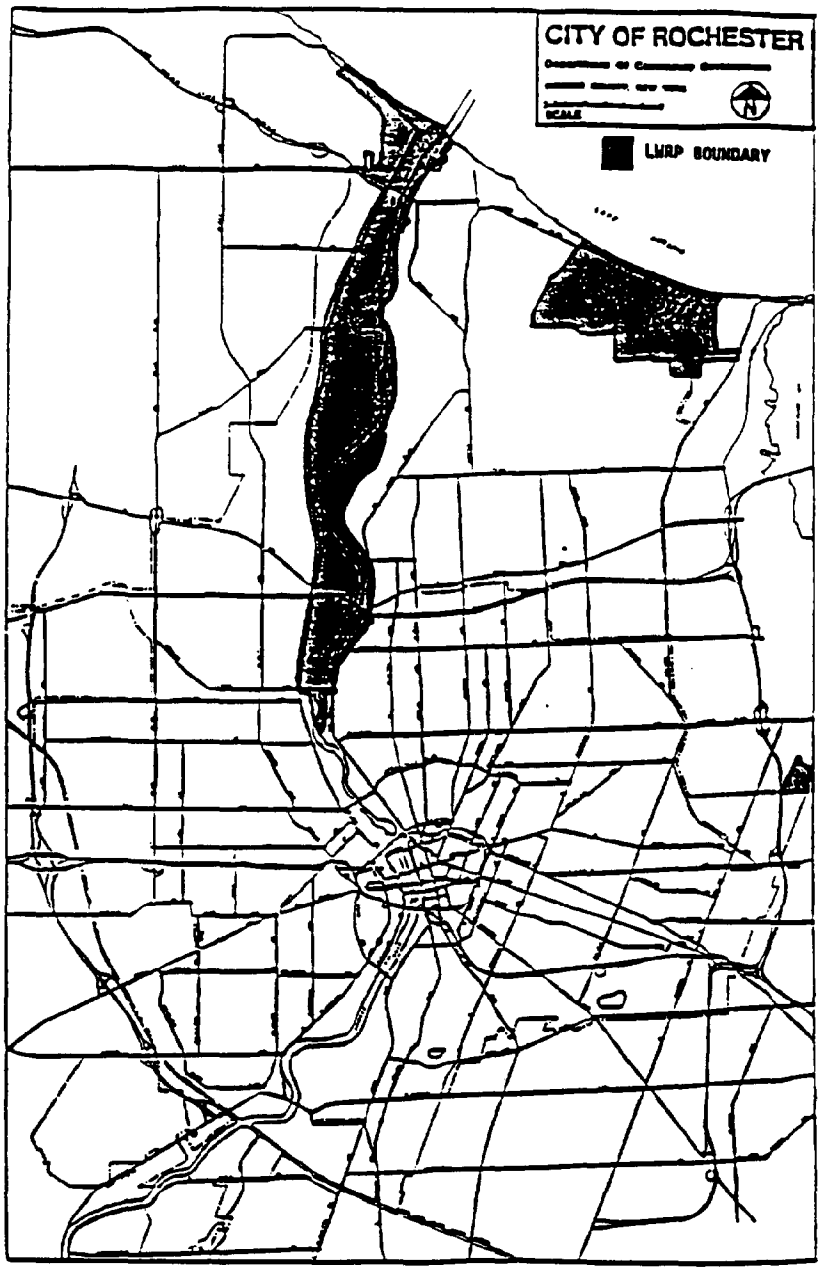
SECTION I: BOUNDARY MAP AND NARRATIVE DESCRIPTION

The city's LWRP boundary is based on the coastal boundary determined for Rochester by the New York State Department of State. The "spine" of the boundary follows the Genesee River within the city, from the Middle Falls near Ravine Avenue, north to the river's mouth at Lake Ontario. The boundary includes part of the northern-most section of the city and contains portions of the Maplewood and Charlotte neighborhoods, as well as Seneca Park, Maplewood Park and Turning Point Park. The LWRP boundary also covers the city's Lake Ontario shoreline including Ontario Beach and Durand-Eastman Parks. A small portion of Tryon Park which borders Irondequoit Creek just south of Irondequoit Bay is also included in the city's LWRP boundary. The boundary is shown on a map on page ES-3.

SECTION II: INVENTORY AND ANALYSIS

Water has been extremely important to the economic development of Rochester. The Genesee River falls and rapids have provided cheap, accessible power throughout the history of the city. The river and lake have been key in establishing shipping as an important industry in the area. The early settlements whichwere the forerunners of the city began because of proximity to the river and Lake Ontario.

In recent years, the river and lake have been rediscovered by city residents and visitors. Because of stricter environmental controls, the efforts of private industry and the completion of several major public works projects, water quality of the river and lake has improved



CITY OF ROCHESTER LOCAL WATERFRONT REVITALIZATION PROGRAM (LWRP) BOUNDARY

significantly. As a result, the Genesee River and Lake Ontario can once again be enjoyed and appreciated as unique areas for hiking, sightseeing, fishing, swimming and boating. The increased use of waterfront recreational facilities is creating additional demand for water-dependent and water-enhanced uses such as boat slips and pedestrian trails within the LWRP boundary.

The city's LWRP contains a wealth of natural and man-made resources. Marinas, boat slips and docks, public parks, beaches, historic sites, scenic views and vistas, and wetland areas are just a few of the many water-oriented resources or land uses that currently exist within the LWRP boundary. Additionally, the New York State Department of State has designated approximately six and one-half miles of the lower Genesee River as a coastal fish and wildlife habitat of statewide significance.

There are several obstacles to development that exist within the LWRP boundary. The most critical obstacle is wave surge action in the river caused by northeastern storms. Other obstacles include the steep slopes of the river gorge and the relative inaccessibility of the river in many locations. These constraints limit development in a substantial portion of the LWRP boundary. There are, however, several sites that have significant development potential within the LWRP boundary. The most important of these are the River Street area (including the former Conrail switching yards on the river, near the historic Genesee Lighthouse) and the former Port of Rochester site. Neither of these parcels has significant infrastructure problems, although each has its own unique set of development problems and constraints.

SECTION III: POLICIES

The most pertinent state policies that impact the city's LWRP are listed below.

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

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

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

(4) Activities or development in the coastal areas will be undertaken so as to minimize damage to natural resources and property from flooding and erosion by protecting natural protective features including beaches, dunes, barrier islands and bluffs.

(5) Protect, maintain and increase the levels and types of access to public water-related recreation resources and facilities so that these resources and facilities may be fully utilized by the public in accordance with reasonably anticipated public recreation needs and the protection of historic and natural resources.

(6) Protect, enhance and restore structures, districts, areas or sites that are of significance in the history, architecture, archaeology or culture of the state, its communities or the nation.

SECTION IV: LWRP USES AND PROJECTS

The policies of the city's LWRP outlined in SECTION III were translated, with input from a citizen's advisory committee, into a conceptual development plan for the city's waterfront areas. This was accomplished by identifying appropriate land uses and projects for the following subareas within the LWRP boundary:

Subarea A - Durand-Eastman Park
Subarea B - Open Space / Critical Environmental Areas
Subarea C1 - Developed portion of the Upland Area
Subarea C2 - Buildable portion of the Upland Area
Subarea D - River Harbor Zone and Lakefront Area
Subarea E - Industrial Areas

The following generalized land uses are recommended for each LWRP subarea:

SUBAREA	RECOMMENDED LAND USES
(A) DURAND-EASTMAN PARK	Public walkways, fishing areas, swimming areas, picnicking areas, parking, cartop boat access, spectator site for off-shore events, treatment facilities, field sports, and outdoor entertainment.
(B) OPEN SPACE / CRITICAL ENVIRONMENTAL AREAS	Public walkways, fishing areas, picnicking areas, parking areas, cartop boat access, swimming, outdoor entertainment, museum, and zoo.
(C1) DEVELOPED PORTION OF THE UPLAND AREA	Public walkways, marine-related support facilities, hotel, general retail facilities including restaurants, office research facilities, parking, and housing.
(C2) BUILDABLE PORTION OF THE UPLAND AREA	Public walkway, housing, parking, office research facilities, and manufacturing facilities.
(D) RIVER HARBOR ZONE AND LAKEFRONT AREA	Public walkways, swimming areas, fishing areas, picnicking areas, outdoor entertainment, festival sites, field sports, marinas, marina-related support facilities, parking areas, cartop boat access, retail facilities including restaurants, hotel/boatel or bed & breakfast inn, and housing.

(E) INDUSTRIAL AREAS — Public walkways, fishing areas, parking, manufacturing facilities, power generating facilities, office research facilities, water treatment facilities, shipping, water-related retail support facilities, hotel or bed & breakfast inn, and housing.

SECTION V: IMPLEMENTATION TECHNIQUES

Changes to the City of Rochester Zoning Ordinance were adopted in order to implement many of the state coastal policies applicable to the LWRP. Some of the major changes are listed below.

(1) Modification of the city's River Harbor (RH) Zoning District to permit such uses as housing, hotels, motels and boatels, multiple uses, and to allow certain uses subject to special permit.

(2) Modification of the RH Zoning District to include: a purpose statement with references to the preservation and enhancement of the recreational character and visual quality of the river harbor area, the preservation and promotion of public access to the shoreline and the encouragement of tourism in the area; and a new use list which will permit such facilities as marinas, boat launches and docks, and public walkways.

(3) Adoption of the Harbor Town Design Overlay District which will require a certificate of design compliance for certain types of new development in the shorezone, to be granted after a review process based on design guidelines for landscaping, signage, visual compatibility, site development, etc.

SECTION VI: STATE AND FEDERAL PROGRAMS LIKELY TO AFFECT IMPLEMENTATION

A wide variety of federal and state programs and actions are likely to impact or be affected by the city's LWRP. The general program categories involved are listed below.

* Economic Development Policies and Programs
* National Oceanic and Atmospheric Programs
* Flood Control Projects
* Navigation Projects
* Community Development Block Grants / Entitlement Grants
* Fish and Wildlife Restoration and Research Projects
* Office of Parks, Recreation and Historic Preservation Programs
* Department of Transportation Programs
* Air Pollution / Water Pollution Control Programs and Grants
* Environmental Protection Programs and Grants
* Environmental Conservation Programs and Policies
* Division of Housing and Community Renewal Programs and Policies

SECTION VII: CITY'S CONSULTATIONS WITH AFFECTED AGENCIES

As part of the preparation of the LWRP, the city consulted with numerous county, state and federal agencies, as well as with neighboring municipalities. Included in these consultations were the New York State Departments of State, Environmental Conservation, and Transportation, the Monroe County Planning Department and Parks Department, as well as the Towns of Irondequoit and Greece.

SECTION VIII: LOCAL COMMITMENT

The City of Rochester established a citizen's advisory committee to assist in the overall planning process and the development of specific LWRP recommendations, as well as to ensure public support and commitment for implementation of the LWRP. Organizations that were represented on the advisory committee included neighborhood and business groups within or adjacent to the study area, the County Planning and Parks Departments, the City Planning Commission and Environmental Commission, and groups with maritime interests such as New York State Sea Grant, the Monroe County

Fishery Advisory Board, a yacht club, a marina owner, and a real estate brokerage firm.

Support for the LWRP was also sought through meetings with the agencies and organizations which could be affected by implementation of the LWRP. Policy and project coordination also occurred between the city and adjacent towns who were preparing LWRP's. Further public participation in LWRP development occurred through the implementation requirements of the plan as well as through the LWRP adoption process.

ADDITIONAL INFORMATION

Questions, comments or requests for additional information concerning the City of Rochester's Local Waterfront Revitalization Program should be directed to:

Larry O. Stid
Director of Planning
Department of Community Development, Office of Planning
Room 125-B, City Hall
30 Church Street
Rochester, New York 14614
Phone (716) 428-6924

SECTION I: WATERFRONT REVITALIZATION AREA BOUNDARY

The City of Rochester's Local Waterfront Revitalization Program (LWRP) boundary described in this section is based on the coastal boundary determined for the city by the New York State Department of State (NYSDOS) under the Coastal Zone Manage-ment Program. The city's LWRP boundary is delineated on 1"=400 ft. land use maps and 1"=24,000 ft. New York State Department of Transportation (NYSDOT) planimetric maps. The boundary is shown on MAP I-1 on pages I-5 through I-9.

The city's northern LWRP boundary follows the Lake Ontario shoreline. This boundary runs from the Rochester/Greece municipal line on the west near Greenleaf Road, to the Rochester/Irondequoit municipal boundary located just east of the U.S. Coast Guard Station, on the east bank of the Genesee River. This section of the LWRP boundary includes the mouth of the Genesee River at Lake Ontario.

The "spine" of the City's LWRP boundary follows the Genesee River within the city, from the Middle Falls area near Ravine Avenue, north to the river's mouth at Lake Ontario. The boundary includes a large portion of the northern-most section of the city, which contains the Maplewood and Charlotte neighborhoods, as well as Ontario Beach Park, Seneca Park and Maplewood Park. The boundary also includes Durand-Eastman Park, which while technically contiguous to the city, is remotely located from the city proper. This park is located on Lake Ontario and is surrounded on three sides by the Town of Irondequoit. Portions of the LWRP study area are adjacent to the Town of Greece on the west, and the Town of Irondequoit on the east.

The western boundary of the LWRP begins at the western edge of the city's Lake Ontario shoreline, and proceeds south following the Rochester/Greece municipal line to the Lake Ontario State Parkway (LOSP). The boundary then heads east along the southern edge of Lake Avenue to Driving Park Avenue. Properties on the east side of this section of Lake Avenue are included within the LWRP boundary. Properties on the west side of this section of Lake Avenue are outside the boundary. At the Lake Avenue/Driving Park Avenue intersection, the boundary turns east, following the southern edge of Driving Park to the Genesee River Gorge. The boundary then heads south along the top of the gorge wall on the west side of the river, to the Middle Falls Dam.

At the Middle Falls Dam, the boundary heads southeast across the dam, then north, following the top of the gorge wall on the east side of the Genesee River Gorge. The boundary then heads south along the top of the gorge wall on the west side of the river, to the Middle Falls Dam.

At the Middle Falls Dam, the boundary heads southeast across the dam, then north, following the top of the gorge wall on the east side of the Genesee River, to Driving Park Avenue. At Driving Park Avenue, the boundary turns east and follows the eastern edge of St. Paul Street to Long Acre Road. Properties on the east side of this section of St. Paul Street are located outside the boundary while properties on the west side are located within the boundary.

At the intersection of Long Acre Road and St. Paul Street, the boundary picks up the Rochester/Irondeuoit municipal line and follows that line north, roughly parallel to the Conrail railroad tracks which are located on the eastern bank of the Genesee River. In one particular location along the east bank of the

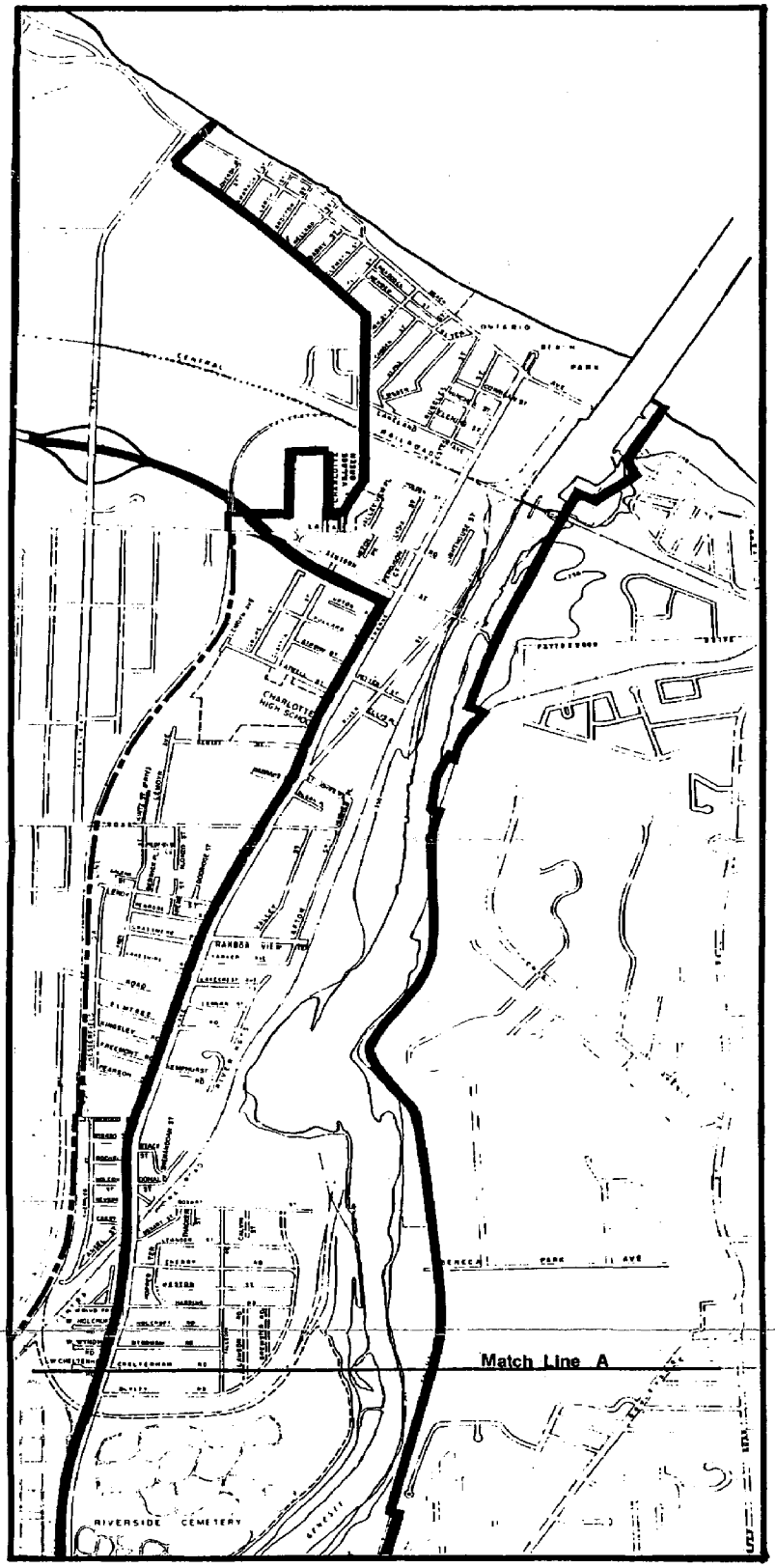
river, north of the Turning Basin, the boundary, by following the city/town line, actually extends out into the river, thereby excluding the river shore and adjacent sensitive environ-mental features from both the city's and Irondequoit's LWRP study areas. The eastern boundary of the city's LWRP continues north along the Rochester/ Irondequoit municipal line to the Lake Ontario shoreline. The boundary terminates just east of the mouth of the Genesee River at Lake Ontario, near the U.S. Coast Guard Station.

The city's LWRP boundary also includes Durand-Eastman Park, which is located on Lake Ontario. The park is not immediately contiguous to the city, with the exception of a long, narrow strip of land which is used as the Culver Road right-of-way and provides access to the park through the Town of Irondequoit. The park is bounded on the north by Lake Ontario, and on the east, south and west by the Town of Irondequoit.

The LWRP boundary for Durand-Eastman Park includes the shoreline of Lake Ontario on the north. The western boundary begins at the western edge of the park's Lake Ontario shoreline and proceeds southwest, following the City of Rochester/Town of Irondequoit municipal line. The boundary in this location runs roughly parallel to Oakridge Drive in the town, to an area near the intersection of Oakridge Drive and Scotch Lane. The boundary then heads east, following the city/town line, then turns south near where Kings Highway enters the park. At this point, the boundary turns east again, near Rainbow Drive in the town, jogging slightly south to Durand Drive. The boundary then heads north, to an area just north of Park Road in Irondequoit, then heads east, parallel to Park Road, and continues to Culver Road. The boundary follows Culver Road north to Havenwood Drive, then heads east to an area just west of Birchhills Drive. The boundary then turns north, and continues to the Lake Ontario shoreline where it terminates to the west of Scenic View Drive.

Rochester's LWRP boundary also includes a portion of Tryon Park, which is located on the east side of the city, near Irondequoit Creek which is adjacent to Ellison Park. Tryon Park is situated to the east of the Route 590 Expressway, north of Browncroft Boulevard. The LWRP boundary for Tryon Park includes the City of Rochester/Town of Irondequoit municipal line on the east, north and west. The boundary on the south is a continuation of the city/town line which runs west to east, just north of Colebourne Road.

A potential problem exists regarding the exclusion of certain sensitive environmental features from both the Rochester and Irondequoit LWRP study areas adjacent to the river, north of the Turning Basin. These features include steep wooded slopes, wetlands, floodplain and drainage areas, and the shoreline itself. Development of these sensitive environmental features could adversely impact Genesee River water quality, scenic views and vistas, and the availability of public access to and through the shorezone. The city's control over this area is limited by its own municipal boundary. The city is therefore concerned that the existing LWRP boundary along this portion of the river may not be sufficient to protect these sensitive environmental areas. The city believes that the LWRP boundary should be based on existing topographic and/or soils characteristics as well as other natural features in this area, rather than on "artificial" municipal boundary lines.



LOCAL WATERFRONT REVITALIZATION PROGRAM

Rochester, New York

Legend

LWRP Boundary

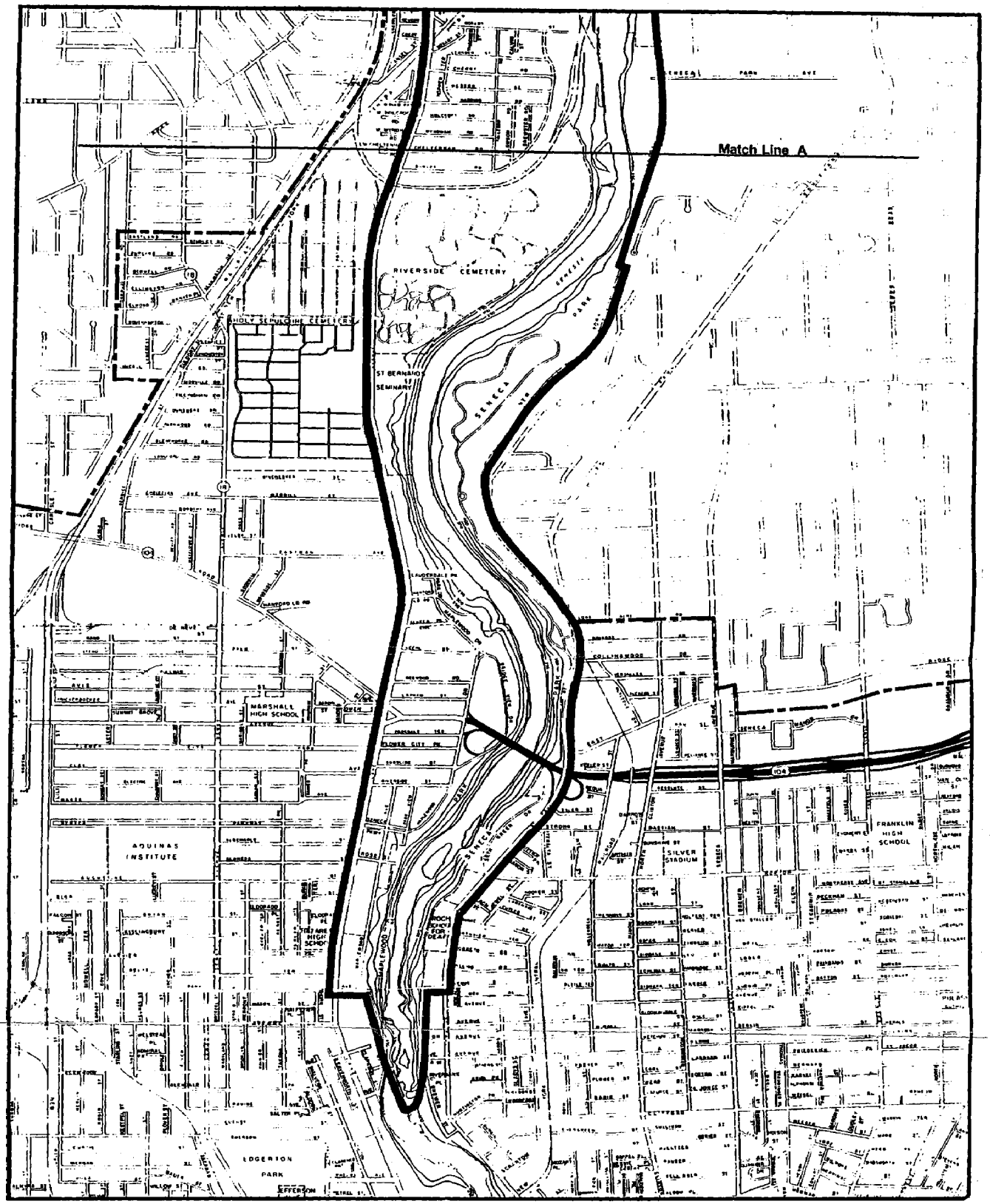
Department of Community Development
Bureau of Planning and Zoning

1,000' 0 2,000'

scale

This map was prepared for the New York State Department of State Coastal Management Program with financial assistance from the Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration, provided under the Coastal Zone Management Act of 1972, as amended. Federal Grant Number: NA-82-AA-D-CZ068.

MAP I-1
CITY OF ROCHESTER LOCAL WATERFRONT REVITALIZATION PROGRAM BOUNDARY



MAP I-1
CITY OF ROCHESTER LOCAL WATERFRONT REVITALIZATION PROGRAM BOUNDARY

SECTION II: INVENTORY AND ANALYSIS

CITY OF ROCHESTER
LOCAL WATERFRONT REVITALIZATION PROGRAM

SECTION II: INVENTORY AND ANALYSIS

TABLE OF CONTENTS

SUBSECTION NUMBER AND TITLE			PAGE
1.	COMMUNITY PROFILE		II-5
	A.	Location	II-5
	B.	Population	II-5
	C.	Employment	II-5
2.	LWRP BOUNDARY AND SUBAREAS		II-7
	A.	Overview	II-7
	B.	LWRP boundary and subareas	II-7
	C.	Rochester's waterfront planning areas	II-7
3.	HISTORICAL DEVELOPMENT		II-9
	A.	Overview	II-9
	B.	Early Rochester's waterfront	II-11
	C.	Waterfront rediscovery	II-12
4.	GEOLOGIC HISTORY		II-12
5.	EXISTING LAND USES		II-13
	A.	Overview	II-13
	B.	General description	II-13
6.	WATER-DEPENDENT AND WATER-ENHANCED USES		II-19
	A.	Overview and definitions	II-19
	B.	Water-dependent and water-enhanced uses	II-19
	C.	Market demand for new uses	II-20
7.	RECREATIONAL OPPORTUNITIES AND PUBLIC ACCESS		II-23
	A.	Recreational opportunities (public parkland)	II-23
	B.	Public access	II-31
8.	HISTORIC RESOURCES		II-32
9.	VISUAL QUALITY		II-33
	A.	Overview	II-33
	B.	Description	II-33
10.	NATURAL RESOURCES		II-38
	A.	Overview	II-38
	B.	Fishery resources and habitats	II-38
	C.	Wildlife resources and habitats	II-42
	D.	Tidal and freshwater wetlands	II-43
	E.	Water quality	II-44
	F.	Air quality	II-45

SECTION II: INVENTORY AND ANALYSIS

TABLE OF CONTENTS (CONT'D.)

11. FLOOD HAZARD AREAS II-45
    A. Waterflow II-45
    B. Flooding II-45

12. EROSION HAZARD AREAS, SILTATION AND DREDGING II-46
    A. Coastal erosion hazard areas II-46
    B. Other erosion problems II-47
    C. Siltation and dredging II-47

13. WATER AND SEWER SERVICE II-48

14. TRANSPORTATION NETWORK II-48

15. OTHER ISSUES II-50
    A. Hazardous waste sites and storage of toxic materials II-50
    B. Summary of local laws and regulations II-52

16. DEVELOPMENT OPPORTUNITIES AND CONSTRAINTS II-52
    A. Overview II-52
    B. General description of development parcels II-53
    C. The port site II-53
    D. The River Street area II-59

APPENDIX II-61

1. COMMUNITY PROFILE

A. Location

Rochester is the third largest city in New York State and is located on the southern shore of Lake Ontario, between Buffalo and Syracuse (see MAP II-1 on page II-6). The Genesee River flows northward through the center of the city to the lake. The New York State Barge Canal runs along the southern edge of the city, in a generally east-west direction. To the east of the city is Irondequoit Bay which was the pre-glacial outlet of the Genesee River to Lake Ontario. The city is connected to the New York State Thruway via Interstate Routes 390 and 490.

B. Population

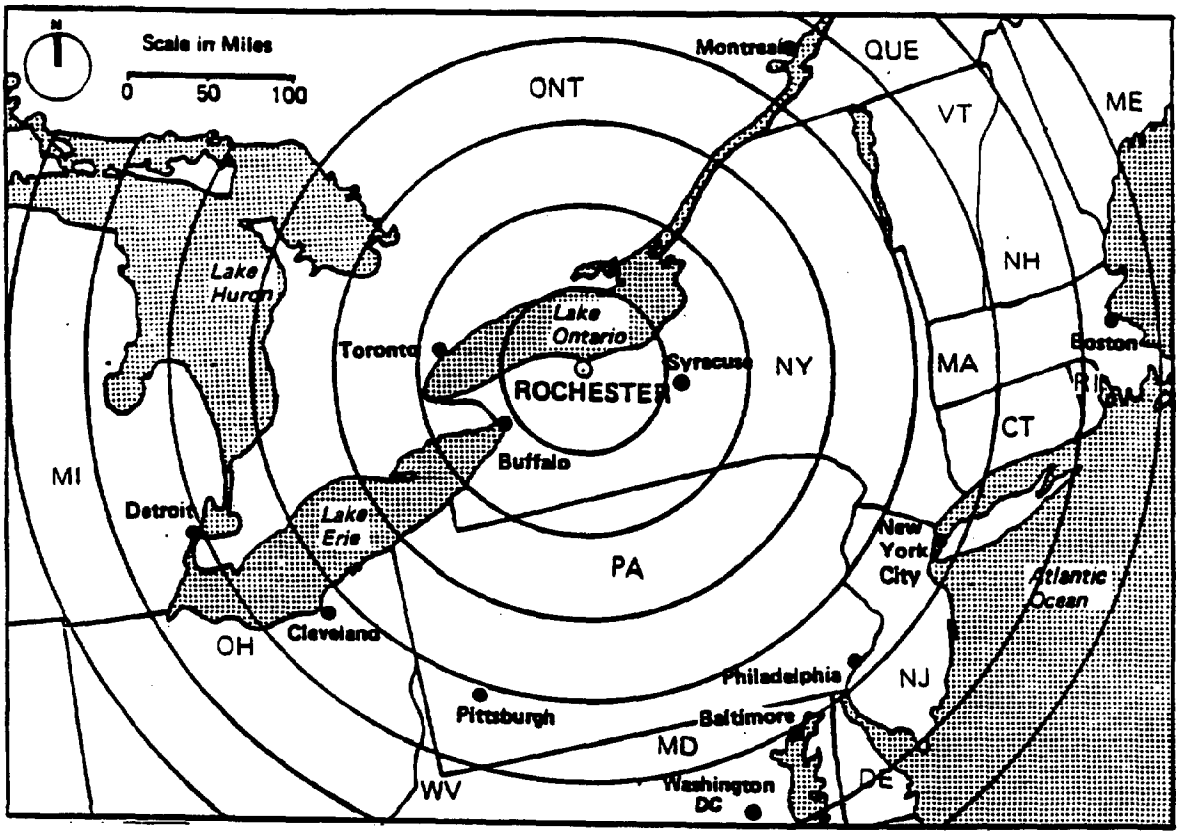
Rochester is at the center of a larger metropolitan region which includes Monroe County and the counties of Wayne, Ontario, Livingston, Orleans and Genesee. According to the 1980 Census, Monroe County had a population of 702,238 people and contained 252,217 households, while the city had a population of 241,741 people and contained 94,597 households. As with many cities located in the northeastern United States, Rochester's population declined between 1960 and 1980. However, in recent years Rochester's population has begun to stabilize. The city's 1985 population was estimated by the Center for Governmental Research to be approximately 242,000 persons and is projected to reach 245,000 by 1990.

According to the 1980 Census, approximately 14% of Rochester's population was 65 years old or older. Almost 17% of the population lived below the poverty level. The median income for the city was $13,641, as compared to a median income of $18,940 within the Rochester Metropolitan Statistical Area (MSA).

Based on 1980 figures, the city's housing stock consists primarily of one and two-family units. Forty-six percent of the city's occupied housing units are owner-occupied while 54% are renter-occupied. The average selling price of a single-family home in the city increased from $20,330 in 1976 to $42,247 in 1983. Since 1977, approximately 15% of the city's housing stock has been upgraded through the use of one of several city-sponsored housing rehabilitation programs.

C. Employment

Rochester has traditionally been an area of relatively stable employment. The major employers in the city are Eastman Kodak Company, Xerox Corporation, the University of Rochester and General Motors Corporation (Rochester Products and Delco Divisions). Total employment in Monroe County in 1986 was approximately 342,000. The Rochester area's unemployment rate at the end of 1986 was 4.8% as compared to the national rate of 6.3% (seasonally unadjusted).



MAP II-1
LOCATION MAP - CITY OF ROCHESTER

2. LWRP BOUNDARY AND SUBAREAS

A. Overview

Rochester's LWRP boundary includes a coastal zone with two distinct components. These are the Genesee River gorge, and the Lake Ontario shoreline. The Genesee River runs in a northerly direction through the center of the city to Lake Ontario, and provides a unique urban waterfront environment. A large portion of the riverfront north of downtown Rochester is characterized by a 200 foot deep gorge. There are over 71,000 feet of river shoreline within the entire city.

The approximately 14,000 feet of Lake Ontario shoreline within the City of Rochester are located at the extreme northern end of the city, in the neighborhood of Charlotte, and within Durand-Eastman Park. A large part of the 6,100 feet of lakefront shoreline located at the northern end of the city is utilized as a public beach and is contained within Ontario Beach Park. Durand-Eastman Park, located several miles to the east and surrounded by the Town of Irondequoit, contains approximately 7,600 feet of lake frontage and includes wooded slopes, several ponds, a golf course and a variety of passive recreational facilities.

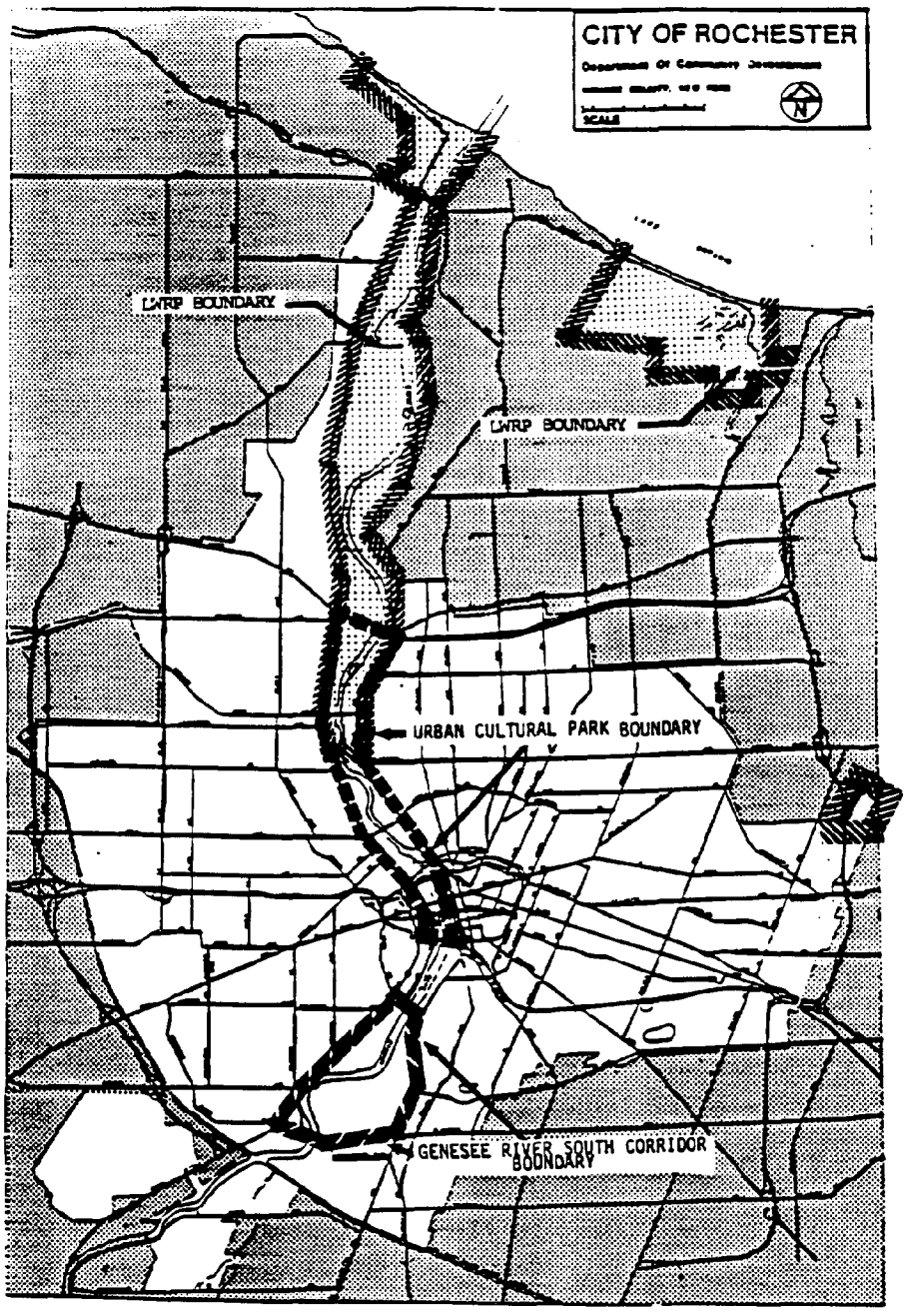
B. LWRP boundary and subareas

The City of Rochester's LWRP boundary is shown on MAP I-1 on pages I-5 through I-9. The boundary has been divided up into 6 subareas that are delineated and described in SECTION IV: USES AND PROJECTS. The subarea boundaries are shown on MAP IV-1 on page IV-7.

C. Rochester's waterfront planning areas

The city's waterfront can be divided into three distinct sections with respect to city planning activities. These sections are shown on MAP II-2 on page II-8. The northern-most portion of the river, from the Middle Falls area north to Lake Ontario, and the lake frontage within the city limits, are included within the boundaries of the LWRP.

The area from the Veteran's Memorial Bridge south through downtown to the Troup-Howell Bridge is included within the city's Urban Cultural Park (UCP) Management Plan. The portion of the river between the Middle Falls and the Veteran's Memorial Bridge is, therefore, included in both the LWRP and the UCP. Development within Rochester's UCP will focus on the significance of the Genesee River in the city's history and growth, both past and present. The river's primary role was as a source of power to the city's early milling industries. The river was also important in providing transportation to and through the city, in facilitating Rochester's evolution from a mill town to a high technology manufacturing center, and the growth of Rochester's immigrant labor force which contributed to the city's industrial development. All of these ideas will be developed in some form within the UCP.



MAP II-2
CITY OF ROCHESTER'S WATERFRONT PLANNING AREAS

The adaptive reuse of the Brown's Race area within the park is key to the success of the city's UCP. Several other areas within the UCP have also been identified for development or preservation including Olde Rochesterville, the Upper Falls industrial area, the Lake Avenue plateau, the Brewer Street flats area, and the area around the Maplewood YMCA, near the Driving Park Bridge.

The area of the river from Ford Street south to the New York State Barge Canal (Erie Canal) is included in the Genesee River South Corridor Land Use and Development Plan. This plan, which focuses on the southern-most portion of the river within the city, was jointly funded and undertaken by the University of Rochester. the County of Monroe and the City of Rochester in the fall of 1984. The plan ties the redevelopment of the east side of the Genesee River, which is primarily occupied by the University of Rochester campus, with the phased development of the west bank.

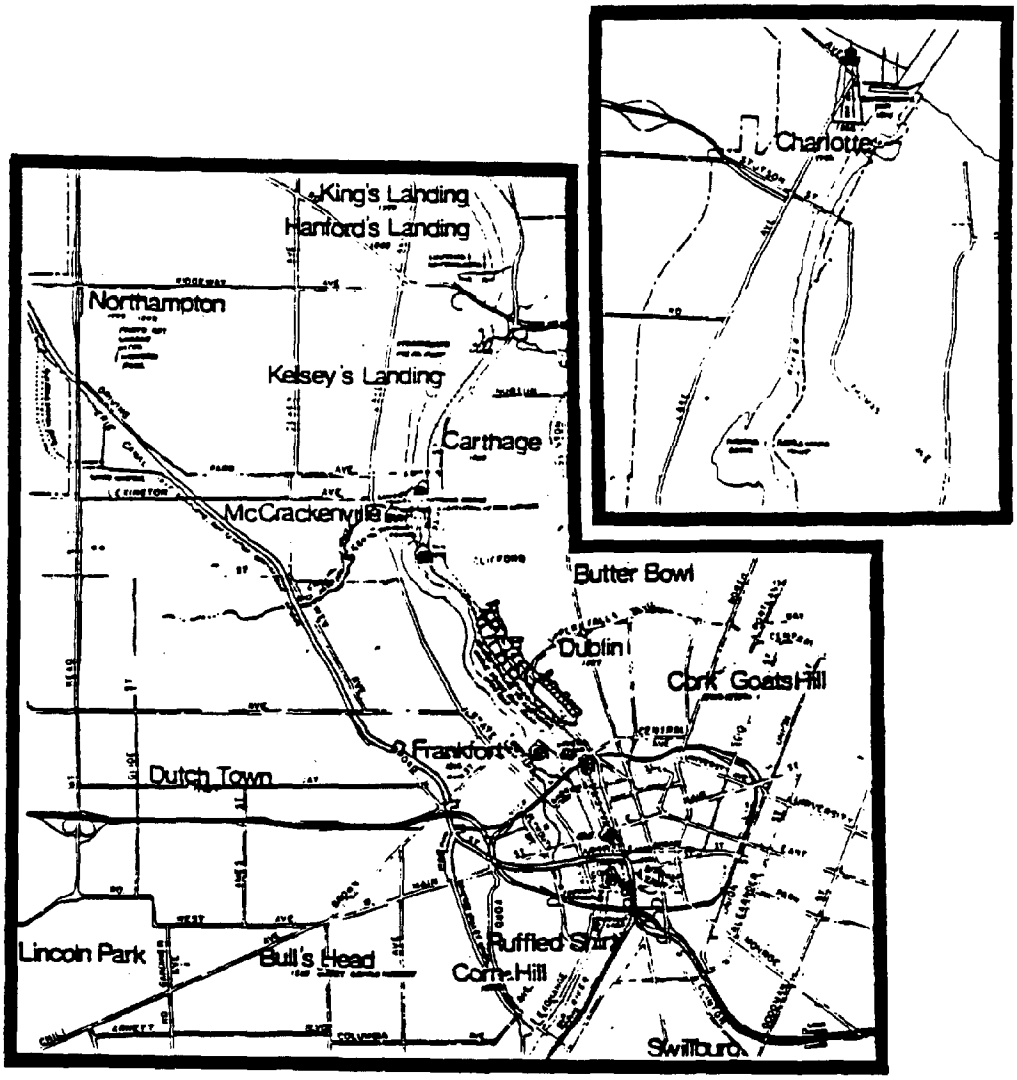
The university plans to redevelop the east bank as an open space and recreational area, to permit university-related recreational activities, public hiking, etc. This redevelopment will include the closing of a portion of Wilson Boulevard, which now separates the main portion of the university campus from the river. The plan also includes residen-tial development on the east bank. The west bank, much of which is vacant land recently acquired by the city from Conrail, is proposed for housing development and open space/recreational uses. The adjacent neighborhood is a mix of marginal industrial or warehousing uses and low to moderate-income housing.

This area is currently the focus of plan implementation projects being undertaken by the city, Monroe County and the University of Rochester. These projects include the construction of a pedestrian bridge across the Genesee River, and east and west river bank pedestrian/biking trails that will connect with downtown.

3. HISTORICAL DEVELOPMENT

A. Overview

Water has always been important to the economic development of Rochester. The Genesee River falls and rapids have been a source of relatively cheap, accessible power throughout the history of the city. The river and the access it provided to Lake Ontario have also been key to establishing shipping as an industry in this area. Early settlements which were the forerunners of the City of Rochester all began in this area because of the proximity to the Genesee River and,lake Ontario. These settlements are shown on MAP II-3 on Page II-10.



MAP II-3
EARLY ROCHESTER SETTLEMENTS

B. Early Rochester's waterfront

The abundance of fish and game drew the Seneca Indians to the shore of the Genesee River in the years prior to the arrival of the white man. In 1789, Indian Allen, attracted by the potential energy source of the rapids and falls, built the first mill in the area. This was the first white settlement in what is now Rochester's central business district (CBD). It was not a permanent settlement, however, and lasted only a year. Three years later, in 1792, another settlement sprang up on the river. William Hincher, his wife, and their eight children settled at the mouth of the Genesee River on the site of Rochester's present day port. This settlement eventually became known as the Village of Charlotte. In 1797, Gideon King and Zadock Granger settled King's Landing, later known as Hanford's Landing, on the west shore of the river, at the current site of Eastman Kodak Company's treatment plant. This area became an important shipping settlement.

The Village of Carthage was established on the east bank of the river in 1817. While Hanford's Landing and Carthage competed for shipping commerce from Lake Ontario, Colonel Nathaniel Rochester and several partners bought a 100 acre tract of land south of the Upper Falls. Their tract was the nucleus of the Village of Rochesterville which was chartered in 1817.

As a result of the completion of the Erie Canal in 1823 and Rochester's new link with the Hudson River, the city's population boomed, growing from 5,400 in 1826 to 50,000 by 1860. The river was crucial to this development, as a source of power to run the many saw mills and flour mills. Schooners bringing wheat from Canada could navigate up the river to the Lower Falls. The milled flour would then be shipped to New York City via the canal system. The shipping industry on the lake soon flourished, making the Port of Rochester one of several important ports on the Great Lakes for both trade and shipbuilding.

The river and the lake have also provided significant recreational opportunities during the city's history. In the 19th Century, sidewheelers and other excursion boats evolved into a popular past time, with scheduled day trips departing regularly from Glen House near the Lower Falls. As time went on, other large boats provided excursions along the lake and to Canada.

The Village of Charlotte was a major tourist destination from the late 1880's to approximately 1915. An amusement park, several hotels and resort facilities were developed in Charlotte and attracted many visitors and summer residents to the area. The beach area in Charlotte became known as the "Coney Island of the West" during this time.

As other forms of transportation and power began to be developed, the importance of the Genesee River and Lake Ontario to the city began to decline. Over the years, dumping of industrial waste and municipal sewage into the river and lake resulted in a decline in the use of the lake and river as a recreational resource.

C. Waterfront rediscovery

During the last 15 years, the Genesee River and Lake Ontario have been rediscovered by city residents. As a result of stricter environ-mental controls, the efforts of private industry and completion of several major public works projects, the water quality of the river and lake have improved significantly. Because of this, the city's water resources can once again be enjoyed and appreciated. These areas provide opportunities for hiking, sightseeing, fishing, swimming and boating, all within the city limits. The river has been stocked with trout and salmon, and sport fishing has been revitalized. Ontario Beach Park was reopened for public bathing in the late 1970's. The reopening of the beach has encouraged a new appreciation of and interest in Rochester's water resources among city residents. The City of Rochester's sesquicentennial celebration in 1984 centered around the waterfront and included a tall ships visit to the port area, as well as tens of thousands of visitors to the port and beach area during the event.

4. GEOLOGIC HISTORY

The City of Rochester rests on the Erie-Ontario Lowland, a relatively flat-lying plain, at an altitude of about 500 feet above mean sea level (msl). The principal geologic features within the LWRP boundary are the old and more recent courses of the Genesee River, and the lake ridge or former shore of glacial Lake Iroquois. The high point of land in the area, now known as Ridge Road, is the southern edge of the giant Lake Iroquois, which was the last of a series of glacial lakes which once covered the entire Great Lakes Basin.

Before the last glacier retreated roughly 10,000 years ago, the Genesee River flowed in a more easterly course, through what is now Irondequoit Bay, before emptying into the Ontario River, a westward flowing river which predates Lake Ontario. As the glacier retreated, the course was shifted near the Town of Mendon to its present course. The modern course carved out the three waterfalls within Rochester and the steeply sloped river gorge which begins just north of the CBD and continues on to Lake Ontario. Elevations in this area range from about 490 feet above sea level at the Upper Falls, to 250 feet above sea level at Lake Ontario.

The Genesee River gorge in Rochester exposes the preglacial rock record and provides a unique resource for geologic study. Between the Upper Falls and the Lower Falls (a distance of about 1.5 rivermiles), the rock strata or layers date back approximately 400 million years and include a classic section of Silurian aged rock. At least 200 species of marine fossils have been identified along this stretch of river, indicating that this area was once part of an inland sea.

The oldest rock in this area is the Queenston Formation, which forms the base layer or stratum. The next stratum is about 50 feet thick and is known as the Grimsby Formation or Red Medina Sandstone. This rock is used extensively as building material throughout the Rochester area. Other distinctively colored strata include the nearly white Thorold Sandstone or Kodak formation, which separates underlying red shale from a 20 foot exposure of green Maplewood Shale. These two strata can be viewed about halfway up the west side of the gorge from

the Rochester Gas and Electric Company (RG&E) service road just north of the Lower Falls. The Kodak Formation forms the cap rock, or hard layer at the top of the Lower Falls. Reynales Limestone, the next stratum, is about 17 feet thick and caps the Middle Falls, providing a base for the floodgates located there. At the Upper Falls, the Gorge walls expose an 85 foot layer of dark blue-grey Rochester Shale capped by 20 feet of grey Lockport Dolomite Limestone. The gorge is listed in several New York State geological field guides, and is used for geology trips by schools, colleges and museums in the region.

5. EXISTING LAND USES

A. Overview

The City of Rochester's waterfront revitalization area includes a variety of land uses within approximately 2,800 acres or 4.4 square miles. LWRP land uses are listed in Table II-1 on page II-14. Approximately 62% of the city's waterfront revitalization area is used for recreation, parkland or as open space. Approximately 20% is in residential use, 2% in commercial use, 3% in industrial use and 8% is vacant land. The remaining land is used for transportation or utility purposes. Existing land uses within the LWRP boundary are shown on Map II-4 on pages II-15 through II-17. Because the city's coastal area is primarily urban in nature, there are no agricultural uses existing within the boundary.

B. General description

The portion of the river included within the LWRP boundary is divided into two distinct segments. The area from Lake Ontario to the begin-ning of the wetlands just south of Riverview Marina is characterized by intensive marina and boating activity and related development. Within this area the river appears to be nothing more than a channel between several large marinas. North of the railroad bridge, however, the river widens to 500 feet or more. On the west bank of the river in this area are the remains of the original Village of Charlotte that include several buildings and a rail switching yard. The banks of the river in this area are lined with boat slips. The visual quality is degraded by outdoor storage of boats, and several dilapidated or inappropriate land uses.

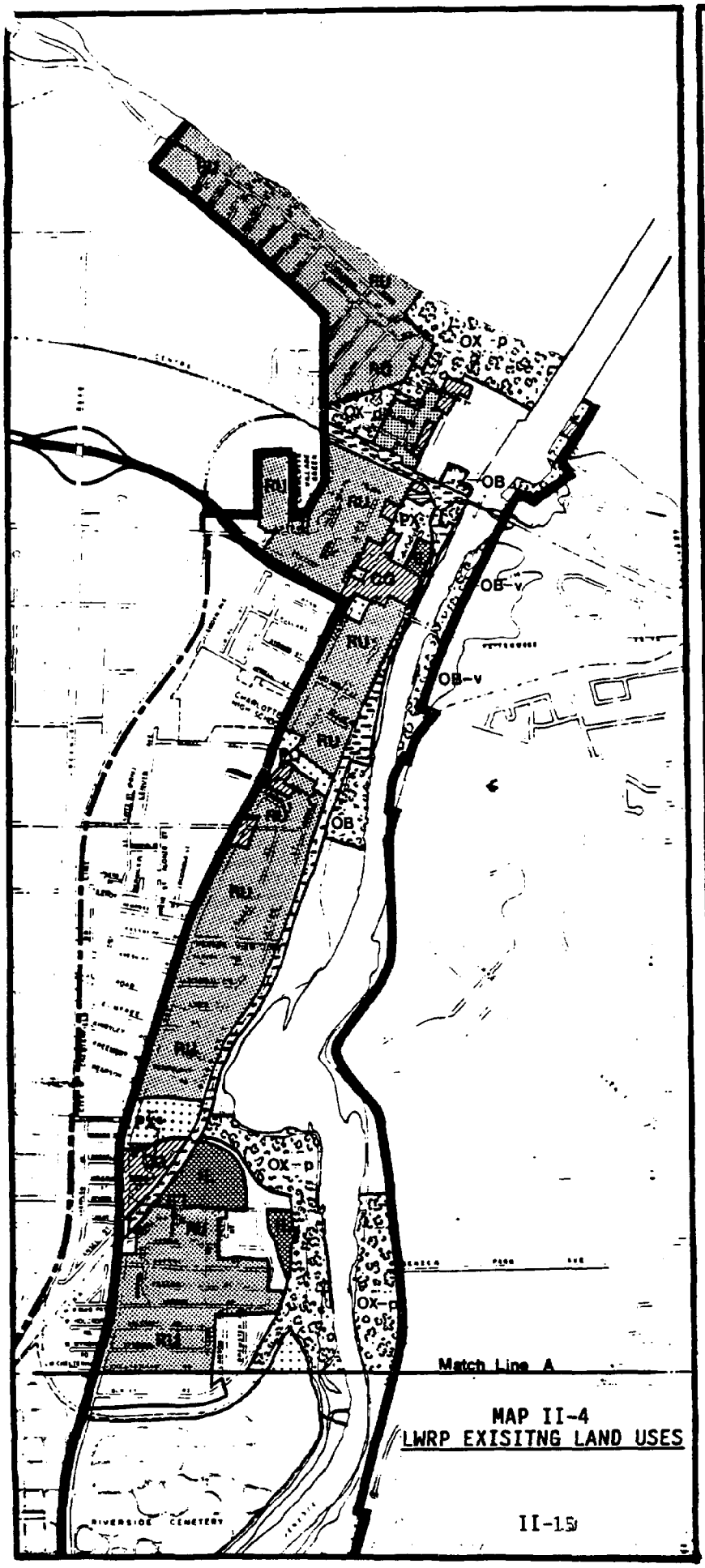
The remaining portion of the river from the Riverview Marina south to the Middle Falls is characterized by densely wooded steep slopes and the absence of significant shoreline development. Seneca Park, which includes the Seneca Park Zoo, ball fields, and passive recreational facilities, occupies most of the eastern river bank and upland area. The western bank includes Maplewood Park, the proposed Lower Falls Park as well as cemeteries and undeveloped open space.

The majority of land within the LWRP boundary is currently used for recreational or other open space uses. Almost all of the four miles of riverfront, from the Middle Falls north to the Turning Basin, are utilized as parkland or cemeteries. Existing parkland along the river includes

TABLE II-1

LOCAL WATERFRONT REVITALIZATION PROGRAM
EXISTING LAND USES

TYPE OF USE		TOTAL ACRES
(1) Residential		
Medium density	526.2	
High density	37.2	
SUB-TOTAL		563.4
(2) Commercial	48.0	
SUB-TOTAL		48.0
(3) Industrial		
Light manufacturing	42.6	
Industrial park	28.8	
Sewage treatment	15.2	
SUB-TOTAL		85.6
(4) Public/semi-public		
Cemeteries	323.7	
Educational facilities	21.5	
Other	75.8	
SUB-TOTAL		421.0
(5) Outdoor recreation		
Public parks	1246.2	
Marinas and boat launching sites	57.3	
SUB-TOTAL		1303.5
(6) Utilities		
Electric generation and transmission	2.7	
Sewage treatment	80.8	
SUB-TOTAL		83.5
(7) Transportation		
Streets/highways/expressways	21.4	
Railroads	38.7	
SUB-TOTAL		60.1
(8) Vacant land		
Open space	29.6	
Woodlands	204.3	
SUB-TOTAL		233.9
TOTAL COASTAL ZONE ACREAGE		2800.0



MAP II-4
LWRP EXISITNG LAND USES

LOCAL WATERFRONT REVITALIZATION PROGRAM

Rochester, New York

EXISTING LAND & WATER USES
Legend

- RESIDENTIAL
  - Urban — RU
- COMMERCIAL
  - General Commercial — CG
- PUBLIC & SEMI-PUBLIC INSTITUTIONS & FACILITIES
  - Educational — PE
  - Medical & Health — PH
  - Other — PO
- INDUSTRIAL
  - Light — IL
  - Heavy — IH
- RECREATION *
  - Beaches & Pools — OS
  - Marinas & Boat Launching Sites — OB
  - Other — OX
- TRANSPORTATION
  - Railway Facilities — TR
  - Other — TX
- UTILITIES & COMMUNICATIONS
  - Electric Generation & Transmission — UE
  - Sewage Treatment — US
- VACANT

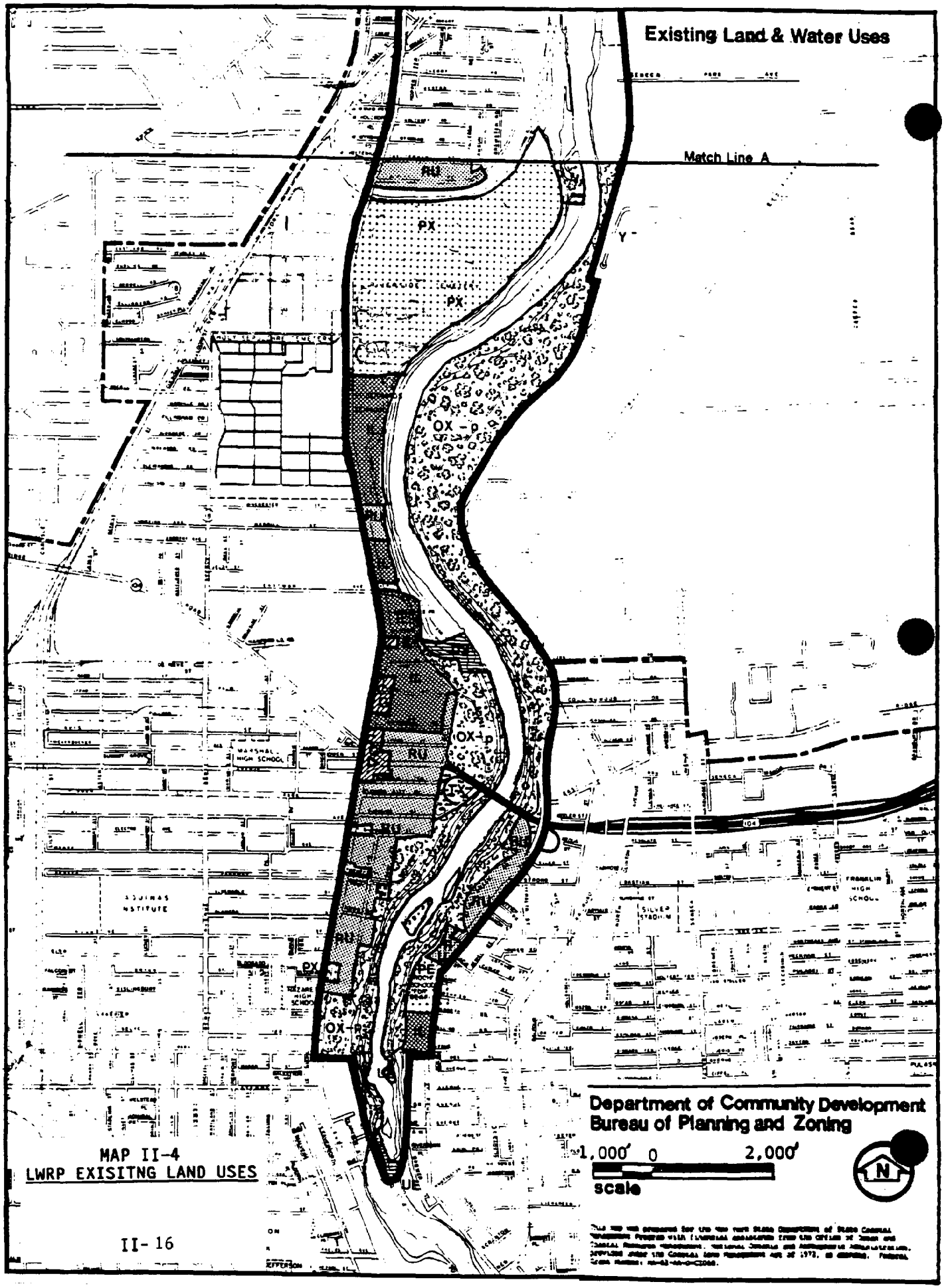
* Ownership: State(S), Other Public(P), Private(V) eg. OS-p

Department of Community Development
Bureau of Planning and Zoning

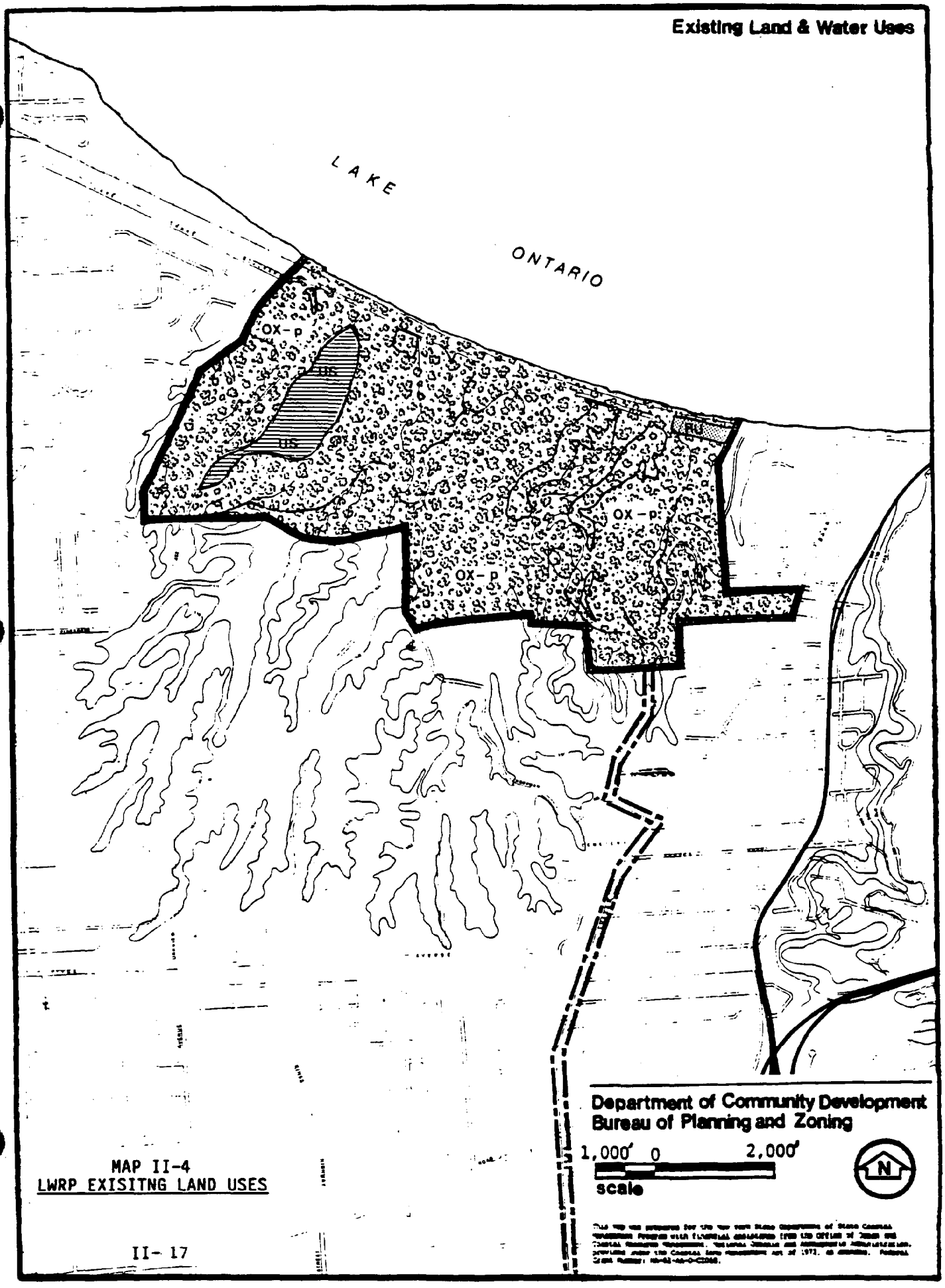
1,000' 0 2,000'
scale

N

This map was prepared for the New York State Department of State Coastal Management Program with financial assistance from the Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration, pursuant to the Coastal Zone Management Act of 1972, as amended. Federal Grant Number NA82-AA-D-CZ068.



MAP II-4
LWRP EXISITNG LAND USES



MAP II-4
LWRP EXISITNG LAND USES

Ontario Beach Park, Turning Point Park, and Maplewood Park along the west bank, and Seneca Park along the east bank. Lower Falls Park is proposed for development along the west bank of the river, adjacent to the Lower Falls and just south of the Driving Park Bridge. Riverside Cemetery is located along the west bank of the river, just south of Turning Point Park, in the vicinity of the former St. Bernard's Seminary which is now owned by Eastman Kodak Company.

The steep banks of the Genesee River culminate in a gorge that exceeds 200 feet in depth in some areas. Located within this gorge, near the Lower Falls, is the Station 5 RG&E hydroelectric power plant. The Veteran's Memorial Bridge carries Route 104 over the Genesee River. Just north of this bridge is a pedestrian bridge which offers specta-cular views of the river gorge, and which was constructed as part of the Combined Sewer Overflow Abatement Program (CSOAP).

Further north, at Hanford's Landing, Eastman Kodak Company has built an industrial waste treatment plant. A vacant wooded area on the west side of the river stretches north from Kodak's treatment plant to Turning Point Park. In this 3/4 mile long area, the uplands beyond the river gorge contain Kodak's Research Laboratories and the former Seminary site. This site was rezoned to an IPO District (Industrial Planned Development) and is being utilized by Kodak as an office and research complex.

The east and west river banks are primarily vacant from the Turning Basin north for approximately 3/4 mile. Near Denise Road, the primary land uses again become recreation and open space and continue north to the river mouth for approximately 1.3 miles. Boat slips and private marinas are the major types of waterfront development. Physical access to the shorezone becomes easier in this area, with the exception of a 1/2 mile long section along the west bank which contains railroad tracks. The portion of this area north and south of the Stutson Street Bridge has been purchased by the city.

The only existing commercial shipping activity on the river is conducted by the Rochester Portland Cement Company. Ships carrying approxi-mately 8,500 tons of cement make weekly trips up the river from the lake, stopping at the company's docking facilities on the west bank of the river, adjacent to Turning Point Park. These ships arrive from Ontario, Canada. There are no commercial fishing facilities or activities on the river at the present time.

As one moves away from the gorge rim or riverbank and into the upland areas, land uses become more urban in character. These uses have no physical connection with the river. Actually, the river all but disappears from view in these areas. Residential uses predominate in the upland areas, with some commercial and industrial development located along major streets or at major street intersections. In addition, there are two large cemeteries in the upland areas on the west side of the river, approximately halfway between downtown and the lake.

The major portion of lake frontage within the city's LWRP boundary is designated as public parkland. Ontario Beach Park is located at the mouth of the Genesee River and contains approximately 2,100 feet of lake frontage. Park facilities include a bathhouse, a large public beach area, a bandstand and several picnic pavilions. Durand-Eastman Park, located several miles to the east, contains over 7,600 feet of lake frontage. This area also included a public beach, at one time. The remaining lake frontage within the LWRP boundary is in residential use and includes the 4,000 feet of shoreline to the west of Ontario Beach Park.

6. WATER-DEPENDENT AND WATER-ENHANCED USES

A. Overview and definitions

Water-dependent land uses are structures or economic activities that cannot exist without a waterfront location such as marinas, boat ramps, sewage treatments plants, etc. Water-enhanced land uses are struc-tures or economic activities that increase their value or importance because of their proximity to a shoreline. Frequently, they function as support services for water-dependent uses and could include parks and other recreational facilities, as well as some types of commercial development.

B. Water-dependent and water-enhanced uses

Water-dependent uses along the river primarily involve recreational activities such as boating and fishing. The river is navigable by power boats and sail boats for the five miles from Lake Ontario to the Lower Falls area. The river has a mature warm water fish population and has significant trout and salmon runs in the spring and fall. Thus, it is used for fishing as well as for pleasure boating.

The steep slopes along the river gorge make development and access extremely difficult in most locations. Because of this, these areas are largely undeveloped and remain in their wooded state. Water-enhanced, passive recreational activities such as hiking and bird watching are the primary uses within these areas. North of Turning Point Park, the upland areas drop closer to river level and significant wetlands begin to line the shoreline on both banks. Further north, near the Stutson Street Bridge, private marinas line the river shoreline. In this area, the river is primarily used for water-dependent activities such as boating, fishing and other types of recreation. The Genesee Lighthouse which was built in 1821, the U.S. Coast Guard Station, two vacant warehouses, a public boat launch, and a railroad swing bridge are also located in this area.

There are several industrial uses located along the river that are also water-dependent. The RG&E Station 5 hydroelectric plant and Eastman Kodak Company's industrial waste treatment plant are dependent on the river for power as well as for processing water. The Rochester Portland Cement Plant, located on the west bank across from Rattlesnake Point, is dependent on the river for its shipping operations.

The lakeshore area supports water-dependent and water-enhanced recreational uses such as boating and fishing. Public bathing is permitted at Ontario Beach Park. Public bathing also takes place at Durand-Eastman Park. Picnicking and other water-enhanced passive recreational activities are also supported at each park.

In summary, existing water-dependent uses are located in several areas within the city's LWRP boundary. These uses include:

* the Portland Cement Company, located on the west river bank, within Turning Point Park;
* Eastman Kodak's waste treatment facility, located on the west river bank, near Hanford Landing and just north of the Veteran's Memorial Bridge;
* various marinas, boat slips and docks located along the east and west banks of the river, including the Rochester Yacht Club, the Genesee Yacht Club, Shumway Marina, Pelican Bay Marina, Voyager Marina, and the Riverview Marina (including the Spirit of Rochester tour boat);
* the Monroe County Boat Launch located on the Port Authority Site, along the west bank of the river, just north of the railroad swing bridge;
* bathing beaches located at Ontario Beach Park and Durand-Eastman Park; and
* RG&E's Station 5 hydroelectric power plant.

Existing water-enhanced uses are also located in several areas within the city's LWRP boundary. These uses include:

* public parks (Ontario Beach Park, Turning Point Park, Seneca Park, Maplewood Park, and Lower Falls Park); and
* various commercial uses along River Street, just north of the Stutson Street Bridge.

C. Market demand for new uses

Water-dependent uses which are appropriate for and compatible in the city's waterfront areas include marinas, a boatel, boat slips and docks, and boat launching ramps. Water-enhanced uses which are appropriate for and compatible in these areas include recreational facilities, some types of commercial development and hotel, motel or bed-and-breakfast facilities.

Future demand within the LWRP boundary for water-dependent uses such as marinas and boat slips was investigated as part of a land use and marketing study of the Port of Rochester site completed for the city in 1986 by a consultant team. The Rochester Port and River Street Area Land Use/Marketability Study concluded that the Rochester harbor at the mouth of the Genesee River was a premium location for marina development due to its deep water, excellent access to Lake Ontario and the availability of land. The study indicated that there was sufficient demand within the region to accommodate up to new 300 slips at a full service marina at the port site. The majority of these slips would be for boats in the 16'-25'

size range, with a smaller number of slips reserved for boats over 26' in length. The study said that up to 10% of the slips could be reserved for daily rentals to provide dockage for visiting boats.

A detailed analysis of both current and projected demand for boat slips on Lake Ontario, the Genesee River and Irondequoit Bay was completed as part of the study. This analysis showed that there was a deficit of approximately 300 slips for medium-sized boats through 1987 and sufficient demand for approximately 120 more slips by 1990 within the region. The extent of the boating market within the Rochester/Monroe County area was based on current and projected supplies of boat slips from Oak Orchard to Fair Haven, including the Rochester harbor and Irondequoit Bay, along with current and projected demand for boat slips by Monroe County residents through 1990.

The study indicated that demand for winter storage of boats at the Rochester harbor would continue and that any potential marina developed at the port site should include both indoor and outdoor storage facilities for boats. Dry-stacking of boats involves outdoor storage of smaller pleasure boats for use whenever the owner desires. The study indicated that dry-stacking facilities should not be considered for the port site because of the large amounts of land required and the high volumes of parking generated by such a use.

Additional demand data for water-dependent and water-enhanced uses along the river corridor were developed as part of the River Harbor Redevelopment Area Design/Feasibility Study prepared in 1989 by the Reimann-Buechner Partnership. This study is included as an appendix to the City of Rochester's LWRP. The market information prepared by Phoenix Associates, Inc. for that study related to the development of new water-enhanced commercial and residential uses along the Genesee River. Another study completed by Phoenix Associates in 1987 and entitled Discovery Center Feasibility study summarized visitation estimates for a maritime museum or interpretive center which could be constructed in one of the warehouses on the port site. These two reports included the following data and conclusions:

* Visitation estimates for a maritime museum or interpretive center located adjacent to the Genesee River at the port site range between 60,000 and 115,000, depending on the scale, offerings and seasonality of the facility. These estimates were based on visitation at Ontario Beach Park, regional attractions and other similar Great Lakes facilities.

  Such a facility could potentially provide: a destination point for drawing county and regional visitors to the city's waterfront; the foundation for an expanded year-round market for existing and proposed commercial development in the area; and, an oppor-tunity for the city to demonstrate to the development community its commitment to the waterfront area through active promotion of such a facility.

* If the city's River Harbor area remains a seasonal attraction, non-food retail space should be programmed at no more than 10,000 square feet, particularly considering some of the vacant or marginally used commercial space currently scattered throughout the area. If the River Harbor area becomes a year-round activity center, additional specialty retail space could be programmed at up to 30,000 square feet, over time.

  Based on current housing market studies, an estimate of the drawing capacity of the River Harbor area, and a realization of the city's commitment to develop new housing in other areas, new residential construction in the River Street area near the Genesee River should be limited to no more than 80 units over a five year period.

* A hotel or motel in the River Harbor area is more likely to be feasible when and if the area becomes a year-round attraction, and when the level of activity at the visitor's marina becomes more of a known quantity. A seasonal hotel or motel facility is more likely to occur in tandem with another primary use such as a restaurant/bar.

The Monroe County Waterfront Recreational Opportunities Study completed in September, 1989 by Environmental Design/Research contained the following market demand data and conclusions related to the City of Rochester's LWRP:

* Based on trends in boater registration, it is estimated that there is a current deficit of around 350 slips in Monroe County. Most marinas are at capacity and have waiting lists. Nearly all marinas and yacht clubs surveyed indicated that they could easily rent more slips if they could offer them.

* Demand for additional slips is expected to grow in the future, based on registration trends. Ownership of boats in Monroe County has grown by 6,000 boats, or 30%, in the past 10 years. The projected resident demand for slip space in Monroe County, through 1992, is 675 slips in the 16'-25' range and 205 slips for larger boats.

* There currently are only 20 designated transient slips in Monroe County along the Lake Ontario shoreline. However, yacht clubs and marinas have a policy of renting slips by the day when resident boats are out sailing or cruising. Nevertheless, visitor slips are very scarce throughout the area.

  No reliable statistics from Canadian authorities or New York State agencies are available for the number of boats capable of or inclined to cross or cruise Lake Ontario. Conversations with Canadian port authorities, other New York State planning departments and marina owners and operators indicate a strong demand for more visitor slips, although the amount of this demand cannot be quantified. Private development of visitor slips seems unlikely due to their lower profitability in comparison to rental by the season.

* The current demand within Monroe County for improved launch ramps for trailered boats was estimated, based on current registrations and patterns of boat usage. Current resident demand is 30 lanes of launch capacity at 40 boats per lane, or a deficit of 8 launch ramps. Current deficits in slip space exacerbate the deficit in launch capacity. This does not take into account non-resident demand, which adds 2 lanes at present utilization rates.

* From estimates of five-year registration increases in boats 16'-25' and decreases in boats under 16', future demand for launch ramps to serve trailered resident boats is 7 lanes of additional launch capacity through 1992. Additional launch capacity would be appropriate in the Rochester Harbor/Lower Genesee River area to provide for additional lake access.

* Rochester has the highest use/capacity ratio for swimming in New York State, with the exception of New York City. This figure demonstrates a need for additional swimming facilities within Monroe County. Durand-Eastman Park offers opportunities for increased public beach and swimming areas.

7. RECREATIONAL OPPORTUNITIES AND PUBLIC ACCESS

A. Recreational opportunities (public parkland)

Lake Ontario and the Genesee River offer many outdoor recreational opportunities such as swimming, boating and fishing as well as passive recreational activities. According to the Coast Guard, the river maintains a depth of approximately 10 feet as far south as the Veteran's Memorial Bridge. This permits a variety of small pleasure boats to use the river. Canoeists and kayak enthusiasts are able to continue up the river as far south as Seth Green Island. Beyond Seth Green Island, swift river currents make upstream travel difficult. The natural river depth is maintained in the port area by annual dredging operations conducted by the U.S. Army Corps of Engineers (USACE). The dredging operations ensure a river depth of approximately 21 feet which permits access up the river for large recreational craft.

Berthing or mooring in the river is not possible for all the boat owners. Although the port area has a number of marinas and yacht clubs that contain approximately 1,000 boat slips, this does not meet present demand. Rochester and Monroe County have been nationally identified as a market with tremendous growth potential in boat sales, particularly in the 16'-25' range. While many marina owners would like to expand their facilities along the river, development costs and the lack of land for expansion and parking have become major limitations.

Owners of smaller trailered boats are also experiencing launching and docking problems in the area. Only one public boat launch exists within the LWRP boundary. The four-lane boat launching ramp constructed at the port site by Monroe County has the capacity to accommodate 107 cars with trailers. Renewed interest in sport fishing has increased the use of this facility. However, the location of the launch on the west bank north of

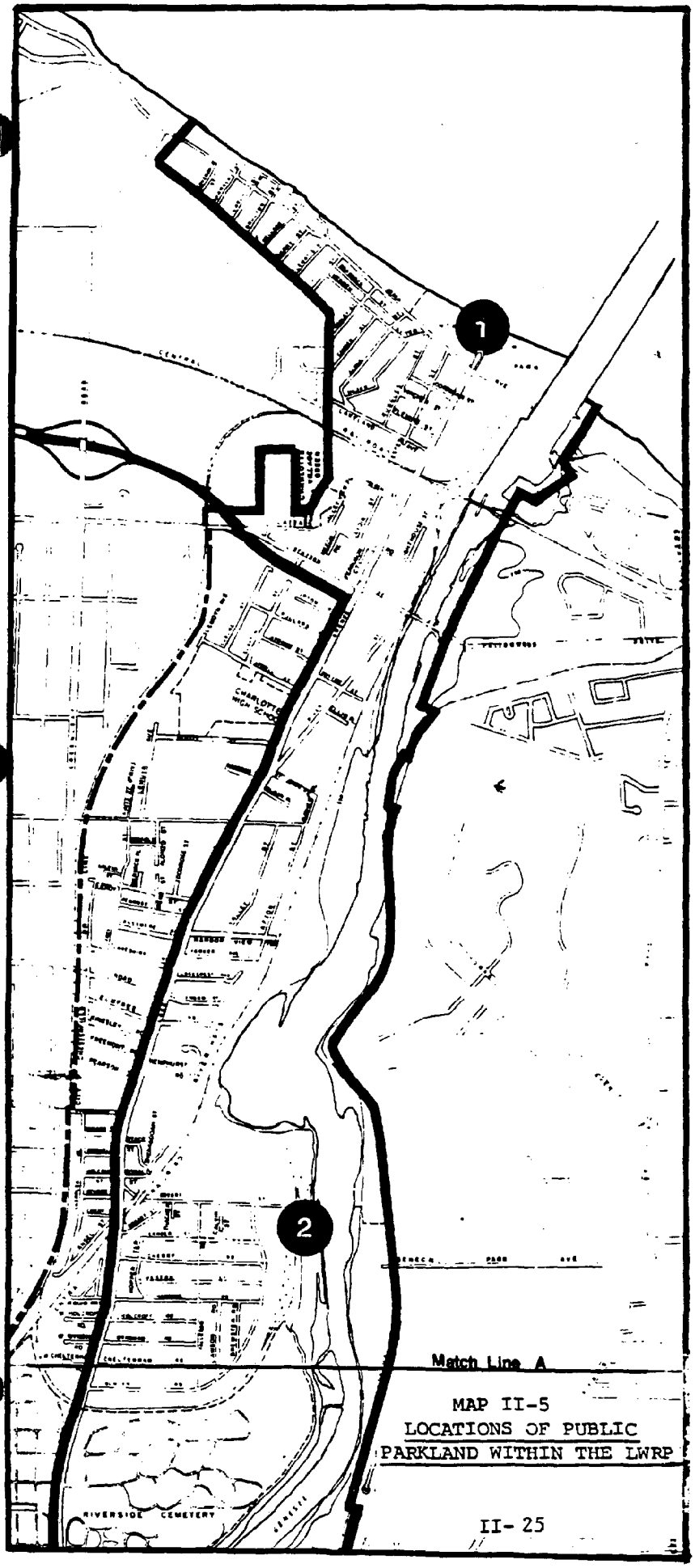
the railroad swing bridge has made maintenance of the ramp a continuous and costly concern because of a significant river surge problem that is eroding and undermining the launch area.

The west breakwall and pier at the mouth of the river are often used for fishing and provide direct public access to the river. The east breakwall and pier adjacent to the Coast Guard Station are periodically closed for security reasons. The east and west piers have been improved by the USACE and are generally in good condition. The portion of the west pier south of the beach area has experienced severe undermining and erosion in the past due to major winter storms. The east pier has varying surface conditions and is not as suitable for public access. The Corps has completed all repairs on the east and west breakwaters and has no plans for any additional repairs in the foreseeable future.

Formal recreation opportunities within the LWRP boundary are provided at a number of public parks. The location, facilities, special features, estimated usage and development opportunities of each public park or open space area within the LWRP are listed below (see Map II-5 on pages II-25 through II-27).

(1) **DURAND-EASTMAN PARK** (965 Acres):

Location:	On Lake Ontario, west of Irondequoit Bay and east of the Genesee River; the park can be entered from Lakeshore Boulevard and Kings Highway.
Facilities:	Hiking, bridle, and cross-country ski trails; 7 picnic shelters; playground area; winter warming shelter and riding stable; 18-hole golf course, golf clubhouse with food concession and pro shop; parking permitted on park roads.
Special features:	Steep wooded slopes; valleys; scenic vistas; small lakes and ponds; on Lake Ontario; botanical collections. Portions of the park make up part of the Monroe County Arboretum. Spring flowering trees and spectacular fall foliage colors make this park an area of exceptional beauty. Unique topography and soils permit the growing of plants not native to the area.
Estimated Usage:	Not available.
Development Opportunities:	Development of beach area for swimming (park is currently undergoing a phased capital improvement project totalling $5.1 million).



MAP II-5
LOCATIONS OF PUBLIC
PARKLAND WITHIN THE LWRP

LOCAL WATERFRONT REVITALIZATION PROGRAM

Rochester, New York

Legend

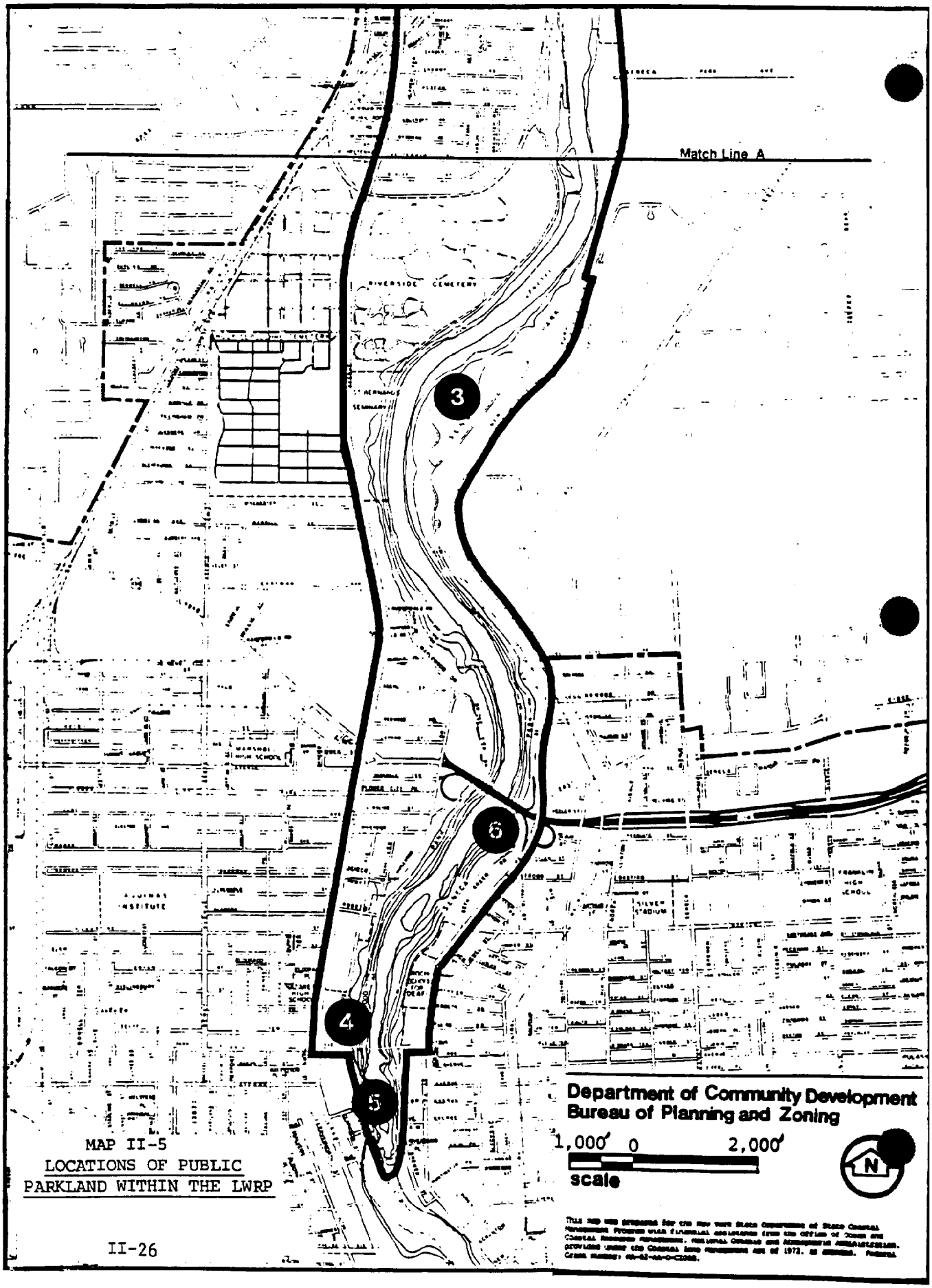
1 ONTARIO BEACH PARK
2 TURNING POINT PARK
3 SENECA PARK
4 MAPLEWOOD PARK
5 LOWER FALLS PARK
6 SETH GREEN DRIVE AREA
7 DURAND-EASTMAN PARK

Department of Community Development
Bureau of Planning and Zoning

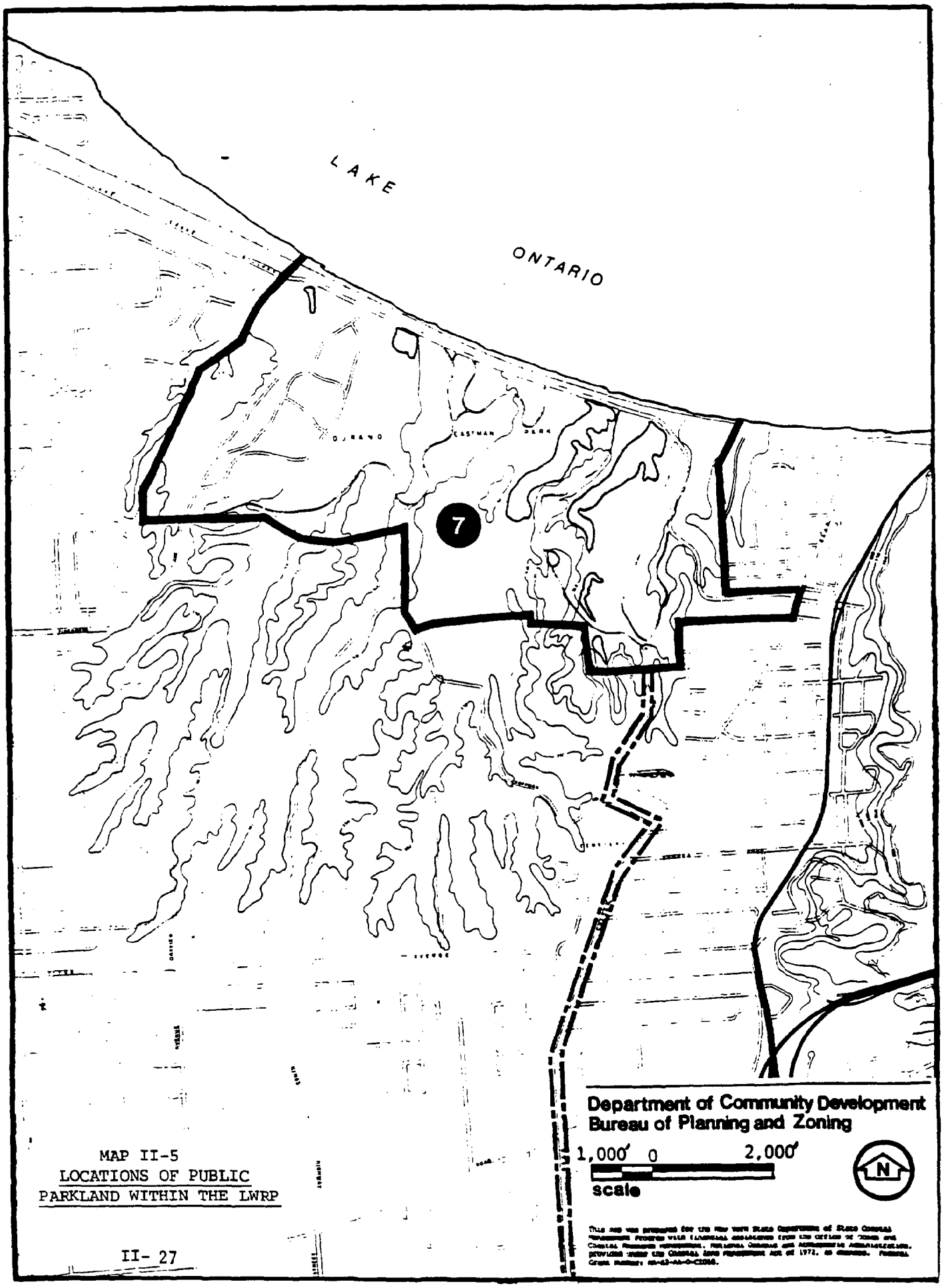
1,000' 0 2,000'
scale

N

This map was prepared for the New York State Department of State Coastal Management Program with financial assistance from the Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration, pursuant to the Coastal Zone Management Act of 1972, as amended. Federal Grant Number: NA-83-AA-O-CZ068.



MAP II-5
LOCATIONS OF PUBLIC
PARKLAND WITHIN THE LWRP



MAP II-5
LOCATIONS OF PUBLIC
PARKLAND WITHIN THE LWRP

(2) **MAPLEWOOD PARK AND ROSE GARDEN (14 acres)**

Location:	West side of the Genesee River, from Driving Park Avenue north to Hanford Landing Road; rose garden located at the intersection of Lake Avenue and Driving Park Avenue; park can be entered from Driving Park Avenue, Maplewood Avenue, Maplewood Drive, and Bridge View Drive as well as from various pedestrian trails.
Facilities:	Informal picnicking and strolling areas; tennis courts; fishing areas; parking area provided off Bridge View Drive; parking area for rose garden provided along park entrance drive from Driving Park Avenue.
Special features:	Pond located in lower Maplewood Park area; scenic views and vistas of Genesee River gorge and Veteran's Memorial Bridge; the rose garden, one of the largest in the country (selected by the American Rose Society as an "All American Rose Test Garden"; peak blooms in late June and September); several overlooks that provide spectacular views of the Genesee River gorge.
Estimated Usage:	Not available.
Development Opportunities:	Improved access to gorge for hiking and fishing.

(3) **LOWER FALLS PARK (3 acres):**

Location:	Proposed park to be located on the west bank of the Genesee River south of the Driving Park Bridge, overlooking the Lower Falls area; access to the park will be provided via Driving Park Avenue.
Facilities:	Currently an undeveloped area. Potential uses could include picnic areas and shelters, river overlooks, pedestrian and hiking trails, and other passive recreational facilities.
Special features:	Spectacular views of Lower Falls and river gorge; remains of various historic structures evident in some areas.

Estimated Usage: Park is currently undeveloped.

Development Opportunities: Historic/archaeologic resources; scenic views and vistas of lower and middle falls; pedestrian and biking trails.

(4) **ONTARIO BEACH PARK (39 acres):**

Location: Northern-most portion of the city; on Lake Ontario, at the mouth of the Genesee River; park can be entered from Lake and Beach Avenues.

Facilities: Public beach; bathhouse; 6 picnic shelters; food concession stand; outdoor performance pavilion; ice-skating rink; historic carousel; parking areas for approximately 1,500 cars on the port site to the south and within an area south of Beach Avenue and west of Lake Avenue; soccer field and 2 softball fields located in an area to the south, along Estes Street.

Special features: One of the best natural sand beaches on Lake Ontario; supervised swimming areas; boat launch on the Genesee River; antique Dentzel Carousel designated as a City of Rochester Historic Landmark.

Estimated Usage: 800,000 visits / year

Development Opportunities: Enhancement of beach area; rehabilitation of bathhouse and pier; redesign of existing bandstand; improvements to circulation; coordination with events and facilities on Port of Rochester site (park is currently undergoing a phased capital improvement project totalling $6.7 million).

(5) **SENECA PARK (297 acres):**

Location: Eastern bank of the Genesee River, north and south of the Veteran's Memorial Bridge; park can be entered from St. Paul Street, just north of Route 104 (Ridge Road East).

Facilities: Outdoor swimming pool with bathhouse; playgrounds; softball fields; 2 picnic shelters; hiking trails; marked nature and jogging trails;

zoo; parking area adjacent to zoo and along lower park road.

Special features: Seneca Park Zoo; pond; steep wooded slopes along the river bank; wetlands; scenic views of the Genesee River gorge; park was originally designed by Frederick Law Olmstead.

Estimated Usage: Not available.

Development Opportunities: Enhancement of Olmstead Plan; improved access to river gorge for hiking and fishing; rehabilitation of zoo and public pool (park is currently undergoing a phased capital improvement project totalling $3.9 million).

(6) SETH GREEN DRIVE AREA (2.3 acres/part of Seneca Park):

Location: Eastern bank of the Genesee River; enter from St. Paul Street; area runs from Norton Street north to Seneca Towers.

Facilities: Undeveloped open space area used for passive recreation; "switchback trail" provides access to river gorge for fishing.

Special features: "Switchback trail" on steep wooded slopes along river provide spectacular views of Veteran's Memorial Bridge and river gorge.

Estimated Usage: Not applicable.

Development Opportunities: Scenic views and vistas; pedestrian or hiking trails; improved fishing access.

(7) TURNING POINT PARK (100 acres):

Location: West bank of the Genesee River, just south of the Turning Basin; park can be entered from Lake Avenue via Boxart Street; park borders Riverside Cemetery to south.

Facilities: Relatively undeveloped; hiking trails (connection to Lake Avenue); picnic areas; fishing piers and

dock; birdwatching; parking area at end of Boxart Street, at entrance to park.

Special features: Park provides access to the water's edge for fishing and canoeing; park provides spectacular views of river gorge and Turning Basin; small waterfalls.

Estimated Usage: Not available.

Development Opportunities: Scenic views and vistas; pedestrian or hiking trails; improved fishing access.

(8) TRYON PARK (82 acres):

Location: Adjacent to Irondequoit Creek and southwestern edge of the Irondequoit Creek wetlands, just south of Irondequoit Bay; park can be entered via Tryon Park Road.

Facilities: Relatively undeveloped; hiking trails; passive recreational opportunities.

Special features: Steep wooded slopes; wetlands, scenic views and vistas of the Irondequoit Creek wetlands and Irondequoit Bay.

Estimated Usage: Not available.

Development Opportunities: Enhancement of scenic views; new hiking and biking trails.

While not officially designated as parkland, Riverside Cemetery and Holy Sepulchure Cemetery, located just south of Turning Point Park on the west bank of the river, also offer passive recreation opportunities such as hiking, biking and birdwatching.

B. Public access

With the exception of Durand-Eastman, all of the parks listed above are adequately serviced by public transportation (bus) via either Lake Avenue or St. Paul Street. Adequate parking is available at all of the sites with the exception of Ontario Beach Park where overflow parking is a problem during peak periods of summertime weekend use.

The CSOAP project, which involved construction of underground holding tunnels to reduce the water quality impacts of the city's combined storm and sanitary sewer system in certain areas, included the construction of a pedestrian walkway across the river, just north of the Veteran's Memorial bridge. This walkway links Seneca Park with Maplewood Park and provides unique physical and visual access to the river gorge for pedestrians and handicapped persons.

Within the LWRP, direct public access to the water is limited, despite the many public parks and open space areas. The problem with providing direct public access to much of the city's waterfront is complicated by the topography of the areas involved. These areas include heavily wooded steep slopes which become more difficult to traverse as one moves south from the mouth of the river to the Lower Falls area. Even if better access to the river could be provided in certain areas, the safety of potential users would remain a significant issue.

On the east side of the river, Seneca Park has a variety of hiking trails that provide access along the rim of the river gorge and to the river itself via "switchback trails". Direct pedestrian access to the river on the east side is only possible from Seth Green Drive, located just south of the Veteran's Memorial Bridge, and from an RG&E service road located just north of the Driving Park Bridge.

Along the west bank, direct access to the river is possible from Turning Point Park, although visual access is provided from a variety of sites including Riverside Cemetery and Maplewood Park. Some informal trails exist along the east and west banks of the river, particularly near the Driving Park Bridge. Fishermen use these trails for access to prime fishing areas along the river. Hastings Street, located just south of the bridge, leads to Lower Falls Park and provides access to an open area with spectacular views which runs from the Lower Falls southward to the Middle Falls. A formal hiking trail has also been developed in Maplewood Park from the Veteran's Memorial Bridge to the Kodak Park area.

Ontario Beach Park, with its long sandy beach, provides direct public access to Lake Ontario. However, few public trails or walkways exist for passive recreation use along the lake shoreline. A small public lakefront sidewalk currently exists along Beach Avenue between Clematis and Cloverdale Streets.

8. HISTORIC RESOURCES

Because Rochester began and grew along the Genesee River, there are many historic resources within the city's LWRP. These include archaeological sites, a local Preservation District, local, state and national landmarks, and a number of properties eligible for landmark designation.

In 1986, the Rochester Museum and Science Center prepared the Cultural Resources Inventory for the City of Rochester LWRP. This report identified 21 known archaeological sites, seven historic Euro-american archaeological sites, two landmarks listed on the National and State Registers of Historic Places, and

three locally-designated landmarks. In April, 1987, the Beach Avenue Preservation District was designated, pursuant to the city's zoning ordinance.

The Genesee Lighthouse, at 70 Lighthouse Street, is perhaps the most historically significant site within the LWRP and gives an indication of the wealth of resources in this area of the City of Rochester. The site is listed on the National and State Registers of Historic Places, is a local landmark, contains the remains of the first lightkeeper's house (c. 1822), was the site of the cabin of the first permanent Euro-american settler in what was to become Rochester, and contains evidence of American Indian occupation.

Table II-2 on page II-34 illustrates the various historic and archaeological resources that exist within the LWRP boundary.

9. VISUAL QUALITY

A. Overview

Rochester's coastal area has a variety of unique topographical features including waterfalls, a river gorge, ravines, and several small river islands. Several breathtaking views and vistas are found throughout the city's waterfront revitalization area and enhance the city's urban environment. Significant scenic views and vistas within the city's LWRP are shown on Map II-6 on pages II-35 through II-37.

B. Description

The beach and port area dominate the land use pattern in the extreme northern portion of the city's waterfront revitalization area and contribute to the overall visual quality of that area. An exceptional view of the lake and mouth of the river can be seen as one drives north on Lake Avenue, past the Conrail railroad bridge. However, some of the cluttered, underutilized or dilapidated land uses along the Lake Avenue commercial strip detract from the aesthetics of the area.

Moving south from the port along the river, several spectacular views and vistas exist but are not easily accessible. A river overlook along the southern map approach to the Veteran's Memorial Bridge offers tremendous views of the river gorge and the eastern riverbank. Several vacant properties along St. Paul Street, on the eastern side of the river, also offer panoramic views and vistas of the river gorge and the western riverbank.

RG&E's Station 5 hydroelectric plant at the Lower Falls provides good views of the river in the spring and early summer. During the summer months, however, dense foliage obscures this view. Further north, near Kodak's research laboratories, is an area that could provide a spectacular river overlook, if developed properly.

Seneca Park, located along the river's eastern bluff, provides an excellent view of the river's wetlands and wooded slopes. Seneca and Maplewood Parks are connected via a pedestrian bridge which crosses the

TABLE II-2

LOCAL WATERFRONT REVITALIZATION PROGRAM

CULTURALLY SIGNIFICANT SITES WITHIN THE LWRP

Properties listed On the National and State Registers of Historic Places:

Genesee Lighthouse - 70 Lighthouse Street
"Shingleside" (house) - 476 Beach Avenue

Properties designated as local landmarks:

Ontario Beach Carousel - Ontario Beach Park
Genesee Lighthouse - 70 Lighthouse Street
St. Bernard's Seminary - 2260 lake Avenue

Properties within the Beach Avenue Preservation District:

Properties between 480 and 670 Beach Avenue on the north side of street and 551 Beach Avenue on the south side.

Historic Euro-american Archaeological Sites:

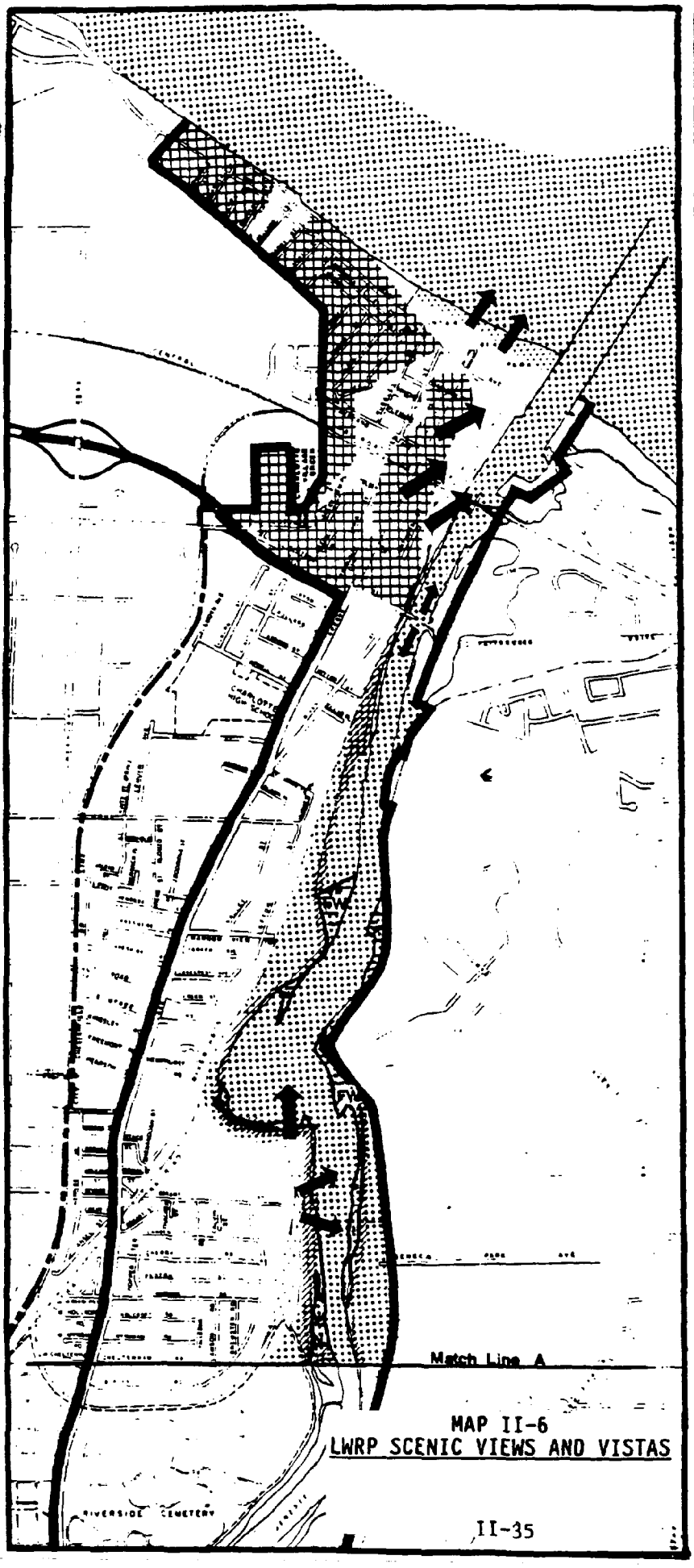
Genesee Lighthouse Historic Site
Lower Falls Mill and Industrial Site
Carthage-Brewer's Dock Historic Site
Carthage Flats Mill and Industrial Site
Glen House Historic Site
King's-Hanford's Landing Historic Site
Kelsey's-Buell's Dock Historic Site

Archaeological Sites:

Twenty-one sites as identified by the Rochester Museum and Science Center.

Properties Potentially Eligible to be Listed on the National and State Registers of Historic Places:

According to the City of Rochester Historic Resources Survey prepared by Mack Consulting Associates in 1986, two districts and 26 individual properties may meet the criteria for listing on the National and State Registers of Historic Places. The individual properties are, for the most part. clustered on Beach Avenue, Stutson Street. Latta and River Roads, and on Lake Avenue between Driving Park Avenue and Flower City Park. The Ontario Beach Park District is wholly within the LWRP, while approximately half of the Maplewood District falls within the LWRP boundaries (south of Seneca Parkway).



MAP II-6
LWRP SCENIC VIEWS AND VISTAS

LOCAL WATERFRONT REVITALIZATION PROGRAM

Rochester, New York

NATURAL RESOURCES INVENTORY
Legend

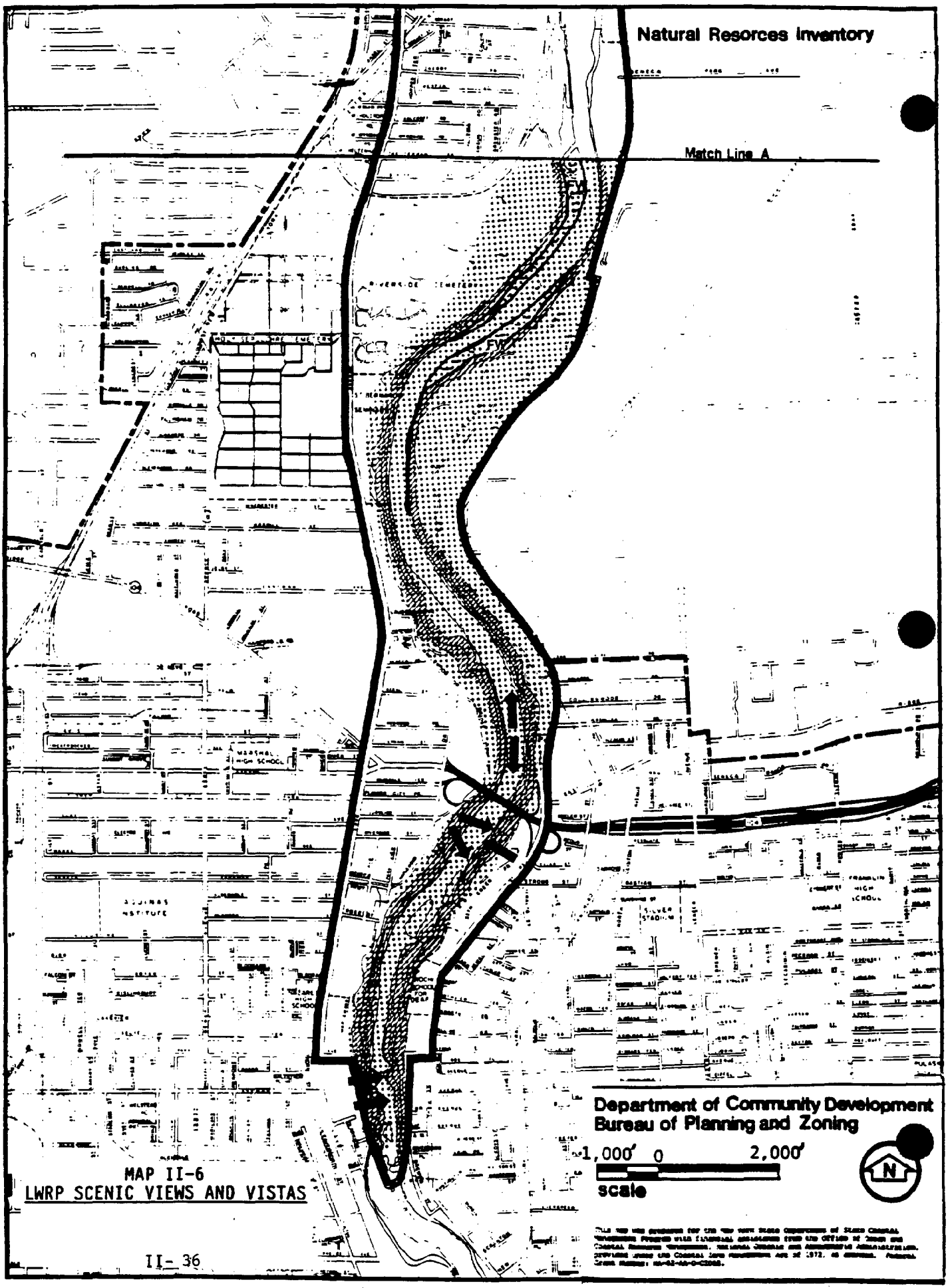
- PRIME AGRICULTURAL SOILS
- FW — FRESHWATER WETLANDS
- SIGNIFICANT FISH and WILDLIFE HABITATS
- BEACHES
- UNIQUE TOPOGRAPHIC/ GEOGRAPHIC FEATURES
- SCENIC VISTA

Department of Community Development
Bureau of Planning and Zoning

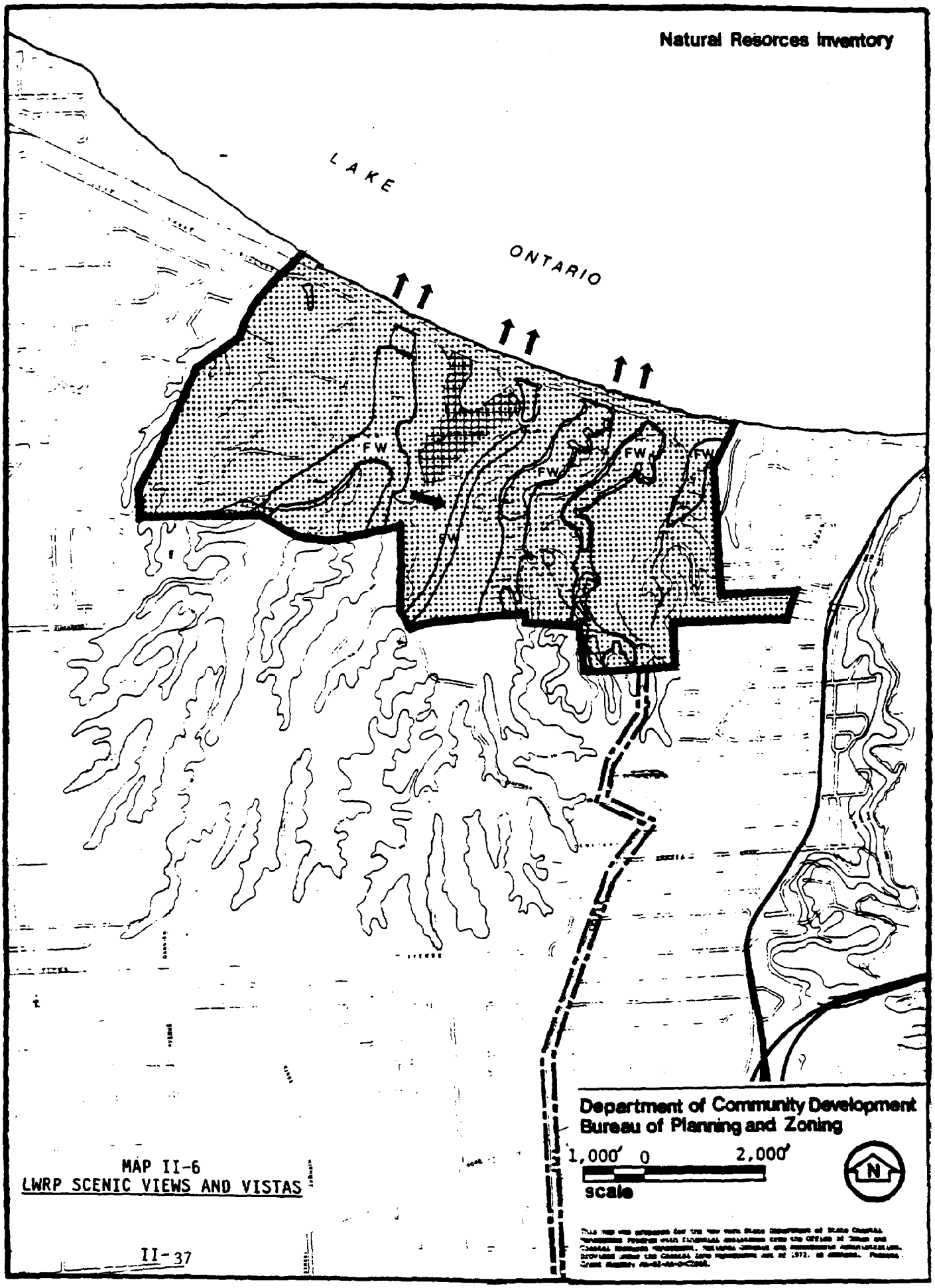
1,000' 0 2,000'
scale

N

THIS MAP WAS PREPARED FOR THE NEW YORK STATE DEPARTMENT OF STATE COASTAL MANAGEMENT PROGRAM WITH FINANCIAL ASSISTANCE FROM THE OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEVELOPED UNDER THE COASTAL ZONE MANAGEMENT ACT OF 1972, AS AMENDED. FEDERAL GRANT NUMBER: NA-82-AA-D-CZ068.



MAP II-6
LWRP SCENIC VIEWS AND VISTAS



MAP II-6
LWRP SCENIC VIEWS AND VISTAS

river and provides spectacular views of the river gorge. Kodak's waste water treatment plant on the opposite side of the river detracts from this view, however. The overlook at the end of Boxart Street provides a view of the wooded slopes near Seneca Park and views of the river gorge to the north. Areas within Turning Point Park provide spectacular views of the river and the Turning Basin, as well as the wetland areas along the eastern bank.

A footpath that leads down the steep slope at Turning Point Park provides direct pedestrian access to the river. A path which continues north from the park passes Riverview Marina and the remains of Old Charlotte and terminates at the Genesee Lighthouse, providing unique views of the land and the river.

Additional scenic views and vistas of Lake Ontario and various ponds and valleys exist in Durand-Eastman Park. Scenic views and vistas of Irondequoit Creek, Irondequoit Bay and the adjacent wetlands exist in Tryon Park. Views from the river and the lake of existing development and upland areas are also significant in many areas.

10. NATURAL RESOURCES

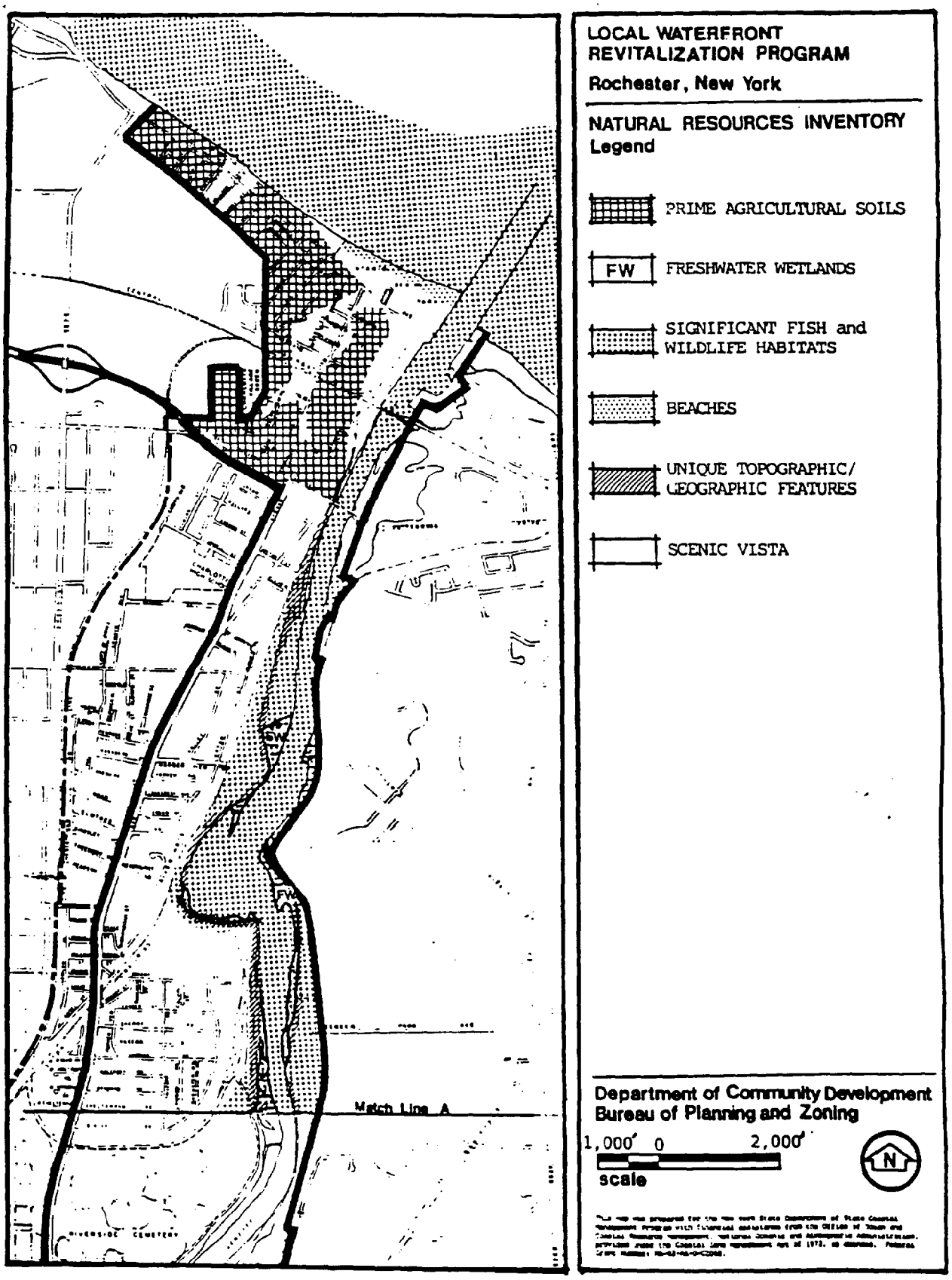
A. Overview

Rochester's waterfront revitalization area contains a variety of significant natural resources and environmental features. These include fish and wildlife habitat areas, wetlands and unique topographic features. These areas are shown on MAP II-7 on pages II-39 through II-41.

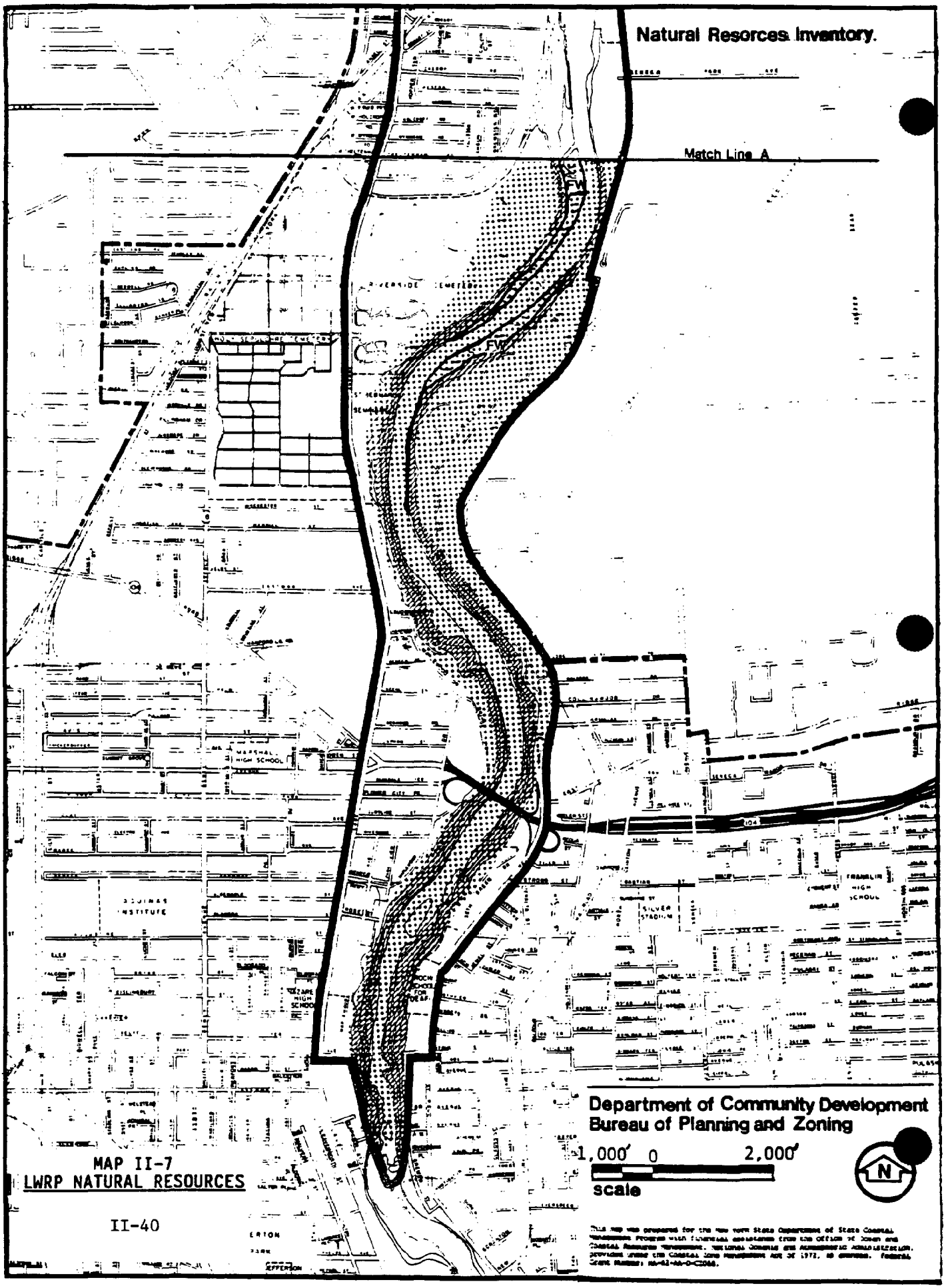
B. Fishery resources and habitats

The Genesee River flows north through the City of Rochester and is one of four major New York State tributaries of Lake Ontario. The large size of the Genesee, and the fact that much of the river corridor is essentially undisturbed, make it one of the most important fish and wildlife habitats in the Great Lakes Plain ecological region of New York State. However, water pollution and extensive alteration of the lower channel have reduced the environmental quality of the river.

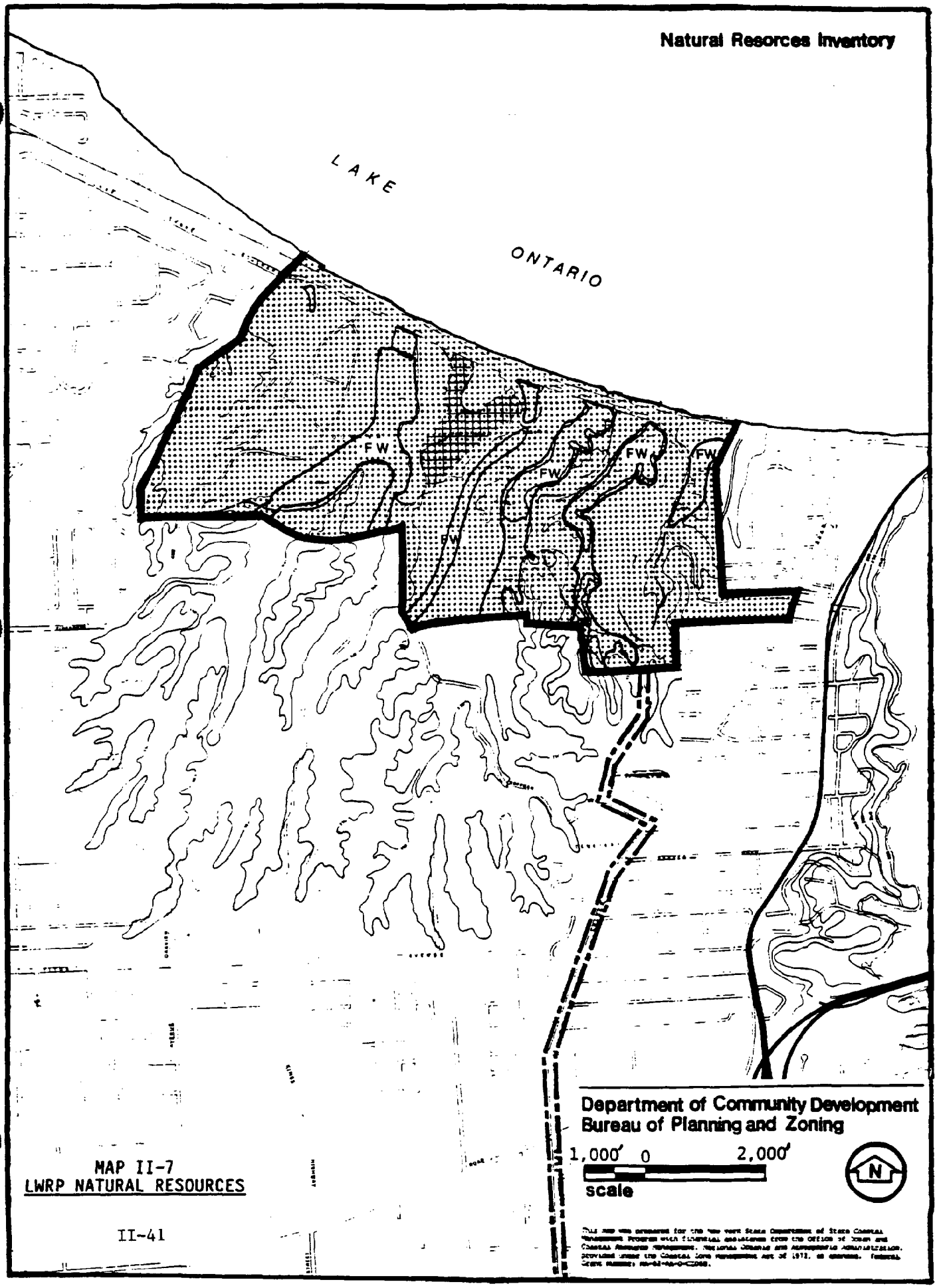
The New York State Department of State (NYSDOS) has designated almost six and one-half miles of the river as a "coastal fish and wildlife habitat of state-wide significance". (See the Appendix to the Inventory and Analysis for a detailed description of the Genesee River habitat). This habitat area extends from the mouth of the river at Lake Ontario to the Lower Falls, just south of the Driving Park Bridge. The Lower Falls is a natural impassable barrier to fish. The lower river area received a rating of 54, which is well above the 15.5 threshold for designation as a state coastal fish and wildlife habitat. The rating system was based on five criteria: ecosystem rarity; species vulnerability; human use; population level of species present; and replacability.



MAP II-7
LWRP NATURAL RESOURCES



MAP II-7
LWRP NATURAL RESOURCES



MAP II-7
LWRP NATURAL RESOURCES

The Genesee River is a highly productive warmwater fisheries habitat which supports concentrations of many resident and Lake Ontario based fish species. Among the more common resident species are smallmouth bass, brown bullhead, northern pike, channel catfish, walleye, carp and white sucker. Lake-run species found in the Genesee River include white bass, yellow perch, white perch, smelt, bowfin, sheepshead, rock bass and American eel. These fish populations are supplemented by seasonal influxes of large numbers of trout and salmon. In the spring (late February -April), steelhead (lake-run rainbow trout) and brown trout run up the river, and lake trout occur at the river's mouth. In fall (September - November), concentrations of coho and chinook salmon, brown trout and steelhead are found throughout the river during their spawning runs. The salmonid concentrations in the Genesee River are among the largest occurring in Lake Ontario tributaries, and are largely the result of an ongoing effort by NYSDEC to establish a major salmonid fishery in the Great Lakes through stocking. In 1985, approximately 20,000 steelhead and 300,000 chinook salmon were released in the river.

The Genesee River provides an important recreational fishery, attracting anglers from throughout New York State and beyond. Its location within the City of Rochester results in very heavy fishing pressure from residents of the metropolitan area. Major fishing areas along the river include the river mouth at Lake Ontario, and the riverfront between Seth Green Island and Lower Falls. Although the seasonal salmonid runs attract the greatest number of fishermen to the area, the river also supports an active warmwater fishery. Easy access to the river for fishing is a problem in many areas, however, due to the topography of the river gorge. Ponds within Durand-Eastman Park also receive heavy fishing use during the spring and summer months. The fishing derbies held in the park are important to many local residents.

C. Wildlife resources and habitats

Wildlife use of the river and shorezone is extremely limited and not well documented. It appears to be limited to those species that can inhabit a relatively narrow riparian corridor, and are somewhat tolerant of human activities in adjacent areas. Possible or confirmed breeding bird species include mallard, wood duck, red-tailed hawk, spotted sandpiper, belted kingfisher, red-winged blackbird, swamp sparrow and various woodpeckers and woodland passerine birds. Other species occurring in the area probably include beaver, deer, squirrel, skunk, raccoon, muskrat, northern water snake and painted turtle. Due to the inaccessibility of the gorge, there are no significant wildlife-related human uses of the river. The steep slopes of the gorge and the wooded areas of Durand-Eastman Park provide refuge for many types of wildlife. The park is an invaluable nature area that contains significant wetlands and a deer population of between 200 and 300 animals.

D. Tidal and freshwater wetlands

Wetlands are valuable fish and wildlife habitats and serve as nesting and breeding areas for many migratory species as well as spawning and nursery areas for many species of fish. Wetlands also provide flood and stormwater retention capacity by slowing runoff and temporarily storing water, thus protecting downstream areas from flooding. Aquifer recharge, erosion control and recreational opportunities are other benefits of wetland preservation.

In recognition of the benefits of wetlands, New York State enacted the Freshwater Wetlands Act (Article 24 of the Environmental Conservation Law). Wetlands encompassing 12.4 acres or more are protected, as are smaller areas having unusual local significance such as supporting a rare or endangered species. Any filling or alteration of a wetland or within a 100 foot buffer zone immediately surrounding the wetland requires a permit from the NYSDEC.

Wetlands are classified into four categories. Class I wetlands are the most valuable and least disturbed, while Class IV wetlands are the least valuable. Permits for alteration of a wetland are more likely to be granted for Class III and IV wetlands than those in the higher classes. TABLE II-3 on page II-44 lists state-designated wetlands within the city's LWRP, and the state classification category of each.

The U.S. Fish and Wildlife Service (USFWS), a branch of the U.S. Department of the Interior, has classified all significant wetlands in the Rochester area, regardless of size. Maps showing wetland boundaries and indicating the type of structural features and vegetation present were completed using 1978 and 1981 aerial photography. The USFWS classification system categorizes wetlands first by the ecological system present. In Rochester, this is usually riverine (in or adjacent to a river) or palustrine (poorly drained or swampy area). Some lacustrine (in or adjacent to a lake) wetlands are found in and adjacent to Durand and Eastman Lakes in Durand-Eastman Park. Further classifications include open water areas. emergents (vegetation which is rooted under the water with parts of the plant extending up out of the water), shrub/scrub areas, and forested areas. Common examples of emergent vegetation in Rochester are cattails and purple loose strife. Vegetation found in shrub/scrub areas includes alder, buttonbush and dogwoods. In forested wetland areas within Rochester, willows, red and silver maples and red ash are likely to be found.

The USFWS areas identified generally occur in those areas shown on the NYSDEC maps, with the exception of certain smaller and isolated wetlands scattered throughout the city. Federally designated wetlands impose requirements upon federal agencies and federally-assisted projects, as well as requiring permits through the USACE.

TABLE II-3

LOCAL WATERFRONT REVITALIZATION PROGRAM
STATE DESIGNATED WETLANDS WITHIN THE LWRP (12.4 acres or greater)

State Code	State Class	Location
RH-6	II	River, NE, north of Rattlesnake Point
RH-8	II	River, NW, below Riverside Cemetery
RH-9	II	River, NE, Turning Point Park and northward
RH-20	I	River, NE, Seneca Park
RH-21	II	River, NE, Seneca Park and northward
RH-12	I	Durand-Eastman Park
RH-13	I	Durand Lake, D-E Park
RH-14	I	Eastman Lake, D-E Park
RH-15	I	Durand-Eastman Park
RH-16	I	Durand-Eastman Park
PN-1	I	Tryon Park (small portion of Ellison Park wetlands area)

E. Water quality

The Genesee River accumulates and transports a variety of pollutants to Lake Ontario. Water quality in the lower river has degraded over the years because of the dumping of industrial wastes and untreated sewage into the river. According to the Monroe County Health Department (MCHD), the combination of combined sewer overflows, Eastman Kodak Company waste discharges and connections with the Barge Canal have significantly contributed to the pollution of the Genesee River. Because of improvements to the city's sewer systems and the upgrading of Eastman Kodak's King's Landing waste treatment plant which now removes silver and other chemicals from plant waste water discharges, river water quality has begun to improve. Small amounts of cadmium used in the photographic process still collect in river sediment, however, and can constitute a health problem when the river is dredged causing these toxic metal particles to become suspended in water. The NYSDEC is currently investigating elevated levels of toxic sediments in the lower Genesee and the toxicity of Kodak discharges.

The Monroe County Pure Waters Agency (MCPWA) was formed in 1967 to consolidate and improve municipal sanitary waste discharges. The Rochester Pure Waters District, one of five county sewer districts, operates and maintains treatment facilities, interceptor sewers and a collection system which serve the entire city. A network of sewer interceptors and new overflow tunnels collects sewage, stores it during periods of high storm water runoff, then directs it to the Frank E. VanLare Treatment Plant in Durand-Eastman Park for secondary treatment. Five chlorination stations also serve the city.

Even though the upgraded city sewer system and improvements to industrial wastewater treatment have greatly improved Genesee River water quality, there are occasional periods of high storm water runoffs that cause serious but temporary pollution problems in the river. Pollution resulting from combined sanitary and storm water sewers has been a long-term problem for the Genesee River. When stormwater runoff and sanitary sewage is carried in the same system, a heavy rainfall will generally produce flows which exceed treatment plant capacity. When this happens, the excess flow of combined stormwater and sewage bypasses the treatment plant and flows directly into the river. Rochester and Monroe County are involved in the CSOAP project which has been designed to correct this problem through the construction of large, underground holding tunnels.

F. Air quality

At the current time, Rochester's air quality is not known to be a significant problem and meets all national air quality standards.

11. FLOOD HAZARD AREAS

A. Waterflow

The greatest impact on waterflow in the river is created by a series of dams. These include the Mount Morris Dam, the Court Street Dam and the Middle Falls floodgates. These dams regulate overall river levels and flows in order to provide flood control for the region and to generate electricity. Streamflow in the lower Genesee fluctuates extensively according to NYSDEC records. Mean annual flow is generally in the 3,000 to 3,500 cubic feet per second (cfs) range. Mean annual maximum flows generally fall in the 14,000 to 16,000 cfs range with mean minimum flows in the 450 to 500 cfs range.

B. Flooding

As noted earlier, the Genesee River follows a well-defined channel through much of its course through the City of Rochester. Flooding along the river was virtually eliminated with the construction of the Mt. Morris Dam in 1952. The dam is located about 35 miles south of the city. The only large area of the city which is below the 100 year flood elevation is Genesee Valley Park, which is largely open space. Floodplain development has been kept to a minimum in the city due to the steep topography of the

river gorge. Areas of lower elevation near Lake Ontario have been protected from flooding by filling, breakwalls and bulkheading.

The Federal Insurance Administration conducted a flood insurance study for the City of Rochester in 1978. The study calculated the magnitude of wave run-up during storm conditions in the city's waterfront revitalization area at between 1.7 and 3 feet, using a method based on the Army Corps of Engineers Shore Protection Manual. This methodology considered wind direction, wind speed, open water distance, near shore slope, and water depth at representative shoreline cross-sections. Flood elevations which include this wave run-up factor along Lake Ontario vary from about 252 feet mean sea level (msl) at Durand-Eastman Park, to 251 feet msl along the shore north of Beach Avenue. Flood elevations in the lower Genesee River corridor near the lake are as low as 249 feet msl. The mean lake level for October 1-15, 1986 was 246.09 feet, only 0.24 feet below the maximum recorded level of 246.33 feet taken in October, 1945.

Considering the recent trend in Great Lakes levels, the flood levels estimated by the Army Corps of Engineers may no longer be accurate. Lakeshore damage in Rochester would be the most severe for the area west of Clio Street and north of Beach Avenue. These areas are already suffering from erosion. Ontario Beach Park and Durand-Eastman Park may also lose some beach area in the event of significant flooding which occurs during times of peak lake levels.

12. EROSION HAZARD AREAS, SILTATION AND DREDGING

A. Coastal erosion hazard areas

A coastal erosion hazard area has been designated by the NYSDEC along the shoreline of Lake Ontario, from the City of Rochester/Town of Greece municipal boundary on the west, along the shoreline, to the City of Rochester/Town of Irondequoit municipal boundary on the east, at the eastern end of Durand-Eastman Park. This area is shown on maps prepared by the NYSDEC entitled: Coastal Erosion Hazard Area Map, City of Rochester and dated August 29, 1988. These maps are on file in the City Clerk's Office at City Hall, and show the boundaries of natural protective features and structural hazard areas within the LWRP.

These maps indicate that the shoreline area north of Beach Avenue from the city / Town of Greece municipal boundary east to Welland Street is eroding at a rate of approximately 1.5 feet per year. The shoreline area from Welland Street east to Clematis Street is eroding at approximately 1.0 feet per year. The shoreline area contained within Ontario Beach Park has been designated as a natural protective feature. The shoreline area within Durand-Eastman Park from the western park boundary to Sunset Point Road has also been designated as a natural protective feature. The shoreline area that runs from Sunset Point Road east for approximately 1100 feet is eroding at approximately 1.0 feet per year. The remaining portion of the Lake Ontario shoreline within the boundaries of the LWRP is eroding at approximately 1.5 feet per year.

A natural protective feature is defined as a nearshore area, beach, bluff, primary dune, secondary dune, or wetland, and the vegetation thereon. A structural hazard area is defined as those shorelands, other than natural protective features, subject to erosion and located landward of shorelines having an average annual recession rate of 1 foot or more per year. The inland boundary of a structural hazard area is calculated by starting at the landward limit of a bluff and measuring along a line which is perpendicular to the shoreline a horizontal distance which is 40 times the long-term average annual recession rate.

B. Other erosion problems

A significant erosion problem does occur in the lower Genesee River, north of the Stutson Street Bridge, near the river's outlet with Lake Ontario. This problem involves wave surge action in the river caused by severe northeastern storms. This wave action causes damage to boats and boat docks in the river, as well as the undermining of other structures and facilities along the river bank. Many marinas along the river north of Stutson Street have suffered damage to structures, boats and shoreline due to the wave surge action of major storms during the last several years.

Lower Genesee River levels will be higher as a result of higher lake levels, and the gorge may, therefore, suffer from increased shoreline erosion. Heavy motorized boat activity in the river can accelerate erosion of sensitive soils found along the steeply sloped banks of the gorge. Wetlands provide some protection from erosion for the riverbanks in the lower gorge, however.

C. Siltation and dredging

Siltation, primarily caused by bank and sheet erosion, construction activities and some farming practices, can have a significant effect on water quality. Turbid water is visually unattractive. Silt also destroys stream habitats by changing the natural water environment. Silt covers and retains sewage wastes and other organic materials, which, through the process of decomposition, depletes the supply of dissolved oxygen in the water resulting in the killing of fish as well as water insect populations. Silty water can also negatively impact fish spawning.

Bank erosion, a major factor in siltation, occurs partly because of natural wave action and surface runoff as well as from the wash created by powerboats on the river. A speed limit of 6 mph has been set by the Coast Guard as a safety measure and as a means to protect riverbanks from serious erosion. Enforcement of the speed limit is difficult, however.

Dredging activities in the port area designed to deepen the channel and to clear marina slips of silt have also had a negative impact on water quality. When dredging occurs, sediment is released and suspended in the water. The larger, heavier particles soon resettle on the bottom while the finer silts and clays remain suspended for longer periods of time and are transported from the dredge site by local currents. This causes significant pollution problems within the river and is detrimental to the natural fish and wildlife populations present there.

Both the NYSDEC and the Monroe County Health Department (MCHD) operate water quality monitoring stations in Lake Ontario and the Genesee River. NYSDEC's three surveillance stations are located near the Charlotte docks, approximately two miles south of the Stutson Street Bridge at Boxart Street, and on the east bank of the river between RG&E's Station 5 power plant and Driving Park Avenue. The MCHD maintains several stations in the lake and along the river and has increased the frequency of data collections since 1972.

13. WATER AND SEWER SERVICE

Existing water and sewer lines and service within virtually all areas of the city's LWRP are adequate and in relatively good condition. There are no developable areas that are not currently serviced for water and sewers. No major problems have been identified with this element of the public infrastructure. Therefore, adequate water and sewer service within the LWRP is not currently a hinderance to development.

14. TRANSPORTATION NETWORK

The transportation network within the city's LWRP boundary involves an extensive system of existing streets, and roads and highways that are operated and maintained by the city, county and New York State. Major and minor arterials and principal collector streets within the LWRP include Lake Avenue, St. Paul Street, Ridge Road West, the Lake Ontario State Parkway (LOSP), Beach Avenue, Stutson Street, Lakeshore Boulevard and Driving Park Avenue. Virtually all developed areas within the LWRP boundary are also serviced by public transportation through the Rochester/Genesee Regional Transit Authority (R/GRTA).

The four current major transportation network issues within the city's LWRP are the condition and capacity of Lake Avenue, general traffic congestion in the vicinity of Ontario Beach Park during periods of peak summer use, the condition of and operating problems associated with the Stutson Street Bridge, and potential linkages with the New York State Seaway Trail.

From Ridge Road West north to the LOSP, Lake Avenue is part of the State legislated arterial system. The section north of the parkway is on the Federal Aid Urban System (FAUS). Lake Avenue is a major north/south arterial which runs parallel to the west bank of the Genesee River. Lake Avenue provides access to downtown Rochester, Kodak Park, the West Ridge Road area, several residential areas, including the Maplewood and Charlotte neighborhoods, several strip commercial areas, the parkway, Ontario Beach Park and the Port of Rochester site. The northern terminus of Lake Avenue is Beach Avenue, near Ontario Beach Park.

A study entitled Project Initiation Request: Lake Avenue which was completed by Bergmann Associates, P.C. in 1987, identified several problems associated with Lake Avenue. These included a deteriorated roadway base in several areas, narrow travel lanes resulting in reduced capacities and increased accidents, inadequate curb reveal and stopping sight distances, lack of left-turn storage lanes at many intersections, confusing intersection geometrics, poor levels of service and excessive delays at some intersections, lack of accommodations for bicycles, and lack of adequate pedestrian faci-lities. The study recommended a combined

reconstruction and rehabilitation project for Lake Avenue which would include geometric improvements at several intersections, a variety of surface and sub-surface structural improvements, and provision of new pedestrian and bicycle facilities in several areas.

Traffic congestion in the vicinity of Ontario Beach Park is a problem during periods of peak park use during the summer as well as during special events or festivals held at the park. Traffic volumes on Lake Avenue fluctuate between 14,000 and 20,000 vehicles per day according to the Monroe County Department of Traffic Engineering. The Lake Avenue / Stutson Street and Lake Avenue / Beach Avenue intersections operate at level of service F on summer weekends. This indicates significant delays and limited traffic movement during these periods.

Monroe County is investigating the engineering feasibility of replacing or rehabilitating the existing Stutson Street Bridge. The bridge was designed in 1913-14 for the City of Rochester, and construction was completed in 1917. The city retained ownership and operation of the bridge until 1968 when these responsibilities were transferred to Monroe County.

The bridge is currently in a deteriorating condition. Replacement parts for the machinery which raises and lowers the bridge must now be custom made. Bridge openings during the summer months to accommodate boat traffic on the Genesee River cause traffic congestion and back-ups at the Lake Avenue / Stutson Street intersection. Queues for traffic turning left and heading eastbound onto Stutson Street from Lake Avenue can back up to Holy Cross Church when the bridge is open during summer weekend afternoons. Construction of a new bridge which would be relocated to the south of the existing location and which would line up with the parkway would help to alleviate much of the traffic congestion and convoluted traffic circulation patterns that exist at the Lake Avenue / Stutson Street intersection. Development of the design, engineering and construction details for any proposed Stutson Street Bridge replacement project should be done in close cooperation between the city, the Town of Irondequoit, Monroe County and the State of New York.

An integral part of the New York State Seaway Trail is located within the city's LWRP boundary. This section of the trail includes the LOSP, Stutson Street and Lakeshore Boulevard. The Seaway Trail is a mixed-use, shared right-of-way recreation corridor which runs for approximately 474 miles from the New York/ Pennsylvania border to Massena, New York. The Seaway Trail has been designated a National Recreation Trail and will be the initial element of a proposed Great Lakes trail system to run from Grand Portage, Minnesota to the New England seaboard. There is a potential to develop loops or linkages to existing and proposed recreation/tourism facilities in the city from the Seaway Trail via informational signage, brochures and marketing. Areas that could be included in this expanded trail system include the Genesee River gorge, Ontario Beach Park, Turning Point Park, Seneca Park and Maplewood Park.

15. OTHER ISSUES

A. Hazardous waste sites and storage of toxic materials

The NYSDEC maintains a list of inactive hazardous waste disposal sites known as the NYS Registry of Inactive Hazardous Waste Disposal Sites. State funds for cleanup of these sites are currently provided by the Environmental Quality Bond Act (EQBA) of 1986, which provided $1.2 billion for remediation of inactive hazardous waste sites. Three of the twelve sites on the NYS Registry for Rochester are located within the LWRP boundary. These sites are summarized in Table II-4 on Page II-51 from data taken from the City of Rochester State of the Environment Report (1988).

Generators of hazardous wastes, or those companies, institutions, government agencies, and other facilities which produce hazardous wastes in their operations, are required to obtain permits and report regularly to the NYSDEC and USEPA on their activities under State and federal law. The City of Rochester has 65 permitted hazardous waste generators, producing approximately 26,331 tons of wastes annually. The top ten generators produce close to 97% of all hazardous wastes generated in Rochester. The largest generator is Eastman Kodak Company which produces about 21,737 tons annually from seven locations in Rochester, or about 83% of the regulated hazardous waste in the city.

Seven industries operate treatment, storage, and disposal facilities (TSDF's or TSD's) for their own hazardous wastes. There are no commercial TSD's located in Rochester. The Eastman Kodak Company operates a hazardous waste incinerator at Kodak Park. The remaining TSD's are used for temporary storage of material prior to disposal outside of the county, either in the Buffalo area or out of state.

Pursuant to the Inactive Hazardous Waste Disposal Sites Act of 1979 (Article 27, Title 13 of the New York State Environmental Conservation Law), Monroe County has responsibility for the identification of suspected inactive waste disposal sites. Sites which are suspected of containing hazardous waste are referred to the NYSDEC for further investigation.

The county has developed draft maps of all suspected and confirmed dumpsites in Rochester using aerial photography, public agency files, and information provided by the general public. Over 90 dumpsites were identified within the city. The county has also compiled site activity records which are keyed to these maps.

It should also be noted that at present, no program for proper disposal of household hazardous waste such as insecticides, used automobile oil and paint remover exists at the city, county, or state levels of government.

TABLE II-4

LOCAL WATERFRONT REVITALIZATION PROGRAM
NYS REGISTRY INACTIVE HAZARDOUS WASTE SITES WITHIN THE LWRP

Site/(State Id.#)	Classification	Summary
1. Old Rochester City Landfill (Pattonwood Drive) (8-28-009)	2a	Active period: 1930's -1970. Approx. size: 20 acres. Former city landfill. Soil contaminated with hydrocarbons. Scheduled for Phase II investigation in 1990.
2. Genesee River Gorge (8-28-044)	2	Active period: 1800-1970's. Site generally located between Upper and Lower Falls, including former Deep Hollow Ravine. Coal gasification wastes suspected of being disposed of in gorge. Chemical seeps leaching out of face of Lower Falls, similar in nature to material encountered during Cliff Street siphon tunnel construction (Feb.- March 1985). Xylene, toluene, benzene, creosote products found. Expanded Phase I report completed in 1988. DEC is negotiating with the potentially responsible parties (PRP) to conduct the RI/FS. City and RG&E have proposed work program to DEC.
3. Eastman Kodak Co. Kodak Park East, (8-28-071)	2	Active period: 1953-present. Approx. size: 60 acres. Groundwater contaminated with methylene chloride and other solvents. As an interim remedial action, a few recovery wells are removing groundwater and discharging it to Kodak's King's Landing Waste Water Treatment Plant.

B. Summary of local laws and regulations

Local laws and regulations which were enacted as a result of the LWRP are contained in the Appendices to the LWRP. Local laws and regulations which are relevant to the City's LWRP are summarized in TABLE II-5 below. Zoning within the northern portion of the LWRP boundary is shown on MAP V-7 on page V-71.

TABLE II-5

LOCAL WATERFRONT REVITALIZATION PROGRAM
RELEVANT LAWS AND REGULATIONS

ZONING DISTRICT OR OTHER REGULATIONS	PRIMARY LWRP AREAS	SUMMARY OF REGULATIONS
*River-Harbor (R-H) District	* Port Authority Site * East and west river banks from Lake to Denise Road Area * Summerville area * Portions of the River Street Site	*Permits water-related recreation and commercial development; Minimum waterfront setbacks are required. Special permit required for uses within 100 feet of river.
* Open Space (OS) District	* Public parkland * Genesee River Gorge * Riverside Cemetery	*Restricts development to parks, cemeteries, and outdoor recreation facilities. Special permit required for many uses.
* Site plan review procedures	* All LWRP areas	*Requires review of site plan designs for virtually all development or rehabilitation in city. Includes criteria for review of plans.
* Environmental Review Procedures	* All LWRP areas	*Requires detailed environmental review for all Type I and Unlisted Actions. Review requires identification of proposed mitigating measures. Type I actions include development in sensitive environmental areas in shorezone.

16. DEVELOPMENT OPPORTUNITIES AND CONSTRAINTS

A. Overview

Steep slopes, potential erosion problems and inaccessibility make any significant development in the river gorge itself unfeasible. Slope problems are most severe in the area from Turning Point Park south to the Upper Falls. At the park, the waterfront revitalization area broadens into a series of three plateaus stepping down to the river. At this point, however, the presence of wetlands along the river's edge prevents direct access to the water and serves as a major constraint to development.

Few existing areas or land uses within the city's waterfront area are derelict, underutilized or abandoned. There are, however, five significant development sites within the LWRP boundary. These areas are discussed below and are show on MAP II-8 on pages II-54 through II-56 along with major land owners within the LWRP.

An area to the north of Seneca Park, along the east bank of the river, is characterized by steep, wooded slopes and contains significant wetlands. This area is virtually undevelopable and should be designated as permanent open space or public parkland. The remaining four development areas within the LWRP boundary have significant development potential.

B. General description of development parcels within the LWRP

The four development areas within the LWRP boundary include:

(1) A parcel near St. Bernard's Seminary (22 acres). Currently, this parcel is part of Eastman Kodak's Park facilities and is zoned M-IPD. Kodak is developing this parcel as a research/office facility.

(2) Boxart Street/Burley Road area (18 acres). Although this area is located within the waterfront revitalization area, it is an upland area and is not visible from the river. The parcel is zoned residential and has been developed for single-family housing on 12.6 acres. The remaining acreage has been retained as open space.

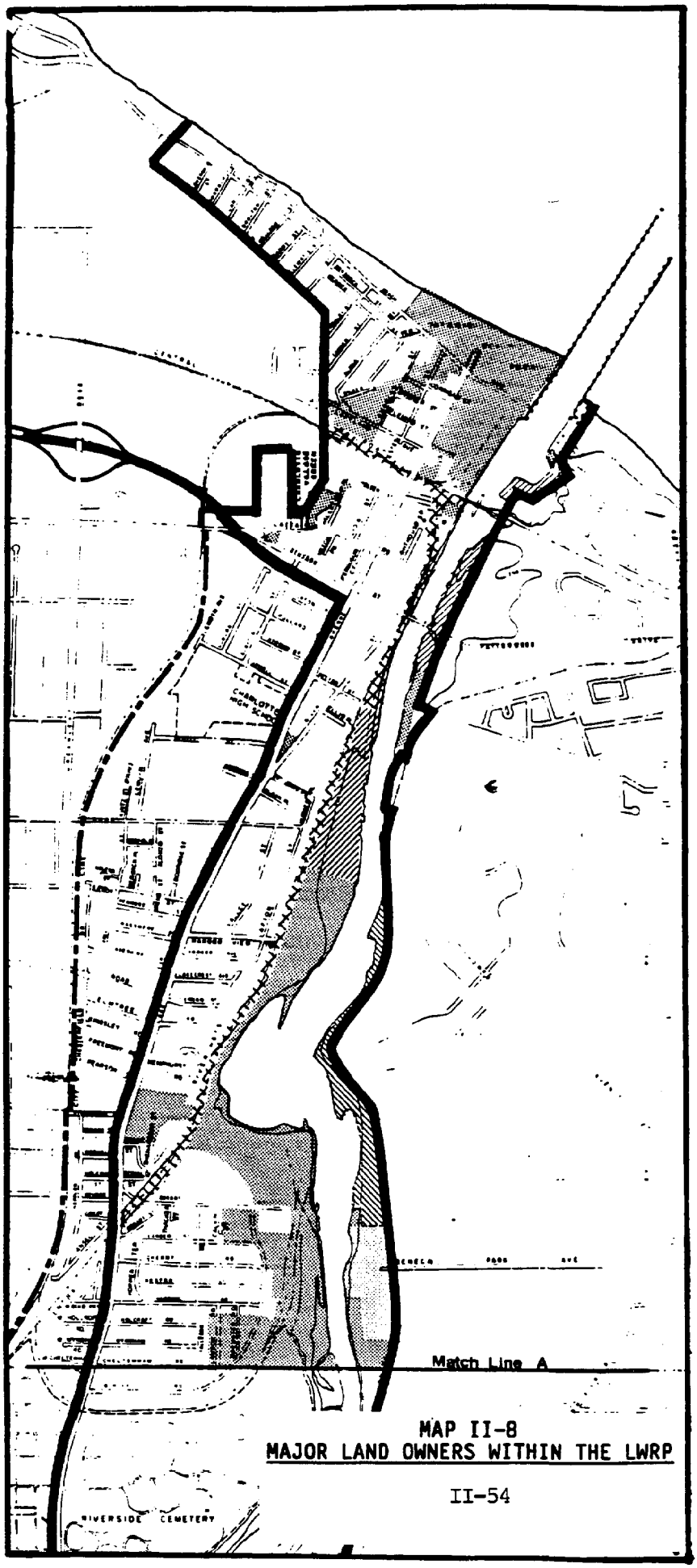
(3) The River Street area (5 1/2 acres). This area includes the abandoned Conrail switching yards on the west bank of the river, near the historic Genesee Lighthouse. This area includes two parcels: one is owned by the City of Rochester and the other is owned by New York State.

(4) The port site (22 acres). This area once housed a large blast furnace and later supported commercial shipping operations. The site is now vacant, except for a large parking area for Ontario Beach Park, two warehouses along the river's edge, and a 4-ramp boat launch owned and operated by Monroe County.

None of the parcels listed above have significant infrastructure problems. Water and sewer lines and public streets existed or have been constructed as part of approved development. At the Boxart-Burley site, main sewer connections existed. Water and sewer lines were installed in the area as part of the subdivision development.

C. The Port Site

The port site presents a unique set of development opportunities and constraints. At one time, a significant part of the site was wetland. This portion of the site, now filled in, has limited bearing capacity which restricts the height of buildings which can be built on the site. This is particularly true in the portion of the site near the river. The port site is shown on Map II-9 on page II-57.



LOCAL WATERFRONT REVITALIZATION PROGRAM

Rochester, New York

MAJOR LAND OWNERS
Legend

- CITY of ROCHESTER
- MONROE COUNTY
- NEW YORK STATE
- U.S.A.
- PRIVATELY OWNED MARINAS
- PRIVATELY OWNED LAND
- EASTMAN KODAK COMPANY
- ROCHESTER GAS & ELECTRIC
- HOLY SEPULCHRE CEMETERY
- CONRAIL

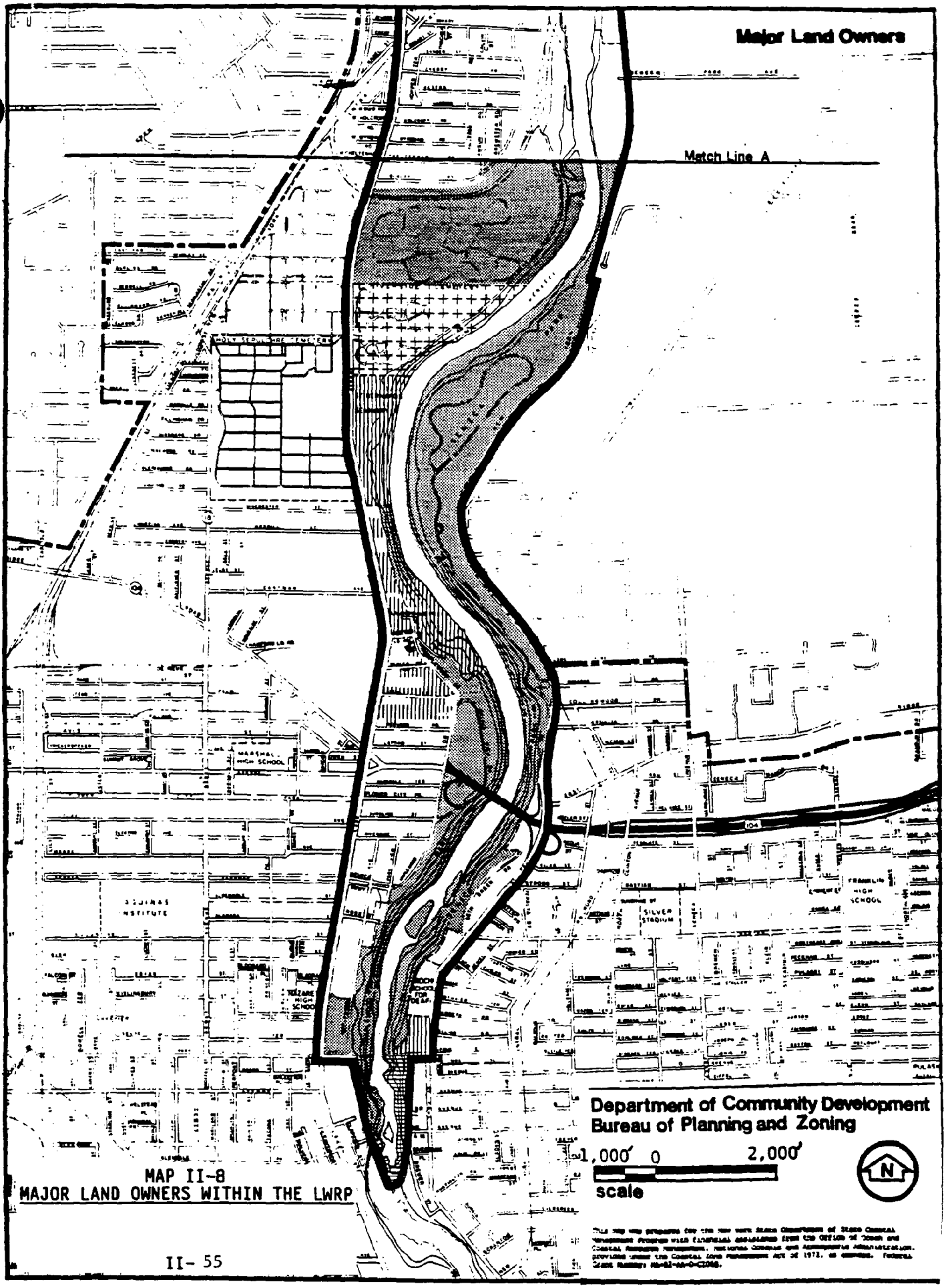
Department of Community Development
Bureau of Planning and Zoning

1,000' 0 2,000'
scale

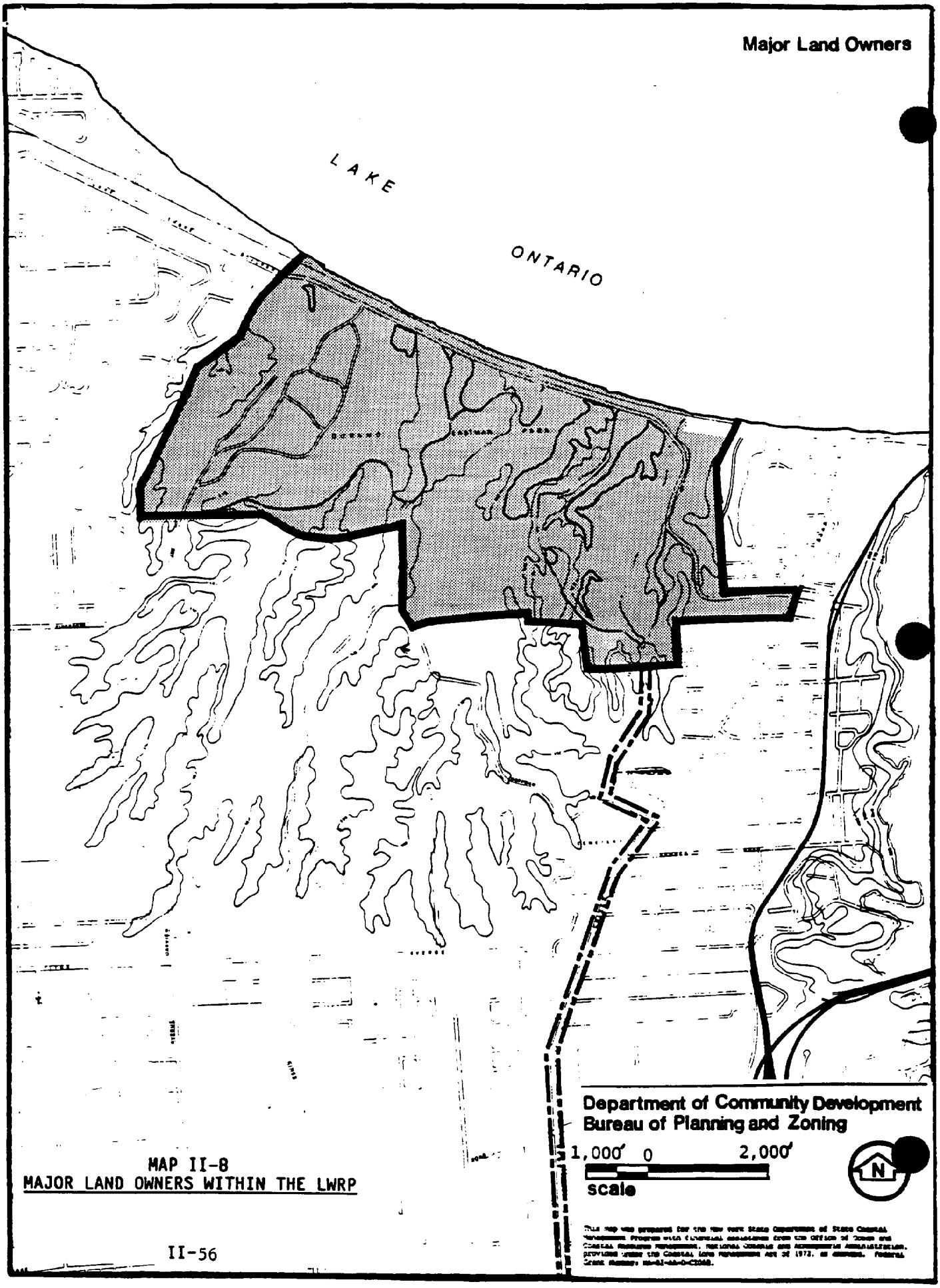
N

MAP II-8
MAJOR LAND OWNERS WITHIN THE LWRP

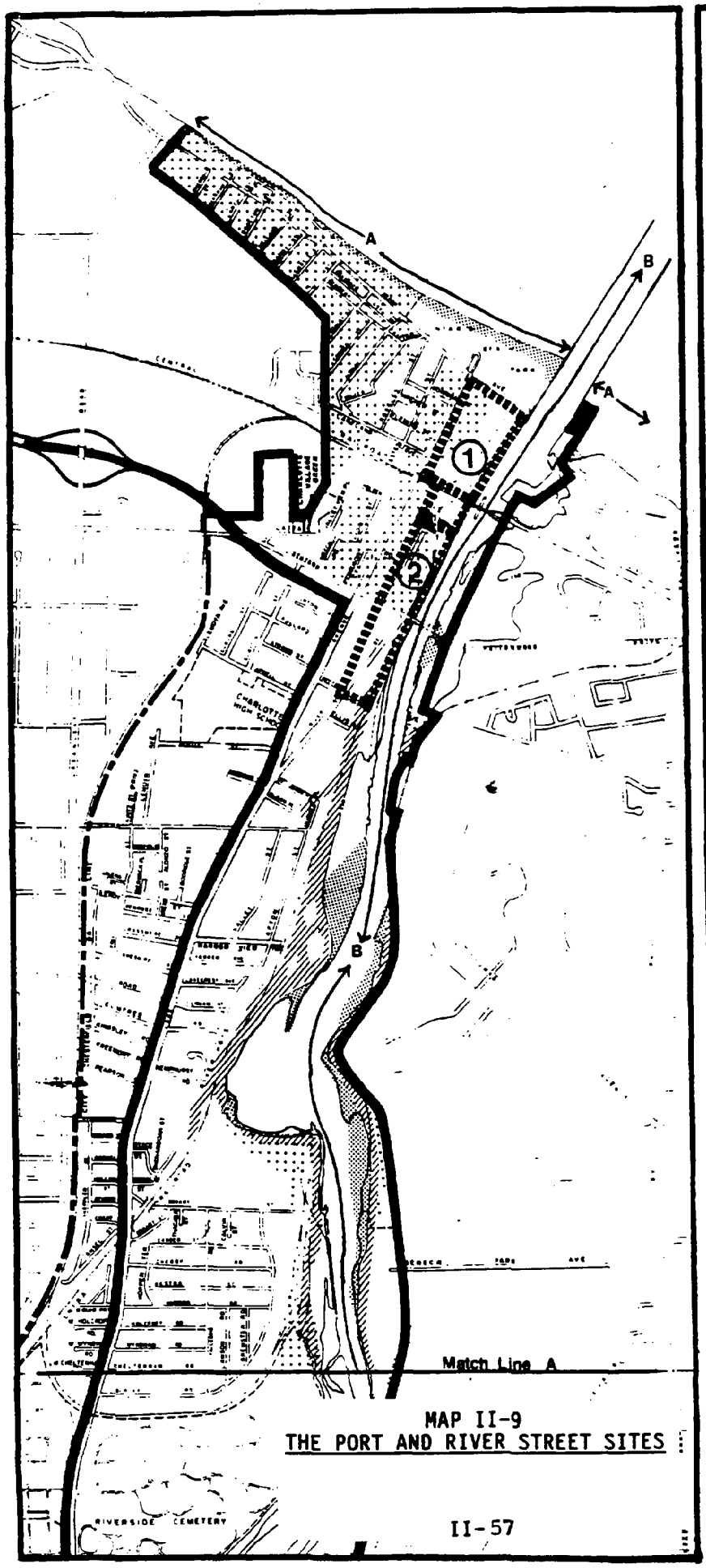
This map was prepared for the New York State Department of State Coastal Management Program with financial assistance from the Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration, pursuant to the Coastal Zone Management Act of 1972, as amended. Federal Grant Number NA-82-AA-D-CZ068.



MAP II-8
MAJOR LAND OWNERS WITHIN THE LWRP



MAP II-8
MAJOR LAND OWNERS WITHIN THE LWRP



MAP II-9
THE PORT AND RIVER STREET SITES

LOCAL WATERFRONT REVITALIZATION PROGRAM

Rochester, New York

DEVELOPMENT CONSIDERATIONS Legend

- FLOOD PLAIN
- STEEP SLOPES
- AREAS OF CRITICAL EROSION
- HIGH WATER TABLE/ SHALLOW SOILS

WATER QUALITY

- A, B, C — Classification
- Limiting Segments

- H-3 — HISTORIC/ARCHEOLOGICAL SITE

SERVICE AREA

- Δ Δ Δ — Public Water Supply
- O O O — Public Sewer

- EXCLUDED FEDERAL LANDS

- (1) PORT OF ROCHESTER
- (2) RIVER STREET AREA

Department of Community Development
Bureau of Planning and Zoning

1,000' 0 2,000'
scale

N

This map was prepared for the New York State Department of State Coastal Management Program with financial assistance from the Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration, provided under the Coastal Zone Management Act of 1972, as amended. Federal Grant Number NA-82-AA-D-CZ068.

The port site's most obvious and overwhelming physical feature is its proximity to the water. The river and lake, boating activity, the adjacent beach and the water-related activities in and around the port area are positive site features and help to enhance its visual and aesthetic qualities. Other positive site features include the bathhouse and Dentzel carousel at nearby Ontario Beach Park, the Genesee River pier and the Port Authority Warehouse. Each of these buildings contribute to the port's unique waterfront and recreational atmosphere.

Interesting views and vistas are encountered at the Genesee Lighthouse on the westside of the river as well as at the U.S. Coast Guard Station on the east side of the river. Both buildings are picturesque and contribute to the scenic quality of the site. Unfortunately, pedestrian access to the Lighthouse is difficult from the port site, due to physical barriers including the Conrail tracks on the north and the sloping terrain to the south and east. Access to the Coast Guard Station is limited from the east bank because of security considerations.

Site design constraints include the physical appearance and placement of the picnic shelters in nearby Ontario Beach Park. They block views and create a sense of congestion within the park. The unusual design of the community bandstand located in the park accentuates its location and appearance and also detracts from views of the lake and river.

A major problem with the port site is the lack of focus or sense of arrival as one approaches from the south or west. Initial views from the Lake Avenue Conrail Bridge are disappointing and somewhat obscured by existing development. Lake Avenue is also quite wide and lacks appropriate streetscape amenities such as street trees, landscaping, benches, etc. The port site itself is largely vacant with river views blocked by two warehouses at the eastern edge of the site.

While the popularity of Ontario Beach Park creates many development opportunities, it also causes major parking and traffic problems in the area during periods of peak utilization. During the summer months, the Lake Avenue/Beach Avenue intersection becomes very congested because of the many pedestrian/vehicular conflicts occurring in the area.

Another development constraint in the port area is the mix of commercial and residential uses along Lake Avenue. Because of its lack of major year-round uses, the area has a somewhat seasonal character. There are, however, some existing year-round restaurants. Some of the seasonal facilities are unattractive and show evidence of very little investment. This is typical of seasonal facilities suffering from inadequate revenues.

Of the two warehouses on the port site, only the northern-most structure could be considered for significant development. This building has an interesting character, and its eastern facade and veranda can be opened up to allow panoramic views of the river. The building could be reused for a variety of water-related activities including a unique riverfront restaurant, hotel or boatel.

The other warehouse has little redevelopment potential and blocks access and views of the river. The four-ramp boat launch constructed by the county at the southern end of the port site provides access to the river for fishermen and pleasure boaters but creates additional demand for on-site car and trailer parking. The amount of land area required for this parking limits other potential development on the site. The boat launch also contributes to the intense seasonal flavor and atmosphere of the port site.

The port site must be considered as a single unified area in order to realize its full development potential. The land immediately adjacent to the water is extremely valuable and offers considerable potential for many types of development. The Lake Avenue frontage also has a significant development potential. However, without the development of a strong relationship between the port site and the water, this area has very little to distinguish it from any other large vacant parcel of land in the City of Rochester. The port site has unique physical characteristics and aesthetic qualities that must be considered, enhanced and carefully woven into any development scheme. An overall design relationship between existing and proposed uses and structures must be established on the site, that will take advantage of the waterfront location and the opportunities for development of unique water-related activities.

D. The River Street area

The River Street area, located to the south of the port site and immediately adjacent to the Genesee River, has a unique neighborhood character that results from its topography and relative seclusion, its architecture, and the small bars, restaurants and other commercial uses that are found there. The River Street site is shown on MAP II-9 on page II-57.

Views of the river and port area from the bluff and the Genesee Lighthouse are exceptional. The lighthouse is a tremendous asset to the area due to its historic significance and unique architecture. Similarly, the abandoned railroad station, located between River Street and the Genesee River, is an interesting building with good reuse potential. Some of the older buildings in the area are also architecturally significant and offer unique opportunities for adaptive reuse. Many of the adjacent commercial uses on Lake Avenue near Latta Road provide services to neighborhood residents. These uses are a valuable asset for potential new residential development. Some of these area businesses offer products and services for fishermen, boaters and tourists.

Despite these positive features, the River Street area has several development constraints. The RG&E substation is unattractive and detracts from views from the lighthouse grounds. The sewage lift station on River Street is another unattractive feature that could constrain future development. Finally, the east-west rail line which crosses the river at the swing bridge physically separates this area from the port site, while the north-south rail line limits development, particularly in the area north of the Tapecon manufacturing facility. Although occasional trains using these tracks could be a positive site feature by contributing to the

unique ambience of the area, the railroad right-of-way still restricts access and movement and hinders full development in this area.

Access to the River Street area is somewhat difficult due to street widths, grade and direction. River Street is currently one-way, going north from Stutson Street. Access to the lighthouse is particularly confusing and it is not easily seen from Lake Avenue. In addition, the River Street area has very little land available for parking. All of these factors serve to constrain development in the area.

River Street is a dead-end street and contains few uses which generate people. The street is too narrow and confined to successfully accommodate many types of new uses and the pedestrian and vehicular traffic they would generate. At the same time, the area has virtually no residential uses. These factors contribute to a "no man's land" quality which constrains many types of future public and private development.

The area along the river to the south of River Street (the former Conrail land from Stutson Street to Petten Street) is narrow and has limited access. Near Petten Street, where the property widens, there is more development potential, particularly for water-dependent uses. These uses could include a boat-launching ramp with car-trailer parking, boat slips, a dry-stack storage facility for boats, or a pedestrian footpath that connects the area with the River Street area to the north.

INVENTORY AND ANALYSIS

APPENDIX

GENESEE RIVER COASTAL FISH AND WILDLIFE HABITAT

COASTAL FISH & WILDLIFE HABITAT RATING FORM

Name of Area: Genesee River

Designated: October 15, 1987

County: Monroe

Town(s): Rochester

7½' Quadrangle(s): Rochester East, NY; Rochester West, NY

Score	Criterion
20	Ecosystem Rarity (ER) One of 4 major New York tributaries of Lake Ontario; unusual in the Great Lakes Plain ecological region, but rarity is reduced by human disturbances. Geometric mean: $(16 \times 25)^{\frac{1}{2}}$
0	Species Vulnerability (SV) Spotted salamander (SC) and spotted turtle (SC) have been observed but the extent of use not well documented.
16	Human Use (HU) A major recreational fishing area on Lake Ontario, attracting anglers from throughout New York State and beyond. Locally important for birdwatching and informal nature study.
9	Population Level (PL) Concentrations of spawning slamonids are among the largest occuring in New York's Great Lakes tributaries; unusual in the ecological region.
1.2	Replaceability (R) Irreplaceable

SIGNIFICANCE VALUE = [(ER + SV + HU + PL) X R]

= 54

DESIGNATED HABITAT: GENESSEE RIVER

LOCATION AND DESCRIPTION OF HABITAT:

The Genesee River is a major tributary of Lake Ontario, located in the City of Rochester, Monroe County (7.5' Quadrangles: Rochester West, N.Y.; and Rochester East, N.Y.). The fish and wildlife habitat is an approximate six and one-half mile segment of the river, extending from Lake Ontario to "Lower Falls" (located just above Driving Park Avenue), which is a natural impassable barrier to fish. The Genesee River is a large, warmwater river, with a drainage area of nearly 2,500 square miles, and an average annual discharge of approximately 2,800 cubic feet per second. Maximum water depths of up to 25 feet occur near the river mouth, and a navigation channel has been dredged upstream approximately two and one-half miles. Much of this lower segment is bordered by dense commercial, industrial, and residential development, accompanied by extensive bulkheading. Above this area, the Genesee River flows through a relatively undeveloped wooded gorge, and has a fringe of emergent wetland vegetation along much of its shoreline. This portion of the river is relatively shallow, with a rocky bottom. The only significant development within the gorge is an industrial wastewater treatment facility. However, the river has been subject to considerable water pollution problems, including discharges of sewage and chemical contaminants. Above Lower Falls, the Genesee River has been dammed for hydroelectric power development, resulting in some alteration of river flows downstream.

FISH AND WILDLIFE VALUES:

The Genesee River is one of 4 major New York tributaries of Lake Ontario. The large size of this river, and the fact that much of the river corridor is essentially undisturbed, makes this one of the most important potential fish and wildlife habitats in the Great Lakes Plain ecological region of New York State. However, water pollution, and extensive alteration of the lower river channel, have reduced the environmental quality of this area.

The Genesee River is a highly productive warmwater fisheries habitat, supporting concentrations of many resident and Lake Ontario based fish species. Among the more common resident species are smallmouth bass, brown bullhead, northern pike, channel catfish, walleye, carp, and white sucker. Lake-run species found in the Genesee River include white bass, yellow perch, white perch, smelt, bowfin, sheepshead, rock bass, and American eel. These fish populations are supplemented by seasonal influxes of large numbers of trout and salmon. In the spring (late February - April), steelhead (lake-run rainbow trout) run up the river, and lake trout occur at the mouth. In fall (September - November, primarily), concentrations of coho and chinook salmon, brown trout, and steelhead, are found throughout the river during their spawning runs. The salmonid concentrations in the Genesee River are among the largest occurring in tributaries of Lake Ontario, and are largely the result of an ongoing effort by the NYSDEC to establish a major salmonid fishery in the Great Lakes through stocking. In 1985, approximately 20,000 steelhead and 300,000 chinook salmon were released in the river. The Genesee River provides an important recreational fishery, attracting anglers from throughout New York State and beyond. Its location within the city results in very heavy fishing pressure from residents of the Rochester metropolitan area, concentrated primarily at the river mouth, and between Seth Green Island and Lower Falls. Although the seasonal salmonid runs attract the greatest number of fishermen to the area, the river also supports an active warmwater fishery.

Wildlife use of the Genesee River is not well documented, but appears to be limited to those species that can inhabit a relatively narrow riparian corridor, and are somewhat tolerant of human activities in adjacent areas. Possible or confirmed breeding bird species include mallard, wood duck, great horned owl, red-tailed hawk, spotted sandpiper, belted kingfisher, red-winged blackbird, swamp sparrow, and various woodpeckers and woodland passerine birds. Several beaver colonies inhabit the lower Genesee in the vicinity of Turning Point Park and Rattlesnake Point. Spotted salamander (SC) and spotted turtle (SC) have been observed in the Lower Genesee River Gorge but the extent of use by these species is not well documented. Other wildlife species occurring in the area probably include raccoon, muskrat, northern water snake, and painted turtle. The wildlife resources of the Genessee River and its adjacent woodlands are locally important for birdwatching, and informal nature study.

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 appplying 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, reduces flows, or increases water level fluctuations in the Genesee River, would affect the biological productivity of this area. Important species of fish and wildlife would be adversely affected by water pollution, such as chemical contamination (including food chain effects), oil spills, excessive turbidity, and waste disposal. Continued efforts should be made to improve water quality in the river, which is primarily dependent upon controlling discharges from combined sewer overflows, industrial point sources, ships, and agricultural lands in the watershed.

The existing navigation channel should be dredged between mid-May and mid-August or between mid-November and early April in order to avoid impacts on the habitat use by migrating salmonids. Activities that would affect the habitat abobe the navigation channel should not be conducted during the period from March through July in order to protect warmwater fish habitat values. New dredging (outside the existing navigation channel) would likely result in the direct removal of warmwater fish habitat values and should not be permitted. Contaminated dredge spoils should be deposited in upland containment areas.

Barriers to fish migration, whether physical or chemical, would have significant effects on fish populations within the river, and in adjacent Lake Ontario waters. Installation and operation of water intakes could have a significant impact on fish concentrations, through impingement of juveniles and adults, or entrainment of eggs and larval stages. Elimination of wetland habitats (including submergent aquatic beds), and further human encroachment into the river channel, would severely reduce its value to fish and wildlife. Existing areas of natural vegetation bordering the river should be maintained for their value as cover, perching sites, and buffer zones.

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

Robert Stevenson, Chairman
Rochester Environmental Commission
City of Rochester
City Hall
30 Church Street
Rochester, NY 14614

SECTION III: POLICIES

CITY OF ROCHESTER

LOCAL WATERFRONT REVITALIZATION PROGRAM

SECTION III: WATERFRONT REVITALIZATION PROGRAM POLICIES

TABLE OF CONTENTS

POLICY NUMBER	PAGE
POLICY 1	III-5
POLICY 2	III-6
POLICY 3 (Not Applicable)	III-8
POLICY 4 (Not Applicable)	III-8
POLICY 5	III-8
POLICY 6	III-10
POLICY 7	III-11
POLICY 8	III-14
POLICY 9	III-16
POLICY 10 (Not Applicable)	III-18
POLICY 11	III-18
POLICY 12	III-20
POLICY 13	III-21
POLICY 14	III-22
POLICY 15	III-23
POLICY 16	III-23
POLICY 17	III-24
POLICY 18	III-26
POLICY 19	III-26
POLICY 20	III-28
POLICY 21	III-29

POLICY NUMBER	PAGE
POLICY 22	III-31
POLICY 23	III-32
POLICY 24 (Not Applicable)	III-34
POLICY 25	III-34
POLICY 26 (Not Applicable)	III-36
POLICY 27	III-36
POLICY 28 (Not Applicable)	III-37
POLICY 29 (Not Applicable)	III-38
POLICY 30	III-38
POLICY 31	III-38
POLICY 32	III-39
POLICY 33	III-39
POLICY 34	III-40
POLICY 35	III-40
POLICY 36	III-41
POLICY 37	III-42
POLICY 38	III-42
POLICY 39	III-43
POLICY 40	III-44
POLICY 41	III-44
POLICY 42	III-44
POLICY 43	III-45
POLICY 44	III-45

POLICY 1 — RESTORE, REVITALIZE AND REDEVELOP DETERIORATED AND UNDERUTILIZED WATERFRONT AREAS FOR COMMERCIAL, INDUSTRIAL, CULTURAL, RECREATIONAL AND OTHER COMPATIBLE USES.

POLICY 1A — REDEVELOP VACANT AND UNDERUTILIZED LAND AND STRUCTURES LOCATED AT THE FORMER PORT AUTHORITY SITE AT THE MOUTH OF THE GENESEE RIVER, TO INCLUDE A MIX OF WATER-ORIENTED COMMERCIAL AND RECREATIONAL USES.

POLICY 1B — REDEVELOP VACANT AND UNDERUTILIZED LAND AND STRUCTURES IN THE VICINITY OF RIVER STREET, ADJACENT TO THE WEST BANK OF THE GENESEE RIVER, TO INCLUDE WATER-ORIENTED COMMERCIAL AND RECREATIONAL USES.

POLICY 1C — UPGRADE EXISTING COMMERCIAL USES LOCATED ALONG THE WEST SIDE OF LAKE AVENUE, NEAR THE PORT SITE.

POLICY 1D — REHABILITATE THE BATHHOUSE AND ADJACENT BEACH AREAS AT DURAND-EASTMAN PARK TO SUPPORT APPROPRIATE WATER-ORIENTED RECREATIONAL USES.

POLICY 1E — PROMOTE THE REDEVELOPMENT OF VACANT LAND WITHIN SUBAREA E (INDUSTRIAL AREAS) WITH RECREATIONAL USES, FACILITIES AND ACTIVITIES THAT ARE COMPATIBLE WITH EXISTING DEVELOPMENT IN THESE AREAS.

POLICY 1F — DEVELOP, IN CONJUNCTION WITH MONROE COUNTY, A PUBLIC BOAT LAUNCH FACILITY ALONG THE EAST BANK OF THE GENESEE RIVER, IMMEDIATELY TO THE SOUTH OF THE STUTSON STREET BRIDGE.

POLICY 1G — PROMOTE AND ENCOURAGE THE CONTINUED REDEVELOPMENT AND IMPROVEMENT OF VARIOUS RECREATIONAL FACILITIES AT DURAND-EASTMAN PARK, ONTARIO BEACH PARK, TURNING POINT PARK, SENECA PARK, MAPLEWOOD PARK, AND LOWER FALLS PARK.

EXPLANATION OF POLICIES

The waterfront areas along Lake Ontario and the Genesee River are among the most important recreational, aesthetic and economic resources in the region. Federal, state and local agencies intend to restore, revitalize and redevelop deteriorated and underutilized waterfront areas by encouraging uses or activities appropriate for the waterfront revitalization area based on their water and recreation-oriented characteristics.

Several significant development opportunity areas have been identified within the city's Local Waterfront Revitalization Program (LWRP) boundary. These sites include the Port Authority site at the mouth of the river on Lake Ontario, the River Street area along the west bank of the river north of Stutson Street, the Lake Avenue commercial corridor north of Stutson Street, the eastern bank of the river, just south of Stutson Street, and the various public parks located along

the river and lake, including Ontario Beach Park, Durand-Eastman Park, Turning Point Park, Seneca Park, Maplewood Park and Lower Falls Park.

In addition, there are several sites within the city's LWRP boundary that are zoned for industrial use. These sites include the Portland Cement Co., located on the west bank of the river just south of the Turning Basin, R.G.&E.'s Station 5 power plant located in the river gorge near the Lower Falls, and Eastman Kodak Company's Waste Treatment Plant located on the west bank of the river, just north of the Veteran's Memorial Bridge. These uses are water-dependent and will continue for the fore-seeable future. If these uses were to be discontinued, however, redevelopment options should be encouraged which would result in a more appropriate water-oriented land use for the area.

When an action is proposed to take place in these opportunity areas, the following guidelines will be used:

(1) Priority should be given to uses which are dependent on a location adjacent to the water;

(2) The action should enhance existing and anticipated uses;

(3) The action should serve as a catalyst to private investment in the area;

(4) The action should improve the deteriorated condition of a site, and should, at a minimum, not cause further deterioration;

(5) The action must lead to development which is compatible with the character of the area, with consideration given to scale, architectural style, density and intensity of use;

(6) The action should have the potential to improve the existing economic base of the community, and, at a minimum, must not jeopardize this base;

(7) The action should improve adjacent and upland views of the water, and, at a minimum, must not affect these views in an insensitive manner; and

(8) The action should have the potential to improve the potential for multiple uses of the site.

The standards and guidelines associated with the city's Overlay Harbor Town Design District will be used to ensure that deteriorated and underutilized areas are developed appropriately.

POLICY 2 **FACILITATE THE SITING OF WATER DEPENDENT USES AND FACILITIES ON OR ADJACENT TO COASTAL WATERS.**

POLICY 2A **EXISTING WATER DEPENDENT USES, AS IDENTIFIED IN SECTION IV: USES AND PROJECTS, WILL BE MAINTAINED.**

EXPLANATION OF POLICIES

Because of the location of sensitive environmental features in the shore zone and the general competition for waterfront locations of various types of land uses, there is a limited amount of waterfront land that is actually suitable for development within the LWRP boundary. The development of waterfront areas has not always been based upon whether or not the particular land use actually requires a specific location on the waterfront. Agencies recognize that water-dependent uses and activities should have priority over non-water-dependent uses in terms of development within the shore zone. In order to ensure that water-dependent uses can be located and developed in waterfront locations, government agencies will avoid undertaking, funding, or approving non-water-dependent actions or activities when such actions or activities conflict with the development of water-dependent uses or would pre-empt the reasonably foreseeable development of water-dependent uses in the same area.

For the purposes of the LWRP, government agencies will consider the following uses and facilities to be water-dependent:

(a) Uses which involve the transfer of goods (i.e., shipping activities at the port site and at the Portland Cement site just south of the turning basin);
(b) Recreational activities requiring access to coastal waters (i.e., fishing, boating, and swimming);
(c) Navigational structures (i.e., lighthouses and piers);
(d) Boat and ship service and storage facilities (i.e., marinas and boat yards);
(e) Flood and erosion control structures (i.e., river bulkheads and beach groins);
(f) Uses which rely upon transportation of raw materials or products on water when such transportation would be difficult on land (i.e., cement plants);
(g) Uses which require large amounts of cooling or processing water (i.e., power plants and waste treatment plants);
(h) Scientific and educational activities requiring access to coastal waters (i.e., maritime museum); and
(i) Facilities that support or enhance water dependent uses.

Existing water dependent uses located within the LWRP boundary include various commercial, industrial and shipping activities, a waste treatment plant, a hydroelectric power plant, marinas and other fishing and boating facilities, as well as certain miscellaneous recreational uses. These uses and activities are scattered throughout the waterfront area and are, in some instances, located adjacent to sensitive environmental areas. Marinas and related fishing and boating facilities are concentrated at the northern end of the Genesee River, near Lake Ontario.

Existing municipal zoning district regulations and procedures, the local site plan review process, as well as the intermunicipal review and coordination of waterfront activities have determined the location, nature and extent of existing water-dependent uses in the shore zone. These procedures and regulations were

developed, in part, to control and promote appropriate water-dependent uses along the lake and river.

When an action is proposed, the following guidelines will be used:

(a) Water-dependent uses should be matched with compatible sites or locations in order to reduce conflicts between competing uses, to protect coastal resources, and to address impacts on the real estate market;

(b) Water-dependent uses should be sited with consideration to the availability of public infrastructure including sewers, water, access and transportation;

(c) Water-dependent uses should be compatible with surrounding land uses;

(d) Underutilized, shoreline sites should be given special consideration for water-dependent uses; and

(e) Water-dependent uses should be sited with consideration to increasing demand, long-term space needs and the possibility of future expansion.

POLICY 3 **ENCOURAGE THE DEVELOPMENT OF THE STATE'S EXISTING MAJOR PORTS OF ALBANY, BUFFALO, NEW YORK, OGDENSBURG, AND OSWEGO AS CENTERS OF COMMERCE AND INDUSTRY, AND ENCOURAGE THE SITING, IN THESE PORT AREAS, INCLUDING THOSE UNDER THE JURISDICTION OF STATE PUBLIC AUTHORITIES, OF LAND USE AND DEVELOPMENT WHICH IS ESSENTIAL TO OR IN SUPPORT OF WATERBORNE TRANSPORTATION OF CARGO AND PEOPLE.**

EXPLANATION OF WHY POLICY IS NOT APPLICABLE

This policy is not applicable to the city's LWRP because Rochester is not one of the major ports listed.

POLICY 4 **STRENGTHEN THE ECONOMIC BASE OF SMALLER HARBOR AREAS BY ENCOURAGING THE DEVELOPMENT AND ENHANCEMENT OF THOSE TRADITIONAL USES AND ACTIVITIES WHICH HAVE PROVIDED SUCH AREAS WITH THEIR UNIQUE MARITIME IDENTITY.**

EXPLANATION OF WHY POLICY IS NOT APPLICABLE

This policy is not applicable to the city's LWRP because Rochester does not have a small harbor area as defined by the state.

POLICY 5 **ENCOURAGE THE LOCATION OF DEVELOPMENT IN AREAS WHERE PUBLIC SERVICES AND FACILITIES ESSENTIAL TO SUCH DEVELOPMENT ARE ADEQUATE, EXCEPT WHEN SUCH DEVELOPMENT HAS SPECIAL FUNCTIONAL**

REQUIREMENTS OR OTHER CHARACTERISTICS WHICH NECESSITATES ITS LOCATION IN OTHER COASTAL AREAS.

POLICY 5A — PROMOTE AND ENCOURAGE APPROPRIATE WATER-ORIENTED DEVELOPMENT ON THE PORT AUTHORITY SITE.

POLICY 5B — PROMOTE AND ENCOURAGE APPROPRIATE WATER-ORIENTED DEVELOPMENT ALONG RIVER STREET, NORTH OF THE STUTSON STREET BRIDGE, AND UPGRADE THE EXISTING INFRASTRUCTURE IN THE AREA.

POLICY 5C — PROMOTE AND ENCOURAGE APPROPRIATE RESIDENTIAL DEVELOPMENT IN THE BOXART STREET-BURLEY ROAD UPLAND AREA.

EXPLANATION OF POLICIES

New development proposed within the LWRP boundary should be adequately serviced by existing or upgraded public services and facilities. Almost all major development areas within the LWRP boundary are currently serviced by adequate public services and facilities including vehicular access, storm and sanitary sewers, as well as electric, gas and water lines. If a given area is not currently serviced by adequate public services and facilities, upgrades, extensions or connections to existing systems are usually possible. The specific development proposals outlined in POLICY 1 will involve an analysis of existing public services and facilities in the areas proposed for development, as well as possible rehabilitation or upgrading of those services and facilities as a part of the actual implementation of the development project.

In assessing the adequacy of an area's infrastructure and public services, the following points shall be considered:

(a) Whether or not streets and highways serving the proposed site can safely accommodate the peak traffic generated by the proposed development;

(b) Whether or not the development's water needs can be met by the existing water system;

(c) Whether or not wastes generated by the development can be handled by sewage disposal systems;

(d) Whether or not energy needs of the proposed development can be accommodated by existing utility systems;

(e) Whether or not stormwater runoff from the proposed site can be accommodated by on-site and/or off-site facilities; and

(f) Whether or not schools, police and fire protection, and health and social services are adequate to meet the needs of any expected increase in population resulting from the proposed development.

The Port Authority site is serviced by separate sanitary and storm sewer systems maintained by Monroe County. The existing 12" sanitary sewer runs across the middle of the site and may need to be realigned in order to develop the site as proposed in the concept plan. The existing sanitary sewer system and the existing sewer pump station have enough capacity to accommodate the redevelopment plan proposed for the site. The existing 60"-72" storm sewer system for the port area runs under Estes Street and Beach Avenue. Monroe County has indicated that this sewer is also adequate to handle redevelopment of the site. The site is adequately serviced by gas, electric, water and telephone lines. Vehicular access to the port site from the city is via Lake Avenue. Lake Avenue is a minor arterial which, in the area of the port site, is in relatively good condition but could use some physical improvements including intersection widenings and new streetscape treatments.

The River Street area is also proposed for major redevelopment. This area is serviced by a sanitary sewer system with a pump station located at the northern end of River Street. This system is adequate to accommodate the proposed development plan. Because there is no storm sewer system within the River Street area, any redevelopment would require significant storm sewer improvements. While this site is also serviced by existing gas, electric, water and telephone lines, redevelopment would probably require the installation of underground telephone and electric systems. Because the pavement condition of River Street is fair to poor, significant street reconstruction and/or rehabilitation would be required as a part of any redevelopment plan for the area.

POLICY 6 EXPEDITE PERMIT PROCEDURES IN ORDER TO FACILITATE THE SITING OF DEVELOPMENT ACTIVITIES AT SUITABLE LOCATIONS.

EXPLANATION OF POLICY

Government agencies recognize the need for efficient and uncomplicated permit approval procedures for development activities proposed within the LWRP boundary. The local permit review and approval process should not be designed to restrict or impede development applications or proposals. The city has developed a permit review and approval system which includes coordination with other local and state agencies and eliminates unnecessary or duplicative levels of review.

Site plan review is coordinated by the City Bureau of Zoning as are requests for zoning variances, rezonings and subdivision approval. Environmental impacts and other areas of special concern for proposed development are considered early in the review process and are investigated in conjunction with the City Office of Planning as well as the City's Environmental Commission. The entire process is characterized by reasonable timetables and deadlines, relatively simple paper work, and specific but uncomplicated development review standards. A "one-stop-shop" approach has been developed by the city which allows developers to become aware of permit procedures and requirements and obtain all necessary paper work at one location and at one time. Where necessary and appropriate, special considerations for development activities proposed within the LWRP boundary will be included in the city permit review and approval procedures in order to further simplify those requirements.

State agencies and local governments should make every effort to coordinate their permit procedures and regulatory programs for waterfront development, as long as the integrity of the regulations' objectives is not jeopardized. Also, efforts should be made to ensure that each agency's procedures are synchronized with those of other agencies within a given level of government. Legislative and/or programmatic changes should be made, if necessary, to accomplish this.

POLICY 7 **SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS, AS IDENTIFIED ON THE COASTAL AREA MAP, SHALL BE PROTECTED, PRESERVED, AND, WHERE PRACTICAL, RESTORED SO AS TO MAINTAIN THEIR VIABILITY AS HABITATS.**

EXPLANATION OF POLICY

Habitat protection is recognized as fundamental to assuring the survival of fish and wildlife populations. Certain habitats are critical to the maintenance of a given population and, therefore, merit special protection. Such habitats exhibit one or more of the following characteristics: (1) are essential to the survival of a large portion of a particular fish or wildlife population (e.g. feeding grounds, nursery areas); (2) support populations of rare and endangered species; (3) are found at a very low frequency within a coastal region; (4) support fish and wildlife populations having significant commercial and/or recreational value; and (5) would be difficult or impossible to replace.

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

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 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:

1. Physical parameters, such as living space circulation, flushing rates, tidal amplitude, turbidity, water temperature, depth (including loss of littoral zone), morphology, substrate type, vegetation, structure, erosion and sedimentation rates;

2. Biological parameters, such as community structure, food chain relationships, species diversity, predator/prey relationships, population size, mortality rates, reproductive rates, meristic features, behavioral patterns and migratory patterns; and

3. Chemical parameters, such as dissolved oxygen, carbon dioxide, acidity, dissolved solids, nutrients, organics, salinity, and pollutants (heavy metals, toxics and hazardous materials).

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

POLICY 7A **PROTECT AND PRESERVE THE GENESEE RIVER IN ORDER TO MAINTAIN ITS VIABILITY AS A FISH AND WILDLIFE HABITAT OF STATEWIDE SIGNIFICANCE.**

EXPLANATION OF POLICY

NYSDOS has designated the Genesee River as a significant coastal fish and wildlife habitat area of state-wide significance within the LWRP boundary. (See the Appendix to the Inventory and Analysis for a detailed description of this habitat). The Genesee River habitat is a major tributary of Lake Ontario, located in the city. The habitat includes a six and one-half mile long segment of the river, extending from Lake Ontario to the Lower Falls, which is a natural impassable barrier to fish.

The large size of this river and the fact that much of the river corridor is essentially undisturbed, makes this one of the most important potential fish and wildlife habitats in the Great Lakes Plain ecological region. Resident species such as small mouth bass, brown bullhead and northern pike, and lake run species such as white bass and yellow perch are supplemented by seasonal influxes of large numbers of trout and salmon. The river provides throughout New York State and beyond. Although the seasonal salmonid runs attract the greatest number of fishermen to the area, the river also supports an active warmwater fishery. Wildlife use of the river appears to be limited to those species that can inhabit a relatively narrow riparian corridor, and are somewhat tolerant of human activities in adjacent areas.

Any activity that substantially degrades water quality, increases temperature or turbidity, reduces flows, or increases water level fluctuations in the Genesee River would affect the biological productivity of this area. Important species of fish and wildlife would be adversely affected by water pollution, such as chemical contamination (including food chain effects), oil spills, excessive turbidity, and waste disposal. Continued efforts should be made to improve water quality in the river, which is primarily dependent upon controlling discharges from combined sewer overflows, industrial point sources, ships, and agricultural lands in the watershed.

The existing navigation channel should be dredged between mid-May and mid-August or between mid-November and early April in order to avoid impacts on the habitat use by migrating salmonids. Activities that would affect the habitat above the navigation channel should not be conducted during the period from March through July in order to protect warmwater fish habitat values. New dredging (outside the existing navigation channel) would likely result in the direct removal of warmwater fish habitat values and should not be permitted. Contaminated dredge spoils should be deposited in upland containment areas. Barriers to fish migration, whether physical or chemical, would have significant effects on fish populations within the river, and in adjacent Lake Ontario waters. Installation and operation of water intakes could have a significant impact on fish concentrations, through impingement of juveniles and adults, or entrainment of eggs and larval stages. Elimination of wetland habitats (including submergent aquatic beds), and further human encroachment into the river channel, would severely reduce its value to fish and wildlife. Existing areas of natural vegetation bordering the river should be maintained for their value as cover, perching sites, and buffer zones.

The water quality of the river and lake has continued to improve over the past several years. Both currently support a significant variety of fish species. Among the fish found within the LWRP boundary are American Eel, Northern Pike, Goldfish, Carp, White Channel Catfish, White Perch, White Bass, Rock Bass, Small Mouth Bass, Blackeye Crappie and Walleye. Additionally, the river is the site of significant spawning runs for a variety of fish including the Chinook and Coho Salmon, as well as the Brown and Steelhead Trout. Preservation of lake and river wetland areas is an important element of the city's program to preserve and protect fish habitats within the LWRP boundary.

POLICY 7B **PROTECT AND PRESERVE DURAND-EASTMAN PARK, TURNING POINT PARK, SENECA PARK AND MAPLEWOOD PARK AS LOCALLY SIGNIFICANT FISH AND WILDLIFE HABITAT AREAS.**

POLICY 7C **PROTECT AND PRESERVE FORMERLY OWNED CONRAIL PROPERTY, ALONG THE EAST BANK OF THE GENESEE RIVER, OPPOSITE THE TURNING BASIN, AS A LOCALLY SIGNIFICANT WILDLIFE HABITAT AREA.**

EXPLANATION OF POLICIES

Durand-Eastman Park, Turning Point Park, Seneca Park, Maplewood Park, as well as most of the river gorge, function as a natural wildlife habitat area. Durand-Eastman Park contains a significant wild deer population as well as wetland areas that provide habitats for several fish and wildlife species. Bullock's Woods in Turning Point Park is a large, heavily wooded area that also provides habitat for several species of wildlife. Government agencies will continue to promote and encourage various redevelopment activities within these parks which will preserve and protect their significance as wildlife habitats.

The standards and guidelines in the city's environmental review procedures will be used to ensure that locally significant fish and wildlife habitat areas within the LWRP boundary are protected. Development actions within 100 feet of the river and lake, within areas zoned as open space, in heavily wooded areas, and within state-designated freshwater wetlands are Type I actions under the City's Environmental Quality Review Ordinance, since these locations have been designated as critical environmental areas. Type I actions require a complete environmental impact review. As part of this review, a project's impacts on fish and wildlife habitat areas would be determined and addressed, and mitigation measures could be proposed, if required, to protect those areas from adverse impacts.

Activities most likely to affect significant coastal fish and wildlife habitats include the draining of ponds and wetlands, the filling of wetlands or shallow areas of streams, lakes and bays, grading of land, clear cutting, dredging and excavation, dredge spoil disposal, physical alteration of shore areas, and the introduction, storage or disposal of pollutants in upland areas or landfills.

POLICY 8 **PROTECT FISH AND WILDLIFE RESOURCES IN THE COASTAL AREA FROM THE INTRODUCTION OF HAZARDOUS WASTES AND OTHER POLLUTANTS WHICH BIOACCUMULATE IN THE FOOD CHAIN OR WHICH CAUSE SIGNIFICANT SUBLETHAL OR LETHAL EFFECTS ON THOSE RESOURCES.**

EXPLANATION OF POLICY

Hazardous wastes are unwanted by-products of manufacturing processes and are generally characterized as being flammable, corrosive, reactive, or toxic. More specifically, hazardous waste is defined in Environmental Conservation Law [§27-0901.3] as "a waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may: (a) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (b) pose a

substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed or otherwise managed. A list of hazardous wastes has been adopted by DEC (6 NYCRR Part 371).

The handling, storage, transport, treatment and disposal of the materials included on the hazardous waste list adopted by NYSDEC and USEPA are strictly regulated in New York State to prevent their entry or introduction into the environment, particularly into the state's air, land and waters. Such controls should minimize possible contamination and bio-accumulation of these wastes in the state's coastal fish and wildlife resources at levels that would cause mortality or create physiological and behavioral disorders.

"Other pollutants" are those conventional wastes, generated from point and non-point sources, and not identified as hazardous wastes but controlled through other state laws.

The following state laws enforce this policy:

(a) Industrial Hazardous Waste Management Act.
Environmental Conservation Law (Article 27, Title 9)

(b) State Pollutant Discharge Elimination System.
Environmental Conservation Law (Article 17, Title 8)

(c) State Certification.
Federal Water Pollution Control Act (Section 401)

(d) Toxic Substances Monitoring Program.
Environmental Conservation Law (Article 17)

(e) Substances Hazardous to the Environment.
Environmental Conservation Law (Article 37)

(f) Solid Waste Management.
Environmental Conservation Law (Article 27, Title 7)

(g) Control of Pollution Injurious to Fish and Shellfish.
Environmental Conservation Law (Article 13-0345 and Article 17-0503)

(h) Stream Pollution Prohibited.
Environmental Conservation Law (Article 11-0503)

(i) Oil Spill Prevention, Control and Compensation.
Navigation Law (Article 12)

(j) Siting of Major Steam/Electric Generating Facilities.
Public Service Law (Article VIII)

(k) Sanitary Code.
Public Health Law (Article 3)

The city and Monroe County are participating in a Combined Sewer Overflow Abatement Program (CSOAP) which will eliminate combined storm and sanitary sewers in many areas of the city. This project involves the construction of several large underground holding tunnels which will discharge sewage and storm water, collected after major rainfalls, to the Frank E. VanLare Treatment Plant located in Durand-Eastman Park. Prior to the construction of these tunnels, large volumes of combined sewage and storm water that occurred after major rainfalls in the area flowed directly into the river and lake without being treated. This sewage contributed to pollution problems in the river and lake and the destruction of fish and wildlife species. The completion of the underground holding tunnels will eliminate a major source of pollution discharge into the river and lake that will help improve aquatic habitat for the area.

Eastman Kodak Company operates a large industrial waste treatment facility on the western bank of the river, opposite Seneca Park. This treatment plant handles industrial sewage and waste from Kodak Park manufacturing facilities located on Lake Avenue and Ridge Road West. This treatment plant also helps to preserve existing fish species in the river and lake by eliminating the dumping of otherwise harmful or toxic substances into the water.

The city is participating, along with other governmental agencies, in the development of a Remedial Action Plan (RAP) for the Rochester Embayment. A RAP is an agreement among federal, state, and local governments, with the support of area citizens, on a plan to restore the water quality and beneficial uses of the waters of the Area of Concern. The goal of the Rochester Embayment RAP is to develop an implementation plan that will improve the water quality of Lake Ontario and all of the waterways that flow into it, including the Genesee River. The implementation of the RAP for the Rochester Embayment will help to protect fish and wildlife resources from the introduction of hazardous wastes and other pollutants.

POLICY 9 **EXPAND RECREATIONAL USE OF FISH AND WILDLIFE RESOURCES IN COASTAL AREAS BY INCREASING ACCESS TO EXISTING RESOURCES, SUPPLEMENTING EXISTING STOCKS AND DEVELOPING NEW RESOURCES. SUCH EFFORTS SHALL BE MADE IN A MANNER WHICH ENSURES THE PROTECTION OF RENEWABLE FISH AND WILDLIFE RESOURCES AND CONSIDERS OTHER ACTIVITIES DEPENDENT ON THEM.**

POLICY 9A **EXPAND RECREATIONAL FISHING OPPORTUNITIES AND PUBLIC ACCESS TO OTHER WILDLIFE RESOURCES WITHIN DURAND-EASTMAN PARK, TURNING POINT PARK, SENECA PARK, MAPLEWOOD PARK AND LAKE ONTARIO, BY PROVIDING OR IMPROVING VEHICULAR AND PEDESTRIAN ACCESS TO THE WATERFRONT.**

POLICY 9B **DEVELOP, IN CONJUNCTION WITH MONROE COUNTY, A PUBLIC BOAT LAUNCH FACILITY IN THE AREA ALONG THE EAST BANK OF THE GENESEE RIVER, IMMEDIATELY TO THE SOUTH OF THE STUTSON STREET BRIDGE.**

EXPLANATION OF POLICIES

Increasing public access to existing fish and wildlife resources located within the LWRP boundary is an important objective of the city's LWRP. As the water quality of the river and lake has improved over the past several years, sport fishing has become a significant local recreational activity in the Rochester metropolitan area. The river is a major fall fishery for Chinook Salmon and serves as a focus for salmon fishing. Late in the summer, the Eastern-Southern Lake Ontario (ESLO) Sport Fishing Derby is held on Lake Ontario. This event also generates substantial local interest and participation.

There are few well-developed public access points along the river for fishermen. The primary access points for fishing along the river include the base of the Lower Falls, which can be accessed by a RG&E service road on the east bank, the east and west piers located on Lake Ontario at the mouth of the river, as well as waterfront areas within Turning Point Park. In addition, fishermen also access the Lower Falls area from steep and unsafe trails along the west bank of the river. The use of these trails by the public is not condoned or promoted.

Government agencies, including the city and Monroe County, will promote and encourage the development and expansion of recreational fishing opportunities and public access to other wildlife resources at several public parks located within the LWRP boundary. These parks include Durand-Eastman Park and Ontario Beach Park which are located on Lake Ontario, and Turning Point Park, Seneca Park, and Maplewood Park which are located along the river. Expansion of recreational fishing opportunities should involve provision of direct public access to the shoreline for fishermen as well as boaters. Improvements will include the development of parking areas, access trails, fishing piers, wharves and boating facilities in appropriate areas within the parks. Provisions for increased public access to other wildlife resources located within these parks would include the rehabilitation or construction of hiking trails, pedestrian paths, overlooks and shelters.

Government agencies will promote and encourage the development of a public boat launch facility along the eastern bank of the Genesee River, just south of the Stutson Street Bridge, to improve and expand recreational fishing opportunities for boaters on the Genesee River and Lake Ontario. The area proposed for the boat launch is largely vacant with the exception of deteriorated boat slips and miscellaneous marina-related uses and activities. The facility will be developed in conjunction with Monroe County.

POLICY 9 suggests that state and local actions within the LWRP boundary should balance the continued maintenance and protection of fish and wildlife resources with increased public access to and recreational use of those resources. The control of fish stocking within the river or lake is coordinated by the NYSDEC. When appropriate, the state is encouraged to continue and expand its fish stocking program and the completion of studies concerning habitat maintenance and improvement. Stocking programs should be directed towards areas where known habitats will support and enhance increased fish populations.

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

(1) Consideration should be made as to whether an action will impede existing or future utilization of the state's recreational fish and wildlife resources;

(2) Efforts to increase access to recreational fish and wildlife resources should not lead to overutilization of that resource or cause impairment of the habitat;

(3) The impacts of increasing access to recreational fish and wildlife resources should be determined on a case-by-case basis, consulting the significant habitat narrative (see POLICY 7 and the Appendix to the Inventory and Analysis) and/or conferring with a trained fish and wildlife biologist; and

(4) Any public or private sector initiatives to supplement existing stocks or develop new resources must be done in accordance with existing state law.

POLICY 10 **FURTHER DEVELOP COMMERCIAL FINFISH, SHELLFISH AND CRUSTACEAN RESOURCES IN THE COASTAL AREA BY: (1) ENCOURAGING THE CONSTRUCTION OF NEW OR IMPROVEMENT OF EXISTING ON SHORE COMMERCIAL FISHING FACILITIES; (2) INCREASING MARKETING OF THE STATE'S SEAFOOD PRODUCTS; AND (3) MAINTAINING ADEQUATE STOCKS AND EXPANDING AQUACULTURE FACILITIES. SUCH EFFORTS SHALL BE MADE IN A MANNER WHICH ENSURES THE PROTECTION OF SUCH RENEWABLE FISH RESOURCES AND CONSIDERS OTHER ACTIVITIES DEPENDENT ON THEM.**

EXPLANATION OF WHY POLICY IS NOT APPLICABLE

This policy is not applicable to the city's LWRP because there are no commercial finfish, shellfish and crustacean resources located within Rochester's LWRP boundary.

POLICY 11 **BUILDINGS AND OTHER STRUCTURES WILL BE SITED IN THE COASTAL AREA SO AS TO MINIMIZE DAMAGE TO PROPERTY AND THE ENDANGERING OF HUMAN LIVES CAUSED BY FLOODING AND EROSION.**

POLICY 11A **DISCOURAGE DEVELOPMENT ALONG THE TOP OF THE RIVERBANK, ON THE STEEP SLOPES WITHIN THE RIVER GORGE, WITHIN DESIGNATED COASTAL EROSION HAZARD AREAS, OR IN ANY OTHER AREAS EXPERIENCING OR SUSCEPTIBLE TO EROSION.**

POLICY 11B **BUILDINGS OR STRUCTURES WITHIN DESIGNATED FLOOD HAZARD AREAS WILL BE SITED IN THE COASTAL AREA TO COMPLY WITH CONSTRUCTION AND INSURANCE REQUIREMENTS OF THE FEDERAL EMERGENCY MANAGEMENT**

AGENCY (FEMA) AND THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

EXPLANATION OF POLICIES

Government agencies recognize the importance of regulating development in critical environmental areas such as erosion hazard areas and floodplains within the local waterfront revitalization boundary. Erosion hazard areas which have been identified by New York State include the shore zones along Beach Avenue and within Ontario Beach Park and a major portion of Durand-Eastman Park. The beach areas contained within these parks are considered natural protective features (see Policy 12). Floodplain areas are those areas identified as flood hazards on the Flood Insurance Maps filed with the City of Rochester. All of these areas contain physical features or conditions that naturally limit development and that may also enhance aesthetic or wildlife resources within the shore zone. Unregulated development in these areas could cause severe erosion and flooding problems, loss of property and other valuable resources, as well as potential loss of life.

Much of the land within the LWRP boundary that is designated as a floodplain or an erosion hazard area, or that contains steep slopes in excess of 15%, is in public ownership and is zoned as open space. The city's Open Space District regulates development in these critical environmental areas by limiting the types of uses and activities permitted. Lands zoned for open space within the LWRP boundary will remain in their natural state and will contribute to the enhancement and protection of other features in the waterfront area.

City Zoning Code regulations require a special permit for development located within a designated floodplain. This permit is reviewed and approved by the City Planning Commission following a public hearing. The special permit can only be approved if the applicant demonstrates, among other items, that the proposed development will be constructed above the base flood elevation at the particular location and that the development will not cause or increase flooding in the area or within the floodway in general. The standards and guidelines which all government agencies will use to evaluate development in flood hazard areas are included in Section 115.29 of the Rochester Zoning Code. These standards and guidelines deal with such items as anchoring of structures, appropriate construction materials, provision of utility service, etc.

In addition to the zoning regulations cited above, the city's site plan review procedures will be followed to help ensure that proposed development activities do not cause or contribute to erosion and/or flooding problems within the LWRP boundary. Setback, lot size, and construction considerations, as well as the need for erosion control measures on site, can be identified and evaluated during this review process.

Existing environmental review procedures and regulations will also be utilized to ensure that steep slopes and other areas prone to erosion as well as floodplain areas are protected within the LWRP boundary. Development proposed within 100 feet of the river and lake, within areas zoned as open space, in heavily wooded areas, within state-designated freshwater wetlands, and areas with

a slope of 15% or greater are Type I actions under the City's Environmental Quality Review Ordinance, because these locations have been designated as critical environmental areas. Actions in these areas will require a complete environmental impact review. As a part of this review, a project's potential impacts on erosion, drainage and flooding problems would be determined and addressed, and mitigating measures, if required, could be proposed in order to protect those areas from adverse development impacts.

POLICY 12 **ACTIVITIES OR DEVELOPMENT IN THE COASTAL AREA WILL BE UNDERTAKEN SO AS TO MINIMIZE DAMAGE TO NATURAL RESOURCES AND PROPERTY FROM FLOODING AND EROSION BY PROTECTING NATURAL PROTECTIVE FEATURES INCLUDING BEACHES, DUNES, BARRIER ISLANDS AND BLUFFS. PRIMARY DUNES WILL BE PROTECTED FROM ALL ENCROACHMENTS THAT COULD IMPAIR THEIR NATURAL PROTECTIVE CAPACITY.**

POLICY 12A **PROTECT, AS NATURAL PROTECTIVE FEATURES, THE BEACH AREAS IDENTIFIED ON THE NEW YORK STATE COASTAL EROSION HAZARD MAP AND LOCATED ALONG BEACH AVENUE AND WITHIN ONTARIO BEACH PARK AND A MAJOR PORTION OF DURAND-EASTMAN PARK.**

EXPLANATION OF POLICIES

The natural beach areas located along the shoreline of Lake Ontario and included within the LWRP boundary are considered to be critical environmental areas that need to be preserved and protected. These beach areas have been identified as natural protective features on the State Coastal Erosion Hazard Map. This policy will apply to these specific areas. Portions of the city's inland coastal areas, including residential development located along Beach Avenue and recreational facilities located in Ontario Beach Park and Durand-Eastman Park, are protected from flooding and serious erosion by this sensitive beach area. Excavation and certain other development activities conducted on these fragile natural features could lead to their weakening or destruction and, consequently, to a loss of their protection of other coastal areas.

The need to review and regulate development on or near the beach areas, and in nearshore areas and on underwater lands, to the extent they are within the city's municipal boundaries, is recognized, in order to minimize damage to property and other resources from lake flooding and erosion from high wave action.

The standards and guidelines in the city's environmental review procedures will be used to ensure that beach areas prone to erosion and flooding are protected within the LWRP boundary. Development actions proposed within 100 feet of Lake Ontario are Type I actions under the City's Environmental Quality Review Ordinance, since these areas have been designated as critical environmental areas. Such actions will require a complete environmental impact review. As a part of this review, a project's potential impacts on erosion, drainage and flooding problems would be determined and addressed, and mitigating measures, if required, could be proposed in order to protect those areas and surrounding development from adverse environmental impacts.

POLICY 13 **THE CONSTRUCTION OR RECONSTRUCTION OF EROSION PROTECTION STRUCTURES SHALL BE UNDERTAKEN ONLY IF THEY HAVE A REASONABLE PROBABILITY OF CONTROLLING EROSION FOR AT LEAST THIRTY YEARS AS DEMONSTRATED IN DESIGN AND CONSTRUCTION STANDARDS AND/OR ASSURED MAINTENANCE OR REPLACEMENT PROGRAMS.**

Policy 13A **PROMOTE THE MAINTENANCE OF THE EAST AND WEST PIERS LOCATED ON LAKE ONTARIO AT THE MOUTH OF THE GENESEE RIVER, AND THE CONSTRUCTION OF AN ADDITIONAL EROSION PROTECTION STRUCTURE WITHIN THE RIVER, AT THE OUTLET TO THE LAKE.**

EXPLANATION OF POLICIES

Government agencies recognize the importance of constructing and maintaining erosion protection structures within the LWRP boundary that are designed to eliminate or reduce erosion problems along the river and lake and are based on accepted design and engineering standards and practices. This policy shall apply to structures designed to reduce or prevent erosion such as a groin, jetty, seawall, revetment, breakwater, artificial beach nourishment project, pier extensions or other similar types of erosion protection or control structures. The possibility of permitting the development of such structures that fail to provide adequate protection due to improper design, construction and/or maintenance, or that are otherwise inadequate to do the job they were intended to do should be avoided. Such a situation would only cause erosion problems to continue or worsen.

The standards and guidelines in the city's environmental and site plan review procedures should be used to ensure that erosion protection structures constructed within the LWRP boundary will have a reasonable probability of controlling erosion for at least thirty years and will be properly designed and maintained. Construction of such structures will require site plan review and approval by the city as well as an environmental impact review because it will be located within 100 feet of the lake. Such activities are Type I actions under the City's Environmental Quality Review Ordinance, since the 100 foot "buffer" area has been identified as a critical environmental area. As a part of the environmental review, a project's potential impacts on erosion would be determined and addressed, and the ability of the structure to control erosion for the thirty year period, based on design and maintenance standards, could be evaluated.

As a part of the review of the development of erosion control structures, all government agencies, including the city, will ensure that:

(a) Long-term maintenance programs developed for the structure will include specifications for normal maintenance of degradable materials and the periodic replacement of removable materials;
(b) All material used in the structure will be durable and capable of withstanding inundation, wave impacts, weathering and other effects of storm conditions; and

(c) The construction, modification or restoration of the structure will not have adverse impacts on natural protective features or other natural resources.

The maintenance of the east and west piers located on the lake and river is promoted and encouraged. The west pier provides some erosion protection from high wind and wave action for beach areas to the west and has probably contributed to the deposition of additional material and the creation of a larger beach area for Ontario Beach Park. In addition, the USACE should investigate a significant surge problem near the outlet of the Genesee River and evaluate the need for and design of an erosion control structure to be built within the river to eliminate this problem (see LWRP Section VI, Part 3).

The construction of groins in the area of Durand-Eastman Park to control erosion of the beach in that area is also a possibility. As noted in earlier LWRP policies, waterfront recreational facilities located within Durand-Eastman Park are proposed for significant redevelopment and/or rehabilitation. The development of such erosion protection features will be evaluated in terms of their overall costs and benefits as well as environmental impacts.

POLICY 14 **ACTIVITIES AND DEVELOPMENT, INCLUDING THE CONSTRUCTION OR RECONSTRUCTION OF EROSION PROTECTION STRUCTURES, SHALL BE UNDERTAKEN SO THAT THERE WILL BE NO MEASURABLE INCREASE IN EROSION OR FLOODING AT THE SITE OF SUCH ACTIVITIES OR DEVELOPMENT, OR AT OTHER LOCATIONS.**

EXPLANATION OF POLICY

Erosion and flooding are processes which occur naturally along almost all areas of the shoreline. However, there are many types of development activity that can increase the amount or severity of coastal flooding and/or erosion. These activities include:

(1) the construction of such things as groins and impermeable docks which block off-shore currents and sediment transport to adjacent shorelands, thus increasing their rate of recession;

(2) improper shoreline development;

(3) improper construction and/or maintenance of erosion protection structures; and

(4) the failure to maintain good drainage or to restore land after construction which would increase run-off and contribute to the erosion and weakening of nearby shorelands.

Such activities must be properly reviewed and regulated so that they do not contribute to erosion or flooding problems within the site or at other locations.

The standards and guidelines in the city's environmental and site plan review procedures will be used to ensure that development proposed within the LWRP boundary, including the construction of erosion protection structures, will not cause or contribute to erosion or flooding problems. Development actions proposed within 100 feet of the lake are Type I actions under the City's Environmental Quality Review Ordinance, since these areas have been designated as critical environmental areas. Actions in these areas will require a complete environmental impact review. As a part of this review and the site plan review process, a project's potential impacts on erosion, drainage and flooding problems would be identified and addressed, and necessary mitigating measures could be implemented in order to protect those areas and surrounding development from adverse environmental impacts.

POLICY 15 **MINING, EXCAVATION OR DREDGING IN COASTAL WATERS SHALL NOT SIGNIFICANTLY INTERFERE WITH THE NATURAL COASTAL PROCESSES WHICH SUPPLY BEACH MATERIALS TO LAND ADJACENT TO SUCH WATERS AND SHALL BE UNDERTAKEN IN A MANNER WHICH WILL NOT CAUSE AN INCREASE IN EROSION OF SUCH LAND.**

EXPLANATION OF POLICY

Coastal processes, including the movement of beach materials by water, and any mining, excavation or dredging in nearshore or offshore waters which changes the supply and net flow of such materials, can deprive shorelands of their natural regenerative powers. Such mining, excavation and dredging should be accomplished in a manner so as not to cause a reduction of supply, and thus an increase of erosion, to such shorelands.

The NYSDEC regulates dredging, mining and excavation activities in shoreline and wetland areas. These regulations are comprehensive in design and intent and address actions according to their potential to interfere with the natural coastal processes which supply beach materials, as well as the potential for increasing erosion.

POLICY 16 **PUBLIC FUNDS SHALL ONLY BE USED FOR EROSION PROTECTIVE STRUCTURES WHERE NECESSARY TO PROTECT HUMAN LIFE, AND NEW DEVELOPMENT WHICH REQUIRES A LOCATION WITHIN OR ADJACENT TO AN EROSION HAZARD AREA TO BE ABLE TO FUNCTION, OR EXISTING DEVELOPMENT; AND ONLY WHERE THE PUBLIC BENEFITS OUTWEIGH THE LONG TERM MONETARY AND OTHER COSTS INCLUDING THE POTENTIAL FOR INCREASING EROSION AND ADVERSE EFFECTS ON NATURAL PROTECTIVE FEATURES.**

EXPLANATION OF POLICY

Public funds are used for a variety of purposes along the city's shorelines. This policy recognizes the need for the protection of human life and the need for investment in existing or new development which requires a location near the coastal area or in adjacent waters in order to function. However, it also recognizes the adverse impacts of such activities and development on the rates

of erosion and on natural protective features and requires that careful analysis be made of such benefits and long term costs prior to expending public funds.

Public funds should not be invested in the construction, rehabilitation, modification or maintenance of erosion protection structures for new or proposed development which is strictly "private" in nature. The need for and the construction of an erosion protection structure designed to eliminate river surge problems within the Genesee River will continue to be investigated. The construction of such a structure would reduce erosion problems and protect and enhance existing and proposed marinas, boat launching ramps, and other commercial and recreational facilities which could be public or private, located along the river, near the outlet to Lake Ontario.

POLICY 17 **WHENEVER POSSIBLE, USE NONSTRUCTURAL MEASURES TO MINIMIZE DAMAGE TO NATURAL RESOURCES AND PROPERTY FROM FLOODING AND EROSION. SUCH MEASURES SHALL INCLUDE:**

(1) THE SET BACK OF BUILDINGS AND STRUCTURES;

(2) THE PLANTING OF VEGETATION AND THE INSTALLATION OF SAND FENCING AND DRAINING;

(3) THE RESHAPING OF BLUFFS; AND

(4) THE FLOOD-PROOFING OF BUILDINGS OR THEIR ELEVATION ABOVE THE BASE FLOOD LEVEL.

POLICY 17A **DISCOURAGE DEVELOPMENT ALONG THE TOP OF THE RIVERBANK, ON THE STEEP SLOPES WITHIN THE GORGE ADJACENT TO THE GENESEE RIVER, WITHIN DESIGNATED COASTAL EROSION HAZARD AREAS, OR IN ANY OTHER AREAS EXPERIENCING OR SUSCEPTIBLE TO EROSION.**

EXPLANATION OF POLICIES

This LWRP policy promotes the use of non-structural techniques and/or management measures to prevent damage to natural resources and property from flooding and erosion. The policy suggests that such measures as structure siting, floodproofing and elevation of buildings, the reshaping and vegetation of slopes, the provision of drainage systems to reduce run-off that may weaken slopes, and the retention of existing vegetation should be incorporated into the early planning and review of any project. Such measures over other "structural" and more complicated techniques are to be encouraged, and the existing site plan and environmental review processes are the best means of doing this.

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

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

(1) Within identified coastal erosion hazard areas:

(a) use of minimum setbacks;

(b) strengthening of coastal landforms by such means as:

(1) planting appropriate vegetation on dunes and bluffs;

(2) reshaping bluffs to achieve an appropriate angle of repose so as to reduce the potential for slumping and to permit the planting of stabilizing vegetation; and

(3) installing drainage systems on bluffs to reduce runoff and internal seepage of waters which erode or weaken the landforms.

(2) Within identified flood hazard areas:

(a) avoidance of risk or damage from flooding by the siting of buildings outside the hazard area; and

(b) flood-proofing of buildings or their elevation above the base flood level.

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

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

Much of the area within the LWRP boundary, that has been identified as being within the Genesee River or Lake Ontario floodplain or that contains steep slopes in excess of 15% and thus subject to serious erosion problems, is in public ownership and is zoned for open space use. Development activities in these critical environmental areas are regulated by limiting the types of uses and activities permitted. The extensive use of this regulation within the LWRP boundary helps assure that damage to natural resources and property resulting from flooding and erosion will be minimized.

The standards and guidelines found in the city's environmental, special permit, and site plan review procedures will be applied in evaluating and promoting non-structural erosion and flood protection measures for development proposed within the LWRP boundary. Development proposed within areas zoned as open space

or within 100 feet of the lake or river are Type I actions under the City's Environmental Quality Review Ordinance. Such actions will require a complete environmental impact review in which the need for and use of non-structural means of erosion and flood protection proposed for the project will be evaluated. The special permit review process used to review and approve applications for development within designated floodplain areas should also be used to ensure that structures are floodproofed, located above the base flood elevation, or setback an appropriate distance from the floodplain boundary. The site plan review process considers erosion, drainage, and flood control/protection measures and should also be used to promote planting of vegetation to control drainage and erosion problems.

POLICY 18 **TO SAFEGUARD THE VITAL ECONOMIC, SOCIAL AND ENVIRONMENTAL INTERESTS OF THE STATE AND OF ITS CITIZENS, PROPOSED MAJOR ACTIONS IN THE COASTAL AREA MUST GIVE FULL CONSIDERATION TO THOSE INTERESTS, AND TO THE SAFEGUARDS WHICH THE STATE HAS ESTABLISHED TO PROTECT VALUABLE COASTAL RESOURCE AREAS.**

EXPLANATION OF POLICY

Government agencies recognize that valuable coastal resource areas contained within the city's LWRP boundary should be developed and protected for all the citizens of the state. Proposed major actions undertaken within the LWRP boundary are appropriate only if they do not significantly impair or diminish valuable coastal features and resources and do not conflict with the vital economic, social and environmental interests of the state and its citizens. All government agencies recognize and will continue to ensure that proposed major actions undertaken by the city, county, state or federal government that would affect natural resources, water levels and flows, hydroelectric power generation, shoreline damage or recreational facilities, take into account the social, economic and environmental interests of the state and all its citizens.

POLICY 19 **PROTECT, MAINTAIN AND INCREASE THE LEVELS AND TYPES OF ACCESS TO PUBLIC WATER-RELATED RECREATION RESOURCES AND FACILITIES SO THAT THESE RESOURCES AND FACILITIES MAY BE FULLY UTILIZED BY ALL THE PUBLIC IN ACCORDANCE WITH REASONABLY ANTICIPATED PUBLIC RECREATION NEEDS AND THE PROTECTION OF HISTORIC AND NATURAL RESOURCES. IN PROVIDING SUCH ACCESS, PRIORITY SHALL BE GIVEN TO PUBLIC BEACHES, BOATING FACILITIES, FISHING AREAS AND WATERFRONT PARKS.**

POLICY 19A **MAINTAIN, FACILITATE OR IMPROVE PUBLIC ACCESS TO WATERFRONT RECREATIONAL RESOURCES AND FACILITIES THROUGH EXISTING PUBLIC PARKS ALONG THE GENESEE RIVER AND LAKE ONTARIO.**

POLICY 19B **PROMOTE AND ENCOURAGE DEVELOPMENT OF AN IMPROVED PUBLIC TRANSPORTATION SYSTEM TO AND THROUGH DURAND EASTMAN PARK.**

POLICY 19C **DEVELOP, IN CONJUNCTION WITH MONROE COUNTY, A PUBLIC BOAT LAUNCH FACILITY ALONG THE EAST BANK OF THE GENESEE RIVER, IMMEDIATELY TO THE SOUTH OF THE STUTSON STREET BRIDGE.**

POLICY 19D **PROMOTE AND ENCOURAGE INCREASED PUBLIC ACCESS FOR FISHING THROUGH THE CONTINUED MAINTENANCE OF THE EAST AND WEST PIERS ON LAKE ONTARIO, AT THE MOUTH OF THE GENESEE RIVER.**

EXPLANATION OF POLICIES

Government agencies recognize the need to increase public access to waterfront resources and facilities while considering the impacts of such access and ensuring the protection of sensitive environmental features, historic areas, and fragile fish and wildlife habitats. Priority will be given to improving physical access to existing coastal recreational sites as well as those under development and to improving the ability of residents to get to those areas via the public transportation system.

Improved public access to the shore zone and to recreational resources and facilities that are part of the six public parks located within the LWRP boundary will be promoted and, possibly, further developed.

The development of a public transportation system to Durand-Eastman Park, in cooperation with the Rochester/Genessee Regional Transportation Authority, will be investigated. Government agencies will encourage the establishment of a special bus route to and through the park, particularly during periods of peak park use.

The development of a public boat launch facility along the eastern bank of the river, just south of the Stutson Street Bridge, will be promoted and encouraged. The facility will be developed in conjunction with Monroe County and will help redevelop and revitalize a severely underutilized area of riverfront. The boat launch will provide increased public access to the river for boating, sailing and fishing.

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

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

(2) Proposed projects to increase public access to public water-related recreation resources and facilities shall be analyzed according to the following factors:

(a) The level of access to be provided should be in accordance with estimated public use. If not, the proposed level of access to be provided shall be deemed inconsistent with this policy.

(b) The level of access to be provided shall not cause a degree of use which would exceed the physical capacity of the resource or facility. If this were determined to be the case, then the proposed level of access shall be deemed inconsistent with this policy.

(3) The state will not undertake or fund any project which increases access to a water-related resource or facility that is not open to all members of the public.

POLICY 20 **ACCESS TO THE PUBLICLY OWNED FORESHORE AND TO LANDS IMMEDIATELY ADJACENT TO THE FORESHORE OR THE WATER'S EDGE THAT ARE PUBLICLY OWNED SHALL BE PROVIDED, AND IT SHOULD BE PROVIDED IN A MANNER COMPATIBLE WITH ADJOINING USES. SUCH LANDS SHALL BE RETAINED IN PUBLIC OWNERSHIP.**

POLICY 20A **PUBLIC ACCESS TO THE WATERFRONT SHALL BE PROVIDED AS PART OF DEVELOPMENT OF WATER-ORIENTED MIXED-USE FACILITIES AT THE PORT AUTHORITY SITE.**

POLICY 20B **INCREASE PUBLIC ACCESS TO THE WATERFRONT AND TO RECREATIONAL RESOURCES AND FACILITIES AT THE RIVER STREET SITE THROUGH IMPLEMENTATION OF WATER-ORIENTED, MIXED-USE DEVELOPMENT PROJECTS.**

POLICY 20C **DEVELOP A COMPREHENSIVE PEDESTRIAN TRAIL SYSTEM THAT WILL PROVIDE PUBLIC ACCESS TO THE RIVER, ALONG PROPERTY LOCATED ON THE EAST AND WEST BANKS OF THE RIVER, SOUTH OF THE STUTSON STREET BRIDGE, IN THE VICINITY OF TURNING POINT PARK.**

POLICY 20D **INCREASE ACCESS TO THE GENESEE RIVER GORGE AREA THROUGH THE DEVELOPMENT OF A SYSTEM OF FORMAL RIVER OVERLOOKS, HIKING AND BIKING TRAILS, AND PEDESTRIAN PATHS.**

POLICY 20E **NEGOTIATE THE DEVELOPMENT OF PUBLIC ACCESS TO THE RIVERFRONT THROUGH PRIVATE PROPERTY WHERE FEASIBLE.**

EXPLANATION OF POLICIES

Government agencies will provide access to publicly owned areas of the shore zone where the provision of such access is feasible and would require only minimal facilities and where it will not endanger sensitive environmental features, historic areas, and fish and wildlife habitats or be incompatible with adjacent

land uses. Guidelines 1 through 3 under Policy 19 will be used in determining the consistency of a proposed government action or private development with this policy.

As part of the development of a mixed-use, water-oriented facility at the Port Authority and River Street sites, government agencies will ensure that public access to the waterfront is maintained and enhanced. Agencies will ensure that the provision of this access will be compatible with adjacent land and water uses proposed for the sites. This access will take the form of a major riverfront promenade or pedestrian trail, marinas, boat docks, riverfront restaurants and a riverfront park that are coordinated with other development proposed for the area. Continued maintenance of the east and west piers and facilities within Ontario Beach Park is also included in the plans.

Public access to and through the river gorge is, in most places, dangerous, not well defined and of limited use. Existing trails are difficult to follow and not always walkable. With the exception of the existing county boat launch at the Port Authority site, and the existing canoe launch in Turning Point Park, very little formal, guaranteed public access is available.

Projects which increase public access to the gorge should be encouraged where feasible. A pedestrian trail system could be developed within the gorge, that would link major waterfront resources and facilities. While much of the land within the river gorge is publicly owned, most of the areas that offer the best access to the river shoreline are in private ownership. Government agencies will, therefore, continue to investigate and promote the establishment of public access to recreational facilities through private development, where feasible. The development of this access would be completed in a manner which ensures preservation of sensitive environmental features and wildlife habitats and does not exceed the carrying capacity of the area.

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

POLICY 21 **WATER DEPENDENT AND WATER ENHANCED RECREATION SHALL BE ENCOURAGED AND FACILITATED AND SHALL BE GIVEN PRIORITY OVER NON-WATER-RELATED USES ALONG THE COAST, PROVIDED IT IS CONSISTENT WITH THE PRESERVATION AND ENHANCEMENT OF OTHER COASTAL RESOURCES AND TAKES INTO ACCOUNT DEMAND FOR SUCH FACILITIES. IN FACILITATING SUCH ACTIVITIES, PRIORITY SHALL BE GIVEN TO AREAS WHERE ACCESS TO THE RECREATION OPPORTUNITIES OF THE COAST CAN BE PROVIDED BY NEW OR EXISTING PUBLIC TRANSPORTATION SERVICES AND TO THOSE AREAS WHERE THE USE OF THE SHORE IS SEVERELY RESTRICTED BY EXISTING DEVELOPMENT.**

POLICY 21A **FACILITATE DEVELOPMENT OF MARINAS, BOAT DOCKS AND LAUNCHING RAMPS, FISHING ACCESS AND OTHER WATER-DEPENDENT AND WATER-ENHANCED RECREATIONAL USES IN RIVER-HARBOR ZONING DISTRICTS, PARTICULARLY AT THE PORT AUTHORITY SITE AND THE RIVER STREET SITE.**

POLICY 21B **DEVELOP NEW AND EXPANDED WATER-DEPENDENT OR WATER-ENHANCED RECREATIONAL USES AT TURNING POINT PARK.**

POLICY 21C **PROMOTE AND ENCOURAGE THE DEVELOPMENT, RECONSTRUCTION OR REHABILITATION OF WATER-DEPENDENT AND WATER-ENHANCED RECREATIONAL USES AT ONTARIO BEACH PARK, DURAND-EASTMAN PARK, SENECA PARK, AND MAPLEWOOD PARK.**

EXPLANATION OF POLICIES

The development of water-dependent and water-enhanced recreational uses in appropriate locations along the lake and river is the main focus of the city's LWRP. Because of the limited availability of coastal lands and resources in the region, government agencies recognize the need to give priority to development of recreational uses within the shore zone which are water-dependent, are enhanced by a coastal location and which increase public access to the waterfront.

Water-related recreation includes such things as boating and fishing facilities, pedestrian and bicycle trails, picnic areas, scenic overlooks and passive recreational areas that take advantage of coastal scenery. These water-dependent uses should be promoted and encouraged within both public and private development projects. In each case, government agencies will ensure that such development only occurs where water-related recreational uses are consistent with the preservation and enhancement of important coastal resources and within the carrying capacity of the resource to accommodate the particular activity or use. Boating facilities should, where appropriate, include parking, park-like surroundings, and restroom and pump-out facilities.

Redevelopment plans for the port site and River Street area, which encourage development of water-dependent and water-related recreational facilities, have been prepared and will be promoted. Priority to such uses will be given within the context of any development plan which is finally implemented for these areas.

Government agencies recognize the unique opportunities that exist within the six public parks located along the lake and the river to promote and provide water-oriented recreational uses as well as public access to the shore zone. Development of water-oriented recreational facilities that are part of these parks will be promoted, encouraged and supported. Public access to the waterfront will be improved, and appropriate water-oriented recreational uses will be located in the waterfront areas in each park. These uses could include pedestrian trails, fishing access, boat docking facilities, boat launching ramps and cartop boat launch facilities, and swimming.

Opportunities for "linkage" of areas along the lake and river through development of linear pedestrian trails will be investigated. Such opportunities exist along the east and west banks of the river gorge, near Turning Point Park. The siting or design of new public or private development which would result in a barrier to the recreational use of the shore zone or which would damage sensitive environmental areas or conflict with anticipated public demand for such development will be discouraged. Public transportation service to water-oriented recreational facilities will be a major priority.

Information regarding estimated demand for water-dependent and water-enhanced recreational uses such as boat slips, launching facilities, etc. is provided in Section II, Inventory and Analysis. This information can provide the basis for determining the need for and potential locations of water-related recreational facilities. Higher priority should be given to locating and developing water-dependent recreational development over those which are only enhanced by or do not require a coastal location.

POLICY 22 **DEVELOPMENT, WHEN LOCATED ADJACENT TO THE SHORE, SHALL PROVIDE FOR WATER-RELATED RECREATION, AS A MULTIPLE USE, WHENEVER SUCH RECREATIONAL USE IS APPROPRIATE IN LIGHT OF REASONABLY ANTICIPATED DEMAND FOR SUCH ACTIVITIES AND THE PRIMARY PURPOSE OF THE DEVELOPMENT.**

POLICY 22A **FACILITATE DEVELOPMENT OF A MIX OF WATER-RELATED RECREATIONAL USES AT THE PORT AUTHORITY SITE AND RIVER STREET SITE.**

POLICY 22B **NEGOTIATE, WHERE FEASIBLE, WITH VARIOUS INDUSTRIAL FACILITIES TO DEVELOP OR IMPROVE PUBLIC ACCESS TO THE WATERFRONT AND TO PROVIDE CERTAIN TYPES OF PASSIVE RECREATIONAL USES WITHIN THE SHORE ZONE.**

EXPLANATION OF POLICIES

There are several areas within the city's LWRP boundary that could accommodate water-related recreational uses, in conjunction with mixed-use or multiple-use facilities. Most of these areas are underutilized sites that should be encouraged to develop as mixed-use facilities which include water-oriented recreation. Government agencies recognize the following types of development which can generally provide water-related recreation as a multiple-use:

(a) Parks
(b) Highways
(c) Power plants
(d) Sewage treatment facilities
(e) Mental health facilities
(f) Hospitals
(g) Schools and universities
(h) Nature preserves
(i) Large residential subdivisions containing 50 units or more
(j) Shopping centers

(k) Office buildings

Whenever development proposals involve shore zone areas or areas adjacent to the shore, government agencies will evaluate whether or not they should be considered for or required to incorporate recreational uses within them. Whenever a proposed development is consistent with other LWRP policies and would, through the provision of water-oriented recreation and other multiple-uses, significantly increase public use and enjoyment of the shore zone, government agencies will encourage such development to locate adjacent to the shore. In general, some form of recreational use should be accommodated, unless there are compelling reasons why such recreation would not be compatible with the development, or a reasonable demand for public use cannot be foreseen.

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

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

There are several opportunities for development of water-related recreational uses and improvement of public access to the shore zone that are located within existing industrial facilities. An example of such an opportunity would be the improvement of public vehicular and pedestrian access, down Seth Green Drive, to the RG&E Station 5 Power Plant on the west bank of the river, just north of the Driving Park Bridge. Improvement of public access in this location would greatly enhance the area's use by fishermen. Development of a fish-cleaning station could also be considered.

There are several other areas within the LWRP boundary that provide significant vistas of the river gorge. These areas are also within privately-owned industrial facilities. Negotiating public access and development of such facilities as overlooks and rest areas within these areas is considered to be a major priority with the city.

POLICY 23 **PROTECT, ENHANCE AND RESTORE STRUCTURES, DISTRICTS, AREAS OR SITES THAT ARE OF SIGNIFICANCE IN THE HISTORY, ARCHITECTURE, ARCHEOLOGY OR CULTURE OF THE STATE, ITS COMMUNITIES OR THE NATION.**

POLICY 23A **IDENTIFY, PROTECT AND RESTORE SIGNIFICANT HISTORIC STRUCTURES LOCATED WITHIN THE LWRP BOUNDARY, TO INCLUDE THE GENESEE LIGHTHOUSE AND OTHER BUILDINGS WHICH MAY BE OF NATIONAL OR LOCAL SIGNIFICANCE.**

POLICY 23B **REDEVELOP THE PORT AUTHORITY SITE AND THE RIVER STREET SITE IN A MANNER WHICH IS COMPATIBLE WITH AND COMPLEMENTS THE ARCHITECTURAL CHARACTER AND INTEGRITY OF EXISTING STRUCTURES IN THE AREA.**

POLICY 23C **IDENTIFY AND PROTECT ARCHAEOLOGICALLY AND HISTORICALLY SIGNIFICANT SITES LOCATED WITHIN THE LWRP BOUNDARY, THROUGH THE DEVELOPMENT OF VARIOUS MASTER PLANS AND DESIGNS FOR THE SIX PUBLIC PARKS LOCATED ALONG THE LAKE AND RIVER.**

EXPLANATION OF POLICIES

Government agencies recognize the need for and place a high priority on the identification and preservation of structures, sites and districts within the LWRP boundary that are significant in terms of the history, architecture, archaeology or culture of the state or the nation. Extensive historic surveys have been conducted of the LWRP study area by the Landmark Society of Western New York and the Rochester Museum and Science Center. The surveys have identified and located structures which are listed on the National Register of Historic Places, which are potential nominations to the national register, or which may have local historic significance and should be classified as local landmarks. After completion of these surveys, the city will prepare a list of LWRP structures to be nominated to the National Historic Register, will identify structures to be designated as local landmarks, will evaluate the possibility of extending or creating new preservation districts, and will identify sites that should be preserved as a part of redevelopment plans for public parks.

Structures, facilities, sites or other areas within the LWRP boundary that have already been identified as being locally or nationally significant in terms of their architecture or history include:

(a) The Genesee Lighthouse (National Register Listing)
(b) The Ontario Beach Park Carousel
(c) St. Bernard's Seminary
(d) Eastman Kodak Hawkeye Plant
(e) RG&E Station 5 Power Plant and Middle Falls Dam
(f) Railway Station on River Street
(g) Carthage Landing
(h) Kelsey's Landing and Glenn House
(i) Seneca Park
(j) Rochester School For The Deaf
(k) An area on the east and west river banks, between the Middle and Lower Falls, that contains archaeologically significant sites and remains of historic mill races.

Redevelopment plans proposed for the Port Authority site and the River Street site will consider architecturally and historically significant structures and facilities in the area and will be designed to protect and enhance these resources. A major element of the River Street concept plan is the enhancement of the area's existing "neighborhood" and "nautical" character and ambience. New development will be compatible with existing architecturally and historically significant buildings in terms of appearance, design and construction.

Government agencies also consider the preservation of several archaeologically significant sites located within public parks and other areas along the river gorge to be a major priority. These sites include Carthage Landing, located on

the east bank of the Genesee River, just south of the Veteran's Memorial Bridge, Kelsey's Landing, located on the west bank of the river, below Maplewood Park, and an area near the proposed Lower Falls Park, just south of the Driving Park Bridge. These areas contain historic remains of buildings and other facilities that date back to the early 1800's. The identification, classification and protection of these areas through park redevelopment plans will be promoted and encouraged.

Developers in areas which have been identified within the river gorge as significant archeological sites shall contact the New York State Office of Parks, Recreation and Historic Preservation to determine appropriate protective construction measures. All practicable means to protect structures, districts, areas or sites that are of significance in the history, architecture, archeology or culture of the state or nation shall include any techniques, measures, or controls required to prevent a significant adverse change to such structures, districts, areas or sites.

This policy should 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 the public health, safety or welfare.

POLICY 24 **PREVENT IMPAIRMENT OF SCENIC RESOURCES OF STATEWIDE SIGNIFICANCE, AS IDENTIFIED ON THE COASTAL AREA MAP. IMPAIRMENT SHALL INCLUDE:**

(1) THE IRREVERSIBLE MODIFICATION OF GEOLOGICAL FORMS, THE DESTRUCTION OR REMOVAL OF VEGETATION, THE DESTRUCTION OR REMOVAL OF STRUCTURES, WHEREVER THE GEOLOGIC FORMS, VEGETATION OR STRUCTURES ARE SIGNIFICANT TO THE SCENIC QUALITY OF AN IDENTIFIED RESOURCE; AND

(2) THE ADDITION OF STRUCTURES WHICH BECAUSE OF SITING OR SCALE WILL REDUCE IDENTIFIED VIEWS OR WHICH BECAUSE OF SCALE, FORM, OR MATERIALS WILL DIMINISH THE SCENIC QUALITY OF AN IDENTIFIED RESOURCE.

EXPLANATION OF WHY POLICY IS NOT APPLICABLE

This policy is not applicable to the City's LWRP because there are no scenic resources of state-wide significance within Rochester's LWRP boundary.

POLICY 25 **PROTECT, RESTORE AND ENHANCE NATURAL AND MAN-MADE RESOURCES WHICH ARE NOT IDENTIFIED AS BEING OF STATE-WIDE SIGNIFICANCE, BUT WHICH CONTRIBUTE TO THE SCENIC QUALITY OF THE COASTAL AREA.**

POLICY 25A — **PROTECT AND ENHANCE THE AESTHETIC QUALITY OF THE GENESEE RIVER GORGE, AS A NATURAL RESOURCE OF LOCAL SIGNIFICANCE, THROUGH GENERAL CLEAN-UP OF THE RIVER BANKS AND REMOVAL OF DEBRIS.**

POLICY 25B — **PROTECT AND ENHANCE THE LOWER AND MIDDLE FALLS AREA AS WELL AS VISTAS OF THE FALLS FROM ADJACENT LANDS.**

POLICY 25C — **ENHANCE SCENIC VIEWS AND VISTAS WITHIN THE GENESEE RIVER GORGE AND ALONG LAKE ONTARIO, THROUGH THE DEVELOPMENT OF SCENIC OVERLOOKS, VIEWING AREAS, AND PEDESTRIAN TRAILS, AND THROUGH THE PRESERVATION OF THE NATURAL AESTHETIC QUALITIES OF THESE AREAS.**

EXPLANATION OF POLICIES

Government agencies recognize the importance of restoring and preserving natural and man-made resources within the LWRP boundary that contribute to the scenic quality of the river and lake. Activities which could degrade scenic qualities of these areas include modification of natural features and the removal of vegetation.

The standards and guidelines associated with the city's site plan review, Overlay Harbor Town Design District and environmental review procedures will be used to ensure that proposed private development does not interfere with, but rather enhances, existing natural or man-made resources that contribute to the scenic quality of the lake and river.

Much of the area within the river gorge contains steep slopes in excess of 15%, is in public ownership and is zoned for open space uses. The city's Open Space Zoning District limits and regulates development activities in this critical environmental area. Lands zoned for open space within the LWRP boundary will remain in their natural state and will contribute to enhancement and preservation of the scenic qualities of the gorge.

Maintenance plans and measures to clean-up the riverfront area and steep slopes within the gorge, in order to enhance their visual qualities, will be promoted and encouraged. The development of trails, overlooks and viewing areas, in and around the public parks located on the river, will be promoted and encouraged in order to provide increased viewing opportunities of the gorge area for park visitors.

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

(1) Siting structures and other development such as highways, power lines and signs back from shorelines or in other inconspicuous locations to

maintain the attractive quality of the shoreline and to retain views to and from the shore;

(2) Clustering or orienting structures to retain views, save open space and provide visual organization within a development;

(3) Incorporating sound, existing structures (especially historic buildings) into the overall development scheme;

(4) Removing deteriorated or degraded elements;

(5) Maintaining or restoring the original land form, except when changes screen unattractive elements or add appropriate interest;

(6) Maintaining or adding vegetation to provide interest, encourage the presence of wildlife, blend structures into the site, and obscure unattractive elements, except when selective clearing removes unsightly, diseased or hazardous vegetation and when selective clearing creates views of coastal areas;

(7) Using appropriate materials, in addition to vegetation, to screen unattractive elements; and

(8) Using appropriate scales, forms and materials to ensure that buildings and other structures are compatible with and add interest to the landscape.

POLICY 26 **TO CONSERVE AND PROTECT AGRICULTURAL LANDS IN THE STATE'S COASTAL AREA, AN ACTION SHALL NOT RESULT IN A LOSS, NOR IMPAIR THE PRODUCTIVITY OF IMPORTANT AGRICULTURAL LANDS, AS IDENTIFIED ON THE COASTAL AREA MAP, IF THAT LOSS OR IMPAIRMENT WOULD ADVERSELY AFFECT THE VIABILITY OF AGRICULTURE IN AN AGRICULTURAL DISTRICT OR IF THERE IS NO AGRICULTURAL DISTRICT, IN THE AREA SURROUNDING SUCH LANDS.**

EXPLANATION OF WHY POLICY IS NOT APPLICABLE

This policy is not applicable to the city's LWRP because there are no agriculturally zoned lands within Rochester's LWRP boundary.

POLICY 27 **DECISIONS ON THE SITING AND CONSTRUCTION OF MAJOR ENERGY FACILITIES IN THE COASTAL AREA WILL BE BASED ON PUBLIC ENERGY NEEDS, COMPATIBILITY OF SUCH FACILITIES WITH THE ENVIRONMENT, AND THE FACILITY'S NEED FOR A SHOREFRONT LOCATION.**

POLICY 27A **EVALUATE EXISTING ENERGY FACILITY SITES FOR OTHER USES, IF AND WHEN SUCH SITES ARE ABANDONED, IN CONSIDERATION OF PUBLIC ENERGY NEEDS, THE SITE'S COMPATIBILITY WITH ADJACENT USES, AND THE NEED FOR A SHOREFRONT LOCATION.**

EXPLANATION OF POLICIES

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

A determination of public need for energy is the first step in the process for siting new facilities. The directives for determining this need are set forth in the New York State Energy Law. With respect to transmission lines, Article VII of the State's Public Service Law requires additional forecasts and establishes the basis for determining the compatibility of these facilities with the environment and the necessity for a shorefront location. With respect to electric generating facilities, environmental impacts associated with siting and construction will be considered by one or more State agencies or, if in existence, an energy siting board. The policies derived from these proceedings are entirely consistent with the general coastal policies derived from other laws, particularly the regulations promulgated pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. The Act is used for the purposes of ensuring consistency with the State Coastal Management Program and this Local Waterfront Revitalization Program.

In consultation with the city, the NYSDOS will comment on State Energy Office policies and planning reports as may exist; present testimony for the record during relevant proceedings under State law; and use the SEQR law and NYSDOS regulations to ensure that decisions on other proposed energy facilities (other than those certified under the Public Service Law) which would impact the waterfront area are made consistent with the policies and purposes of this LWRP.

The only major energy facility site that currently exists within the LWRP boundary is the RG&E Station 5 Power Plant and the adjacent Middle Falls Dam. Although it is anticipated that this facility and use will continue at its present location for the foreseeable future, if RG&E ever does abandon the site, an evaluation of the best reuse for the site will be made which acknowledges the need for compatibility with the surrounding environment and the need for a shorefront location.

POLICY 28 **ICE MANAGEMENT PRACTICES SHALL NOT DAMAGE SIGNIFICANT FISH AND WILDLIFE AND THEIR HABITATS, INCREASE SHORELINE EROSION OR FLOODING, OR INTERFERE WITH THE PRODUCTION OF HYDROELECTRIC POWER.**

EXPLANATION OF WHY POLICY IS NOT APPLICABLE

This policy is not applicable to the city's LWRP because ice management practices are not currently undertaken within Rochester's LWRP boundary. Should such practices be undertaken in the future in order to maintain navigation, an assessment shall be made of their impacts upon fish and wildlife habitats, flood levels and damage, rates of shoreline erosion damage, and upon natural protective features. Following such an examination, adequate methods of avoidance or

mitigation of such potential effects must be utilized if the proposed action is to be implemented.

POLICY 29 **ENCOURAGE THE DEVELOPMENT OF ENERGY RESOURCES ON THE OUTER CONTINENTAL SHELF, IN LAKE ERIE AND IN OTHER WATER BODIES, AND ENSURE ENVIRONMENTAL SAFETY OF SUCH ACTIVITIES.**

EXPLANATION OF WHY POLICY IS NOT APPLICABLE

This policy is not applicable to the city's LWRP. Activities existing or contemplated within the city's LWRP boundary or within the metropolitan region will have no known impact on any energy resources which have been or may be identified on the lake or river.

POLICY 30 **MUNICIPAL, INDUSTRIAL, AND COMMERCIAL DISCHARGE OF POLLUTANTS, INCLUDING BUT NOT LIMITED TO TOXIC AND HAZARDOUS SUBSTANCES, INTO COASTAL WATERS WILL CONFORM TO STATE AND NATIONAL WATER QUALITY STANDARDS.**

EXPLANATION OF POLICY

Municipal, industrial and commercial discharges include "end-of-pipe" discharges into surface and groundwater as well as plant site runoff, leaching, spillages, sludge and other waste disposal, and drainage from raw materials storage sites. Regulated industrial discharges include those that directly empty into receiving coastal waters and those which pass through municipal treatment systems before reaching the State's waterways.

The Monroe County Health Department currently monitors the water quality of discharges of less than 1,000 gallons per day into the river and lake. The NYSDEC currently monitors discharges of more than 1,000 gallons per day into the river and lake. These monitoring activities will be supported and encouraged to ensure that discharges into the lake and river comply with State and federal water quality standards.

The entire shoreline of Lake Ontario as well as the Genesee River is considered to be a critical environmental area under the city's existing site plan and environmental review procedures. Because of this, the impacts on water quality of stormwater runoff and/or effluent discharge from development sites is evaluated and mitigating measures can be required if adverse environmental impacts such as serious degradation of water quality should occur.

POLICY 31 **STATE COASTAL AREA POLICIES AND PURPOSES OF APPROVED LOCAL WATERFRONT REVITALIZATION PROGRAMS WILL BE CONSIDERED WHILE REVIEWING COASTAL WATER CLASSIFICATIONS AND WHILE MODIFYING WATER QUALITY STANDARDS; HOWEVER, THOSE WATERS ALREADY OVERBURDENED WITH CONTAMINANTS WILL BE RECOGNIZED AS BEING A DEVELOPMENT CONSTRAINT.**

EXPLANATION OF POLICY

Pursuant to the Federal Clean Water Act of 1977 (PL 95-217), New York State has classified its coastal and other waters in accordance with the consideration of best usage in the interest of the public, and has adopted water quality standards for each class of waters. These classifications and standards are reviewable at least every three years for possible revision or amendment, and will be reviewed by the State in light of the adopted LWRP.

The Genesee River has been classified as having "B" water quality. No bodies of water within the city's LWRP boundary are currently classified as "limiting segments".

As noted in POLICY 30, the shorelines of the lake and river are considered to be critical environmental areas under the city's site plan and environmental review procedures. Because of this, the impacts on water quality of stormwater runoff and/or effluent discharge from development sites is evaluated and mitigating measures can be required if adverse environmental impacts such as the serious degradation of water quality should occur. Government agencies consider the achievement and maintenance of a water quality level in the Genesee River and Lake Ontario, which enables the widest possible recreational use while protecting important wildlife habitats, to be a major priority. The intent of the city's LWRP is to maintain the water quality of the lake and river by controlling stormwater runoff and effluent discharge from development sites as well as from vessels.

POLICY 32 **ENCOURAGE THE USE OF ALTERNATIVE OR INNOVATIVE SANITARY WASTE SYSTEMS IN SMALL COMMUNITIES WHERE THE COSTS OF CONVENTIONAL FACILITIES ARE UNREASONABLY HIGH GIVEN THE SIZE OF THE EXISTING TAX BASE OF THESE COMMUNITIES.**

EXPLANATION OF WHY POLICY IS NOT APPLICABLE

This policy is not applicable to the city's LWRP because innovative sanitary waste systems are not considered to be economically feasible or desirable, from an engineering standpoint, within the LWRP boundary. Proposed development will be required to be placed on existing public sanitary waste systems or be required to provide for extensions of existing systems in order to service the development site.

POLICY 33 **BEST MANAGEMENT PRACTICES WILL BE USED TO ENSURE THE CONTROL OF STORMWATER RUNOFF AND COMBINED SEWER OVERFLOWS DRAINING INTO COASTAL WATERS.**

EXPLANATION OF POLICY

The city and Monroe County are participating in a Combined Sewer Overflow Abatement Program (CSOAP) which will eliminate combined storm and sanitary sewers in many areas of the city. This project involves the construction of several large underground holding tunnels which will discharge sewage and storm water,

collected after major rainfalls, to the Frank E. VanLare Treatment Plant located in Durand-Eastman Park. Prior to the construction of these tunnels, large volumes of combined sewage and storm water that occurred after major rainfalls in the area flowed directly into the river and lake without being treated. This sewage contributed to pollution problems in the river and lake and the destruction of fish and other wildlife species. The completion of the underground holding tunnels will eliminate a major source of pollution discharge into the river and lake and will help preserve existing stocks of fish in the area. Government agencies will continue to investigate and promote improvements to other portions of the city storm and sanitary sewer systems in order to maintain and enhance the existing water quality in the river and lake. The improvements will be based on accepted best management practices (BMP's) for stormwater runoff and drainage control.

As noted in POLICY 30, the shorelines of the lake and river are considered to be critical environmental areas under the city's site plan and environmental review procedures. Because of this, the impacts on water quality of stormwater runoff and effluent discharge from development sites is evaluated and mitigating measures can be required if adverse environmental impacts such as the serious degradation of water quality should occur. Government agencies consider the achievement and maintenance of a water quality level in the Genesee River and Lake Ontario, which enables the widest possible recreational use while protecting important wildlife habitats, to be a major priority.

POLICY 34 **DISCHARGE OF WASTE MATERIALS FROM VESSELS INTO COASTAL WATERS WILL BE LIMITED SO AS TO PROTECT SIGNIFICANT FISH AND WILDLIFE HABITATS, RECREATIONAL AREAS AND WATER SUPPLY AREAS.**

EXPLANATION OF POLICY

Government agencies will promote and encourage the control or prohibition of discharges of waste materials from vessels into coastal waters, in order to protect significant fish and wildlife habitats, recreational resources and water supply areas. Counties in New York State may regulate such activity under Section 46 of New York State Navigation Law. The possibility of establishing no-discharge zones within the City's river and lake may be explored. In addition, all relevant building, sanitary and health codes that apply to the discharge of sewage, waste and other pollutants in local waters will be enforced.

The discharge of sewage, garbage, rubbish and other solid and liquid materials from watercraft and marinas into the State's waters is regulated. Priority will be given to the enforcement of this law in areas such as shellfish beds and other significant habitats, beaches and public water supply intakes, which need protection from contamination by vessel wastes. Also, specific effluent standards for marine toilets have been promulgated by the U.S. Department of Transportation. To that end, the provision of adequate pump-out facilities for existing and proposed marina facilities will be required in the City of Rochester.

POLICY 35 **DREDGING AND DREDGE SPOIL DISPOSAL IN COASTAL WATERS WILL BE UNDERTAKEN IN A MANNER THAT MEETS EXISTING STATE DREDGING PERMIT REQUIREMENTS, AND PROTECTS SIGNIFICANT FISH AND**

WILDLIFE HABITATS, SCENIC RESOURCES, NATURAL PROTECTIVE FEATURES, IMPORTANT AGRICULTURAL LANDS, AND WETLANDS.

EXPLANATION OF POLICY

Dredging is often essential for waterfront revitalization and development, maintenance of navigation channels at sufficient depths, pollutant removal as well as addressing other coastal management needs. Such dredging projects may, however, adversely affect water quality, fish and wildlife habitats, wetlands and other important coastal resources. Often these adverse effects can be minimized through careful design and timing of the dredging operation and proper siting of the dredge spoil disposal site.

The NYSDEC will issue dredging permits if it has been demonstrated that the anticipated adverse effects of such operations have been reduced to levels which satisfy State dredging permit standards set forth in regulations developed pursuant to the Environmental Conservation Law (Articles 15, 24, 25 and 34), and are consistent with policies pertaining to the protection of coastal resources.

POLICY 36 ACTIVITIES RELATED TO THE SHIPMENT AND STORAGE OF PETROLEUM AND OTHER HAZARDOUS MATERIALS WILL BE CONDUCTED IN A MANNER THAT WILL PREVENT OR AT LEAST MINIMIZE SPILLS INTO COASTAL WATERS; ALL PRACTICABLE EFFORTS WILL BE UNDERTAKEN TO EXPEDITE THE CLEANUP OF SUCH DISCHARGES; AND RESTITUTION FOR DAMAGES WILL BE REQUIRED WHEN THESE SPILLS OCCUR.

EXPLANATION OF POLICY

See policy 39 for definition of hazardous materials.

The following implement and address this policy:

(a) Oil Spill Prevention, Control and Compensation. Navigation Law (Article 12)

(b) Penalties and Liabilities for Spills of Bulk Liquids. Environmental Conservation Law (Article 71-1941)

(c) Transportation Law. (Article 2, Section 14-F)

These measures are adequate for the city because no activities related to the shipment or substantial storage of petroleum or other hazardous materials occur within the local waterfront revitalization boundary, or will occur within the boundary in the foreseeable future. All activities within the LWRP boundary which are subject to this policy shall also comply with state and federal regulations.

POLICY 37 **BEST MANAGEMENT PRACTICES WILL BE UTILIZED TO MINIMIZE THE NONPOINT DISCHARGE OF EXCESS NUTRIENTS, ORGANICS AND ERODED SOILS INTO COASTAL WATERS.**

EXPLANATION OF POLICY

Government agencies recognize the need to control the nonpoint discharge of excess nutrients, organics and eroded soils into local coastal waters. However, a major portion of the area contained within the LWRP boundary is serviced by storm and sanitary sewers which do not outfall to the river or lake without adequate sewage treatment. Remaining areas of natural forest and woodland do not contribute significantly to nonpoint discharge of excess nutrients, organics or eroded soils into the river and lake.

As noted in POLICY 30, the shorelines of the lake and river are considered to be critical environmental areas under the city's site plan and environmental review procedures. Because of this, the impacts on water quality of stormwater runoff, erosion, and/or effluent discharge from development sites is evaluated and mitigating measures can be required if adverse environmental impacts such as the serious degradation of water quality should result. Soil erosion control practices and surface drainage control techniques will be evaluated or may be required based on accepted best management practices (BMP's), and as a result of the site plan and environmental review processes. Standards to be used in this evaluation are contained in Section 108 of the Administrative Procedures for the Issuance of Site Preparation Permits (see LWRP APPENDIX), and are based on two documents: Guidelines for Erosion and Sediment Control in Urban Areas of New York State, and Best Management Practices for Stormwater Runoff Management.

Government agencies consider, as a major priority, the achievement and maintenance of a water quality level in the river and lake that enables the widest possible recreational use while protecting important wildlife habitats.

POLICY 38 **THE QUALITY AND QUANTITY OF SURFACE WATER AND GROUNDWATER SUPPLIES WILL BE CONSERVED AND PROTECTED, PARTICULARLY WHERE SUCH WATERS CONSTITUTE THE PRIMARY OR SOLE SOURCE OF WATER SUPPLY.**

EXPLANATION OF POLICY

The city consumes between 40 and 49 million gallons of water each day. The city's primary source of water is through the Upland Watershed which includes Hemlock and Canadice Lakes in Ontario, Livingston and Steuben Counties. The city also gets some of its water supply from Lake Ontario through the Monroe County Water Authority (MCWA). The majority of the area within the city's LWRP boundary receives its water from Lake Ontario and the MCWA.

The Upland Watershed encompasses approximately 66 square miles. Twenty-two percent of the watershed or 7,200 acres are directly controlled by the city, including the entire shoreline of both lakes. Water quality problems have occurred within the watershed in recent years. In order to help resolve controversy surrounding the use of the upland lakes as a water supply, an Upland

Watershed Advisory Committee was formed by the city in 1985. Six management objectives, developed by the committee, are used to ensure water quality in the Upland Watershed:

(1) Maintain city-owned property around the lakes as undeveloped;
(2) Enforce rules and regulations to protect the watershed from environmental hazards;
(3) Maintain recreational activities around the lakes that are compatible with conservation and water quality;
(4) Plan forest management to enhance forest quality and to control erosion;
(5) Manage water levels, wetlands, fish stocking and the use of local roads; and
(6) Support an investment sufficient to practice good husbandry.

In addition, a water filtration plant for the upland watershed will be constructed.

The city relies on the MCWA to monitor and maintain the quality of water received from Lake Ontario. Standards to achieve this policy goal will be enforced.

POLICY 39 **THE TRANSPORT, STORAGE, TREATMENT AND DISPOSAL OF SOLID WASTES, PARTICULARLY HAZARDOUS WASTES, WITHIN COASTAL AREAS WILL BE CONDUCTED IN SUCH A MANNER SO AS TO PROTECT GROUNDWATER AND SURFACE WATER SUPPLIES, SIGNIFICANT FISH AND WILDLIFE HABITATS, RECREATION AREAS, IMPORTANT AGRICULTURAL LAND AND SCENIC RESOURCES.**

EXPLANATION OF POLICY

Solid wastes include sludges from air or water pollution control facilities, demolition and construction debris, and industrial and commercial wastes. Solid waste management facilities include resource recovery facilities, sanitary landfills, and solid waste reduction facilities. These definitions are based on the New York State Solid Waste Management Act (Environmental Conservation Law, Article 27).

Hazardous wastes are unwanted by-products of manufacturing processes generally characterized as being flammable, corrosive, reactive, or toxic. More specifically, hazardous waste is defined in the New York State Environmental Conservation Law (Section 27-0901 (3)) as "waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics, may: (1) cause, or significantly contribute to an increase in mortality, or an increase in serious irreversible or incapacitating reversible illness; or (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed or otherwise managed." A list of hazardous wastes has been adopted by the NYSDEC (6 NYCRR Part 371).

There is currently no active transport, storage, treatment or disposal of hazardous wastes within the city's LWRP boundary. In addition, no activity is proposed or will occur within the waterfront revitalization area that will produce such hazardous or solid wastes, as defined in the Environmental

Conservation Law, Article 27. Government standards regarding disposal of such wastes, when required, will be met.

POLICY 40 **EFFLUENT DISCHARGE FROM MAJOR STEAM ELECTRIC GENERATING AND INDUSTRIAL FACILITIES INTO COASTAL WATERS WILL NOT BE UNDULY INJURIOUS TO FISH AND WILDLIFE AND SHALL CONFORM TO STATE WATER QUALITY STANDARDS.**

EXPLANATION OF POLICY

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

The RG&E Station 5 Power Plant located on the east bank of the river near the Driving Park Bridge, and the Eastman Kodak Company Industrial Waste Treatment Plant located on the west bank of the river, just north of the Veteran's Memorial Bridge, are the only facilities within the LWRP boundary that are the types of uses described in this policy. All activities within the city's waterfront which are subject to this policy shall comply with appropriate local, state and federal regulations to ensure that existing water quality standards are met and that appropriate disposal methods are used.

POLICY 41 **LAND USE OR DEVELOPMENT IN THE COASTAL AREA WILL NOT CAUSE NATIONAL OR STATE AIR QUALITY STANDARDS TO BE VIOLATED.**

EXPLANATION OF POLICY

The city's LWRP incorporates the air quality policies of and programs for the State prepared by the NYSDEC, pursuant to the Clean Air Act and State laws regulating air quality. The requirements of the Clean Air Act are the minimum air quality control standards applicable within the coastal area.

Existing and proposed land uses within the city's LWRP boundary will be restricted to residential, recreational and marine-related and/or supporting commercial facilities. None of these uses are likely to produce significant degradation of air quality in the area. The NYSDEC has jurisdiction over the monitoring of air quality to ensure that the provisions of the Federal Clean Air Act are being met. Monitoring activities will continue.

POLICY 42 **COASTAL MANAGEMENT POLICIES WILL BE CONSIDERED IF THE STATE RECLASSIFIES LAND AREAS PURSUANT TO THE "PREVENTION OF SIGNIFICANT DETERIORATION REGULATIONS" OF THE FEDERAL CLEAN AIR ACT.**

EXPLANATION OF POLICY

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

POLICY 43 **LAND USE OR DEVELOPMENT IN THE COASTAL AREA MUST NOT CAUSE THE GENERATION OF SIGNIFICANT AMOUNTS OF ACID RAIN PRECURSORS: NITRATES AND SULFATES.**

EXPLANATION OF POLICY

The New York State Coastal Management Program incorporates the State's policies on acid rain. Therefore, the Coastal Management Program will assist in the State's efforts to control acid rain. These efforts to control acid rain will enhance the continued viability of coastal fisheries, wildlife, agricultural, scenic and water resources.

POLICY 44 **PRESERVE AND PROTECT TIDAL AND FRESHWATER WET-LANDS AND PRESERVE THE BENEFITS DERIVED FROM THESE AREAS.**

EXPLANATION OF POLICY

Government agencies recognize the need to preserve and protect freshwater wetlands located within the LWRP boundary and consider this to be a major priority within the context of other LWRP policies. For the purposes of this policy, freshwater wetlands include marshes, swamps, bogs and flats that support aquatic and semi-aquatic vegetation, as well as other wetlands as defined in the New York State Freshwater Wetlands Act and the New York State Protection of Waters Act. Government agencies recognize that the benefits derived from the protection of such wetland areas include maintenance of fish and wildlife habitats, control of erosion and drainage, protection of groundwater supplies, and provision of recreational opportunities.

Over the past several years, many existing wetland areas within the LWRP boundary have been transferred to public ownership through historic donations, as well as through actual acquisition and purchase by the city. Additional purchases of wetland areas along the river are being investigated; these would, if completed, result in all such areas being in public ownership and controlled by the city or Monroe County, as well as the NYSDEC.

The standards and guidelines contained in the city's environmental review procedures and regulations will be used to ensure that wetlands as well as surrounding areas are preserved and protected within the LWRP boundary. Development actions proposed within 100 feet of the river and lake and within areas zoned as open space, which include all significant wetland areas along the

river and lake, are Type I actions under the city's Environmental Quality Review Ordinance, since these locations have been designated as critical environmental areas. Actions in these areas will require a complete environmental impact review. As a part of this review, a project's potential impacts on existing fish and wildlife habitat areas and other wetland features would be determined and addressed and mitigating measures, if required, could be proposed in order to protect these areas from adverse development impacts.

SECTION IV: PROPOSED LAND AND WATER USES AND PROPOSED PROJECTS

CITY OF ROCHESTER
LOCAL WATERFRONT REVITALIZATION PROGRAM

SECTION IV: PROPOSED LAND AND WATER USES AND PROPOSED PROJECTS

TABLE OF CONTENTS

SECTION NUMBER AND TITLE		PAGE
1.	INTRODUCTION	IV -5
2.	IDENTIFICATION OF LWRP SUBAREAS	IV -5
3.	DESCRIPTION OF LWRP SUBAREAS	IV -6
	A. Subarea A - Durand Eastman Park	IV -6
	B. Subarea B - Open space/critical environmental areas	IV -9
	C. Subarea C1 - Developed portion of the upland area	IV-12
	D. Subarea C2 - Buildable portion of the upland area	IV-12
	E. Subarea D - River harbor zone and lakefront area	IV-14
	F. Subarea E - Industrial areas	IV-16
4.	RECOMMENDED LAND USES FOR EACH SUBAREA	IV-18
	A. Introduction	IV-18
	B. Subarea A - Durand Eastman Park	IV-24
	C. Subarea B - Open space/critical environmental areas	IV-25
	D. Subarea C1 - Developed portion of the upland area	IV-26
	E. Subarea C2 - Buildable portion of the upland area	IV-27
	F. Subarea D - River harbor zone and lakefront area	IV-28
	G. Subarea E - Industrial areas	IV-31
5.	RECOMMENDED PROJECTS WITHIN THE LWRP	IV-32
	A. Introduction	IV-32
	B. Development of the Port Authority site	IV-33
	C. Summary of Ontario Beach Park/Port Authority site concept plan components	IV-37
	D. Development of the River Street site	IV-42
	E. Summary of River Harbor Area concept plan components	IV-45
	F. Development of Genesee River boat launch facility	IV-50
	G. Development of various improvements to the LWRP parks	IV-50
SUMMARY OF SECTION		IV-52

1. INTRODUCTION

The policies of the City of Rochester's Local Waterfront Revitalization Program (LWRP) were developed into a cohesive, physical plan for the city's waterfront area through the identification of appropriate land uses and projects for the various subareas within the LWRP boundary. These land uses and projects, in turn, reflect and implement the city's policy goals and statements for the waterfront area as outlined in SECTION III: POLICIES. The process of developing appropriate land uses and projects included the identification of general land use subareas, assessment of the city's land use needs, and consideration of the development potential and constraints of major waterfront sites within the LWRP boundary. In addition, the city evaluated the proposed land uses and projects against the applicable policy goals and statements, in order to ensure that the land use plan was consistent with those policy objectives. A citizen's advisory committee (CAC) was formed to aid city staff in the preparation of development objectives and specific recommendations of the land use plan.

2. IDENTIFICATION OF LWRP SUBAREAS

In order to determine the types of land uses and projects which represented the most appropriate use of the city's waterfront resources, the area within the LWRP boundary was divided into 6 subareas. These subareas include:

Subarea A - Durand-Eastman Park
Subarea B - Open Space / Critical Environmental Areas
Subarea C1 - Developed portion of the Upland Area
Subarea C2 - Buildable portion of the Upland Area
Subarea D - River Harbor Zone and Lakefront Area
Subarea E - Industrial Areas

Each subarea was further divided into subzones which are shown on **MAP IV-1 on page IV-7.**

Each subarea was analyzed according to its development potential and existing land use characteristics, based on the following general classifications:

* Areas of existing stable uses where significant changes in the patterns of development were unlikely to occur.

* Large areas of open space or environmentally sensitive land, or undeveloped or inappropriately developed land suitable for a variety of land uses, or suitable for land banking and/or protection.

* Areas of particular concern, which typically included specific sites where important natural or manmade resources were found, that offered unique development opportunities, and/or contained incompatible uses or blighting conditions that needed to be removed.

3. DESCRIPTION OF LWRP SUBAREAS

A. Subarea A - Durand-Eastman Park

LWRP Subarea A is the 965 acre Durand-Eastman Park, which is located on the shore of Lake Ontario, in the northeastern-most section of the city. The park is surrounded by the Town of Irondequoit on the west, south and east. The park is located west of Irondequoit Bay and east of the Genesee River. It can be entered from Lakeshore Boulevard, Kings Highway and St. Paul Boulevard. Durand-Eastman Park is leased to Monroe County which is responsible for its operation and maintenance. The park is zoned as an Open Space (OS) District.

Recreational facilities within Durand-Eastman Park include hiking, bridle and cross-country ski trails, picnic shelters, playground areas, a riding stable and an 18-hole golf course with clubhouse. The park also contains approximately 10,000 linear feet of lake frontage and an abandoned beach area.

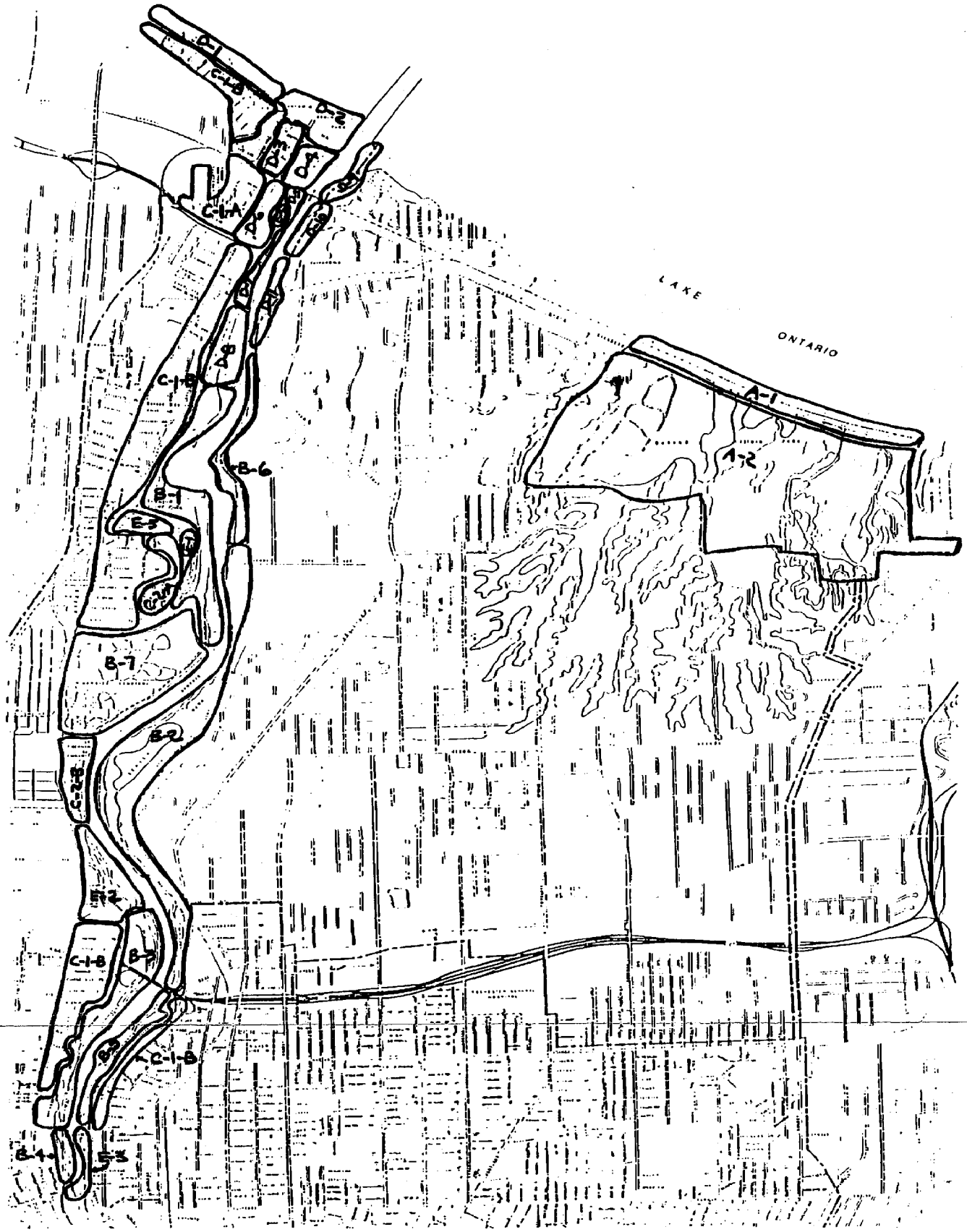
The park is characterized by various unique and sensitive environmental features including several ponds and wetland areas, steep wooded slopes and valleys, small lakes, as well as a portion of the Monroe County Arboretum. Spring flowering trees and spectacular fall foliage colors make this park an area of exceptional beauty with many scenic views and vistas. Unique topography and soils permit many species of plants to grow within the park that are not normally native to this area. Ponds within the park are heavily utilized by fishermen during the spring and summer months. The park is invaluable as a nature area and contains a significant deer population of between 200 and 300 animals, as well as several wetland areas that act as natural fish and wildlife habitats. The park also contains the Frank E. VanLare Treatment Plant which processes sanitary and storm sewage collected from a major portion of Monroe County via a series of underground tunnels.

Monroe County has prepared, in cooperation with the city, a master plan for the future development of Durand-Eastman Park. The master plan recommends that:

* The beach area of the park should be redeveloped and increased in size through the construction of a seawall and/or groins supplemented by a phased program of beach nourishment;

* A bathhouse should be constructed in the beach area along with various safety facilities including lifeguard tower stations and buoys, lines and markers;

* Additional parking should be provided along Lake Shore Boulevard along with suitable safe crossings between the beach area and the remainder of the park;



MAP IV-1
LOCAL WATERFRONT REVITALIZATION PROGRAM SUBAREAS

* A nature center and outdoor amplitheatre should be constructed within the park, along with sufficient accessory parking and support facilities;

* A system of hiking trails should be developed within the park that connect the proposed nature center, satellite nature study areas and wildlife study areas.

The City of Rochester considers Subarea A to be an area which requires special attention and protection because of the many unique and important natural resources and recreational opportunities found there. The presence of sensitive natural features such as steep wooded slopes, wetlands and wildlife habitat areas requires that Subarea A continue to remain in its present undeveloped state as public parkland and open space. Monroe County currently has approximately $5.1 million worth of capital improvements programmed for the park through 1996. The city agrees with the major recommendations contained in the Durand-Eastman Park Master Plan developed by Monroe County and will promote and encourage several specific park plan improvements through its LWRP.

Subarea A contains two geographic subzones that will be utilized later to delineate specific land use recommendations. These subzones include:

(A1) The Durand-Eastman Park shoreline;

(A2) The remainder of Durand-Eastman Park.

B. Subarea B - Open Space / Critical Environmental Areas

LWRP Subarea B includes open space and critical environmental areas within the LWRP boundary such as steep slopes, wetlands, floodplains, fish and wildlife habitats, and scenic views and vistas. Subarea B comprises the entire Genesee River gorge, from the Lower Falls on the south to the northern edge of the state-designated wetland area on the west bank of the river near Denise Road. Subarea B includes Turning Point Park, Riverside Cemetery, Seneca Park, Maplewood Park and Lower Falls Park. Virtually all lands contained within Subarea 2, including the public parks, are zoned as Open Space (OS) Districts.

Turning Point Park is located on the west bank of the Genesee River, just south of the Turning Basin. The park can be entered from Lake Avenue via Boxart Street. The southern boundary of the park borders Riverside Cemetery. Turning Point Park is designed as a natural area and contains passive recreational facilities such as hiking trails and picnic areas. The park provides access to the river's edge for fishing and canoeing and is noted for its spectacular views of the river gorge and the turning basin. Turning Point Park is owned, operated and maintained by the city.

The city has proposed various minor physical improvements to Turning Point Park. These improvements include the development of cartop boat access to the river and the enhancement of a pedestrian trail to the south and west, along an abandoned railroad bed. This trail could be potentially linked up with a larger trail system which would run along the length of the river, from the port area south to the Barge Canal.

Seneca Park contains 297 acres and is located on the east bank of the Genesee River, north and south of the Veteran's Memorial Bridge. The park can be entered from St. Paul Boulevard, just north of Route 104. Recreational facilities within Seneca Park include an outdoor swimming pool with bathhouse, a zoo, playgrounds and softball fields, two picnic shelters, as well as hiking, nature and jogging trails. In addition, the park contains steep wooded slopes along the river bank, wetlands, and spectacular scenic views of the Genesee River Gorge. The park was originally designed by Frederick Law Olmstead. The park is leased to Monroe County which is responsible for its operation and maintenance.

Monroe County, in cooperation with the city, is in the process of developing a master plan for Seneca Park. The city supports the maintenance, protection and enhancement of the original Olmstead plan and design for the park. The city supports the development of new pedestrian trails and overlooks within the park, a general upgrading and expansion of the park zoo, as well as an investigation of expanding the park to the north, along the Genesee River. Such an expansion could be used to protect sensitive wetland areas and steep, wooded slopes along the river bank, as well as to provide additional hiking trails for potential nature studies or similar activities.

Maplewood Park contains 14 acres and is located along the west side of the Genesee River, between the Driving Park Bridge and the Veteran's Memorial Bridge. The park can be entered from Hanford Landing, Driving Park Avenue as well as from various pedestrian trails. The park contains passive recreational areas that include informal picnicking and strolling areas. In addition, the park contains one of the largest rose gardens in the country. Several overlooks within the park provide spectacular views of the river gorge. Maplewood Park is owned by the city which maintains the middle and northern portions of the park. Monroe County maintains the southern end of the park.

Monroe County is also preparing, in cooperation with the city, a master plan for the development of Maplewood Park. The city would like to see additional pedestrian trails and paths developed within the park, along with improvements to and expansions of existing parking facilities. The city also supports the connection of the park to an existing pedestrian trail along Bridgeway Drive, and the development of safe, controlled fishing access to the river, in appropriate locations along the park's riverfront.

Lower Falls Park is currently undeveloped and is located along the west bank of the Genesee River near the Maplewood YMCA, just south of the Driving Park Bridge. The park can be accessed from Driving

Park Avenue via Hastings Street. The park contains 3 acres and provides spectacular views of the Lower Falls and the surrounding river gorge. The park is leased to Monroe County and is being evaluated as a part of the master plan effort that includes Maplewood and Seneca Parks.

The city supports development of Lower Falls Park as an archaeologic and/or interpretive site, focusing on the remains and ruins of former mill structures and other buildings in the area that date back to the early 1800's. Several building foundations can be seen in the park, while other remains are buried and would have to be unearthed and partially restored. The city also supports the construction of river overlooks within the park to enhance scenic views of the gorge and falls.

The remainder of Subarea B includes Riverside and Holy Sepulchre Cemeteries, which occupy a large open space area on the west bank of the river, just south of Turning Point Park and east of Lake Avenue, and the steep wooded slopes, wetlands and wildlife habitat areas within the river gorge.

The city considers Subarea B to be another significant area within the LWRP boundary that requires special attention and protection because of the many unique and important natural resources and recreational opportunities found there. The public parks and undeveloped open space within Subarea B are protected through the use of the restrictive Open Space (OS) zoning district which regulates or prohibits land uses and development activity. In additon, all parkland within this Subarea is publicly owned. The presence of sensitive natural features such as steep wooded slopes, wetlands, wildlife habitat areas and spectacular scenic views requires that Subarea B be maintained in its present undeveloped state as public parkland and open space.

The city does not forsee any type of significant development taking place within the open space areas of the river gorge in Subarea B. The city does support, however, various improvements to the public parks located in this area as a way to enhance water-related recreational opportunites along the river. The city will continue to work with Monroe County to implement those improvements.

Subarea B contains seven geographic subzones that will be utilized later to delineate specific land use recommendations. These subzones include:

(B1) Turning Point Park;

(B2) Seneca Park;

(B3) Maplewood Park;

(B4) Lower Falls Park;

(B5) Seth Green area;

(B6) Rattlesnake Point area;

(B7) Riverside Cemetery.

C. Subarea C1 - Developed portion of the Upland Area

LWRP Subarea C1 includes upland areas that contain existing residential, commercial and industrial development. This upland area extends through an extensive residential zone along Beach Avenue and Lake Avenue, from the city line on the north, to Riverside Cemetery on the south. Another large portion of Subarea C1 includes residential areas around Kodak Park as well as between Lake Avenue and Maplewood Park, from Ridge Road West to Driving Park Avenue. Subarea C1 includes portions of residential neighborhoods such as Charlotte and Maplewood, small strip commercial areas, and the industrial facilities of Kodak Park. There is relatively little undeveloped or underutilized land within LWRP Subarea C1. Zoning classifications contained within the Subarea include large sections of residentially-zoned land (R-1, R-2, R-3, R-4 and R-5), areas zoned for commercial use (C-1, C-2 and C-3) and areas zoned for industrial use (M-2). All portions of Subarea C1 are adequately served by public utilities including storm and sanitary sewers, gas and water lines and streets and highways.

Because Subarea C1 is an upland area, land use and development activities within it do not have an immediate or significant impact on the shorezone. The subarea has a definite urban character and provides little if any physical or visual access to the river. The city considers Subarea C1 to be stable in terms of its present land uses and does not anticipate any significant changes in the area's development patterns. The city does not anticipate rezoning any areas within Subarea C1 as a result of the adoption of the LWRP.

Subarea C1 contains two geographic subzones that will be utilized later to delineate specific land use recommendations. These subzones include:

(C-1-A) Lake Avenue/Stutson Street area;

(C-1-B) Remainder of the upland area.

D. Subarea C2 - Buildable portion of the Upland Area

LWRP Subarea C2 includes the buildable or undeveloped portion of the upland area within the LWRP boundary. This subarea includes two sites where new development is currently underway. The first site is located just north of Riverside Cemetery and west of Turning

Point Park, within an existing residential area that extends from Boxart Street to Burley Road. The new development in this area includes 56 single-family residential units constructed within three new cul-de-sacs and on infill lots. In addition, small areas within the subdivision were retained and zoned as permanent open space. The developers are currently completing phase III of the plan. This subdivision is adjacent to a new pedestrian trail which will provide access into Turning Point Park from the south.

The second developable site within Subarea C2 is the former St. Bernard's Seminary located on the east side of Lake Avenue, between Riverside Cemetery and the Kodak Research Laboratories. Eastman Kodak Company has purchased this land which has been rezoned to a Manufacturing-Industrial Planned Development District (M-IPD). This zoning district permits the development of typical manufacturing or industrial facilities and allows flexible planning and design standards. Eastman Kodak will develop the existing Seminary building into a industrial research facility that preserves the architectural and historic integrity of the structure and grounds. Kodak may also construct new buildings on the site, to be located to the north and/or south of the Seminary building, in existing open space areas. The city will ensure, through existing site plan and environmental review procedures, that redevelopment of the building and grounds and construction of new buildings on the site are undertaken in a manner which preserves and enhances the aesthetic and historic qualities of the area.

The city recognizes that Subarea C2 contains developable or underutilized land. Development activities proposed for this area, however, have been clearly defined and will be reviewed and regulated using existing zoning and environmental controls. It is not anticipated that these land uses will have a direct or significant impact on the waterfront area. When the proposed development activities outlined above are completed, the city will consider Subarea C1 to be stable in terms of its existing land uses and would not anticipate any significant changes in the area's development patterns in the foreseeable future. The city does not anticipate rezoning any additional areas within Subarea C2 as a result of the adoption of the LWRP.

Subarea C2 contains two geographic subzones that will be utilized later to delineate specific land use recommendations. These subzones include:

(C-2-A) Boxart Street / Burley Road Area;

(C-2-B) Eastman Kodak / St. Bernard's Seminary.

E. Subarea D - River Harbor Zone and Lakefront Area

LWRP Subarea D contains the river harbor zone at the mouth of the river, and lakefront areas adjacent to Ontario Beach Park and along Beach Avenue. This subarea is characterized by extensive water-related recreational and commercial activity and includes two major undeveloped or underutilized sites that together form the focus of the city's diverse waterfront areas.

The river harbor zone within Subarea D extends from the mouth of the Genesee River on Lake Ontario, to the southern end of existing marina development on the river, near Denise Road. This zone includes: the Summerville area and U.S. Coast Guard Station on the east bank of the river near Lake Ontario; extensive private marina development also located on the east bank of the river, north of Stutson Street; the Port Authority site and River Street site located on the west bank of the river, north of Stutson Street; and, additional private marina development located on the west bank of the river, south of Stutson Street in the vicinity of Petten Street. The vast majority of this area is zoned as a River-Harbor (R-H) District. The River Street site contains a small amount of land zoned as a manufacturing (M-1) district.

The 22 acre Port Authority site includes 2 abandoned warehouse structures, a 4-ramp boat launch facility constructed and operated by Monroe County, and a large parking area. The port site is owned by the city with the exception of the existing boat launch facility which is owned by the County. The entire area is zoned as a River-Harbor (R-H) District. Access to the port site is obtained via Lake Avenue and Beach Avenue. Development constraints on the site include the possible need to realign the sanitary sewers in the area, soil types with bearing capacities that limit the height of buildings that can be constructed on the site, and the existing warehouses which limit views of the river.

The River Street site, located to the south of the port site and immediately adjacent to the river, has a unique neighborhood character that results from its topography and relative seclusion, its architecture, as well as the many small bars, restaurants and commercial establishments found in the area. The site also includes an abandoned railroad station that has significant development potential. In addition, the site is located adjacent to the Genesee Lighthouse which is listed on the National Register of Historic Places. The city owns the land immediately adjacent to the west bank of the river, from an area near the Pelican Bay Marina on the north, to an area just south of the Stutson Street Bridge. These land holdings include the abandoned railroad station. Development constraints on the River Street site include the location of a sewer pumping station and RG&E substation in the area, the disection of the site by the Conrail tracks, the lack of adequate parking, and the design and condition of River Street itself.

The lakefront zone within Subarea D extends from the river west along Lake Ontario to the city line near Greeenleaf Road. This zone includes Ontario Beach Park which is located on the lake at the mouth of the river, as well as existing lakefront residential development located on the north side of Beach Avenue, to the west of the park.

Ontario Beach Park contains 39 acres and is currently undergoing extensive redevelopment and reconstruction. The park features one of the best natural sand beaches on Lake Ontario. The park is accessed from Lake Avenue and Beach Avenue. Recreational uses in the park include the beach and bathhouse, supervised swimming, a soccer field, 2 softball fields, an outdoor ice-skating rink, 6 picnic pavilions, an outdoor performance pavilion and various concession stands. An antique Dentzel carousel which has been designated as a Rochester Historic Landmark is located at the eastern end of the park. The park is zoned as an Open Space (OS) District and is leased to Monroe County which is responsible for its operation and maintenance.

Monroe County, in cooperation with the city, has developed a master plan for the redevelopment of Ontario Beach Park. The master plan proposes the rehabilitation of the bathhouse and several existing picnic pavilions, construction of a new performance pavilion and beach boardwalk, as well as new landscaping, parking areas and pedestrian circulation paths. The city supports the recommendations contained in the plan and, through the plan review process, has ensured that redevelopment of the park is coordinated with the development of the port site to the south.

The city has prepared a comprehensive development plan for the port site that proposes the establishment of a marina, festival area, aquarium, or waterfront discovery center/museum adjacent to the river. The plan utilizes the two existing warehouses on the site. The plan maintains the county boat launch facility in its present location and expands its parking area. The city has also prepared a plan for the redevelopment of the river harbor area which includes River Street, the Lake Avenue corridor north of the Lake Ontario Parkway, and the area between Lake Avenue and River Street, north of Stutson Street. This plan includes construction of boat slips and a pedestrian walkway along the river, development of open space areas and picnic shelters along the river, redevelopment of the railroad station into a riverside restaurant, construction of additional parking areas, and development of new housing in two specific areas.

The city recognizes that LWRP Subarea D, which includes the Port Authority site and the River Street site, represents a significant opportunity to develop or enhance water-related recreational and commercial uses adjacent to the lake and river. These uses could include boating, fishing, passive recreation activities such as walking, hiking and biking, as well as marine-related stores, shops, bars and restaurants. Major special events such as fishing derbies,

water sports activities and concerts could also be included in the development program. Subarea D is the only area within the city's LWRP where greater public access to and use of the river and lake could be provided, and where the local economy could be stimulated through the development of uses which must be located on or near the water in order to prosper. The city considers Subarea D to be its prime opportunity site and the one which requires the most city involvement to ensure that appropriate redevelopment occurs in a manner which will realize the area's full potential.

Subarea D contains eleven geographic subzones that will be utilized later to delineate specific land use recommendations. These subzones include:

(D1) Beach Avenue residential area;

(D2) Ontario Beach Park;

(D3) Lake Avenue / Estes Street area;

(D4) Port Authority Site;

(D5) River Street Site;

(D6) Lake Avenue commercial area;

(D7) Petten Street area;

(D8) Marina area;

(D9) Summerville area;

(D10) Railroad to Stutson Street (east bank of river);

(D11) Stutson Street to Rattlesnake Point (east bank of river).

F. Subarea E - Industrial Areas

LWRP Subarea E contains three sites that are zoned and used for industrial activities. The first site is located at the end of Boxart Street, adjacent to Turning Point Park. The site is utilized by the Portland Cement Company. The company receives shipments of cement from special cargo ships which sail up the Genesee River from Lake Ontario, to a small docking area located along the east bank of the river, within Turning Point Park. The cement is then piped to a processing facility located a short distance away, within an M-1 Manufacturing District. The land which is used for the docking area and the pipe system for the cement is in Turning Point Park and is owned by the city. This use is water-dependent although the site is not located immediately adjacent to the river. Access to the river for the site is controlled by the city.

The second site is located on the east bank of the river, just north of Maplewood Park. The site is owned by Eastman Kodak Company and is used for an industrial waste treatment facility that services manufacturing operations located in Kodak Park to the west. The site is zoned as an M-1 Manufacturing District and is accessed via Hanford Landing and Maplewood Drive. The treatment plant is a water-dependent use which is located adjacent to the river, within the gorge. In addition to the treatment facility, this portion of Subarea E includes the Kodak Park manufacturing facility located west of Lake Avenue and north of Ridge Road West. This area includes an array of buildings and facilities where Kodak manufactures such products as photographic film, paper, chemicals and other supplies. Kodak's Research Laboratories are also located in this general area. Kodak Park is zoned as an M-2 Manufacturing District.

The third site within LWRP Subarea E is located on the west bank of the river, just south of the Driving Park Bridge. The site is owned by Rochester Gas and Electric Corporation (RG&E) and is used for the Station 5 hydroelectric power plant. This plant generates electricity using hydropower produced by the Middle Falls Dam. Water is diverted from the dam and piped via a tunnel to the power plant. Access to the plant is from Seth Green Drive to the north. The area around the plant, adjacent to the river, provides exceptional fishing opportunities. Public access to this area, however, is not well-developed and is controlled by RG&E. The site is zoned as an M-1 Manufacturing District.

An additional site zoned for manufacturing use contained in Subarea E is located at the top of the west bank of the Genesee River, at the end of Glenwood Avenue. This site is currently being used for a mechanic's laundry.

Two smaller manufacturing facilities are located within the LWRP boundary but outside of the three sites outlined above. These facilities include the Tape-Con Company, located on River Street at Latta Road, and Weyerhauser, located on Boxart Street. The Weyerhauser facility includes several other smaller manufacturing companies.

The city considers Subarea E to be stable in terms of its present land uses and does not anticipate any significant changes in the area's development patterns. The city does not anticipate rezoning any areas within Subarea E as a result of the adoption of the LWRP. The water-dependent, industrial uses which are currently located in this subarea are expected to remain for the forseeable future. Should expansions or modifications to the existing industrial land uses be proposed, the city will review those proposals in terms of the policy goals and statements contained in the LWRP, using existing site plan and environmental review procedures. Should changes in land use be proposed for these areas at some point in the future, the city will ensure that such uses take advantage of their waterfront locations and are appropriate in terms of overall shorezone development priorities.

Subarea E contains five geographic subzones that will be utilized later to delineate specific land use recommendations. These subzones include:

(E1) Portland Cement Company;

(E2) Kodak Park;

(E3) RG&E Station 5 Power Plant;

(E4) Tape-Con;

(E5) Weyerhauser.

4. RECOMMENDED LAND USES FOR EACH LWRP SUBAREA

A. Introduction

In order to aid city staff in the preparation of development objectives for the waterfront area, as well as to help develop the specific recommendations of the land use plan, an LWRP Citizen's Advisory Committee (CAC) was formed. This group met on a regular basis with city staff over a period of several years. The group analyzed the LWRP subareas in terms of the appropriate LWRP policy goals and statements outlined in SECTION III, in order to develop appropriate land use recommendations for each of those areas. These recommenda-tions included both water-dependent and water-enhanced recreation, commercial and open space uses.

The CAC developed generalized land use needs and objectives for the various subareas within the city's LWRP. These land use objectives were based on a review and analysis of the city's LWRP policies and included the following:

* Environmentally-sensitive or unique areas of special concern within the LWRP boundary should be preserved and enhanced. These areas included such natural features as steep wooded slopes, watercourses, floodplains, erosion-hazard areas, beaches, bluffs, scenic views and vistas, fish and wildlife habitats, and architecturally or historically significant sites.

* Appropriate water-dependent uses and activities should be developed in the shorezone that take advantage of their waterfront location, enhance the visual and aesthetic qualities of the waterfront, and contribute to the economic development of the city.

* Appropriate water-enhanced or water-dependent recreational uses and activities should be developed along the lake and river that take advantage of their waterfront location, enhance the visual and aesthetic qualities of the waterfront,

and increase the type and variety of recreational opportunities available. These uses or activities included marinas, boat-docks and slips, boat launching ramps, public walkways, picnic and other open space areas, fishing and swimming areas, other more passive recreational activities, and marine-related commercial uses.

* Existing and stable residential, commercial and industrial areas should be protected and enhanced.

* The Port Authority site and the River Street site should be recognized and treated as unique development opportunities within the waterfront area.

* A mixed-use, water-oriented maritime/waterfront center should be developed on the port site, that takes maximum advantage of its waterfront location, enhances the ambience of the shorezone, provides public access to the waterfront, and increases public recreational opportuntities.

* A mix of water-oriented uses and activities should be developed on the River Street site and within the river harbor area in general, that takes maximum advantage of their waterfront location, enhances the unique neighborhood and maritime ambience and history of the area, provides public access to the river, increases public recreational opportuntities, and rehabilitates existing structures as much as possible.

Having developed a generalized set of land use goals or objectives to be implemented within the LWRP boundary through specific land use recommendations for each subarea, the CAC reviewed the specific LWRP policies in terms of their relevancy to each subarea. The LWRP policies were grouped into three broad categories and were then evaluated against each subarea to determine whether and how each policy should be considered when determining specific land use recommendations for the six subareas. The results of this evaluation process are contained in **TABLE IV-1 on pages IV-21 and IV-22.** In developing the land use recommendations for the six LWRP Subareas, the committee also reviewed and considered the existing land use controls that are in place within the City of Rochester's LWRP boundary.

The LWRP policy evaluation for each subarea indicated those policy goals and statements that the committee considered important and relevant for the various geographical areas within the LWRP boundary. This evaluation also led to discussions regarding how each policy should be implemented or addressed in the proposed land use plan. Specific land use recommendations were then developed for each subarea from a wide range of potential uses or activities.

TABLE IV-1

LOCAL WATERFRONT REVITALIZATION PROGRAM
SUMMARY OF LWRP POLICY EVALUATIONS BY SUBAREA
(key on page IV-22)

LWRP POLICIES BY GENERAL CATEGORY	LWRP SUBAREAS (see text for subarea description)					
PROMOTE COASTAL USES	**A**	**B**	**C1**	**C2**	**D**	**E**
1 Revitalize waterfront areas	X				X	*
2 Facilitate dependent uses	X	X			X	X
4 Redevelop existing built environment		X			X	
5 Encourage development near public services				*	*	*
23 Protect historic structures	*	*	*	*	*	*
9 Expand access/recreational use	X	X			X	
19 Protect public access to water-oriented recreation	X	X			X	
20 Provide public access to shore	X	X			X	X
21 Encourage water-oriented recreation	*	*			*	*
22 Develop recreation as multi-use	*	*		*	*	*
27 Develop energy resources	+	+		+	+	+
6 Expedite permit procedures	*		*	*	*	*
PROTECT COASTAL RESOURCES	**A**	**B**	**C1**	**C2**	**D**	**E**
7 Protect fish/wildlife habitats	*	*				
8 Control hazardous wastes	*	*	*	*	*	*
4 Promote traditional character of harbor areas		X			X	
24 Protect scenic areas		*		*		
12 Protect dunes and natural protective features	*	*		*	*	*
44 Protect wetland areas	X	X				
27 Site energy facilities in appropriate locations	+	+		+	+	+
31 Consider coastal policies in reviewing water classifications	*	*			*	*
33 Use best management practices to control runoff	*	*	*	*	*	*
40 Control effluent discharge						*
41 Maintain air quality standards	+	+	+	+	+	
42 Reclassify land based on Clean Air Act	+	+	+	+	+	
43 Prevent acid rain generators			+	+	+	
25 Protect scenic resources	X	X		X	X	X

TABLE IV-1

LOCAL WATERFRONT REVITALIZATION PROGRAM
SUMMARY OF LWRP POLICY EVALUATIONS BY SUBAREA
(continued)

LWRP POLICIES BY GENERAL CATEGORY	LWRP SUBAREAS (see text for subarea description)					
REGULATE MAJOR COASTAL ACTIVITIES	**A**	**B**	**C1**	**C2**	**D**	**E**
39 Manage solid wastes	*	*	*	*	*	*
15 Control dredging, mining and excavations	+	+			*	
11 Control construction in erosion hazard areas		*		*	*	*
13 Regulate erosion protection structures	*	*		*	*	*
14 Prevent erosion and flooding	*	*		*	*	*
16 Use of public funds for erosion control	*	*		*	*	*
17 Use non-structural flood and erosion protection		*		*	*	*
18 Review major coastal activities		X			X	X

KEY: X = very relevant policy; * = relevant policy; + = less relevant policy;

Blank: = not a relevant policy

Based on the LWRP policy evaluations, as well as general land characteristics and development constraints found within the LWRP boundary, a range of potential land uses or activities that was considered appropriate within the subareas was developed by the committee and included:

* Marinas;

* Public walkways, promenades, pedestrian paths, hiking and biking trails, bridal paths;

* Swimming areas and beaches;

* Boat launches and boat ramps;

* Boat docks and slips, finger piers, T-piers;

* Fishing areas;

* Water-related retail support facilities (bait and tackle shops, fishing/boating supply stores, etc.);

* Hotels, boatels, bed and breakfast operations;

* Industrial or municipal waste treatment facilities;

* Power generating facilities;

* Shipping facilities;

* Museums (waterfront-related museum facilities, interpretive centers, historic displays, historic landmarks, etc.);

* Picnicking areas and open space areas;

* Parking;

* General retail facilities including stores and restaurants;

* Office research facilities and laboratories;

* Manufacturing facilities;

* Housing at various densities;

* Field sports (softball, soccer, etc.);

* Waterfront access for cartop boats and canoes;

* Zoo;

* Outdoor entertainment facilities (gazebos, bandshells, performance pavilions, etc.);

* Festival site (water-oriented, mixed-use entertainment area with associated commercial uses);

* Spectator site for off-shore events or activities.

In addition to an identification of the range of appropriate land uses to be considered for the LWRP Subareas, the CAC established whether or not each potential use was water-dependent, water-enhanced or unrelated to the water, in each subarea and subzone.

In order to determine which specific land uses from the above list were appropriate for each subarea, a rating sheet and rating criteria were developed by city staff and distributed to committee members. The rating sheet listed all potential uses for each subarea and subzone, noted the type of relationship the use had with the water, and listed the rating categories and scores to be used. Committee members were asked to evaluate and score each subzone within the six LWRP subareas in terms of how well a particular use located in that area would satisfy the following criteria:

* The particular use in the proposed location PROMOTED COASTAL USES (addressed the applicable LWRP Policies as determined by the committee).

* The particular use in the proposed location PROTECTED COASTAL RESOURCES (addressed the applicable LWRP Policies as determined by the committee).

* The particular use in the proposed location SUPPORTED ECONOMIC CONSIDERATIONS (addressed economic costs and benefits as determined by the committee).

* The particular use in the proposed location SUPPORTED EXISTING OR PROPOSED WATERFRONT DEVELOPMENT POLICIES (addressed other applicable policies contained within existing or proposed master plans, comprehensive development plans, etc., as determined by the committee).

The rating process consisted of an evaluation, by each committee member, of the appropriateness of a particular use in a given subzone, based on how well that use satisfied each of the criteria listed above. For example, committee members were asked to evaluate the appropriateness of a marina located at the Durand-Eastman Park shoreline, based on how well that use in that location would promote coastal uses, protect coastal resources, support economic considerations and support existing or proposed waterfront policy. Committee ratings were based on a scale of 1 to 5, where 5 equalled a superior score.

Using a computerized statistical analysis program, committee ratings for each use in each subzone were analyzed to determine average committee scores, as well as the high and low score given for each criteria. Results from the computer analysis were then reviewed to determine which of the uses that were ranked the highest by the committee were actually appropriate and desirable for each subzone. This review was based on the following additional considerations:

* Was the proposed use realistic in terms of current land use patterns, development trends and projected needs in the proposed location?;

* Was the proposed use appropriate in terms of its relationship to the physical features, environmental constraints, and other determinants of the suitability of land for development at the proposed location?;

* Did the proposed use concentrate development in a location that includes adequate public infrastructure and services?;

* Did the proposed use in the proposed location allocate adequate space for existing and future water-dependent uses and reduce or avoid conflicts between water-dependent and non-water-dependent uses?;

* Did the proposed use in the proposed location help maintain or increase public access to the shoreline?;

* Did the proposed use in the proposed location minimize, reduce or eliminate the potential for loss of human life and property damage as a result of erosion and flooding?;

* Did the proposed use in the proposed location help to protect or enhance important natural, historic, cultural or scenic resources?

Based on a comprehensive review of the rating scores and further discussions of the criteria and other considerations mentioned above for each use in each location, the committee developed a list of proposed land uses for each of the 29 subzones within the LWRP subareas. This list represents the basic elements of the proposed land use plan for the city's LWRP. It should be noted that the lists of recommended land uses for the LWRP subareas do not represent a priority ranking of those land uses for that particular zone, but merely a generalized listing of appropriate types of development for the area, as determined by the committee.

B. Subarea A - Durand-Eastman Park

Within LWRP Subarea A (Durand-Eastman Park), the following land uses are recommended to be promoted, encouraged and developed:

LWRP SUBAREA A: DURAND-EASTMAN PARK
RECOMMENDED LAND USES

GEOGRAPHIC SUBZONE	RECOMMENDED LAND USES
(A1) Durand-Eastman Park Shoreline	Public walkway Swimming areas Fishing areas Picnicking areas Parking Cartop boat access Spectator site for off-shore events
(A2) Remainder of Durand-Eastman Park	Public walkway Fishing areas

Treatment facilities
Picnicking areas
Parking
Field sports
Outdoor entertainment
Bridal paths

The land uses recommended for LWRP Subarea A (Durand-Eastman Park) promote waterfront recreational opportunities, promote public access to the shorezone, preserve or enhance sensitive environmental areas and natural features, and do not conflict with existing land uses, development patterns or zoning classifications. These land uses can be encouraged and developed through the implementation of the Durand-Eastman Park Master Plan, currently being prepared by Monroe County, in cooperation with the city. Treatment facilities are listed as an appropriate use within the major portion of Durand-Eastman Park because of the presence of the existing VanLare Treatment Plant in the park and the realization that this land use will remain in this location for the forseeable future.

C. Subarea B - Open Space / Critical Environmental Areas

Within LWRP Subarea B (Open Space / Critical Environmental Areas), the following land uses are recommended to be promoted, encouraged and developed:

LWRP SUBAREA B: OPEN SPACE / CRITICAL ENVIRONMENTAL AREAS
RECOMMENDED LAND USES

GEOGRAPHIC SUBZONE	RECOMMENDED LAND USES
(B1) Turning Point Park	Public walkway Fishing areas Picnicking areas Parking Cartop boat access
(B2) Seneca Park	Public walkway Swimming areas Fishing areas Picnicking areas Parking Zoo Outdoor entertainment
(B3) Maplewood Park	Public walkway Fishing areas Picnicking areas Parking Outdoor entertainment

(B4)	Lower Falls Park	Public walkway Museum (historic/interpretive center) Picnicking areas
(B5)	Seth Green area	Public walkway Fishing areas Parking Cartop boat access
(B6)	Rattlesnake Point area	Public walkway Fishing areas Picnicking areas Parking
(B7)	Riverside and Holy Sepulchre Cemeteries	Public walkway Parking

Land uses recommended for LWRP Subarea B (Open Space / Critical Environmental Areas) recognize that this area should remain undeveloped, but that public access to and through the area should be improved. The recommended land uses promote waterfront recreation, preserve or enhance sensitive environmental areas and natural features, do not conflict with existing land uses patterns, and promote public access to the shorezone. These uses can be developed through implementation of the park master plans being prepared by Monroe County and the city. Development proposed within Turning Point and Lower Falls Park will be undertaken by the city. The proposed land uses for this subarea are permitted and regulated by the Open Space (OS) Zoning District which covers most of this area.

The proposed land uses recommended for Subarea B also address several of the goals and objectives of the Lower Genesee River Land Use Plan which was reviewed and adopted by the Rochester City Council in 1979. These goals and objectives include the development of public physical and visual access to the river gorge, development of passive recreational opportunities on the river, and preservation of sensitive environmental features.

D. Subarea C1 - Developed portion of the Upland Area

Within LWRP Subarea C1 (developed portion of the Upland Area), the following land uses are recommended to be promoted, encouraged and developed:

LWRP SUBAREA C1: DEVELOPED PORTION OF THE UPLAND AREA
RECOMMENDED LAND USES

GEOGRAPHIC SUBZONE		RECOMMENDED LAND USES
(C-1-A)	Lake Avenue/Stutson Street Area	Public walkway

		Marine-related retail support facilities Hotel Parking General retail facilities, including restaurants Office research facilities Housing
(C-1-B)	Remainder of the Upland Area	Public walkway Hotel Parking General retail facilities, including restaurants Housing

Committee recommendations for LWRP Subarea C1 (developed portion of the Upland Area) promote land uses that are compatible with and enhance well-established development patterns in the upland area of the LWRP boundary. The recommended land uses are also compatible with existing zoning classifications. Although specific sites or locations for each of the recommended uses for this subarea have not been established or identified, they can be accommodated by existing city zoning regulations and site plan and environmental review procedures. Proposed water-related commercial support facilities, such as bait and tackle shops or boating and fishing supply stores, along with retail establishments, were recommended within the Lake Avenue/Stutson Street Subzone to help restore the economic viability of that area, and link it to the multi-use waterfront development projects proposed for the Port Authority and River Street sites.

E. Subarea C2 - Buildable portion of the Upland Area

Within LWRP Subarea C2 (buildable portion of the Upland Area), the following land uses are recommended to be promoted, encouraged and developed:

LWRP SUBAREA C2: BUILDABLE PORTION OF THE UPLAND AREA
RECOMMENDED LAND USES

GEOGRAPHIC SUBZONE		RECOMMENDED LAND USES
(C-2-A)	Boxart Street/Burley Road Area	Public walkway Housing
(C-2-B)	Eastman Kodak/St. Bernard's Seminary	Parking Office research facilities Manufacturing facilities

Committee recommendations for LWRP Subarea C2 (buildable portion of the Upland Area) promote land uses and facilities that are

compatible with and enhance existing, well-established development patterns in this area. The recommended land uses are also compatible with existing zoning classifications. Any proposals to construct new facilities or rehabilitate existing buildings at the Eastman Kodak Company research laboratories at St. Bernard's Seminary will be reviewed under existing site plan and environmental review procedures and will conform with existing zoning regulations and historic preservation requirements.

F. Subarea D - River Harbor Zone and Lakefront Area

Within LWRP Subarea D (River Harbor Zone and Lakefront Area), the following land uses are recommended to be promoted, encouraged and developed:

LWRP SUBAREA D: RIVER HARBOR ZONE AND LAKEFRONT AREA
RECOMMENDED LAND USES

GEOGRAPHIC SUBZONE	RECOMMENDED LAND USES
(D1) Beach Avenue residential area	Public walkway Housing
(D2) Ontario Beach Park	Public walkway Swimming areas Fishing areas Water-related retail support facilities Museum Picnicking areas Outdoor entertainment Festival site
(D3) Lake Avenue / Estes Street area	Public walkway Water-related retail support facilities Parking General retail facilities, including restaurants Housing Field sports
(D4) Port Authority site	Marina Public walkway Boat docks Boat launch Fishing areas Museum/Aquarium (Waterfront Discovery Center) Water-related retail support facilities Picnicking areas

		Parking Outdoor entertainment Festival Site Boatel
(D5)	River Street site	Marina Public walkway Boat docks Fishing areas Water-related retail support facilities Hotel Parking Housing Outdoor entertainment
(D6)	Lake Avenue commercial area	Public walkway Water-related retail support facilities Hotel Museum (Genesee Lighthouse) Parking General retail facilities, including restaurants Outdoor entertainment Housing
(D7)	Petten Street area	Marina Public walkway Boat docks Fishing areas Water-related retail support facilities Parking Housing
(D8)	Marina area	Marina Public walkway Boat docks Fishing areas Parking Cartop boat access
(D9)	Summerville area	Public walkway Swimming areas Fishing areas Water-related retail support facilities Parking Outdoor entertainment Marina Boat docks

		Housing
(D10)	Railroad to Stutson Street (east bank of river)	Marina Public walkway Boat docks Water-related retail support facilities Hotel/Boatel Parking Boat launch Housing
(D11)	Stutson Street to Rattlesnake Point (east bank of river)	Marina Public walkway Boat launch Boat docks Fishing areas Parking Water-related retail support facilities Housing

The land uses recommended for LWRP Subarea D (River Harbor Zone and Lakefront Area) promote waterfront recreation, preserve or enhance scenic views and vistas and other sensitive or unique environmental areas, increase public access to the waterfront, and do not conflict with existing land uses or development patterns. The recommended land uses also help create a focus for waterfront development and activity within the city's LWRP boundary. Many of the uses can be developed through implementation of the Ontario Beach Park Master Plan prepared by Monroe County, and the comprehensive development plans prepared by the city for the Port Authority and River Street sites. The land uses recommended by the committee for this subarea take advantage of the unique development potential and recreational opportunities within the shorezone on the lake and at the mouth of the river.

The vast majority of land uses proposed for this subarea do not conflict with and are permitted and regulated by the existing River Harbor (R-H) and Open Space (OS) Zoning Districts which cover most of this area. The city undertook, however, as a part of the completion of LWRP SECTION V: IMPLEMENTING TECHNIQUES, an analysis of the existing River-Harbor Zoning District regulations and site plan review procedures to determine if they were adequate to address all of the land use, site plan, design and environmental considera-tions of the committee's land use recommendations. The results of that analysis are contained in SECTION V.

The land uses recommended for Subarea D also address several of the goals and objectives of the Lower Genesee River Land Use Plan

which was adopted by the Rochester City Council in 1979. These goals and objectives include the development of public physical and visual access to the river gorge, development of passive recreational opportunities on the river, and preservation of sensitive environmental features.

G. Subarea E - Industrial Areas

Within LWRP Subarea E (Industrial Areas), the following land uses are recommended to be promoted, encouraged and developed:

LWRP SUBAREA E: INDUSTRIAL AREAS
RECOMMENDED LAND USES

GEOGRAPHIC SUBZONE	RECOMMENDED LAND USES
(E1) Portland Cement Company	Public walkway Fishing areas Shipping Parking Manufacturing facilities
(E2) Kodak Park	Public walkway Treatment facilities Parking Office research facilities Manufacturing facilities
(E3) RG&E Station 5 Power Plant	Public walkway Fishing areas Power generating facilities Parking
(E4) Tape-Con Site	Water related retail support facilities Hotel/Bed and Breakfast Inn Parking Manufacturing facilities Housing
(E5) Weyerhauser	Parking Manufacturing facilities

Committee recommendations for LWRP Subarea E (Industrial Areas) promote land uses and certain waterfront recreational activities that are compatible with and enhance well-established development in this portion of the LWRP boundary. The recommended land uses are also compatible with existing zoning classifications. Much of Subarea E is zoned for manufacturing or industrial use which permits virtually all of the land uses listed above for this area.

Although specific sites or locations for several of the recommended uses for this subarea have not been established or identified, they can be accommodated by existing city zoning regulations as well as site plan and environmental review procedures. Development of fishing areas and passive recreational opportunities along the river will be promoted and encouraged by the city and could be implemented through negotiations with various private industries or land owners. Potential future redevelopment of the Tape-Con Site would proceed based on the recommendations for this area contained in the River Harbor Plan outlined later in this Section. The city considers the development of improved fishing access and facilities at the RG&E Station 5 Power Plant and at the Portland Cement Company to be particularly important. Expansions of, or modifications to, existing industrial facilities or changes in use proposed for these areas will be reviewed by the city based on the LWRP policy statements and land use recommendations outlined in this Section.

5. RECOMMENDED PROJECTS WITHIN THE LWRP

A. Introduction

As noted earlier, the city has developed and proposed several major projects within the LWRP boundary which are designed to address and implement many of the LWRP policies outlined in SECTION III, as well as the specific land use recommendations contained in this Section. These project proposals represent a significant amount of investigation, research, evaluation and planning on the part of city staff and the CAC. The projects which are proposed as part of the city's LWRP include:

* Development of a mixed-use, waterfront center / festival site at the Port Authority site, along with enhancement of existing water-oriented recreational activities, commercial facilities and public access along the river and within Ontario Beach Park.

* Development of a mixed-use waterfront district within the River Street site, to include enhancement of water-oriented recreational activities and public access along the river, development of new housing, and rehabilitation of existing commercial facilities in the area.

* Development, in cooperation with Monroe County, of a boat launch facility, as well as adjacent public access and water-related recreational activities along the east bank of the river, just south of the Stutson Street Bridge.

* Implementation, in cooperation with Monroe County, of improvements in Durand-Eastman Park, Ontario Beach Park, Turning Point Park, Seneca Park, Maplewood Park, and Lower Falls Park. Specific projects will include improvements in public access to the shorezone, enhancement of existing water-oriented recreational facilities, and development of new water-oriented recreational facilities.

B. Development of the Port Authority Site

The city, in conjunction with a team of planning consultants, investigated the land use potential and development constraints of the Port Authority site located along the west bank of the Genesee River, near Lake Ontario. The city recognized that this site offered a unique opportunity to develop a focus for the city's waterfront areas that could attract visitors and tourists from Rochester as well as from outside the metropolitan area. The site could provide increased public access to the waterfront along with a wide variety of water-oriented recreational activities and uses if developed properly.

Existing uses on the site include 2 abandoned warehouses, a large parking area, and a boat launch facility with 4 ramps located on land owned by Monroe County at the southern end of the site. The port site is immediately adjacent to a strip-commercial area along Lake Avenue, to the west.

An extensive housing and boating market analysis was conducted as part of the original planning process. This information was included in the consultant's final report entitled Rochester Port and River Street Area Land/Use Marketability Study. The study revealed that:

* There was significant unmet demand for boat slips in the Rochester Harbor area, and for visitor boat slips in all

  areas along the south shore of Lake Ontario from Oak Orchard to Fair Haven;

* There was sufficient demand for upper-income housing within the Rochester area to support development of up to 100 new housing units on the port site; and

* There was sufficient market demand within the Rochester metropolitan area to support the development of a festival retail center containing up to 75,000 square feet of space on the port site.

An initial plan for the Port Authority site was prepared based on this information as well as a detailed inventory and analysis of land use characteristics and development constraints in the area. This plan proposed the development of a public marina containing 180-200 boat slips, 100 units of for-sale housing, and a 60,000 - 75,000 square foot festival retail center on the port site, as well as relocation of the County boat launch to another area, and construction of 2000 parking spaces on land located west of Lake Avenue.

The development plan was reviewed by city staff, the CAC and members of the public. After a careful analysis of the information and statistics used to develop the plan, and consideration of comments from the committee, a panel of developers, and several citizens concerning the various aspects of the proposal, several key issues or concerns surfaced including:

* Almost unanimous public opposition to the construction of housing on the port site because of a desire to maintain a public and not a private waterfront area;

* Questions regarding whether or not local retail market conditions could actually generate enough year-round sales volume to support a 75,000 square foot festival retail center on the site;

* Concerns regarding the environmental and neighborhood impacts of relocating a large parking area for the proposed port site and beach facilities to an open area to the west of Ruggles Street, which is currently used as recreational open space; and

* Concerns regarding the cost and desireability of relocating the existing county boat launch to another site, and the inability to identify an acceptable relocation site.

In an effort to address these problems and concerns, city staff prepared three additional development scenarios for the port site. City staff and the CAC agreed that the objectives that were to be achieved in any new port plan should include:

* Promotion of tourism through the development of facilities focused on water-oriented recreation and water-enhanced special events, rather than through the creation of a major new festival retail marketplace;

* Elimination of potential environmental and neighborhood impacts on residential areas located to the west of the port site by greatly reducing the number of parking spaces to be relocated from the site to the baseball fields;

* Development of increased public access to and use of the waterfront and promotion of water-enhanced recreation through the maintenance of the existing county boat launch on the port site, expansion of launch parking facilities, and location of any new housing units off of the site;

* Preservation and enhancement of scenic views and vistas of Lake Ontario and the Genesee River;

* Restoration and utilization of significant historical structures located in the port area including the carousel, bathhouse and Port Authority warehouse;

* Development of a dramatic entranceway or focal point at the Lake Avenue and Beach Avenue intersection, in order to create a sense of arrival at a significant waterfront destination; and

* Incorporation of access for public transportation to and through the development site.

After an evaluation of the additional development options prepared for the port site, city staff and members of the CAC agreed on a new conceptual design plan for the area. It was also agreed that planning for and development of the Port Authority site should be coordinated and integrated with similar activities underway for the River Street site to the south and Ontario Beach Park to the north. This approach would encourage the development of the beach and riverfront area as a single, unified waterfront facility and major recreational destination, and would help link many activities and uses within the harbor area.

The new concept plan for the Port Authority site envisions facilities that are focused around various water-related events and activities. The plan includes the development of a small 75-slip marina on the site that would provide accommodation for visitors from other ports on Lake Ontario, dock space for tour and charter boats, and would serve as the focal point for water-related events such as the annual Trout and Salmon Derby and boat races.

The concept plan proposes that the existing 4-lane public boat launch remain on property owned by Monroe County in the southern

portion of the site, and that the boat launch parking area be upgraded to provide spaces for 47 cars and 107 cars with trailers. In addition, the plan proposes that the Port Authority (northern) warehouse on the site be redeveloped for such potential uses as a maritime museum, fishery center or aquarium, that could include a restaurant or food service facility.

The concept plan includes a large, landscaped parking area within the port site for visitors to Ontario Beach Park and the other site facilities. Permanent parking spaces would be maintained in the area south of Beach Avenue, west of Lake Avenue and east of Estes Street. As facilities and activities are developed at Ontario Beach Park and the port site, the parking supply and demand situation would be closely monitored by the city.

If additional parking became necessary, the city would investigate various alternatives for either reducing demand or increasing the supply of spaces. These alternatives could include the development of off-site parking lots and the use of a bus shuttle system to bring people into the area, new signage to direct vehicles to existing, underutilized parking areas, the use of parking fees, the development of temporary, overflow parking, or the construction of a parking garage on the port site.

The concept plan identified the area between Estes Street and Ruggles Street, which is currently used as open space and a soccer field, as one location where temporary, overflow parking will be provided during special events or periods of peak park usage. The use of this area for permanent parking in support of recreational activities would be considered only if none of the alternatives listed above proved to be feasible and if a detailed plan was developed with neighborhood input. Such a plan would have to consider adequate screening from adjacent residential uses, management of the lot to limit negative impacts on surrounding uses, and identification of how displaced recreational uses and open space would be replaced or accommodated.

Vehicular and pedestrian conflicts that now occur at the Lake Avenue and Beach Avenue intersection would be reduced or minimized in the concept plan by rerouting beach-bound traffic off of Lake Avenue into the port site at the Hincher Street intersection. Vehicles would be directed by signage to use the appropriate routes and intersections. A traffic circulation study would be completed prior to the development of any changes to the existing circulation patterns on public streets in the area.

As a result of the implementation of the concept plan outlined above, the Port Authority site would be transformed into the "Lake Ontario Maritime Center". The proposed schematic plan meets many of the LWRP policy goals and statements contained in SECTION III as well as the objectives agreed upon by city staff, CAC members and citizens. The plan would also implement the specific land use

recommendations for the port site and Ontario Beach Park that are contained in this Section. The plan promotes tourism, enhances the city's image as a recreation and waterfront attraction, strengthens the economic base of the region, promotes public access to the shorezone, increases the amount and type of water-related recreational activities and opportunities, enhances beach accessibility and use for large numbers of people, and improves overall pedestrian and vehicular circulation in the area.

A summary of the elements of the proposed Ontario Beach Park / Port Authority Site Concept Plan is provided below. **MAP IV-2 on page IV-39** illustrates the concept plan. This is a schematic plan that represents development ideas in a conceptual manner only. Specific elements and impacts of actual projects would be determined only after detailed design, engineering and environmental studies were completed.

C. Summary of Ontario Beach Park / Port Authority Site Concept Plan Components

* Ontario Beach Park (beach area, boardwalk, picnic pavilions, playground areas, Carousel, pedestrian access, open space and landscaping):

  Ontario Beach Park will be redeveloped to include a variety of new features as well as enhancement of existing facilities such as the historic Dentzel Carousel. A new boardwalk will be constructed to run east-west across the length of the park and to separate the park area from the sand beach. Existing picnic pavilions will be upgraded and several new pavilions will be built. New pedestrian paths, playgrounds and landscaping will also be provided.

* Bathhouse:

  The existing bathhouse located adjacent to the sand beach at the western end of the park will be rehabilitated and developed for new uses. Although the specific program for this facility has not been completely developed, new uses might include a small cafe-type restaurant or food concession area, water quality testing lab, changing rooms and restrooms, court games, and possibly a neighborhood recreation center and/or small community theatre.

* Performance pavilion:

  The existing performance pavilion will be removed and a new facility will be constructed near the center of the park. The facility will provide grass seating and appropriate acoustics for performances by the Rochester Philharmonic Orchestra and smaller musical ensembles.

* Marina (boat slips, marina support facility, display boat, pedestrian promenade, observation area):

A new marina will be constructed within the existing Port Authority site, just north of the center warehouse. The new marina is designed to include approximately 75 slips which would be designated for use by transient boaters. A limited number of permanent or semi-permanent slips may also be provided. Forty slips within the marina would accommodate boats up to 25 feet in length. Twenty-seven slips would accommodate boats from 26 to 39 feet in length. Eight slips would accommodate boats from 40 to 60 feet in length. The marina will also be designed to accommodate a large display boat to function as a tourist attraction and as an enhancement to the ambience of the waterfront area. A small support facility will be constructed near the marina, or as part of the reuse of the northern warehouse on the port site, as described below.

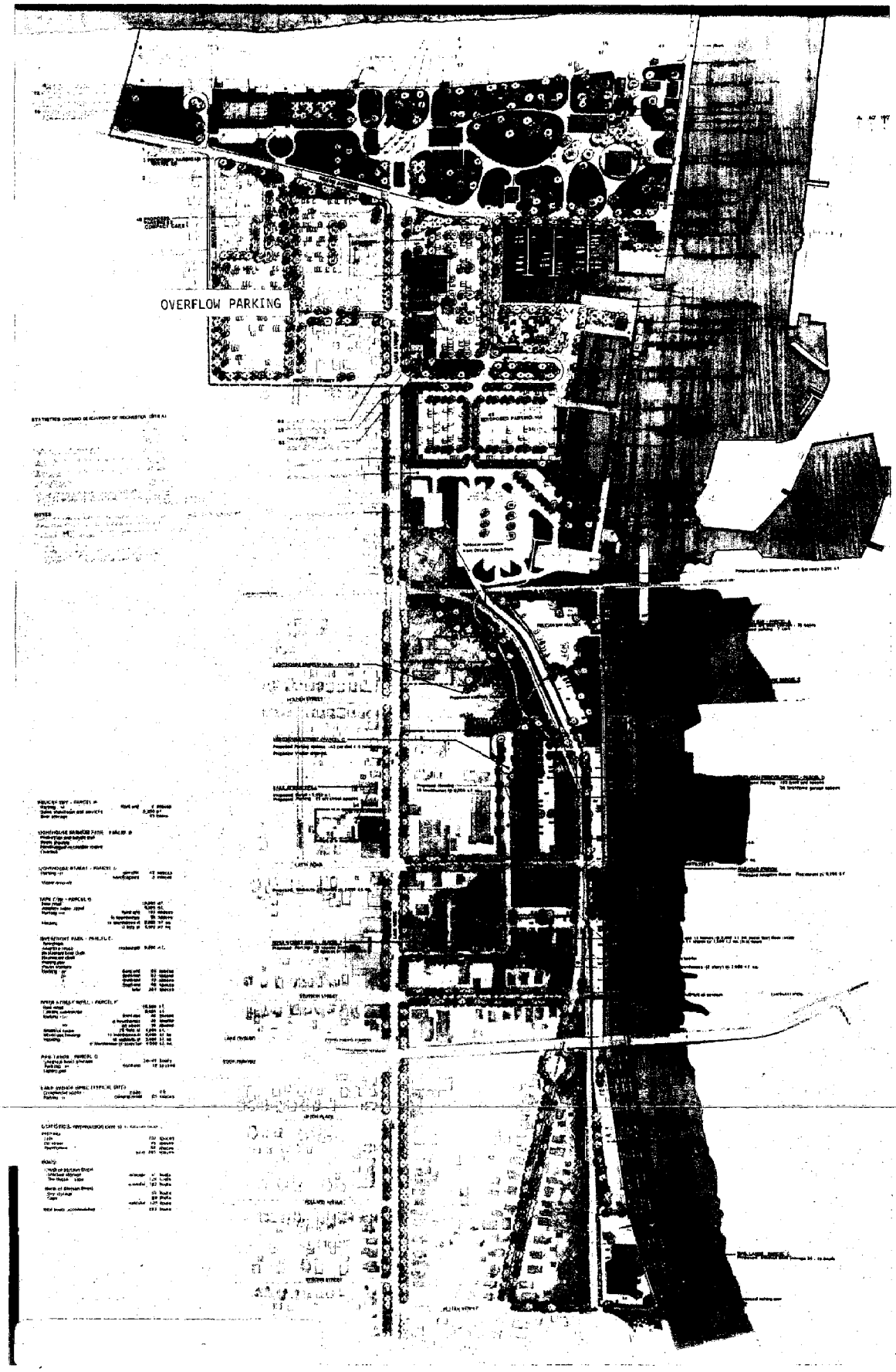
* Commercial development along east side of Lake Avenue:

The concept plan provides for the potential development of a limited amount of new commercial space along the eastern edge of Lake Avenue, north of Hincher Street. This commercial development might include two new buildings that could provide from 13,000 to 25,000 square feet of commercial space. Access could be provided from Lake Avenue as well as from the port area to the east.

Before development of this new commercial space could take place, several potential impacts would be evaluated including general market conditions in the area, the aesthetic aspects of interrupting views to the river across the port site, and the general condition and viability of existing commercial development along the west side of the Lake Avenue corridor.

* Rehabilitation of existing warehouses:

The existing northern warehouse on the Port Authority site is immediately adjacent to the Genesee River and will be rehabilitated as part of the concept plan. Although the specific program for this facility has not been developed, new uses could include such things as water-related information and educational display space,



MAP IV-2

ONTARIO BEACH PARK, PORT AUTHORITY SITE AND RIVER STREET REDEVELOPMENT AREA CONCEPT PLAN

a riverfront bar and restaurant, retail space, restrooms, a marina office, a boatel containing guest rooms for marina visitors, or even a local species aquarium. An area adjacent to this warehouse is proposed as a charter and tour boat boarding and landing area.

A specific use for the existing southern warehouse on the Port Authority site has not yet been developed. However, retention of this structure for future activities is proposed in the concept plan. This structure, which is also adjacent to the river, could provide additional recreational space to accommodate small concerts and ethnic festivals, special waterfront events such as fishing derbies, boat shows, etc., and other water-related activities. A portion of the structure could be enclosed to accommodate winter festivals and activities and to reduce ambient noise levels. The actual design, environment and ambience of this future facility will complement the activities taking place within the center warehouse structure as well as the entire waterfront area.

* Monroe County Boat Launch:

The existing 4-ramp County boat launch facility located at the southeastern corner of the port site will remain as part of the new concept plan. Parking for the facility would be upgraded and increased to provide spaces for 47 cars and 107 cars with trailers. A new river surge control structure and park gazebo are proposed immediately adjacent to the boat launch.

* Pier and riverfront promenade:

The existing pier along the western edge of the river is adjacent to the port site and beach area and has undergone extensive rehabilitation by the Army Corps of Engineers. In addition, a landscaped riverfront promenade is proposed as part of the overall concept plan for this area. The promenade would run north-south along the river, connecting the pier and beach area with the marina, the northern and southern warehouse structures, and the County boat launch. The promenade will also be connected to the Genesee Lighthouse and the River Street development area further to the south.

* Parking areas and vehicular circulation:

Parking for the facilities in the port area and Ontario Beach Park will be provided in four major parking lots. Approximately 1560 spaces would be provided as part of the concept plan. Up to 650 cars could be accommodated in parking areas south of Beach Avenue and west of Lake Avenue, including temporary overflow parking on the existing soccer field. Up to 890 cars could be accommodated in parking areas within the

port site, east of Lake Avenue, based on a perpendicular parking space layout. An additional 24 spaces could be provided adjacent to the bathhouse. As noted earlier, proposed parking at the County boat launch would accommodate 47 cars and 107 cars with trailers. The final location, size and design of the parking facilities at Ontario Beach Park and the port site will depend on the nature of the facilities and events that are actually developed there over time.

Vehicular circulation within the port site will connect all of the major facilities and parking areas. Ingress to the port site from Lake Avenue will be provided via the existing boat launch entry and an upgraded access road at the intersection of Hincher Street and Lake Avenue. Egress from the port site is provided via a one-way westbound portion of Beach Avenue. Specific traffic circulation patterns for the parking areas west of Lake Avenue will be determined as those facilities are developed and only after a traffic study has been completed to determine the extent of neighborhood impacts.

* Landscaping and open space:

Landscaping and major open space areas are provided throughout Ontario Beach Park, around the marina, and immediately to the south of the existing warehouses, adjacent to the river and the county boat launch. The concept plan places particular emphasis on landscaping of parking areas to minimize the visual impact of large expanses of pavement and to screen adjoining residential land uses. Landscaped pedestrian plazas and sitting areas are provided at the intersections of Lake and Beach Avenues as well as Hincher Street and Lake Avenue. An entry arch or gateway is proposed at the major access point into the port site. The arch would be designed to recall a similar structure that was constructed at the beach in the early 1900's.

D. Development of the River Street site

Initial planning and design work for the River Street site was undertaken in conjunction with the preparation of the redevelopment plans for the Port Authority site and Ontario Beach Park. The city, assisted by a planning consultant and the CAC, investigated the land use potential and development constraints of the River Street site which is located along the west bank of the Genesee River, just north of the Stutson Street Bridge.

The city recognized that this site, when combined with former Conrail right-of-way property recently purchased by the city and located along the river, also offered a unique opportunity to develop a focus for the city's waterfront. This area could attract visitors and tourists from Rochester as well as from outside the metropolitan area. In addition, the site provided an opportunity to

create a waterfront area with a unique neighborhood flavor or ambience due to its relative seclusion and the nature of existing land uses in this part of the shorezone. The site could also increase public access to the waterfront and could provide several water-oriented recreational uses if developed properly.

As noted above, the railroad right-of-way which runs from Petten Street north along the river to the existing Pelican Bay Marina is now owned by the city and New York State and contains approximately 5 acres of land. Two smaller properties located at the northern end of this right-of-way are also owned by the city. The remaining portion of River Street site is in private ownership. Existing uses on the site include an historic railroad station, the Genesee Lighthouse which is listed on the National Register of Historic Places, several small bars, restaurants and commercial establishments, small manufacturing facilities, as well as various vacant structures.

The city developed an initial proposal to rehabilitate the River Street site and the five acre railroad right-of-way property acquired from Conrail. This development plan enhanced the facilities and activities proposed for the Port Authority site and created a unique and distinctive area along River Street that took advantage of the riverfront location, existing buildings and reuse opportunities.

The plan recommended that local demand for boat slips be addressed through the development of about 200 new slips along the river, in an area that extends from the existing railroad swing bridge south to the Petten Street extension. In addition, the plan proposed the construction of a promenade or pedestrian path along the river that would link the site with the port area to the north. The pedestrian walkway would also provide access to new open space and picnicking areas to be developed along the river. These areas would include new picnic shelters and river overlooks. Enhancements to the Genesee Lighthouse and surrounding area that involve creation of additional open space, a pedestrian connection to the river, and additional parking areas, were included in the plan. Rehabilitation of the existing railroad station into a unique riverside restaurant was also proposed. Finally, adaptive reuse of existing vacant commercial structures in the area was envisioned as a major part of the overall redevelopment of the River Street site.

This initial city plan for the redevelopment of the River Street area was reviewed and analyzed by a consultant team that included the landscape architects who prepared the Ontario Beach Park and Port of Rochester Concept Plans described above. This review was undertaken as part of a study which produced a report entitled the River Harbor Redevelopment Area Design/Feasibility Study. The study had as its overall objective, the preparation of a concept plan for redevelopment of the large waterfront and upland area which runs

from just south of the Port Authority site to Petten Street, between Lake Avenue and the River.

As part of the River Harbor Redevelopment Project, the consultants reviewed and analyzed historic data and existing development characteristics and conditions within the study area, which included the River Street site. They also identified significant development issues affecting the study area (such as the proposed replacement of the Stutson Street Bridge) and prepared a series of development goals and objectives. From this information, the consultants developed a unified, thematic concept for the study area which focused on the historic, turn-of-the-century Charlotte village. Specific design standards and guidelines for building facades, streetscapes, signage and site development were also prepared by the consultants and were incorporated into the city's Zoning Ordinance as described in SECTION V: IMPLEMENTING TECHNIQUES. Finally, schematic site plans for five redevelopment sites within the study area were prepared that incorporated the land use recommendations of the CAC for this area, as well as other data collected or developed as part of the project. Portions of the River Harbor Redevelopment Area Design/Feasibility Study final report, prepared by the Reimann-Buechner Partnership, are included in the Appendices to the city's LWRP.

The five redevelopment sites that were examined as part of the River Harbor Redevelopment Area Design/Feasibility Study included the Pelican Bay Marina at the northern end of River Street along with the city-owned waterfront area between Pelican Bay and Petten Street (which includes the existing historic railroad station), the Genesee Lighthouse site, the Tape-Con property at the northwest corner of River Street and Latta Road, an infill site on River Street between Stutson Street and Latta Road, and an infill site along the Lake Avenue corridor.

The proposed redevelopment plan for the River Harbor Redevelopment Area addresses many of the LWRP policy goals and statements contained in SECTION III, as well as additional objectives that were developed by city staff, CAC members and citizens. The plan also implements the specific land use recommendations for the River Street site that are contained in this Section. The plan promotes tourism, enhances the city's image as a waterfront recreational area and major waterfront attraction, strengthens the economic base of the region, promotes public access to the shorezone, and increases the amount and type of water-related recreational activities.

A summary of the elements of the proposed River Harbor Redevelopment Area Concept Plan is provided below. **MAP IV-2 on page IV-39** illustrates the proposed concept plan. This is a schematic plan that represents development ideas in a conceptual manner only. Specific elements and impacts of actual projects would be determined only after detailed design, engineering and environmental studies were completed.

E. Summary of River Harbor Area Concept Plan Components

* Boat slips, T-piers, dry-storage facility and river wall/rip-rap:

All of the area immediately adjacent to the river, from Pelican Bay Marina south to Petten Street, will be developed for approximately 215 boat slips. This would include finger piers along the river north of the Stutson Street Bridge, and T-piers along the river south of the bridge, near Petten Street. Rip-rap will be emplaced or a new river wall will be constructed along the length of the river in this area and in conjunction with development of the boat slips, to prevent shore erosion and to protect the dock areas and on-shore public facilities. Dry-storage facilities for up to 35 boats will be provided at the Pelican Bay Marina site and within a new structure located at the southern end of the study area along the river.

* River promenade and riverfront park:

A river promenade or pedestrian walkway will be constructed along the river that will connect or link the River Street area with the port site and Ontario Beach Park to the north, as well as with potential future riverfront recreational trails to the south. The walkway will provide a variety of routes for pedestrians to follow through the area and will include river overlooks, a fishing pier, gazebos, as well as shelters and restrooms at several points along its length. A small riverfront park will be constructed adjacent to the river promenade at the northern end of the site that will include picnic pavilions, landscaping, open space areas and overlooks.

* Railroad station:

The existing vacant railroad station located adjacent to the river, just north of Stutson Street, will be rehabilitated for use as a unique riverfront restaurant and/or bar. Landscaped open space, a river overlook and an outdoor cafe or veranda could also be developed as part of the restaurant.

* Parking areas and vehicular circulation:

An access road and several linear parking areas will be developed along the length of the riverfront portion of the site to provide adequate vehicular circulation and access to the boat slips, railroad station and other public facilities in the area. The access road would connect with River Street, Latta Road and Petten Street. Approximately 490 new parking spaces will be provided throughout the concept plan. Some of the new parking

spaces will be provided as part of the development of new housing units and mixed-use buildings in the study area.

* Adaptive use of commercial structures and vacant land infill: Several existing unique commercial structures along the west side of River Street will be developed for adaptive reuse. New uses for these structures could include marina services, marine-related commercial establishments, restaurants, a hotel, bed and breakfast operations, and housing. New housing is proposed as infill development on vacant land in the River Street/Stutson Street/Latta Road area, and as part of the overall redevelopment of the Tape-Con site. A total of 44 Townhomes and 20 apartments are proposed for development in the study area as part of the River Harbor concept plan.

* Genesee Lighthouse:

  The area around the historic Genesee Lighthouse will be upgraded through the enhancement of scenic views and vistas in the area. This area will be upgraded through the development of improved access, additional landscaped open space adjacent to the river, a pedestrian connection across existing railroad tracks to the river and to the port site, and a new parking and turn-around area at the end of Lighthouse Street.

* Replacement and relocation of Stutson Street Bridge:

The Lake Ontario State Parkway (LOSP) is recommended to be extended eastward through existing residential areas, across River Street and over the Genesee River by means of a new lift bridge to replace the existing Stutson Street Bridge. To minimize the impact on this residential area, it is recommended that the center median be removed prior to crossing Lake Avenue.

The recommended bridge replacement option involves construction of a 54-foot vertical clearance lift bridge which would cross Lake Avenue at a signalized, at-grade intersection. The four-lane road, with sidewalks and bike paths for both east and westbound traffic would cross River Street with an 8-foot vertical clearance. A pedestrian ramp or stair should be provided to allow bridge users to access River Street directly. The new bridge should tie-in on the west shore of the river to the existing bridge interface at Pattonwood Drive. River Street should be severed at the Map

IV-3 bridge interface and a cul-de-sac should be developed at each end of the street.

The abutment of the old Stutson Street Bridge should be used as a major river overlook with access provided from Stutson Street and River Street, and from the westbank riverfront trail system via a stairway or ramp system.

This recommended bridge replacement project will allow for the development of the River Harbor Area, Ontario Beach Park and Port Authority site in a manner consistent with the plans outlined in this Section, by reducing or eliminating major existing traffic congestion and circulation problems at the Lake Avenue and Stutson Street intersections. The recommended project will also permit development of appropriate land uses in the vicinity of Stutson Street and River Street as outlined in this Section.

* Construction of Genesee River surge protection structure:

The River Harbor Redevelopment Concept Plan requires that a surge protection or surge control structure be constructed at the mouth of the Genesee River, in order to eliminate the significant wave surge problem in the river during northeast storm events. This surge problem causes extensive damage to boats and boat slips, undermines and erodes the existing county boat launch area, and prohibits charter and pleasure boat activity, fishing and water-sport events during many storm or rough water periods throughout the year. Some of the proposed boat slips and finger piers along the west bank of the Genesee River, as well as the 75-slip transient marina proposed as part of the Port of Rochester Redevelopment Plan, may not be able to be constructed without such a surge protection structure in the river.

The recommended project alternative for a river surge control structure involves construction of a permanent "dog-leg" extension at the northern end of the west pier. This alternative would be constructed in a northeasterly direction and would require additional river dredging to accommodate the larger commercial river traffic. The city, County of Monroe and U.S. Army Corps of Engineers should work cooperatively together to fund, undertake and complete a surge control project that will eliminate or significantly reduce the surge problem in the river.

* Implementation of design standards / guidelines for River Harbor area:

The River Harbor Area Redevelopment Concept Plan identified two design themes that are to be implemented through design

standards and guidelines within the study area. A "turn-of-the-century village" theme will be developed primarily along the Lake Avenue corridor, north of the Lake Ontario State Parkway, and a "turn-of-the-century maritime center" theme will be developed primarily along River Street, north of the Stutson Street Bridge.

Private development within the study area that meets certain thresholds or criteria delineated in the City Zoning Ordinance will be required to meet design standards and guidelines that implement these thematic concepts. City public projects within the study area such as street reconstruction or development of new public recreation facilities will be required to meet the same design standards and guidelines through the city's capital improvement program review and funding process.

F. Development of the Genesee River boat launch facility

The city, in cooperation with Monroe County, and as part of the preparation of its LWRP, investigated the development of a 4-ramp boat launch and associated support facilities, to be located on the east bank of the Genesee River, just south of Stutson Street. The city supports the development of this water-dependent activity and would provide leased access across city property as well as river frontage to the County in order to construct the facility. Access to the site could be obtained via Thomas Avenue, within the Town of Irondequoit. The city will continue to work with Monroe County and the Town of Irondequoit to evaluate specific site characteristics and development constraints along the east bank of the river and in other appropriate areas, in order to identify the most appropriate site for this facility. Support facilities that could be part of the boat launch could include pedestrian walkways and river overlooks, picnic areas and open space, as well as accessory parking.

The development of a boat launch facility along the east bank of the river would help implement the specific land use recommendations for this area that are contained in this Section. Such a facility could promote tourism, strengthen the economic base of the river harbor area, promote public access to the shorezone, and increase water-related recreational activities along the river. Appropriate provisions for vehicular and pedestrian access to this proposed facility should also be incorporated into any designs developed for the Stutson Street Bridge replacement project.

G. Development of various improvements to the LWRP public parks

The city, as part of the preparation of its LWRP, reviewed comprehensive master plans prepared by Monroe County for the redevelopment of five of the public parks located along Lake Ontario or the Genesee River. These parks include Durand-Eastman Park,

Turning Point Park, Seneca Park, Maplewood Park, and Lower Falls Park. All of these parks are owned by the city. Durand-Eastman, Lower Falls, Seneca and portions of Maplewood Park are leased to Monroe County which is responsible for their operation and maintenance. Turning Point Park is under the direct control of the city.

The city supports the major recommendations contained in the master plans for the redevelopment of existing park facilities or the construction of new park facilities within the LWRP boundary. Specifically, the city supports the following park improvement activities as a means of addressing or implementing appropriate LWRP waterfront policies or specific land use recommendations:

* Within Durand-Eastman Park:

  - Redevelopment and enlargement of the beach area of the park through the construction of a seawall and/or groins, supplemented by a phased program of beach nourishment;

  - Construction of a bathhouse in the beach area along with various safety facilities including lifeguard tower stations and buoys, lines and markers;

  - Provision of additional, defined parking along Lake Shore Boulevard and suitable safe crossings between the beach area and the remainder of the park;

  - Construction of a nature center and outdoor amphitheater within the park, along with sufficient accessory parking and support facilities; and

  - Development of a system of hiking trails within the park that connect the proposed nature center, satellite nature study areas and wildlife study areas.

* Within Turning Point Park:

  - Development of cartop boat access to the river; and

  - Enhancement of a pedestrian trail to the south and west, along an abandoned railroad bed (this pedestrian trail provides pedestrian access to the park from the south, at Lake Avenue).

* Within Seneca Park:

  - Maintenance, protection and enhancement of the original Olmstead plan and design for the park; development of

new pedestrian trails and overlooks within the park, and a general upgrading and expansion of the park zoo; and

- Acquisition of property located along the east bank of the Genesee River, opposite Turning Point Park, in an area of the river known as Rattlesnake Point (this acquisition could enlarge the land area of the park, increase passive recreational opportunities within the park, and protect extremely sensitive wetland areas and steep, wooded slopes along the river bank; this additional park area could be developed with hiking trails for potential nature studies or similar activities).

* Within Maplewood Park:

  - Construction of additional pedestrian trails and paths within the park;

  - Provision of adequate parking facilities to support the various recreational activities in the park;

  - Development of a connection between Lower Maplewood Park and an existing pedestrian trail along Bridgeview Drive; and

  - Development of safe, controlled fishing access to the Genesee River, in appropriate locations along the park's riverfront.

* Within Lower Falls Park:

  - Development of the park as an archaeologic / interpretive site, focusing on the remains and ruins of former mill structures and other buildings in the area that date back to the early 1800's;

  - Construction of several river overlooks within the park to enhance the scenic views and vistas of the gorge and falls area; and

  - Construction of trail connections to Maplewood Park under the new Driving Park Bridge.

SUMMARY OF SECTION IV: USES AND PROJECTS

The policies of the city's LWRP outlined in SECTION III were translated, with input from a citizen's advisory committee, into a conceptual development plan for the city's waterfront areas. This was accomplished by identifying appropriate land uses and projects for the following subareas within the LWRP boundary:

Subarea A - Durand-Eastman Park
Subarea B - Open Space / Critical Environmental Areas
Subarea C1 - Developed portion of the Upland Area
Subarea C2 - Buildable portion of the Upland Area
Subarea D - River Harbor Zone and Lakefront Area
Subarea E - Industrial Areas

The following generalized land uses are recommended for each LWRP subarea:

SUBAREA		RECOMMENDED LAND USES
(A)	DURAND-EASTMAN PARK	Public walkways, fishing areas, swimming areas, picnicking areas, parking, cartop boat access, spectator site for off-shore events, treatment facilities, field sports, and outdoor entertainment.
(B)	OPEN SPACE / CRITICAL ENVIRONMENTAL AREAS	Public walkways, fishing areas, picknicking areas, parking areas, cartop boat access, swimming, outdoor entertainment, museum, and zoo.
(C1)	DEVELOPED PORTION OF THE UPLAND AREA	Public walkways, marine-related support facilities, hotel, general retail facilities including restaurants, office research facilities, parking, and housing.
(C2)	BUILDABLE PORTION OF THE UPLAND AREA	Public walkway, housing, parking, office research facilities, and manufacturing facilities.
(D)	RIVER HARBOR ZONE AND LAKEFRONT AREA	Public walkways, swimming areas, fishing areas, picnicking areas, outdoor entertainment, festival sites, field sports, marinas, marina-related support facilities, parking areas, cartop boat access, retail facilities including restaurants, hotel/boatel or bed & breakfast inn, and housing.
(E)	INDUSTRIAL AREAS	Public walkways, fishing areas, parking, manufacturing facilities, power generating facilities, office research facilities, water treatment facilities, shipping, water-related retail support facilities, hotel or bed & breakfast inn, and housing.

SECTION V: TECHNIQUES FOR IMPLEMENTATION OF THE PROGRAM

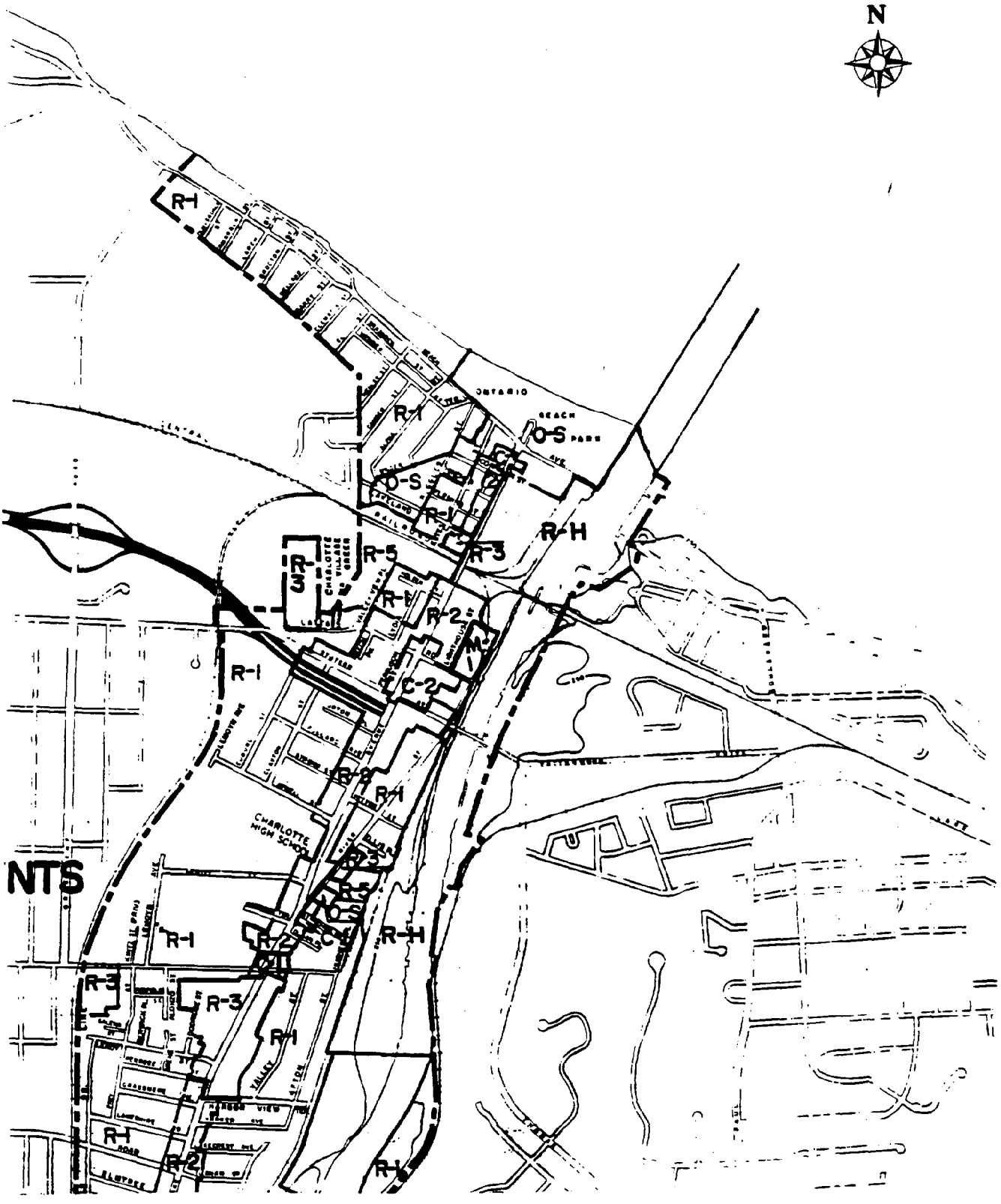
CITY OF ROCHESTER
LOCAL WATERFRONT REVITALIZATION PROGRAM

SECTION V: TECHNIQUES FOR LOCAL IMPLEMENTATION OF THE PROGRAM
TABLE OF CONTENTS

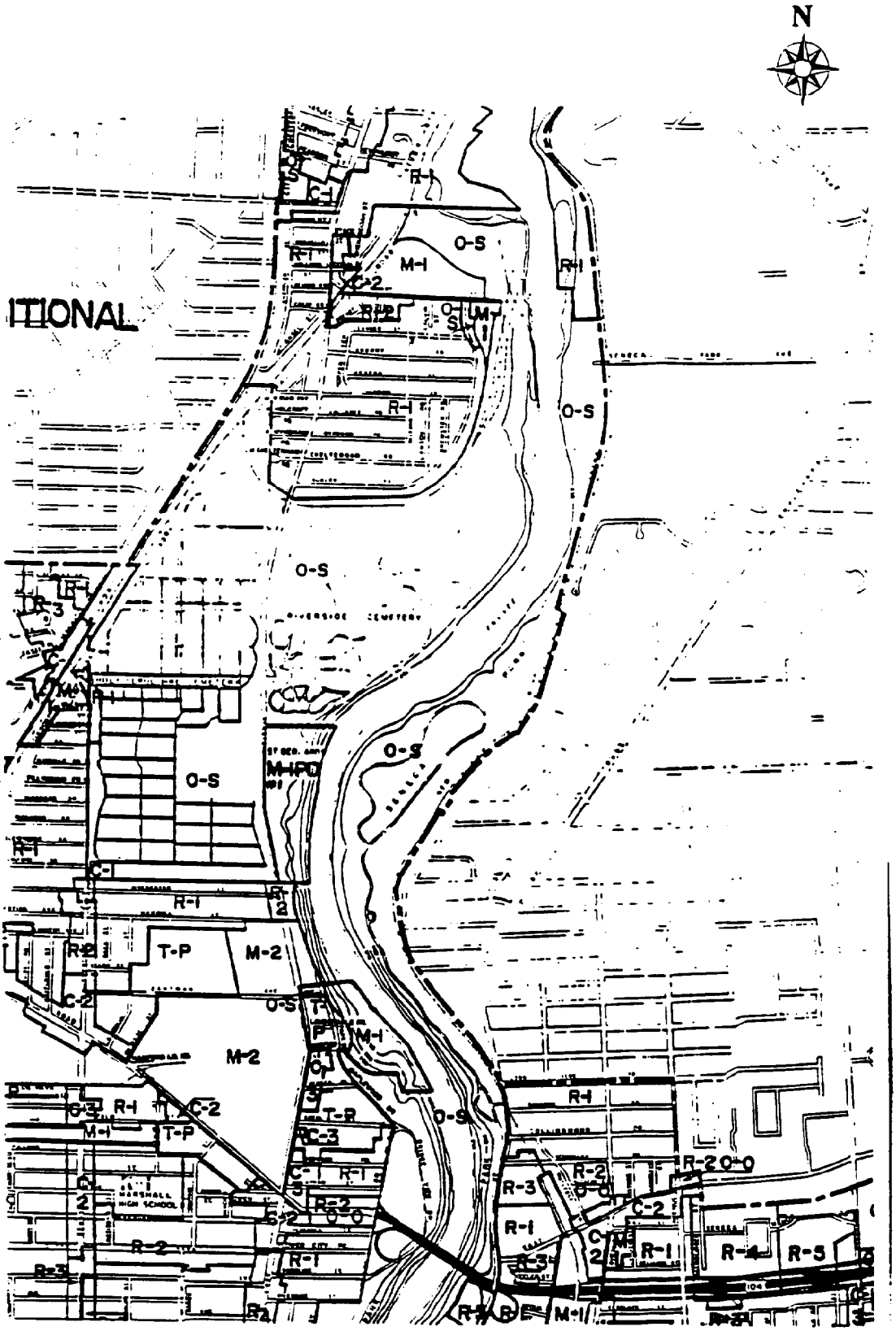
POLICY NUMBER		PAGE
MAP V-1	ZONING IN THE LWRP	V-5 to V-8
POLICY 1	IMPLEMENTING TECHNIQUES	V-9
POLICY 2	IMPLEMENTING TECHNIQUES	V-11
POLICY 3	(not applicable)	V-12
POLICY 4	(not applicable)	V-12
POLICY 5	IMPLEMENTING TECHNIQUES	V-12
POLICY 6	IMPLEMENTING TECHNIQUES	V-13
POLICY 7	IMPLEMENTING TECHNIQUES	V-13
POLICY 8	IMPLEMENTING TECHNIQUES	V-15
POLICY 9	IMPLEMENTING TECHNIQUES	V-16
POLICY 10	(not applicable)	V-18
POLICY 11	IMPLEMENTING TECHNIQUES	V-18
POLICY 12	IMPLEMENTING TECHNIQUES	V-19
POLICY 13	IMPLEMENTING TECHNIQUES	V-20
POLICY 14	IMPLEMENTING TECHNIQUES	V-21
POLICY 15	IMPLEMENTING TECHNIQUES	V-22
POLICY 16	IMPLEMENTING TECHNIQUES	V-22
POLICY 17	IMPLEMENTING TECHNIQUES	V-23
POLICY 18	IMPLEMENTING TECHNIQUES	V-24
POLICY 19	IMPLEMENTING TECHNIQUES	V-24
POLICY 20	IMPLEMENTING TECHNIQUES	V-25
POLICY 21	IMPLEMENTING TECHNIQUES	V-26
POLICY 22	IMPLEMENTING TECHNIQUES	V-27

SECTION V: TECHNIQUES FOR LOCAL IMPLEMENTATION OF THE PROGRAM
TABLE OF CONTENTS (CONT'D.)

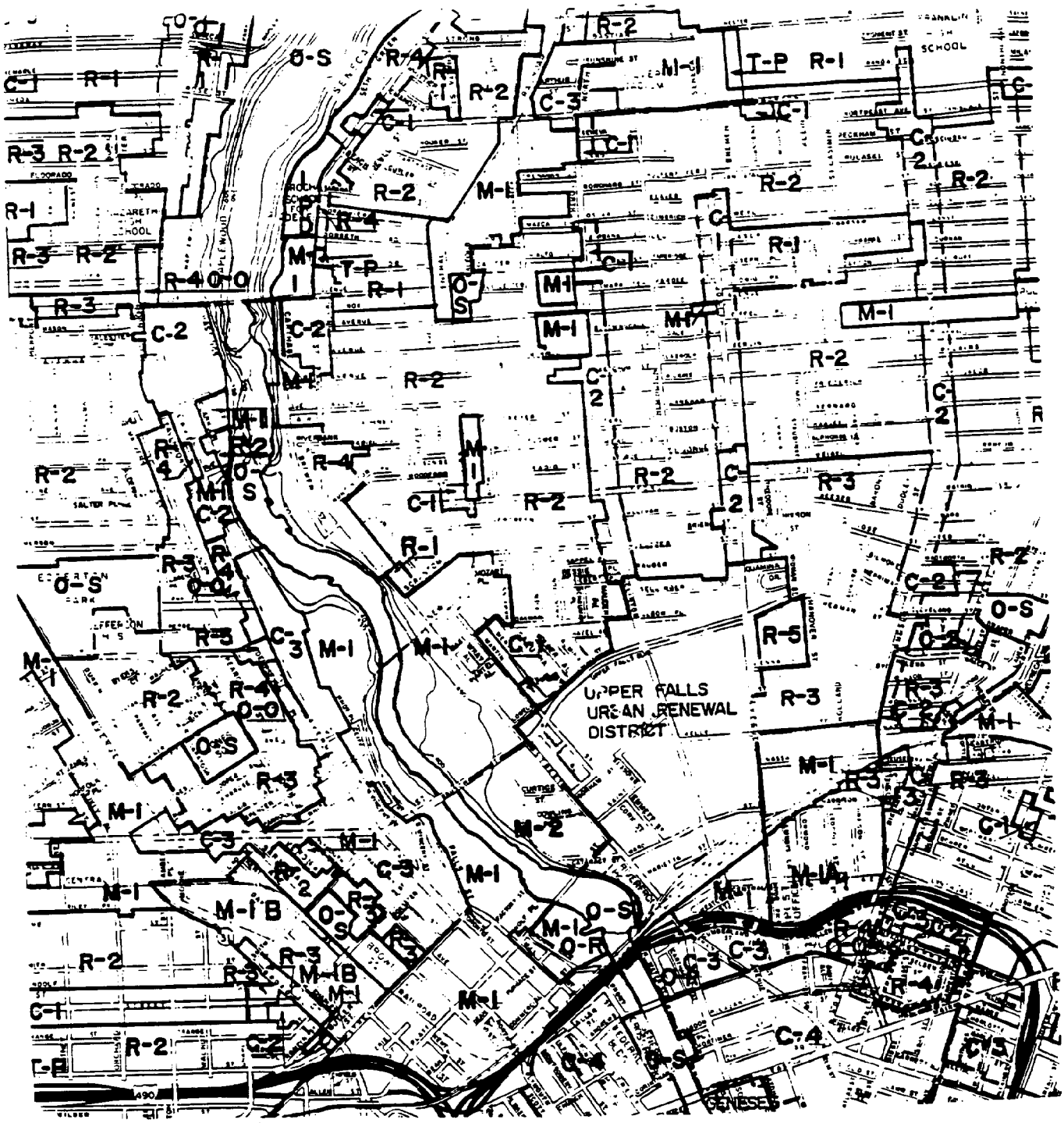
POLICY NUMBER		PAGE
POLICY 23	IMPLEMENTING TECHNIQUES	V-28
POLICY 24	(not applicable)	V-29
POLICY 25	IMPLEMENTING TECHNIQUES	V-29
POLICY 26	(not applicable)	V-30
POLICY 27	IMPLEMENTING TECHNIQUES	V-31
POLICY 28	(not applicable)	V-31
POLICY 29	(not applicable)	V-31
POLICY 30	IMPLEMENTING TECHNIQUES	V-31
POLICY 31	IMPLEMENTING TECHNIQUES	V-32
POLICY 32	(not applicable)	V-32
POLICY 33	IMPLEMENTING TECHNIQUES	V-33
POLICY 34	IMPLEMENTING TECHNIQUES	V-34
POLICY 35	IMPLEMENTING TECHNIQUES	V-34
POLICY 36	IMPLEMENTING TECHNIQUES	V-35
POLICY 37	IMPLEMENTING TECHNIQUES	V-35
POLICY 38	IMPLEMENTING TECHNIQUES	V-35
POLICY 39	IMPLEMENTING TECHNIQUES	V-36
POLICY 40	IMPLEMENTING TECHNIQUES	V-36
POLICY 41	IMPLEMENTING TECHNIQUES	V-36
POLICY 42	IMPLEMENTING TECHNIQUES	V-37
POLICY 43	IMPLEMENTING TECHNIQUES	V-37
POLICY 44	IMPLEMENTING TECHNIQUES	V-37
TABLE V-1	SUMMARY OF IMPLEMENTING TECHNIQUES	V-39
SUMMARY OF TASK		V-40



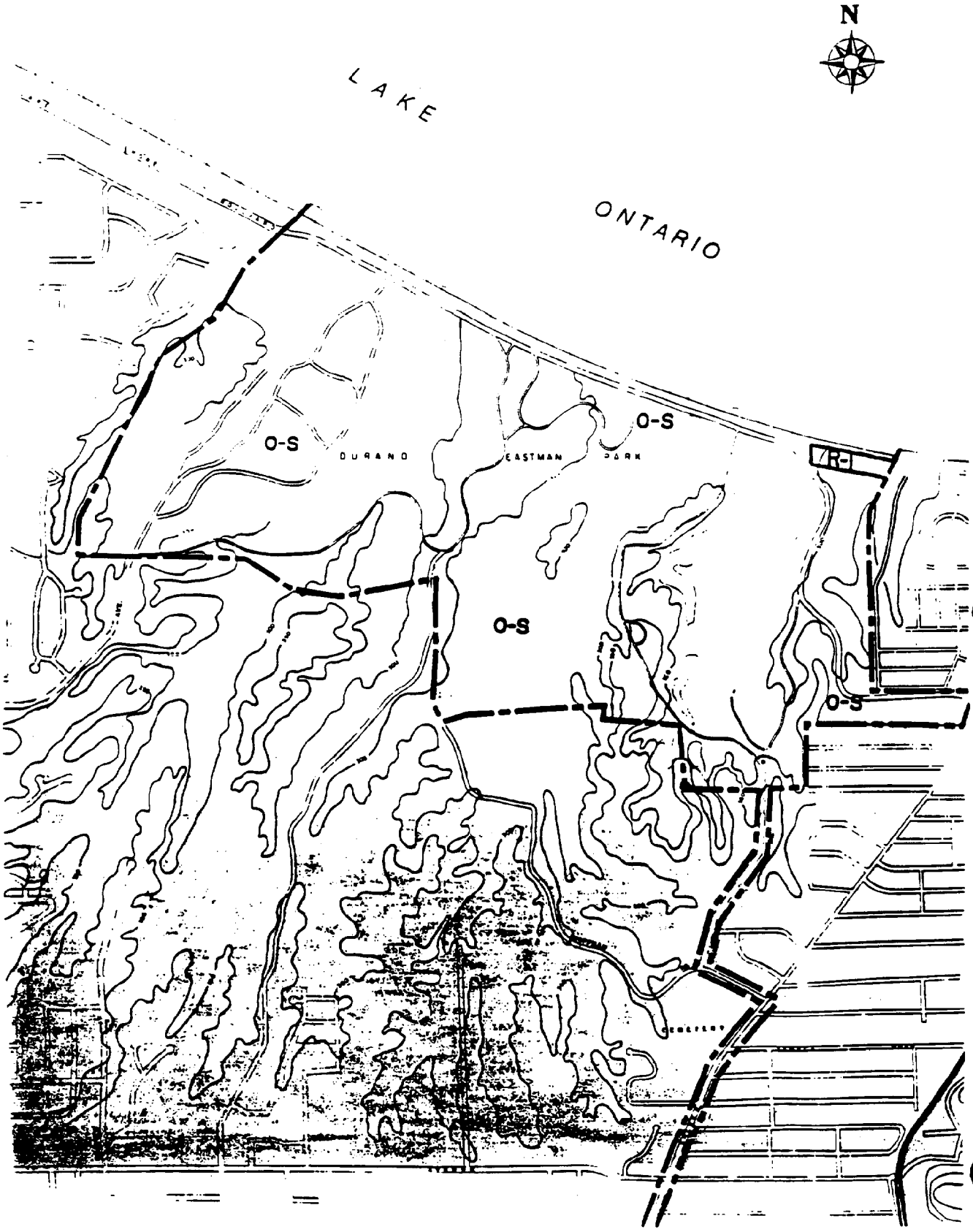
Map V-1
Zoning in the LWRP



Map V-1
Zoning in the LWRP



Map V-1
Zoning in the LWRP



Map V-1
Zoning in the LWRP

Map V-1, pages V-5 to V-8, depicts the zoning within the City of Rochester's waterfront revitalization area.

The following material describes the legislation and additional actions implementing applicable LWRP policies.

POLICIES (1), (1A), (1B), (1C), (1D), (1E), (1F), (1G):

(A) LEGISLATION THAT IMPLEMENTS THESE POLICIES:

The city considers its waterfront areas along Lake Ontario and the Genesee River to be among its most important recreational, aesthetic and economic resources. The city intends to revitalize and redevelop deteriorated and underutilized waterfront areas by encouraging uses or activities deemed appropriate for the waterfront revitalization area based on their water and recreation-oriented characteristics.

Several city ordinances and legislation will help to implement the LWRP policies listed above. Much of the area within the LWRP boundary and adjacent to the lake or river is zoned as an Open Space (OS) District. This district will help to control and promote appropriate water-dependent and water-enhanced uses within the shorezone by permitting parks, outdoor recreational facilities, and natural wildlife areas. In addition, such uses as public and community recreation buildings, athletic fields, zoos, and small concessionaire shops incidental to the operation of public recreational uses, are permitted subject to a special permit. The purpose statement contained within the OS District includes references to the preservation and enhancement of major open spaces and recreational areas through protection of natural amenities and the encouragement of development that is consistent with those natural amenities.

In addition, the City Zoning Ordinance contains comprehensive site plan review procedures and requirements that will help to address development. These requirements deal with aesthetic considerations, relationships to surrounding land uses and environmental features, landscaping and screening, as well as pedestrian and vehicular circulation. The city will continue to utilize these zoning ordinance provisions to encourage and promote the development of appropriate commercial, industrial and recreational uses within the LWRP boundary. The City Zoning Ordinance's site plan review procedures are required for all development proposed on sites located adjacent to the river and other types of development activity. These procedures include the consideration of adequate circulation, screening and landscaping, preservation of open space and critical environmental areas, as well as the relationship of the proposed development to surrounding land uses and natural features.

The following changes made to the City's Zoning Ordinance as a result of the LWRP implement the above policies:

(1) The City's River Harbor (RH) District was modified to permit such uses as housing, hotels, motels and boatels, and multiple or mixed-uses, and to allow certain uses subject to special permit.

(2) An Overlay Harbor Town Design (OHTD) District was adopted which requires a certificate of design compliance, granted after a review process based on design guidelines for landscaping, signage, visual compatibility, site development, etc., for certain types of development in the shorezone.

(B) ADDITIONAL PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THESE POLICIES:

(1) The city prepared and will promote, in cooperation with other governmental agencies, a redevelopment plan for the port site which embraces the development policies of the LWRP. The proposed plan includes construction of a marina for approximately 75 boats, a public walkway adjacent to the river, redevelopment of two existing warehouses for such uses as a restaurant, boatel, museum/ interpretive center, related marine services, or a small festival site which could be used for public events and performances or marina-related commercial establishments. The goal of the proposed plan is to encourage water-oriented and water-dependent uses on the site that are compatible with existing land uses, to encourage private investment on the site, and to improve the area's economic stability.

(2) The city prepared and will promote, with other governmental agencies, a redevelopment plan for the River Street site which embraces the development policies of the LWRP. The proposed plan takes advantage of the proximity of the site to the historic Genesee Lighthouse, as well as the river and nearby marinas. The plan promotes water-related commercial and recreational uses in the area. The plan includes redevelopment of the railroad station into a unique waterfront restaurant, construction of boat slips and a public walkway along the river, development of direct public access to the Lighthouse, construction of picnic facilities and open space areas along the river, and provisions for additional parking and more efficient vehicular circulation in the area. The plan also identifies several buildings and structures in the area that could be redeveloped or rehabilitated for appropriate water-related commercial uses, and identifies new housing development sites.

(3) The city will encourage and promote the development of commercial and recreational uses along the Lake Avenue corridor, that will support and enhance the land uses and development activities on the port site and at Ontario Beach Park. In addition to the rehabilitation of major buildings, the city will promote the provision of off-street parking areas and streetscape amenities such as tree plantings, landscaping, street furniture and pavement treatments as a part of public infrastructure projects in the area.

(4) The city will promote and encourage, in cooperation with other governmental agencies, the redevelopment of Durand-Eastman Park's public beach area, located on Lake Ontario, immediately north of Lakeshore Boulevard. The city will continue to encourage Monroe County to open the beach area to the public, and redevelop the

bathhouse and the adjacent beach in order to provide a suitable recreational facility. This would provide city residents with a second major public beach area along the lake. Support uses such as small concession areas and public walkways should also be developed by the county.

(5) The city will promote and encourage, in cooperation with other governmental agencies, the development of a public boat launch facility along the eastern bank of the river, just south of the Stutson Street Bridge. This area is largely vacant with the exception of deteriorated boat slips and miscellaneous marina-related uses and activities. The facility will be developed in conjunction with Monroe County and will help redevelop a severely underutilized area of riverfront. The boat launch will provide increased public access to the river for boating, sailing and fishing and will enhance other water-dependent and water-enhanced uses in the area.

(6) The city, in cooperation with Monroe County, will promote, encourage and support the redevelopment of several recreational facilities that are part of the six public parks located within the LWRP boundary. These parks include Durand-Eastman Park and Ontario Beach Park, which are located on Lake Ontario, and Turning Point Park, Seneca Park, Maplewood Park and Lower Falls Park, which are located on the river. Many of the parks' recreational facilities are in a deteriorated condition and could be improved or enhanced through construction of additional facilities such as pedestrian paths, trails, river landings, parking areas and overlooks. The city will ensure that public access to the waterfront is improved, and that appropriate water-enhanced recreational uses are located in the waterfront areas in each park.

POLICY (2), (2A):

(A) LEGISLATION THAT IMPLEMENTS THIS POLICY:

The city recognizes that, because of the location of sensitive environmental features in the shorezone and the general competition for waterfront locations of various types of land uses, there is a limited amount of waterfront land that is actually suitable for development within the LWRP boundary. The city also recognizes that water-dependent uses and activities should have priority over non-water-dependent uses in terms of development within the shorezone of the waterfront revitalization boundary. In order to ensure that water-dependent uses can be located and developed in waterfront locations, the city will utilize the OS Open Space zoning district within the LWRP boundary. The city will also avoid undertaking, funding, or approving non-water-dependent actions or activities when such actions or activities conflict with the development of water-dependent uses or would preempt the reasonably foreseeable development of water-dependent uses in the same area.

The OS Open Space District within the LWRP boundary includes areas along the river south of Denise Road, as well as Ontario Beach Park and Durand-Eastman Park. This district consists almost entirely of publicly-owned land and only permits open space uses such as parks, playgrounds, outdoor recreational facilities and some specially permitted uses. The Open Space District basically restricts development in sensitive environmental areas within the LWRP boundary. The open space uses that are water-dependent and located in the shorezone are expected to remain that way for the foreseeable future.

One change made to the City's Zoning Ordinance as a result of the LWRP implements the above policies:

(1) The River Harbor (RH) District was modified to include all areas adjacent to the river, from Denise Road north to Lake Ontario, as well as the Port and River Street sites. This zoning district promotes water-dependent uses through its list of permitted uses and requirements for special permits for some of those uses. The district permits marinas, public boardwalks, boat launches, boating and fishing docks, as well as harbor-related retail and consumer service establishments. Most of the existing uses within the LWRP's River Harbor District are expected to be maintained as water-dependent facilities within the foreseeable future.

(B) ADDITIONAL PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THIS POLICY:

(1) See (1), (2), (3), (4) and (5) under (B) on pages V-10 and V-11.

POLICIES (3), (4): NOT APPLICABLE.

POLICIES (5), (5A), (5B), (5C):

(A) LEGISLATION THAT IMPLEMENTS THESE POLICIES:

The city recognizes that new development proposed within the LWRP boundary should be adequately serviced by existing or upgraded public services and facilities. Virtually all major development areas within the LWRP boundary are serviced by adequate public services and facilities such as vehicular access, storm and sanitary sewers, as well as electric, gas and water lines. If an area is not adequately serviced by existing public services and facilities, then upgrades, improvements, or extensions to existing systems are usually possible.

The site plan review process contained in the City Zoning Ordinance includes development review criteria which consider the adequacy of service to development sites by such public services as storm and sanitary sewers and access roads. The city intends to continue using this process and these criteria to ensure that new development proposed within the LWRP boundary is adequately serviced by public facilities.

(B) ADDITIONAL PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THESE POLICIES:

(1) See (1) under (B) on page V-10. The port site is adequately serviced with the public services and infrastructure that are essential to the development of the proposed plan as outlined above.

(2) See (2) under (B) on page V-10. The River Street site is adequately serviced with the public services and infrastructure that are essential to the development of the proposed plan as outlined above.

(3) See (4) under (B) on page V-10.

(4) As a part of the redevelopment of various county parks within the LWRP boundary, the City will promote and encourage the improvement of vehicular and pedestrian access to the parks and to the shorezone itself.

POLICY (6):

(A) LEGISLATION THAT IMPLEMENTS THIS POLICY:

The city recognizes the importance of efficient and uncomplicated permit approval procedures for development activities proposed within the LWRP boundary. The city has a permit review and approval system which includes coordination with other local and state agencies and eliminates unnecessary or duplicative levels of review.

Site plan review is coordinated by the City Bureau of Zoning as are requests for zoning variances, rezonings and subdivision approval. Environmental impacts and other areas of special concern for proposed development activities are considered early in the review process and are investigated in conjunction with the City Office of Planning as well as the City Environmental Commission. The entire development review process is characterized by reasonable timetables and deadlines, relatively simple and easy to understand paper work, and specific, but uncomplicated development review standards. A "one-stop-shop" approach has been developed by the city which allows applicants and/or developers to become aware of permit procedures and requirements and obtain all necessary paper work at one location at one time.

POLICIES (7), (7A), (7B), (7C):

(A) LEGISLATION THAT IMPLEMENTS THESE POLICIES:

The city recognizes the need to preserve and protect significant fish and wildlife habitat areas located within the LWRP boundary. The New York State Department of State (NYSDOS) has designated approximately six and one-half miles of the Genesee River, from the river mouth to the Lower Falls, as a "fish and wildlife habitat of statewide significance". The city will pursue a policy which preserves, protects and enhances this habitat area.

The city will continue to utilize existing zoning district regulations, as well as site plan and environmental review procedures to ensure that statewide and locally-significant fish and wildlife habitat areas within the LWRP boundary are preserved and protected.

As noted in SECTION IV: USES AND PROJECTS, a large amount of the city's waterfront area is publicly-owned parkland zoned as OS Open Space Districts. Uses permitted within the OS District include parks, outdoor recreational facilities, and natural wildlife areas. In addition, the purpose statement contained within the district includes references to the preservation and enhancement of Rochester's major open spaces and recreational areas through protection of natural amenities and the encouragement of development which respects and is consistent with those natural amenities. The restrictive nature of the Open Space District, in terms of the types of land uses permitted and the development controls that are included within it, will be utilized by the city to ensure that development activities are undertaken in these areas in a manner consistent with the maintenance and protection of wildlife habitat areas.

The City Zoning Ordinance's site plan review procedures are required for all development proposed on sites located adjacent to the river as well as for numerous other types or classifications of development activity. In addition, development actions proposed within 100 feet of the Genesee River and Lake Ontario, within areas zoned as open space, in heavily wooded areas, and within state-designated freshwater wetlands are Type I actions under the City's Environmental Quality Review Ordinance, since these locations have been identified as critical environmental areas. Such actions require a complete environmental review. As a part of the site plan and environmental reviews, the city would determine and address the project's potential impacts on existing fish and wildlife habitat areas, and require mitigating measures, if necessary, in order to protect those areas from adverse development impacts. City environmental review procedures will be utilized to ensure that development activities that have been determined to be Type I actions under this legislation will be consistent with LWRP goals, policies and objectives including the protection of significant fish and wildlife habitats, etc.

One change made to the City's Zoning Ordinance as a result of the LWRP implements the above policies:

(1) A Waterfront Consistency Ordinance was adopted, which mandates the consideration of a project's consistency with LWRP goals, policies and objectives as a criteria for review of projects within the LWRP boundary.

(B) ADDITIONAL PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THESE POLICIES:

(1) The city, in cooperation with Monroe County, will promote, encourage and support the redevelopment of several recreational facilities that are part of the six public parks located within the LWRP boundary. These parks include Durand-Eastman Park and Ontario Beach Park which are located on Lake Ontario, and Turning Point Park,

Seneca Park, Maplewood Park and Lower Falls Park which are located on the river. Several of the proposed improvements will help enhance the stability of existing fish and wildlife habitat areas within the parks.

POLICY (8):

(A) LEGISLATION THAT IMPLEMENTS THIS POLICY:

The city recognizes and will carry out the applicable local provisions of the following state laws in order to implement this policy:

(a) Industrial Hazardous Waste Management Act, Environmental Conservation Law (Article 27, Title 9)
(b) State Pollutant Discharge Elimination System, Environmental Conservation Law (Article 17, Title 8)
(c) State Certification, Federal Water Pollution Control Act (Section 401)
(d) Toxic Substances Monitoring Program, Environmental Conservation Law (Article 17)
(e) Substances Hazardous to the Environment, Environmental Conservation Law (Article 37)
(f) Solid Waste Management, Environmental Conservation Law (Article 27, Title 7)
(g) Control of Pollution Injurious to Fish and Shellfish, Environmental Conservation Law (Article 13-0345 and Article 17-0503)
(h) Stream Pollution Prohibited, Environmental Conservation Law (Article 11-0503)
(i) Oil Spill Prevention, Control and Compensation, Navigation Law (Article 12)
(j) Siting of Major Steam/Electric Generating Facilities, Public Service Law (Article VIII)
(k) Sanitary Code, Public Health Law (Article 3)

In addition, the city will utilize comprehensive site plan and environmental review procedures in order to implement this LWRP policy. These regulations are sufficient to deal with potential erosion, sedimentation or other pollution problems which could adversely affect fish and wildlife habitat areas within the LWRP boundary.

The City's site plan review procedures are required for all development proposed on sites located adjacent to the Genesee River as well as for numerous other types or classifications of development activity. These site plan review procedures include the consideration of such items as preser-vation of open space and critical environmental areas, as well as the relationship of the proposed development to surrounding land uses and natural features including fish and wildlife habitat areas.

Development actions proposed within 100 feet of the Genesee River and Lake Ontario, within areas zoned as open space, in heavily wooded areas, and within state-designated freshwater wetlands are Type I actions under the City's Environmental Quality Review Ordinance, since these locations have

been identified as critical environmental areas. City environmental review procedures will be utilized to ensure that development activities that have been determined to be Type I actions under this legislation will be consistent with LWRP goals, policies and objectives including the protection of significant fish and wildlife habitats, etc.

A Waterfront Consistency Ordinance was adopted which mandates the consideration of a project's consistency with LWRP goals, policies and objectives as a criteria for review of projects within the LWRP boundary.

(B) ADDITIONAL PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THIS POLICY:

(1) The city, in cooperation with Monroe County, will continue to support and participate in a Combined Sewer Overflow Abatement Project (CSOAP) which will eliminate combined storm and sanitary sewers in many areas of the city. This project involves the construction of several large underground holding tunnels which will discharge sewage and storm water, collected after major rainfalls, to the Frank E. VanLare Treatment Plant located in Durand-Eastman Park. Prior to the construction of these tunnels, large volumes of combined sewage and storm water that occurred after major rainfalls in the area flowed directly into the Genesee River and Lake Ontario without being treated. This sewage contributed to pollution problems in the river and lake and the elimination or destruction of fish and other wildlife species. The completion of the underground holding tunnels will eliminate a major source of pollution discharge into the river and lake and will help preserve existing stocks of fish in the area. In addition, the city will continue to investigate and promote improvements to other portions of the city storm and sanitary sewer systems in order to maintain and enhance the existing water quality in the river and lake.

(2) The city is participating, along with other governmental agencies, in the development of a Remedial Action Plan (RAP) for the Rochester Embayment. A RAP is an agreement among federal, state, and local governments, with the support of area citizens, on a plan to restore the water quality and beneficial uses of the waters of the Area of Concern. The specific goal of the Rochester Embayment RAP is to prepare an implementation plan that will improve the water quality of Lake Ontario and all of the waterways that flow into it, including the Genesee River. The implementation of the RAP for the Rochester Embayment will help to protect fish and wildlife resources from the introduction of hazardous wastes and other pollutants.

POLICIES (9), (9A), (9B):

(A) LEGISLATION THAT IMPLEMENTS THESE POLICIES:

Much of the area located within the LWRP boundary and adjacent to Lake Ontario or the river is currently zoned for open space use (OS District) or river-harbor use (RH District). The OS district regulations will be utilized by the city to expand the recreational use of fish and wildlife

resources within the LWRP boundary by increasing access to existing resources and by developing new resources.

Uses permitted within the OS Open Space District include parks, outdoor recreational facilities, and natural wildlife areas. Development of these types of uses will facilitate and promote the expansion of the recreational use of existing fish and wildlife habitat areas by increasing public access to these areas. In addition, the purpose statement contained within the OS Open Space District includes references to the preservation and enhancement of Rochester's major open spaces and recreational areas through protection of natural amenities and the encouragement of development which respects and is consistent with those natural amenities. This statement is important and will be used to interpret the intent of the district and help ensure that any proposed development is consistent with the City's goals and objectives for waterfront areas, including the expansion of recreational use of existing fish and wildlife habitat areas.

One change made to the City's Zoning Ordinance as a result of the LWRP implements the above policies:

(1) The RH River Harbor District was modified to include a purpose statement which includes references to the preservation and enhancement of the recreational character of the harbor area at the mouth of the Genesee River, the improvement of the visual quality of the harbor area, the preservation and promotion of public access to the shoreline, and a new use list which permits such facilities as marinas, boat launches and docks, and public walkways.

(B) ADDITIONAL PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THESE POLICIES:

(1) See (6) under (B) on page V-11. Expansion of recreational fishing opportunities will involve provision of direct public access to the shoreline for fisherman as well as boaters. Improvements will include the development of parking areas, access trails, fishing piers and wharves and boating facilities in appropriate areas within the parks. Provisions for increased public access to other wildlife resources located within these parks will include the rehabilitation or construction of hiking trails, pedestrian paths, overlooks and shelters.

(2) See (5) under (B) on page V-11.

(3) The city will complete the acquisition of properties formerly owned by Conrail and located along the east bank of the Genesee River, opposite the Turning Basin. These properties, which are located within the Genesee River Gorge, contain areas of steep, wooded slopes, and provide habitats for a wide variety of wildlife species, including bird and deer populations, which should be preserved and protected. The city will investigate the use of these properties for development of a linear, passive recreational trail system along

the river that would increase public access to wildlife resources within the river gorge.

(4) The city will, when appropriate, encourage the state to continue and expand its fish stocking program and will promote the completion of studies by NYSDEC concerning habitat maintenance and improvement. The city will insist that stocking programs are directed towards areas where known habitats will support and enhance increased fish populations.

POLICY (10): NOT APPLICABLE.

POLICIES (11), (11A), (11B):

(A) LEGISLATION THAT IMPLEMENTS THESE POLICIES:

The city recognizes the importance of controlling or prohibiting development in critical environmental areas such as erosion hazard areas and floodplains within the LWRP boundary. Zoning regulations and other land use controls are the primary means of dealing with these types of problems.

Much of the area within the LWRP boundary that has been identified as being within the Genesee River or Lake Ontario floodplain or that contains steep slopes in excess of 15% is in public ownership and is zoned for open space use. As noted earlier, the city's Open Space District effectively prohibits development in these critical environmental areas by severely limiting the types of uses and activities permitted. Lands zoned for open space within the LWRP boundary will remain in their natural state and will contribute to the enhancement, preservation and protection of other features and characteristics in the waterfront area.

The city's rigorous site plan review procedures will also be utilized to ensure that development activities will not cause or contribute to erosion and/or flooding problems within the LWRP boundary. The City's site plan review process is required for all development proposed on sites located adjacent to the Genesee River as well as for numerous other types or classifications of development activity. The site plan review procedures include the considera-tion of such things as setbacks, lot sizes, erosion control measures, impacts on existing drainage systems, as well as the relationship of the proposed development to surrounding land uses and natural features. Site plans that do not adequately address erosion, drainage or flooding problems will be denied or will be required to include mitigating measures that will eliminate such problems.

If a development site is located in a designated floodplain, a special permit is required which is reviewed and approved by the City Planning Commission following a public hearing. The special permit can only be approved if the applicant demonstrates, among other items, that the proposed development will be constructed above the base flood elevation at

the particular location, and that the development will not cause or increase flooding in the area or within the floodway in general.

The city will utilize existing environmental review procedures to ensure that steep slopes and other areas prone to erosion as well as floodplain areas within the LWRP boundary are protected. Development actions proposed within 100 feet of the Genesee River and Lake Ontario, in areas zoned as open space, in heavily wooded areas, in state-designated freshwater wetlands, and in areas with a slope of 15% or greater are Type I actions under the City's Environ-mental Quality Review Ordinance. These locations have been designated as critical environmental areas. Such actions will require a complete environmental impact review. This review will be utilized to ensure that development activities that have been determined to be Type I actions will be consistent with LWRP goals, policies and objectives including the protection of steep slope areas and erosion or floodprone areas. As a part of this review, the city will address the project's potential impacts on erosion, drainage and flooding problems, and propose mitigating measures, if required, in order to protect those areas from adverse environmental impacts.

Lands within the LWRP boundary that have been identified as coastal erosion hazard areas by New York State include the shorezone along Beach Avenue and Ontario Beach Park and a major portion of Durand-Eastman Park. The beach areas contained within these shorezones have been identified as natural protective features. The City recognizes the need to regulate development in these areas in order to protect existing resources from lake flooding and erosion.

A Waterfront Consistency Ordinance was adopted which mandates the consideration of a project's consistency with LWRP goals, policies and objectives as a criteria for review of projects within the LWRP boundary.

POLICIES (12), (12A):

(A) LEGISLATION THAT IMPLEMENTS THESE POLICIES:

The city will ensure that beach areas identified as natural protective features on the State Coastal Erosion Hazard Map are preserved and protected. The city considers these features to be critical environmental areas that help protect certain inland coastal areas from flooding as well as serious erosion problems. Most of these areas are contained within existing OS Open Space Zoning Districts.

The city will utilize existing environmental review procedures to ensure that beach areas identified as natural protective features on the State Coastal Erosion Map are protected. Development actions proposed within 100 feet of Lake Ontario as well as in areas zoned as open space are Type I actions under the City's Environmental Quality Review Ordinance. These locations have been designated as critical environmental areas. Such actions will require a complete environmental impact review. In coordination with this review, the city will address the project's overall consistency with LWRP goals, policies and objectives as well as its

potential impacts on beach areas as well as erosion, drainage and/or flooding problems. Mitigating measures, if required, will be proposed in order to protect those areas from adverse environmental impacts.

As noted above, most of the beach areas identified as natural protective features on the State Coastal Erosion Hazard Map are located within existing OS Open Space Zoning Districts. It is anticipated that lands zoned for open space within the LWRP boundary will remain in their natural state and will, therefore, contribute to the enhancement, preservation and protection of existing beach areas. Additionally, most development activity that is permitted in Open Space Districts requires site plan review and approval and/or City Planning Commission special permit review and approval. These review procedures will help ensure that proposed development will have minimal adverse impacts on beach areas within the LWRP boundary.

A Waterfront Consistency Ordinance was adopted which mandates the consideration of a project's consistency with LWRP goals, policies and objectives as a criteria for review of projects within the LWRP boundary.

POLICY (13), (13A):

(A) **LEGISLATION THAT IMPLEMENTS THESE POLICIES:**

The city recognizes the importance of constructing and maintaining erosion protection structures within the LWRP boundary which are designed to reduce or eliminate erosion problems along the Genesee River and Lake Ontario. The city will utilize existing review procedures to ensure that such structures provide adequate protection and are properly designed, constructed and maintained.

The city will utilize existing environmental and site plan review procedures to ensure that erosion protection structures constructed within the LWRP boundary have a reasonable probability of controlling erosion for at least thirty years and will be properly designed and maintained. Construction of such structures will require an environmental impact review by the city because they will be located within 100 feet of the Genesee River or Lake Ontario. Such activities are Type I actions under the City's Environmental Quality Review Ordinance, since the 100 foot "buffer" area has been identified as a critical environmental area. As a part of this review, the city would be able to address the project's potential impacts on erosion, and evaluate the ability of the structure to control erosion for the thirty year period.

Additionally, construction of such structures along the river will require site plan review and approval. This process will also be utilized by the city to ensure that such structures are adequately designed, constructed and maintained and will provide the necessary erosion control for the desired thirty year period.

A Waterfront Consistency Ordinance was adopted which mandates the consideration of a project's consistency with LWRP goals, policies and objectives as a criteria for review of projects within the LWRP boundary.

(B) ADDITIONAL PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THESE POLICIES:

(1) The city will work with Monroe County and the U.S. Army Corps of Engineers (USACE) to encourage the maintenance of the east and west piers located on Lake Ontario at the mouth of the Genesee River. The west pier provides some erosion protection from high wind and wave action for beach areas to the west and has probably contributed to the deposition of additional material and the creation of a larger beach area for Ontario Beach Park. In addition, the city will request, in cooperation with Monroe County, that the USACE investigate a significant surge problem near the outlet of the Genesee River and determine the need for and design of a potential erosion control structure to be built within the river to eliminate this problem.

(2) The City will discuss with Monroe County the possibility of constructing groins in the area of Durand-Eastman Park to control erosion of the beach in that area. As noted in the discussion of the various LWRP policies, waterfront recreational facilities located within Durand-Eastman Park are proposed for significant redevelopment and/or rehabilitation. The development of such erosion protection features will be evaluated in terms of their overall costs and benefits as well as environmental impacts.

POLICY (14):

(A) LEGISLATION THAT IMPLEMENTS THIS POLICY:

The city will utilize existing zoning procedures and land use regulations to ensure that development within the LWRP boundary does not contribute to erosion, flooding or drainage problems, either on-site or in other locations.

The city will utilize existing environmental review procedures to ensure that development proposed within the LWRP boundary, including the construction of erosion protection structures, will not cause or contribute to erosion or flooding problems. Development actions proposed within 100 feet of the river and lake are Type I actions under the City's Environmental Quality Review Ordinance, since these areas have been designated as critical environmental areas. Actions in these areas will require a complete environmental impact review. As a part of this review, the city would be able to address the project's potential impact on erosion, drainage and flooding problems. The city could then require any necessary mitigating measures in order to protect those areas and surrounding development from adverse environmental impacts.

The city's rigorous site plan review procedures will also be utilized to ensure that proposed development activities, as well as the construction of erosion protection structures, will not cause or contribute to erosion and/or flooding problems within the LWRP boundary. The City's site plan review process is required for all development proposed on sites located adjacent to the Genesee River as well as for numerous other types or classifications of development activity. The site plan review procedures include the consideration of such things as setbacks, lot sizes, erosion control measures, impacts on existing drainage systems, as well as the relationship of the proposed development to surrounding land uses and natural features. Site plans that do not ade-quately address erosion, drainage or flooding problems will be denied or will be required to include mitigating measures that will eliminate such problems.

A Waterfront Consistency Ordinance was adopted which mandates the consideration of a project's consistency with LWRP goals, policies and objectives as a criteria for review of projects within the LWRP boundary.

POLICY (15):

(A) LEGISLATION THAT IMPLEMENTS THIS POLICY:

The New York State Department of Environmental Conservation (NYSDEC) regulates dredging, mining and excavation activities in shoreline and wetland areas. These regulations are comprehensive in design and intent and address actions according to their potential to interfere with the natural coastal processes which supply beach materials, as well as the potential for increasing erosion.

POLICY (16):

(A) LEGISLATION THAT IMPLEMENTS THIS POLICY:

None required or identified.

(B) ADDITIONAL PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THIS POLICY:

Although the city recognizes that public funds are often used for a variety of purposes along the state's shoreline, it is the policy of the city not to invest city funds in the construction, rehabilitation, modification or maintenance of erosion protection structures for new or proposed private development. The city will continue to cooperate with other county, State and federal agencies to investigate the need for and the possible construction of an erosion protection structure designed to eliminate river surge problems within the Genesee River, using funds from sources other than the city. The construction of such a structure would reduce erosion damage and protect and enhance existing and proposed marinas, boat launching ramps, and other commercial and recreational facilities located along the river, near the outlet to Lake Ontario.

POLICY (17), (17A):

(A) LEGISLATION THAT IMPLEMENTS THESE POLICIES:

The city recognizes that such measures as structure siting, floodproofing and elevation of buildings, the reshaping and vegetation of slopes, the provision of drainage systems to reduce run-off that may weaken slopes, and the retention of existing vegetation should be incorporated into the early planning and review of projects within the LWRP boundary. In addition, other more complicated "structural" techniques can be used to minimize damage to natural resources and property from flooding and erosion. The city will utilize existing site plan and environmental review procedures to ensure that these techniques are implemented where necessary and appropriate within the LWRP boundary.

Much of the area within the LWRP boundary that is located along the top of the riverbank, within a floodplain, or that contains steep slopes in excess of 15% is in public ownership and is zoned for open space use. Uncontrolled development in these areas has the potential for creating serious erosion and/or flooding problems. As noted earlier, however, the city's Open Space District prohibits development in these critical environmental areas by severely limiting the types of uses and activities permitted. Lands zoned for open space within the LWRP boundary will remain in their natural state and will contribute to the preservation and protection of other features and characteristics in the waterfront area.

The city's site plan review procedures will be utilized to ensure that proposed development activities will not cause or contribute to erosion and/or flooding problems within the LWRP boundary. The City's site plan review process is required for all development proposed on sites located adjacent to the Genesee River as well as for numerous other types or classifications of development activity. The site plan review procedures require the consideration of such things as setbacks, lot sizes, erosion control measures, impacts on existing drainage systems, landscaping, as well as the relationship of the proposed development to surrounding natural features. Non-structural methods of controlling erosion and flooding problems can be investigated and/or required as a part of the site plan review process. Site plans that do not adequately address erosion or flooding problems will be denied or will be required to include mitigating measures that will eliminate such problems.

Development proposed within areas zoned as open space or within 100 feet of Lake Ontario or the Genesee River are Type I actions under the City's Environmental Quality Review Ordinance. Such actions will require a complete environmental impact review. In coordination with this review, the city would evaluate the general consistency of the proposed action with the goals, policies and objectives of the LWRP, as well as the need for and the adequacy of structural as well as non-structural means of erosion and flood protection within the project.

In addition, if a development site is located in a designated floodplain, a special permit is required which is reviewed and approved by the City Planning Commission following a public hearing. The special permit can only be approved if the applicant demonstrates, among other items, that the proposed development will be constructed above the base flood elevation at the particular location and that the development will not cause or increase flooding in the area or within the floodway in general. Non-structural methods of minimizing damage to natural resources and property from flooding could also be considered and/or required as a part of this review process.

A Waterfront Consistency Ordinance was adopted which mandates the consideration of a project's consistency with LWRP goals, policies and objectives as a criteria for review of projects within the LWRP boundary.

(B) ADDITIONAL PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THESE POLICIES:

(1) The city will continue acquisition of properties formerly owned by Conrail located along the east bank of the Genesee River, opposite the Turning Basin. These properties are located within the Genesee River Gorge, contain areas of steep, wooded slopes, and also provide habitats for a wide variety of wildlife species, including bird and deer populations. Acquisition of this land by the city will help ensure that development within certain areas of steep slopes or within certain areas of the Genesee River floodplain, that may be susceptible to erosion and/or flooding, will be prohibited.

POLICY (18):

(A) LEGISLATION THAT IMPLEMENTS THIS POLICY:

The city recognizes that proposed major actions undertaken by the city, county, state or federal government, which would affect natural resources, water levels and flows, hydroelectric power generation, recreational facilities or that would cause significant shoreline damage, should be reviewed and considered in terms of the overall social, economic and environmental interests of the state and all its citizens.

POLICIES (19), (19A), (19B), (19C), (19D):

(A) LEGISLATION THAT IMPLEMENTS THESE POLICIES:

The city recognizes the importance of increasing public access to waterfront resources while considering the impacts that such access may have on sensitive environmental features and wildlife habitats within the shorezone. Although much of the land within the river gorge is in public ownership, most of the areas that offer direct access to the river shoreline and to existing recreational facilities are in private ownership. The city will utilize site plan and environmental review procedures to ensure that public access to shore-zone recreational resources is provided where appropriate and feasible within private development projects.

The city's site plan review procedures and requirements will be utilized to consider and review the feasibility of providing public access to waterfront recreational areas through private development projects. These procedures are required for all development proposed on sites located adjacent to the river as well as for other types of development activity. The type and amount of public access to the shorezone which is provided within individual private development projects will be reviewed to ensure that the physical use capacity of the recreational resource or facility is not exceeded and that this access will accommodate the anticipated levels of public use of the facility.

The city's environmental review procedures and requirements will also be utilized to consider and review the feasibility of providing public access to waterfront recreational areas through private development projects. Development proposed within areas zoned as open space or within 100 feet of Lake Ontario or the Genesee River are Type I actions under the City's Environmental Quality Review Ordinance. Such actions require a complete environmental impact review. As a part of this review, the city would consider the feasibility and/or desirability of providing public access to existing or proposed water-related recreational facilities or resources such as beaches, marinas, fishing areas and waterfront parks. This access would be evaluated in terms of type and adequacy during the review process.

A Waterfront Consistency Ordinance was adopted which mandates the consideration of a project's consistency with LWRP goals, policies and objectives as a criteria for review of projects within the LWRP boundary.

(B) ADDITIONAL PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THESE POLICIES:

(1) See (4), (5), and (6) under (B) on pages V-10 and V-11.

(2) See (3) under (B) on page V-17.

(3) The city will work with Monroe County and the USACE to properly maintain the east and west piers located on Lake Ontario at the mouth of the Genesee River. This will ensure adequate public access to the river and the lake for fishing and other passive recreational activities.

POLICIES (20), (20A), (20B), (20C), (20D), (20E):

(A) LEGISLATION THAT IMPLEMENTS THESE POLICIES:

The city will attempt to facilitate access to publicly-owned areas of the shorezone where the provision of such access is feasible and where it will not endanger sensitive environmental features and wildlife habitats nor be incompatible with adjacent land uses. Guidelines for the provision or development of such access which will be utilized by the city are contained within the discussion of POLICY 20, in SECTION III: POLICIES.

The purpose statement of the city's River Harbor (RH) Zoning District contains references to the provision of public access to the shorezone in site development. The city's site plan review procedures contain standards or criteria for the adequate provision of pedestrian circulation and access in site development. The city's special permit procedures contain standards which require site development to be in conformance with the City Comprehensive Plan, and therefore, with the policies of the LWRP that specifically relate to waterfront public access.

(B) ADDITIONAL PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THESE POLICIES:

(1) See (1), (2), (4), and (5) under (B) on pages V-10 and V-11.

(2) See (3) under (B) on page V-17

POLICIES (21), (21A), (21B), (21C):

(A) LEGISLATION THAT IMPLEMENTS THESE POLICIES:

The city recognizes the importance of facilitating the development of water-dependent and water-enhanced recreational uses in appropriate locations along the shoreline of the river and lake. Such water-enhanced and water-dependent uses should be promoted within the context of both public and private development projects.

Much of the area located within the LWRP boundary and immediately adjacent to the lake or river is currently zoned for open space use (OS District). The OS district regulations will help control and promote appropriate water-dependent and water-enhanced recreational uses within the shorezone of the LWRP boundary.

Uses permitted within the OS District include parks, outdoor recreational facilities, and natural wildlife areas. In addition, such uses as public and community recreation buildings, athletic fields, zoos, and small concessionaire shops incidental to the operation of public recreational uses are permitted subject to a special permit. The purpose statement for the district includes references to the preservation and enhancement of the city's major recrea-tional areas through protection of natural amenities and the encouragement of development which respects and is consistent with those natural amenities.

The River Harbor (RH) District, modified as a result of the LWRP, permits such uses as housing, hotels, motels and boatels, multiple uses and mixed-uses and certain other uses subject to special permit.

(B) ADDITIONAL PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THESE POLICIES:

(1) See (1), (2), and (6) under (B) on pages V-10 and V-11.

POLICIES (22), (22A), (22B):

(A) LEGISLATION THAT IMPLEMENTS THESE POLICIES:

The city recognizes the need to promote and encourage, as a multiple use, water-related recreational facilities within the LWRP, whenever such recreational uses are compatible with existing demand and the primary purpose of the overall development. Whenever actions or proposals involve shorezone areas, the city will utilize site plan and environmental review procedures to evaluate whether or not they should be considered for, and required to incorporate appropriate recreational uses.

The city's site plan review procedures will be used to consider and review the feasibility of providing water-related recreation, as a multiple use, within public and private development projects. As noted earlier, site plan review procedures are required for all development proposed on sites located adjacent to the river as well as for numerous other types or classifications of development activity. During the review process, the city will evaluate whether or not the development of water-related recreational facilities as multiple uses on particular sites adjacent to the shore are appropriate and feasible

The R-H River Harbor District, modified as a result of the LWRP, specifically permits certain multiple uses that include water-oriented recreational facilities within the shorezone, subject to permit and to appropriate conditions and standards.

(B) ADDITIONAL PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THESE POLICIES:

(1) The city prepared and will promote, in cooperation with other governmental agencies, a redevelopment plan for the port and River Street sites which provides for water-related recreation, as part of a multiple-use which is compatible with other land uses and activities within the areas. The proposed plan includes construction of a small marina, development of a public walkway immediately adjacent to the river, redevelopment of two warehouses for use as a restaurant, boatel/motel, waterfront discovery center, festival site or related marine services, rehabilitation of a railroad station into a restaurant, and construction of picnic and outdoor seating and viewing areas. The proposed water-related recreational uses are based on reasonably anticipated demand levels for such activities determined during a lengthy inventory, planning and analysis process undertaken by the city and outside consultants.

(2) The city identified and will promote the development of several water-related recreational uses and the improvement of public access to the shorezone, that are located within existing industrial facilities. An example of such an opportunity would be the improvement of public vehicular and pedestrian access, down Seth Green Drive, to the RG&E Station 5 Power Plant on the west bank of the river, just north of the Driving Park Bridge. Improvement of public access in this location would greatly enhance the area's use

by fishermen. Development of a fish-cleaning station could also be considered. There are several other areas within the LWRP boundary that provide significant vistas of the river gorge. These areas are within privately-owned industrial facilities. The city will attempt to negotiate with private landowners the provision of public access and the development of overlooks and rest areas within these areas.

POLICIES (23), (23A), (23B), (23C):

(A) LEGISLATION THAT IMPLEMENTS THESE POLICIES:

The city recognizes the need for and places a high priority on the identification and preservation of structures, sites and districts within the LWRP boundary that are significant in terms of the history, architecture, archaeology or culture of the state or nation.

The city will utilize the site plan review and approval process to ensure that full consideration is given to how development proposed within the LWRP boundary "fits" into existing historic areas. Adverse impacts on existing historic districts and structures, as well as on the historic "character" of many areas, will be minimized through the consideration of the overall appearance and specific design and construction details of new development during the site plan review process.

The city will utilize zoning overlay district regulations for historic preservation to protect areas that may be designated as new preservation districts or enlargements to existing districts within the LWRP boundary. These designations would be the result of completion of historic surveys by the Landmark Society of Western New York and the Rochester Museum and Science Center. The districts may include buildings or structures that have been identified for nomination to the National Register of Historic Places and/or for consideration as locally-significant historic places.

Two changes made to the City's Zoning Ordinance as a result of the LWRP implement the above policies:

(1) The City's historic preservation regulations were modified to include new, more specific standards for the designation of landmarks and landmark sites.

(2) An Overlay Harbor Town Design (OHTD) District was adopted, which requires a certificate of design compliance, granted after a review process based on design guidelines for landscaping, signage, visual and historic compatibility, site development, etc., for certain types of new development in the shorezone.

(B) ADDITIONAL PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THESE POLICIES:

(1) The city prepared and will promote, in cooperation with other governmental agencies, a redevelopment plan for the port and River Street sites that preserves many architecturally and historically significant structures in the area. The plans are specifically

designed to protect and enhance these resources. A major element of the proposed River Street concept plan is the enhancement of the existing "village" and "nautical" character or ambience present in the area.

(2) The city will promote and encourage the preservation of several archaeologically significant sites located in various public parks and other areas along the river gorge. These sites include Carthage Landing, located on the east bank of the Genesee River, just south of the Veteran's Memorial Bridge, Kelsey's Landing, located on the west bank of the river, below Maplewood Park, and an area near the proposed Lower Falls Park, just south of the Driving Park Bridge. These areas contain historic remains of buildings and other facilities that date back to the early 1800's. The city will promote and encourage, in cooperation with Monroe County, the identification and protection of these areas as a part of redevelopment plans prepared for each park.

(3) As a result of the completion of historic surveys by the Landmark Society of Western New York and the Rochester Museum and Science Center, the city will prepare a list of structures within the LWRP boundary that have the potential to be nominated to the National Historic Register of Historic Places, will identify those structures and facilities that have the potential for being designated as local landmarks, and will evaluate the possibility of extending or creating new preservation districts within the LWRP boundary.

POLICY (24): NOT APPLICABLE.

POLICY (25), (25A), (25B), (25C):

(A) LEGISLATION THAT IMPLEMENTS THESE POLICIES:

The city will utilize zoning, site plan and environmental review procedures to protect natural and man-made resources which enhance scenic views and vistas within the LWRP boundary. These regulations will ensure that proposed private development will not interfere with or destroy existing natural or man-made features that contribute to the scenic quality of the lake and the river.

As noted in previous LWRP policies, much of the area located within the city's LWRP boundary and immediately adjacent to the lake or river is currently zoned for open space use (OS District). The district regulations are adequate to prohibit or control most types of development which would have a detrimental effect on significant scenic views and vistas and other scenic resources within the LWRP boundary. The purpose statement contained within the OS District includes references to the preservation and enhancement of the city's major open spaces and recreational areas through protection of natural amenities and the encouragement of development which respects and is consistent with those amenities.

Development actions proposed within 100 feet of the river and lake, within areas zoned as open space, in heavily wooded areas, and within steep slope areas are Type I actions under the City's Environmental Quality Review Ordinance, since these locations have been identified as critical environmental areas. A complete environmental review, including a visual resource inventory and analysis, would be required for projects proposed in such areas. City environmental review procedures will be utilized to ensure that development activities that have been determined to be Type I actions under this legislation will not adversely affect significant scenic views and vistas or other scenic resources within the LWRP boundary.

The City's site plan review procedures are required for all development proposed on sites located adjacent to the river as well as for other types of development activity. These procedures include such items as preservation of open space and critical environmental areas, as well as the relationship of the proposed development to surrounding land uses and natural features including scenic views and vistas. These procedures will ensure that significant scenic resources within the river gorge will be identified and protected as a part of the review of development activity within the LWRP boundary.

A Waterfront Consistency Ordinance was adopted which mandates the consideration of a project's consistency with LWRP goals, policies and objectives as a criteria for review of projects within the LWRP boundary.

(B) ADDITIONAL PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THESE POLICIES:

(1) The city will promote and encourage, in cooperation with Monroe County and other governmental agencies, the development of maintenance plans and measures to clean-up the riverfront area and steep slopes within the gorge, in order to enhance visual quality.

(2) The city, in cooperation with Monroe County, will encourage and support the redevelopment of various recreational facilities that are part of the six public parks located within the LWRP boundary. These parks include Durand-Eastman Park and Ontario Beach Park which are located on Lake Ontario, and Turning Point Park, Seneca Park, Maplewood Park and Lower Falls Park which are located on the Genesee River. The city will promote the development of trails, overlooks and viewing areas in and around these public parks, in order to provide increased viewing opportunities for park visitors of scenic resources within the gorge area.

POLICY (26): NOT APPLICABLE.

POLICIES (27), (27A):

(A) LEGISLATION THAT IMPLEMENTS THESE POLICIES:

The only major energy facility that exists within the LWRP boundary is the RG&E Station 5 Power Plant and the adjacent Middle Falls Dam. This facility and use will continue at its present location for the foreseeable future. However, if RG&E ever does abandon the site, the city will use site plan and environmental review procedures to ensure that an evaluation of the best reuse for the site is completed. This evaluation will acknowledge the need to consider the compatibility of the new use with the surrounding environment as well as the facility's potential need for a shorefront location.

Site plan review and approval would be required for development proposed within sites adjacent to the river as well as for other types of development activity. These procedures address preservation of open space and critical environmental areas, as well as the relationship of the proposed development to surrounding land uses and natural features. The procedures will ensure compatibility of the proposed development with the site's waterfront location.

Additionally, development actions proposed within 100 feet of the river and lake, within areas zoned as open space, in heavily wooded areas, and within steep slope areas are Type I actions under the City's Environmental Quality Review Ordinance. A complete environmental review would be required for such projects. This review will ensure that such facilities are developed in a manner that does not adversely affect the environment.

A Waterfront Consistency Ordinance was adopted which mandates the consideration of a project's consistency with LWRP goals, policies and objectives as a criteria for review of projects within the LWRP boundary.

POLICY (28): NOT APPLICABLE.

POLICY (29): NOT APPLICABLE.

POLICY (30):

(A) LEGISLATION THAT IMPLEMENTS THIS POLICY:

Site plan review and approval is required for development proposed within sites adjacent to the river, as well as for other types of development activity including manufacturing or industrial facilities that might discharge materials or pollutants into the river or lake. These procedures address preservation of critical environmental areas, potential creation of erosion or drainage problems, as well as the relationship of the proposed development to surrounding land uses and natural features.

The procedures will ensure that the project does not adversely impact water quality due to the discharge of pollutants or other materials.

Development actions proposed within 100 feet of the river and lake, within areas zoned as open space, in heavily wooded areas, and within steep slope areas are Type I actions under the City's Environmental Quality Review Ordinance, since these locations have been identified as critical environmental areas. A complete environmental review would be required for such projects. City environmental review procedures will ensure that development activities that are Type I actions under this legislation will not adversely impact water quality in the river or lake due to the discharge of pollutants or other materials.

A Waterfront Consistency Ordinance was adopted which mandates the consideration of a project's consistency with LWRP goals, policies and objectives as a criteria for review of projects within the LWRP boundary.

(B) ADDITIONAL PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THIS POLICY:

(1) The city will continue to assist in and support the water quality monitoring activities of the Monroe County Health Department and the NYSDEC, to ensure that discharges into Lake Ontario and the Genesee River comply with state and federal water quality standards.

POLICY (31):

(A) LEGISLATION THAT IMPLEMENTS THIS POLICY:

Development actions proposed within 100 feet of the Genesee River and Lake Ontario are Type I actions under the City's Environmental Quality Review Ordinance, because this area has been identified as a critical environmental area. A complete environmental review would be required for such projects. The city will use the environmental review procedures to ensure that water quality impacts of stormwater runoff and effluent discharge from Type I development activities, as well as overall water quality and pollution levels adjacent to such sites are considered and evaluated prior to any project approval. The environmental review process will also ensure that mitigating measures or project alternatives will be required if adverse environmental impacts such as further degradation of water quality should result. City environmental review procedures will ensure that development activities that have been determined to be Type I actions will not adversely impact water quality in the river or lake due to the discharge of pollutants or other materials.

A Waterfront Consistency Ordinance was adopted which mandates the consideration of a project's consistency with LWRP goals, policies and objectives as a criteria for review of projects within the LWRP boundary.

POLICY (32): NOT APPLICABLE.

POLICY (33):

(A) LEGISLATION THAT IMPLEMENTS THIS POLICY:

Development actions proposed within 100 feet of the Genesee River and Lake Ontario are Type I actions under the City's Environmental Quality Review Ordinance, because these areas have been identified as critical environmental areas. A complete environmental review would be required for projects in these areas. The city will use the environmental review process to ensure that best management practices (BMP's) will be used to control stormwater runoff and other effluent discharge from Type I development activities. The environ-mental review process will also ensure that mitigating measures or project alternatives will be required if adverse environmental impacts such as degradation of water quality should result.

The following changes made to the City's Zoning Ordinance as a result of the LWRP implement the above policies:

(1) A Waterfront Consistency Ordinance was adopted which mandates the consideration of a project's consistency with LWRP goals, policies and objectives as a criteria for review of projects within the LWRP boundary.

(2) Administrative procedures were adopted which will control site development activities such as grading, filling, excavations, stripping and removal of topsoil in coordination with a permit review and approval process. The procedures will include standards for permit approvals and will also mandate soil erosion and sediment control measures for development activity, based on accepted engineering standards as well as best management practices (BMP's) for stormwater runoff management.

(B) ADDITIONAL PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THIS POLICY:

(1) The city, in cooperation with Monroe County, is participating in the Combined Sewer Overflow Abatement Program (CSOAP) which will eliminate combined storm and sanitary sewers in many areas of the city. This project involves the construction of several large underground holding tunnels which will discharge sewage and storm water, collected after major rainfalls, to the Frank E. VanLare Treatment Plant located in Durand-Eastman Park. Prior to the construction of these tunnels, large volumes of combined sewage and storm water that occurred after major rainfalls in the area flowed directly into the river and lake without being treated. This sewage contributed to pollution problems in the river and lake and the elimination or destruction of fish and other wildlife species. The completion of the underground holding tunnels will eliminate a major source of pollution discharge into the river and lake and will help preserve existing stocks of fish in the area.

(2) The city will continue to investigate and promote improvements to other portions of the city storm and sanitary sewer systems in order to maintain and enhance the existing water quality in the river and lake. The improvements will be based on accepted best management practices (BMP's) for stormwater runoff and drainage control.

POLICY (34):

(A) LEGISLATION THAT IMPLEMENTS THIS POLICY:

The city will enforce all existing and relevant building, sanitary and health codes that apply to the discharge of sewage, waste and other pollutants into local waters.

(B) ADDITIONAL PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THIS POLICY:

(1) The city will promote and encourage, in cooperation with Monroe County, the control and/or prohibition of discharges of waste materials from vessels into coastal waters, in order to protect significant fish and wildlife habitats, recreational resources and water supply areas (counties in New York State may regulate such activity under Section 46 of New York State Navigation Law).

(2) The city will explore with Monroe County the possibility of establishing no-discharge zones within the Genesee River and Lake Ontario.

POLICY (35):

(A) LEGISLATION THAT IMPLEMENTS THIS POLICY:

The NYSDEC issues dredging permits when it has been demonstrated that the anticipated adverse effects of such operations have been reduced to levels which satisfy state dredging permit standards as set forth in regulations developed pursuant to the New York State Environmental Conservation Law.

Development activities proposed within 100 feet of the Genesee River and Lake Ontario are Type I actions under the City's Environmental Quality Review Ordinance, because this area has been identified as a critical environmental area. A complete environmental review would be required for such projects. The city will use the environmental review process to ensure that the deposition of any dredge spoil materials within the LWRP boundary is conducted in a manner which protects and preserves significant fish and wildlife habitats, scenic resources, natural protective features or wetlands. The environmental review process will also ensure that mitigating measures or project alternatives will be required if adverse environmental impacts such as destruction of significant habitat areas or other existing natural resources should result.

A Waterfront Consistency Ordinance was adopted which mandates the consideration of a project's consistency with LWRP goals, policies and objectives as a criteria for review of projects within the LWRP boundary.

POLICY (36):

(A) LEGISLATION THAT IMPLEMENTS THIS POLICY:

The city will utilize the following State legislation as a means of implementing this policy:

(a) Oil Spill Prevention, Control and Compensation, Navigation Law (Article 12)
(b) Penalties and Liabilities for Spills of Bulk Liquids, Environmental Conservation Law (Article 71-1941))
(c) Transportation Law (Article 2, Section 14-F)

These measures are considered adequate for the city because no activities related to the shipment or substantial storage of petroleum or other hazardous materials currently occur within the LWRP boundary, or will be approved within the boundary in the foreseeable future.

POLICY (37):

(A) LEGISLATION THAT IMPLEMENTS THIS POLICY:

Development actions proposed within 100 feet of the river and lake are Type I actions under the City's Environmental Quality Review Ordinance, because these areas have been identified as critical environmental areas. A complete environmental review would be required for projects in these areas. The city will utilize the environmental review process to ensure that best management practices (BMP's) will be used to control the non-point discharge of excess nutrients, organics and eroded soils from Type I development activities. The environmental review process will also ensure that mitigating measures or project alternatives will be required if adverse environmental impacts such as degradation of water quality should result.

See (1) and (2) under (A) on page V-33 for a description of changes made to the City's Zoning Ordinance, which are a result of the LWRP, and which implement the above policy.

POLICY (38):

(A) LEGISLATION THAT IMPLEMENTS THIS POLICY:

None required or identified.

(B) ADDITIONAL PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THIS POLICY:

(1) The city's primary source of water is its Upland Watershed at Hemlock and Canadice Lakes, and the Monroe County Water Authority which uses Lake Ontario as its major water source. The city recognizes and endorses the policy of the Monroe County Water

Authority, and will work with the appropriate regional monitoring agencies to ensure that appropriate standards to implement this policy are enforced.

POLICY (39):

(A) LEGISLATION THAT IMPLEMENTS THIS POLICY:

None required or identified.

(B) ADDITIONAL PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THIS POLICY:

(1) There is currently no active transport, storage, treatment and/or disposal of hazardous wastes within the city's LWRP boundary. In addition, no land use or activity will occur within the waterfront revitalization area that will produce such hazardous or solid wastes, as defined in the Environmental Conservation Law, Article 27. However, the city will continue to work with the appropriate monitoring and permit agencies to ensure that government standards regarding disposal of such wastes are met.

POLICY (40):

(A) LEGISLATION THAT IMPLEMENTS THIS POLICY:

None required or identified.

(B) ADDITIONAL PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THIS POLICY:

(1) The RG&E Station 5 power plant located on the east bank of the river, near the Driving Park Bridge, and the Eastman Kodak Company Industrial Waste Treatment Plant, located on the west bank of the river, just north of the Veteran's Memorial Bridge, are the only two facilities within the LWRP boundary that are the types of uses described in this policy. The city will continue to work with the appropriate local, state and federal monitoring and permit agencies to ensure that the water quality standards are being met and that appropriate disposal methods are used.

POLICY (41):

(A) LEGISLATION THAT IMPLEMENTS THIS POLICY:

Existing and proposed land uses within the city's LWRP boundary will be restricted to residential, recreational and marine-related or supported commercial facilities. None of these uses are likely to produce significant degradation of air quality in the area. The NYSDEC has jurisdiction over the monitoring of air quality to ensure that the provisions of the Federal Clean Air Act are being met.

POLICY (42):

(A) LEGISLATION THAT IMPLEMENTS THIS POLICY:

None required or identified.

(B) ADDITIONAL PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THIS POLICY:

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

POLICY (43):

(A) LEGISLATION THAT IMPLEMENTS THIS POLICY:

None required or identified.

(B) ADDITIONAL PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THIS POLICY:

The New York State Coastal Management Program incorporates the State's policies on acid rain. Therefore, the Coastal Management Program will assist in the State's efforts to control acid rain. These efforts to control acid rain will enhance the continued viability of coastal fisheries, wildlife, agricultural, scenic and water resources.

There are currently no generators of significant amounts of acid rain precursors located with the LWRP boundary and no opportunities exist for new development which would include these generators.

POLICY (44):

(A) LEGISLATION THAT IMPLEMENTS THIS POLICY:

The city will utilize environmental review procedures and regulations to ensure that wetlands as well as surrounding "buffer" areas are preserved and protected within the LWRP boundary. Development actions proposed within 100 feet of the river and lake and within areas zoned as open space, both of which include all significant wetland areas along the river and lake, are Type I actions under the City's Environmental Quality Review Ordinance, because these locations have been designated as critical environmental areas. Such actions will require a complete environmental impact review. As a part of this review, the city would be able to determine and address the project's potential impacts on existing fish and wildlife habitat areas and other wetland features, and would propose

mitigating measures, if required, in order to protect those areas from adverse development impacts.

A Waterfront Consistency Ordinance was adopted which mandates the consideration of a project's consistency with LWRP goals, policies and objectives as a criteria for review of projects within the LWRP boundary.

(B) ADDITIONAL PUBLIC AND/OR PRIVATE ACTIONS THAT IMPLEMENT THIS POLICY:

(1) The city will continue acquisition of properties formerly owned by Conrail along the east bank of the river, opposite the Turning Basin. These properties are located within or adjacent to the river gorge, contain wetland areas and steep, wooded slopes and provide habitats for a wide variety of wildlife species, including fish and bird populations that should be preserved and protected. The city will acquire these properties to preserve and protect existing freshwater wetland areas as well as the scenic and aesthetic quality of the river gorge in general.

TABLE V-1

LOCAL WATERFRONT REVITALIZATION PROGRAM
SUMMARY OF LEGISLATION AND ADDITIONAL ACTIONS
WHICH IMPLEMENT LWRP POLICIES

LEGISLATION	WILL IMPLEMENT THESE LWRP POLICIES
City Zoning Ordinance Open Space District	1, 2, 7, 9, 11, 12, 17, 21, 25
City Zoning Ordinance Site Plan Review Procedures	1, 5, 7, 8, 11, 12, 13, 14, 17, 18, 19, 22, 23, 25, 27, 30
City Code Chapter 48, Environmental Review Process	8, 11, 12, 13, 14, 17, 18, 19, 25, 27, 30, 31, 33, 35, 37, 44
City "one-stop-shop" permit procedures	6
City floodplain/special permit regulations	11, 17
City Zoning Ordinance River Harbor District	1,2,9,20,21,22
City historic preservation regulations	23
City Zoning Ordinance Overlay-Harbor Town Design District	1,23
City Code Consistency Ordinance	7, 8, 11, 12, 13, 14, 17, 18, 19, 25, 27, 30, 31, 33, 35, 37, 44
Administrative procedures with best management practices (BMP's) for runoff control	33, 37

ADDITIONAL ACTIONS	WILL IMPLEMENT THESE LWRP POLICIES
Implement port site concept plan	1, 2, 5, 20, 21, 22, 23
Implement River Street concept plan	1, 2, 5, 20, 21, 22, 23
Redevelop Lake Avenue corridor	1
Redevelop Durand-Eastman Park	1, 2, 5, 19, 20
Develop boat launch on Genesee River	1, 2, 9, 19, 20
Improve various county parks	1, 2, 5, 7, 9, 18, 19, 21, 23, 25
Participate in CSOAP	8, 33
Participate in Remedial Action Plan (RAP)	8
Acquire east bank riverfront land	9, 17, 19, 20, 44
Encourage expanded fish stocking programs	9
Maintain east and west river piers	13, 19
Investigate groins at Durand Beach	13
Improve public access in industrial areas	22
Develop list of historic register properties	23
Develop riverfront cleanup programs	25
Support water quality monitoring activities	30
Investigate storm/sanitary sewer improvements	33
Investigate non-discharge zones in river	34

SUMMARY OF SECTION V: IMPLEMENTATION TECHNIQUES

Changes to the City of Rochester Municipal Code and Charter were made in order to implement many of the state coastal policies applicable to the LWRP. Some of the major changes are listed below.

(1) Modification of the city's River Harbor (RH) Zoning District to permit such uses as housing, hotels, motels and boatels, multiple uses, and to allow certain uses subject to special permit.

Modification of the RH Zoning District purpose statement to include references to the preservation and enhancement of the recreational character and visual quality of the river harbor area, the preservation and promotion of the public access to the shoreline and the encouragement of tourism in the area.

(2) Adoption of the Harbor Town Design Overlay District which requires a certificate of design compliance for certain types of new development in the shorezone, to be granted after a review process based on design guidelines for landscaping, signage, visual compatibility, site development, etc.

(3) Adoption of administrative procedures which will control site development activities such as grading, filling, excavations, stripping and removal of topsoil in coordination with a permit review and approval process. The procedures include standards for permit approvals and also mandate soil erosion and sediment control measures for development activity, based on accepted engineering standards as well as best management practices (BMP's) for stormwater runoff management.

(4) Modification of a section of the City Zoning Ordinance to include specific standards for the designation of landmark sites.

(5) Amendment to the Code of the City of Rochester to include a new Waterfront Consistency Review Ordinance, which allows the city to implement and administer the consistency requirements of the New York State Coastal Management Program.

Additionally, the city will undertake projects at the Port Authority site and the River Street site within the LWRP boundary, which will improve public access to the shorezone and to the water itself, promote water-dependent and water-enhanced uses along Lake Ontario and the Genesee River, promote tourism and economic development, and contribute to the revitalization of the city's important waterfront areas.

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

INTRODUCTION

State and federal actions will affect and be affected by implementation of the City of Rochester's Local Waterfront Revitalization Program (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 will also be required in order to implement specific provisions of the LWRP.

Subsection 2 of this Section identifies the actions and programs of State and federal agencies which should be undertaken in a manner consistent with the LWRP. This is a generic list of actions and programs, as identified by the NYS Department of State; therefore, some of the actions and programs listed may not be relevant to the city's LWRP. Pursuant to the State Waterfront Revitalization and Coastal Resources Act (Executive Law, Article 42), the Secretary of State individually and separately notifies affected State agencies of those agency actions and programs which are to be undertaken in a manner consistent with approved LWRPs. Similarly, federal agency actions and programs subject to consistency requirements are identified in the manner prescribed by the U.S. Coastal Zone Management Act and its implementing regulations. The lists of State and federal actions and programs included herein are informational only and do not represent or substitute for the required identification and notification procedures. The current official lists of actions subject to State and federal consistency requirements may be obtained from the NYS Department of State.

Subsection 3 of this Section is a more focused and descriptive list of State and federal agency actions which are necessary to further implementation of the LWRP. It is recognized that a State or federal agency's ability to undertake such actions is subject to a variety of factors and considerations; that the consistency provisions referred to above may not apply; and that the consistency requirements can not be used to require a State or federal agency to undertake an action it could not undertake pursuant to other provisions of law. SECTION IV and SECTION V also discuss, in general terms, State and federal assistance needed to implement the LWRP.

1. STATE AND FEDERAL ACTIONS AND PROGRAMS WHICH SHOULD BE UNDERTAKEN IN A MANNER CONSISTENT WITH THE LWRP

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 Programs.
4.00 Permit and approval programs:

- 4.01 Custom Slaughters/Processor Permit
- 4.02 Processing Plant License
- 4.03 Refrigerated Warehouse and/or Locker Plant License

ALBANY PORT DISTRICT COMMISSION (regional agency)

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

2.00 Facilities construction, rehabilitation, expansion, or demolition.

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

DIVISION OF ALCOHOLISM AND ALCOHOL ABUSE

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

2.00 Permit and approval programs:

2.01 Letter Approval for Certificate of Need
2.02 Operating Certificate (Alcoholism Facility)
2.03 Operating Certificate (Community Residence)
2.04 Operating Certificate (Outpatient Facility)
2.05 Operating Certificate (Sobering-Up Station)

COUNCIL ON THE ARTS

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

2.00 Architecture and environmental arts program.

DEPARTMENT OF BANKING

1.00 Permit and approval programs:

1.01 Authorization Certificate (Bank Branch)
1.02 Authorization Certificate (Bank Change of Location)
1.03 Authorization Certificate (Bank Charter)
1.04 Authorization Certificate (Credit Union Change of Location)
1.05 Authorization Certificate (Credit Union Charter)
1.06 Authorization Certificate (Credit Union Station)
1.07 Authorization Certificate (Foreign Banking Corporation Change of Location)
1.08 Authorization Certificate (Foreign Banking Corporation Public Accommodations Office
1.09 Authorization Certificate (Investment Company Branch)
1.10 Authorization Certificate (Investment Company Change of Location)
1.11 Authorization Certificate (Investment Company Charter)
1.12 Authorization Certificate (Licensed Lender Change of Location)
1.13 Authorization Certificate (Mutual Trust Company Charter)
1.14 Authorization Certificate (Private Banker Charter)
1.15 Authorization Certificate (Public Accommodation Office - Banks)
1.16 Authorization Certificate (Safe Deposit Company Branch)
1.17 Authorization Certificate (Safe Deposit Company Change of Location)
1.18 Authorization Certificate (Safe Deposit Company Charter)

1.19 Authorization Certificate (Savings Bank Charter)
1.20 Authorization Certificate (Savings Bank De Novo Branch Office)
1.21 Authorization Certificate (Savings Bank Public Accommodations Office)
1.22 Authorization Certificate (Savings and Loan Association Branch)
1.23 Authorization Certificate (Savings and Loan Association Change of Location)
1.24 Authorization Certificate (Savings and Loan Association Charter)
1.25 Authorization Certificate (Subsidiary Trust Company Charter)
1.26 Authorization Certificate (Trust Company Branch)
1.27 Authorization Certificate (Trust Company-Change of Location)
1.28 Authorization Certificate (Trust Company Charter)
1.29 Authorization Certificate (Trust Company Public Accommodations Office)
1.30 Authorization to Establish a Life Insurance Agency
1.31 License as a Licensed Lender
1.32 License for a Foreign Banking Corporation Branch

NEW YORK STATE BRIDGE 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.

BUFFALO AND FORT ERIE PUBLIC BRIDGE 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.

CAPITAL DISTRICT 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.

3.00 Increases in special fares for transportation services to public water-related recreation resources.

CENTRAL NEW YORK 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.

3.00 Increases in special fares for transportation services to public water-related recreation resources.

DEPARTMENT OF COMMERCE

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.

DEPARTMENT OF CORRECTIONAL SERVICES

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

DORMITORY AUTHORITY OF THE STATE OF NEW YORK

1.00 Financing of higher education and health care facilities.

2.00 Planning and design services assistance program.

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

ENERGY PLANNING BOARD AND ENERGY OFFICE

1.00 Preparation and revision of the State Energy Master Plan.

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

5.00 Funding assistance for issuance of permits and other regulatory activities (New York City only).

6.00 Implementation of the Environmental Quality Bond Act of 1972, including:

- (a) Water Quality Improvement Projects
- (b) Land Preservation and Improvement Projects including Wetland Preservation and Restoration Projects, Unique Area Preservation Projects, Metropolitan Parks Projects, Open Space Preservation Projects and Waterways Projects.

7.00 Marine Finfish and Shellfish Programs.

8.00 New York Harbor Drift Removal Project.

9.00 Permit and approval programs:

<u>Air Resources</u>

- 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

Lands and Forest

9.21 Certificate of Environmental Safety (Liquid Natural Gas and Liquid Petroleum Gas)
9.22 Floating Object Permit
9.23 Marine Regatta Permit
9.24 Mining Permit
9.25 Navigation Aid Permit
9.26 Permit to Plug and Abandon (a non-commercial, oil, gas or solution mining well)
9.27 Permit to Use Chemicals for the Control or Elimination of Aquatic Insects
9.28 Permit to Use Chemicals for the Control or Elimination of Aquatic Vegetation
9.29 Permit to Use Chemicals for the Control or Extermination of Undesirable Fish
9.30 Underground Storage Permit (Gas)
9.31 Well Drilling Permit (Oil, Gas, and Solution Salt Mining)

Marine Resources

9.32 Digger's Permit (Shellfish)
9.33 License of Menhaden Fishing Vessel
9.34 License for Non-Resident Food Fishing Vessel

9.35 Non-Resident Lobster Permit
9.36 Marine Hatchery and/or Off-Bottom Culture Shellfish Permits
9.37 Permits to Take Blue-Claw Crabs
9.38 Permit to Use Pond or Trap Net
9.39 Resident Commercial Lobster Permit
9.40 Shellfish Bed Permit
9.41 Shellfish Shipper's Permits
9.42 Special Permit to Take Surf Clams from Waters other than the Atlantic Ocean

Regulatory Affairs

9.43 Approval - Drainage Improvement District
9.44 Approval - Water (Diversions for) Power
9.45 Approval of Well System and Permit to Operate
9.46 Permit - Article 15, (Protection of Water) - Dam
9.47 Permit - Article 15, (Protection of Water) - Dock, Pier or Wharf
9.48 Permit - Article 15, (Protection of Water) - Dredge or Deposit Material in a Waterway
9.49 Permit - Article 15, (Protection of Water) - Stream Bed or Bank Disturbances
9.50 Permit - Article 15, Title 15 (Water Supply)
9.51 Permit - Article 24, (Freshwater Wetlands)
9.52 Permit - Article 25, (Tidal Wetlands)
9.53 River Improvement District Approvals
9.54 River Regulatory District Approvals
9.55 Well Drilling Certificate of Registration

Solid Wastes

9.56 Permit to Construct and/or Operate a Solid Waste Management Facility
9.57 Septic Tank Cleaner and Industrial Waste Collector Permit

Water Resources

9.58 Approval of Plans for Wastewater Disposal Systems
9.59 Certificate of Approval of Realty Subdivision Plans
9.60 Certificate of Compliance (Industrial Wastewater Treatment Facility)
9.61 Letters of Certification for Major Onshore Petroleum Facility Oil Spill Prevention and Control Plan
9.62 Permit - Article 36, (Construction in Flood Hazard Areas)
9.63 Permit for State Agency Activities for Development in Coastal Erosion Hazards Areas
9.64 Permit for State Agency Activities for Development in Coastal Erosion Hazards Areas
9.65 State Pollutant Discharge Elimination System (SPDES) Permit
9.66 401 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.

DEPARTMENT OF HEALTH

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

2.00 Permit and approval programs:

- 2.01 Approval of Completed Works for Public Water Supply Improvements
- 2.02 Approval of Plans for Public Water Supply Improvements.
- 2.03 Certificate of Need (Health Related Facility - except Hospitals)
- 2.04 Certificate of Need (Hospitals)
- 2.05 Operating Certificate (Diagnostic and Treatment Center)
- 2.06 Operating Certificate (Health Related Facility)

2.07 Operating Certificate (Hospice)
2.08 Operating Certificate (Hospital)
2.09 Operating Certificate (Nursing Home)
2.10 Permit to Operate a Children's Overnight or Day Camp
2.11 Permit to Operate a Migrant Labor Camp
2.12 Permit to Operate as a Retail Frozen Dessert Manufacturer
2.13 Permit to Operate a Service Food Establishment
2.14 Permit to Operate a Temporary Residence/Mass Gathering
2.15 Permit to Operate or Maintain a Swimming Pool or Public Bathing Beach
2.16 Permit to Operate Sanitary Facilities for Realty Subdivisions
2.17 Shared Health Facility Registration Certificate

DIVISION OF HOUSING AND COMMUNITY RENEWAL and its subsidiaries and affiliates

1.00 Facilities construction, rehabilitation, expansion, or demolition.

2.00 Financial assistance/grant programs:

2.01 Federal Housing Assistance Payments Programs (Section 8 Programs)
2.02 Housing Development Fund Programs
2.03 Neighborhood Preservation Companies Program
2.04 Public Housing Programs
2.05 Rural Initiatives Grant Program
2.06 Rural Preservation Companies Program
2.07 Rural Rental Assistance Program
2.08 Special Needs Demonstration Projects
2.09 Urban Initiatives Grant Program
2.10 Urban Renewal Programs

3.00 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

INTERSTATE SANITATION COMMISSION (regional agency)

1.00 Adoption and enforcement of air and water pollution standards within the Interstate Sanitation District.

JOB DEVELOPMENT AUTHORITY

1.00 Financing assistance programs for commercial and industrial facilities.

MEDICAL CARE FACILITIES FINANCING AGENCY

1.00 Financing of medical care facilities.

OFFICE OF MENTAL HEALTH

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

2.00 Permit and approval programs:

2.01 Operating Certificate (Community Residence)
2.02 Operating Certificate (Family Care Homes)
2.03 Operating Certificate (Inpatient Facility)
2.04 Operating Certificate (Outpatient Facility)

OFFICE OF MENTAL RETARDATION AND DEVELOPMENT DISABILITIES

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

2.00 Permit and approval programs:

2.01 Establishment and Construction Prior Approval
2.02 Operating Certificate Community Residence
2.03 Outpatient Facility Operating Certificate

METROPOLITAN TRANSPORTATION AUTHORITY (regional agency)

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

2.00 Increases in special fares for transportation services to public water-related recreation resources.

DIVISION OF MILITARY AND NAVAL AFFAIRS

1.00 Preparation and implementation of the State Disaster Preparedness Plan.

NATURAL HERITAGE TRUST

1.00 Funding program for natural heritage institutions.

NEW YORK CITY TRANSIT AUTHORITY (regional agency)

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

2.00 Increases in special fares for transportation services to public water-related recreation resources.

NIAGARA FALLS BRIDGE COMMISSION (regional agency)

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

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

NIAGARA FRONTIER 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.

OGDENSBURG BRIDGE AND PORT 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 Commission.

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

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.

PORT AUTHORITY OF NEW YORK AND NEW JERSEY (regional agency)

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

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

3.00 Waterfront development project activities.

PORT OF OSWEGO 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 Commission.

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

POWER AUTHORITY OF THE STATE OF NEW YORK

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

2.00 Facilities construction, rehabilitation, expansion, or demolition.

ROCHESTER-GENESEE REGIONAL TRANSPORTATION AUTHORITY (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.

NEW YORK STATE SCIENCE AND TECHNOLOGY FOUNDATION

1.00 Corporation for Innovation Development Program.

2.00 Center for Advanced Technology Program.

DEPARTMENT OF SOCIAL 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 STATE

1.00 Appalachian Regional Development Program.

2.00 Coastal Management Program.

3.00 Community Services Block Grant Program.

4.00 Permit and approval programs:

- 4.01 Billiard Room License
- 4.02 Cemetery Operator
- 4.03 Uniform Fire Prevention and Building Code

STATE UNIVERSITY CONSTRUCTION FUND

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

STATE UNIVERSITY OF NEW YORK

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

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

DIVISION OF 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)

THOUSAND ISLANDS BRIDGE 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.

NEW YORK STATE THRUWAY 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.

3.00 Permit and approval programs:

3.01 Advertising Device Permit
3.02 Approval to Transport Radioactive Waste
3.03 Occupancy Permit

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) Barge Canal
(e) Rail facilities

3.00 Financial assistance/grant programs:

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

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

3.03 Funding programs for rehabilitation and replacement of municipal bridges

3.04 Subsidies program for marginal branchlines abandoned by Conrail

3.05 Subsidies program for passenger rail service

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 Permits for Use and Occupancy of N.Y. State Canal Lands (except Regional Permits [Snow Dumping])

4.10 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 FOR YOUTH

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

B. Federal Agencies

DIRECT FEDERAL ACTIVITIES AND DEVELOPMENT PROJECTS

DEPARTMENT OF COMMERCE

National Marine Fisheries Services

1.00 Fisheries Management Plans

DEPARTMENT OF DEFENSE

Army Corps of Engineers

1.00 Proposed authorizations for dredging, channel improvements, 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.

2.00 Disposition of Federal surplus lands and structures.

DEPARTMENT OF INTERIOR

Fish and Wildlife Service

1.00 Management of National WIldlife refuges and proposed acquisitions.

Mineral Management Service

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

National Park Service

3.00 National Park and Seashore management and proposed acquisitions.

DEPARTMENT OF TRANSPORTATION

Amtrak, Conrail

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

Coast Guard

2.00 Location and design, construction or enlargement of Coast Guard stations, bases, and lighthouses.

3.00 Location, placement or removal of navigation devices which are not part of the routine operations under the Aids to Navigation Program (ATON).

4.00 Expansion, abandonment, designation or anchorages, lightening areas or shipping lanes and ice management practices and activities.

Federal Aviation Administration

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

Federal Highway Administration

6.00 Highway construction.

St. Lawrence Seaway Development Corporation

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

FEDERAL LICENSES AND PERMITS

DEPARTMENT OF DEFENSE

Army Corps of Engineers

1.00 Construction of dams, dikes or ditches across navigable waters, or obstruction or alteration of navigable waters required under Sections 9 and 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 401, 403).

2.00 Establishment of harbor lines pursuant to Section 11 of the Rivers and Harbors Act of 1899 (33 U.S.C. 404, 405).

3.00 Occupation of seawall, bulkhead, jetty, dike, levee, wharf, pier, or other work built by the U.S. pursuant to Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408).

4.00 Approval of plans for improvements made at private expense under USACE supervision pursuant to the Rivers and Harbors Act of 1902 (33 U.S.C. 565).

5.00 Disposal of dredged spoils into the waters of the U.S., pursuant to the Clean Water Act, Section 404, (33 U.S.C. 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

Economic Regulatory Commission

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

2.00 Exemptions from prohibition orders.

Federal Energy 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)).

Mineral Management Service

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

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

INTERSTATE COMMERCE COMMISSION

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

NUCLEAR REGULATORY COMMISSION

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

DEPARTMENT OF TRANSPORTATION

Coast Guard

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

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

Federal Aviation Administration

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

FEDERAL ASSISTANCE*

DEPARTMENT OF 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
10.422	Business and Industrial Loans
10.424	Industrial Development Grants
10.426	Area Development Assistance Planning Grants
10.429	Above Moderate Income Housing Loans
10.430	Energy Impacted Area Development Assistance Program
10.901	Resource Conservation and Development
10.902	Soil and Water Conservation
10.904	Watershed Protection and Flood Prevention
10.906	River Basin Surveys and Investigations

DEPARTMENT OF COMMERCE

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

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

14.112	Mortgage Insurance - Construction or Substantial Rehabilitation of Condominium Projects
14.115	Mortgage Insurance - Development of Sales Type Cooperative Projects
14.117	Mortgage Insurance - Homes
14.124	Mortgage Insurance - Investor Sponsored Cooperative Housing
14.125	Mortgage Insurance - Land Development and New Communities
14.126	Mortgage Insurance - Management Type Cooperative Projects
14.127	Mortgage Insurance - Mobile Home Parks
14.218	Community Development Block Grants/Entitlement Grants
14.219	Community Development Block Grants/Small Cities Program
14.221	Urban Development Action Grants
14.223	Indian Community Development Block Grant Program

DEPARTMENT OF INTERIOR

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

DEPARTMENT OF TRANSPORTATION

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

GENERAL SERVICES ADMINISTRATION

39.002	Disposal of Federal Surplus Real Property

COMMUNITY SERVICES ADMINISTRATION

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

SMALL BUSINESS ADMINISTRATION

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

ENVIRONMENTAL PROTECTION AGENCY

66.001 Air Pollution Control Program Grants
66.418 Construction Grants for Wastewater Treatment Works
66.426 Water Pollution Control - State and 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)

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

C. Federal and State actions and programs necessary to further the City of Rochester's LWRP

(1) Introduction

The majority of the uses and projects proposed in the city's LWRP can be implemented through local actions as described in SECTION V: IMPLEMENTING TECHNIQUES. The primary local action required for imple-mentation of the LWRP is adoption of various amendments to the City Zoning Ordinance and Zoning Map, in order to encourage appropriate waterfront development and to protect sensitive environmental areas in the shorezone. This action requires City Council review and approval following a public hearing.

There are, however, several projects proposed in the plan which will require federal and State assistance and coordination. The various federal and State agencies which will be involved in this assistance and coordination are listed below, along with a description of the type of assistance required.

(2) Federal Actions:

(a) Department of Defense, Army Corps of Engineers (USACE):

(1) The USACE should coordinate with and assist the city in the design, funding and completion of a surge protection and control project at the outlet of the Genesee River with Lake Ontario that eliminates or significantly reduces the surge problem in the river.

(2) The USACE should investigate and discuss with the U.S. Coast Guard navigational problems in the Genesee River in order to determine how they may affect federally owned land at and adjacent to the Coast Guard Station.

(3) The USACE should coordinate and cooperate with the city in the review and approval of the design / engineering of new boat docks, slips and riverbank stabilization along the west bank of the river, near the Stutson Street Bridge.

(b) Federal Highway Administration (FHWA):

(1) The FHWA should coordinate and cooperate with the city in the funding, design and construction of a replacement bridge for the Stutson Street Bridge, over the Genesee River. The FHWA should provide appropriate funding for this project.

(2) The FHWA should coordinate and cooperate with the city in the funding, design and reconstruction of Lake Avenue from Ridge Road West to Beach Avenue. The FHWA should provide appropriate funding for this project.

(3) State Actions:

(a) New York State Department of Transportation (NYSDOT):

(1) The NYSDOT should coordinate and cooperate with the city in the funding, design and construction of a replacement bridge for the Stutson Street Bridge, over the Genesee River. The NYSDOT should provide appropriate funding for this project.

(2) The NYSDOT should coordinate and cooperate with the city in the funding, design and reconstruction of Lake Avenue from Ridge Road West to Beach Avenue.

(b) New York State Department of Environmental Conservation (NYSDEC):

(1) The NYSDEC should implement and administer Article 24 of the New York State Environmental Conservation Law regarding wetland areas in Rochester.

(2) The NYSDEC should coordinate with and assist the city in the mapping, adoption and implementation of New York State's Section 505 Coastal Erosion Control legislation, and the city's local coastal erosion ordinance.

(3) The NYSDEC should coordinate with and assist the city in the funding of the purchase of 40 acres of environmentally sensitive land along the east bank of the Genesee River, and 31 acres of land along the west bank of the river north of Turning Point Park, to be preserved as park land.

(c) New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP):

(1) The NYSOPRHP should coordinate with and assist the city in the design, planning, development, construction and funding of a 75-slip transient marina at the Port of Rochester site. The NYSOPRHP should provide appropriate funding for this project.

(2) The NYSOPRHP should coordinate and cooperate with the city regarding the potential designation of the redeveloped port site and new marina as a state park.

(3) The NYSOPRHP should coordinate with and assist the city in the funding of the purchase of 40 acres of environmentally sensitive land along the east bank of the Genesee River, and 31 acres of land along the west bank of the river north of Turning Point Park, to be preserved as park land.

(4) The NYSOPRHP should coordinate and cooperate with the city regarding the renegotiation of the operation and maintenance agreement for State-owned property along River Street, south of the Stutson Street Bridge.

(d) New York State Department of State (NYSDOS):

(1) The NYSDOS should coordinate with and assist the city in the provision of funding to implement portions of its LWRP including, but not limited to, the potential development and adoption of water surface use regulations and the planning, engineering and construction of future waterfront development projects and infrastructure improvements.

(2) The NYSDOS should coordinate with and assist the city in the provision of funding, along with local labor unions, for the preservation of the historic Genesee Lighthouse.

(e) New York State Office of General Services:

(1) Prior to any development occurring in the water or on the immediate waterfront, the Office of General Services should be consulted for a determination of the state's interest in

underwater or formerly underwater lands and for authorization to use and occupy these lands.

2. ***FEDERAL AND STATE ACTIONS AND PROGRAMS WHICH SHOULD BE UNDERTAKEN IN A MANNER CONSISTENT WITH THE LWRP***

(A) Federal Actions and Programs (Source: "Catalogue of Federal Programs - 1984"):

(1) Department of Commerce:
  (a) Economic Development Administration:
    * Economic Development - Grants for Public Works and Development Facilities.
    * Economic Development - Business Development Assistance.
    * Economic Development - Support for Planning Organizations.
    * Economic Development - Technical Assistance.
    * Economic Development - Public Works Impact Projects.
    * Economic Development - State and Local Economic Development Planning.
    * Economic Development - District Operational Services.
    * Special Economic Development and Adjustment Assistance Program - Sudden and Severe or Long-Term Economic Deterioration.
  (b) National Oceanic and Atmospheric Administration:
    * Geodetic Surveys and Services.
    * Nautical Charts and Related Data.
    * Anadromous and Great Lakes Fisheries Conservation.
    * Commercial Fisheries Research and Development.
    * Sea Grant Support.
    * Coastal Zone Management Program Administration.
    * Coastal Zone Management Estuarine Sanctuaries.
    * Coastal Energy Impact Program - Planning Grants.
    * Financial Assistance for Marine Pollution Research.
    * Fisheries Development and Utilization Research and Development Grants and Cooperative Agreements Program.
(2) Department of Defense:
  (a) Department of the Army, Office of the Chief of Engineers:
    * Aquatic Plant Control.
    * Beach Erosion Control Projects.
    * Flood Control Works and Federally Authorized Coastal Protection Works, Rehabilitation.
    * Flood Plain Management Services.
    * Flood Control Projects.
    * Navigation Projects.
    * Snagging and Clearing for Flood Control.
    * Protection, Clearing and Straightening Channels.
    * Planning Assistance to States.
    * Section 404 Permit Requirements and Permit Program.
(3) Department of Housing and Urban Development:
  (a) Community Planning and Development:
    * Community Development Block Grants/Entitlement Grants.
    * Section 312 Rehabilitation Loans.

(b) Office of Policy Development and Research:
* General Research and Technology Activity.

(4) Department of the Interior:
(a) Bureau of Reclamation:
* National Water Research and Development Program.
(b) U.S. Fish and Wildlife Service:
* Anadromous Fish Conservation
* Fishery Research - Information.
* Fish Restoration.
* Sport Fish Technical Assistance.
* Wildlife Restoration.
(c) Geological Survey:
* Water Resources Investigation.
(d) National Park Service:
* Historic Preservation Grants-In-Aid.
* Historic American Buildings Survey / Historic American Engineering Record.
* National Historic Landmark Program.
* National Register of Historic Places.
* National Natural Landmarks Program.
* Technical Preservation Services.
* Outdoor Recreation - Acquisition, Development and Planning (Land and Water Conservation Fund Grants).
* Surplus Property Program.
* Urban Park and Recreation Recovery Program.
(e) Office of Water Policy:
* Water Research Institute Program.
(5) Department of Transportation:
(a) United States Coast Guard:
* Boating Safety.
* Coast Guard Cooperative Marine Sciences Program.
(b) Federal Highway Administration:
* Highway Planning and Construction.
* Highway Beautification.
(c) Maritime Administration:
* Development and Promotion of Domestic Waterborne Transport Systems.
* Maritime Research and Development.
(6) General Services Administration:
* Disposal of Federal Surplus Real Property.
* Donation of Federal Surplus Real Property.
(7) Small Business Administration:
* Small Business Loans.
* Small Business Investment Companies.
* State and Local Development Company Loans.
* Small Business Energy Loans.
* Small Business Pollution Control Financing Guarantee.
(8) Environmental Protection Agency:
(a) Office of Air, Noise and Radiation:
* Air Pollution Control Program Grants.

(b) Office of Water:
* Construction Grants for Wastewater Treatment Works.
* Water Pollution Control - State and Interstate Program Grants.
* Construction Management Assistance Grants.
* Water Quality Management Planning.

(c) Office of Research and Development:
* Environmental Protection - Consolidated Research Grants.
* Air Pollution Control Research Grants.
* Solid Waste Disposal Research Grants.
* Water Pollution Control - Research, Development and Demonstration Grants.
* Safe Drinking Water Research and Demonstration Grants.
* Toxic Substances Research Grants.

(d) Office of Solid Waste and Emergency Response:
* Hazardous Waste Management Financial Assistance to States.
* Hazardous Substance Response Trust Fund.

(9) Federal Emergency Management Agency:

(a) Federal Insurance Administration:
* Flood Insurance.

(b) State and Local Programs and Support:
* State Assistance Program (Flood Hazard).
* Acquisition of Flood-Damaged Structures.
* Disaster Preparedness Improvement Grants.

(B) State Actions and Programs (Source: NYSDEC, NYSDOS):

(1) Council on the Arts:

(a) Provision of funding under the architecture and environmental arts program.

(2) Dormitory Authority of the State of New York:

(a) Provision of construction management, planning and design services for capital projects.

(3) Department of Environmental Conservation:

(a) Planning, development, construction, major rennovation or expansion of facilities.

(b) Division of Construction Management
* Review and approval of federal grant application plans and specifications for wastewater treatment facilities.
* Mining Permit.
* Permit to Plug and Abandon Non-Commercial Wells.
* Permit to Use Chemicals to Control Aquatic Insects.
* Permit to Use Chemicals to Control Undesirable Fish.
* Underground Gas Storage Permit.
* Well Drilling Permit.

(c) Division of Regulatory Affairs
* Actions relating to provisions of the State Environmental Quality Review Act.
* Approval of Well System and Permit to Operate.
* Issuance of Protection of Waters Permits for dams, fill, docks, piers, wharves, excavations in navigable waters, disturbances of the bed or bank of "protected streams".

* Water Supply Permits.
* Freshwater Wetlands Permits.

(d) Division of Air Resources
* Certificate of approval for Air Pollution Episode Action Plan.
* Certificate to Operate: Stationary Combustion; Installation; Incinerator; Process, Exhaust or Ventilation System.
* Permit for Burial of Radioactive Material.
* Permit for Restricted Burning.
* Permit to Construct: Stationary Combustion; Installation; Incinerator; Indirect Source of Air Contamination; Process, Exhaust or Ventilation System.
* Administration of other air resource rules and regulations.

(e) Division of Solid Waste
* Permit to Construct and/or Operate a Solid Waste Management Facility.
* Septic Tank Cleaner and Industrial Waste Collector Permit.

SECTION VII: CONSULTATION WITH OTHER AFFECTED FEDERAL, STATE, REGIONAL AND LOCAL AGENCIES

1. INTRODUCTION

The city consulted and coordinated with various governmental agencies regarding preparation of the Local Waterfront Revitalization Program (LWRP). In addition, the city consulted with the adjacent towns of Greece and Irondequoit to ensure a coordinated approach to waterfront development in certain areas. The result of these consultations was a waterfront plan with greater public and agency acceptance, as well as greater potential for actual implementation.

2. STATE AGENCY CONSULTATION

The city had the following consultations with state agencies during development of its LWRP:

(a) New York State Department of State (NYSDOS), dealing with:

(1) procedures for applying for a grant to prepare a Local Waterfront Revitalization Program;
(2) requirements for preparation of a Local Waterfront Revitalization Program, with particular attention to State policy interpretation and consistency requirements;
(3) procedures for selecting consultants to work on the program;
(4) procedures for local participation in the program;
(5) establishment of a public participation process; and
(6) application for program implementation grants.

(b) New York State Department of Environmental Conservation (NYSDEC), dealing with:

(1) implementation and impacts of a Coastal Erosion Management Plan;
(2) coordination of proposed local environmental standards with existing county, State and federal standards;
(3) specific material contained in the LWRP inventory and analysis, including designation of the lower Genesee River as a "significant fish and wildlife habitat"; and
(4) preliminary review of the city's LWRP Draft Generic Environmental Impact Statement.

(c) New York State Department of Transportation (NYSDOT), dealing with:

(1) the review of city recommendations for the design and replacement of the Stutson Street Bridge; and
(2) the review of city plans for reconstruction of Lake Avenue.

3. COUNTY AGENCY CONSULTATION

The city had the following consultations with county agencies during development of its LWRP:

(a) Monroe County Departments of Planning and Parks, dealing with:

(1) coordination of proposed LWRP uses and projects with those proposed by adjoining communities and with the recommendations of the master plan being prepared for county parks.

(b) Monroe County Water Quality Management Agency, dealing with:

(1) review of proposals dealing with control of urban runoff and water quality in the Rochester embayment.

4. NEIGHBORING MUNICIPALITY CONSULTATION

The city had the following consultations with neighboring municipalities during development of its LWRP:

(a) Town of Irondequoit, dealing with:

(1) determination of the appropriate boundary location for the city LWRP along the eastern bank of the Genesee River;
(2) review of the overall LWRP development program;
(3) recommendations for the design of a replacement for the Stutson Street Bridge; and
(3) potential for future coordination of specific design plans for waterfront development along the east bank of the Genesee River, near the Stutson Street Bridge.

(b) Town of Greece, dealing with:

(1) review of the overall LWRP development program; and
(2) potential for future coordination of specific design plans for waterfront development projects including replacement of the Stutson Street Bridge.

SECTION VIII: LOCAL COMMITMENT

LOCAL COMMITMENT

The city recognized the complexities of implementing a comprehensive land use plan for the City of Rochester's coastal areas, and the importance of direct public participation in that effort. It therefore established, early in the planning process, a Citizen's Advisory Committee (CAC) as a means of encouraging public interest in and developing public support and commitment for the Local Waterfront Revitalization Program.

Initially, public and private agencies with potential interest in waterfront revitalization were identified. These agencies included neighborhood and business groups within and adjacent to the LWRP study area, the Monroe County Planning Department and Parks Department, the City Environmental Commission and Planning Commission, and groups with maritime interests such as Sea Grant, the Monroe County Fishery Advisory Board, yacht clubs, marina operators, and real estate brokerage firms.

Each of the interested organizations was contacted in writing and requested to designate a person to represent the organization on the LWRP CAC. Eighteen individuals were designated as members of the city's CAC. The Chairperson of the City Planning Commission was designated as the Chairperson of the CAC.

In the six years from the date of its initial meeting on November 8, 1984, the CAC met routinely to:

(a) discuss and review the LWRP inventory and analysis;
(b) establish coastal management policies;
(c) establish land use zones and subzones within the LWRP boundary and agree on appropriate uses and projects for those areas;
(d) review concept design plans for Ontario Beach Park, the Port Authority site and the River Street site;
(e) establish implementation techniques for the LWRP policies;
(f) review proposed city charter changes, and zoning ordinance map and text amendments for the waterfront revitalization area;
(g) oversee the preparation of a concept design plan for the River Harbor Redevelopment Area; and
(h) review and comment on the Draft LWRP and Draft Generic Environmental Impact Statement (DGEIS) documents.

Communication to groups with a direct interest in the city's waterfront was also accomplished through the LWRP CAC. Each CAC member functioned as a conduit for the exchange of information and ideas about the plan between the committee and his or her respective constituencies.

In addition to meetings generated by the CAC, City staff held numerous meetings with the Charlotte Community Association and the Charlotte Businessmen's Association regarding the Draft LWRP and the River Harbor Redevelopment Area Design/Feasibility Study. Meetings were also held with governmental entities, which could be affected by the implementation of the city's LWRP. These included the adjacent towns of Greece and Irondequoit, who were also preparing LWRPs.

In summary, nearly 80 public meetings or presentations were conducted during development of the program to encourage public comment and participation.

A combined public hearing with the Rochester Environmental Commission (REC) and informational meeting with the City Planning Commission was held on March 5, 1990, regarding the city's Draft LWRP and DGEIS. At this meeting, citizens had an opportunity to comment on the specifics of the Draft LWRP document and environmental impact statement, as well as on the proposed zoning ordinance text and map amendments. Comments and testimony touched on various aspects of the Draft LWRP including environmental concerns, land use issues, traffic and parking management, zoning controls, business and neighborhood impacts, and the overall planning and public input process.

A final public hearing on the approval of the city's LWRP, Final Generic Environmental Impact Statement, proposed city charter changes, and zoning ordinance text and map amendments was held with the Rochester City Council on August 14, 1990. Interested citizens, associations and organizations spoke at that meeting regarding their comments and concerns about the plan. The Final Local Waterfront Revitalization Program and Final Generic Environmental Impact Statement were adopted by the Rochester City Council and approved for transmittal to the New York State Department of State on September 11, 1990.

CITY OF ROCHESTER
LOCAL WATERFRONT REVITALIZATION PROGRAM

Rochester River Harbor Redevelopment Design and Feasibility Study
(pertinent sections of draft report)

TABLE OF CONTENTS

	Page
Executive Summary	3
Introduction	6
Task III - Issue Identification and Summary	13
Task IV - Goals and Objectives	27
Task V - Thematic Concept	31
Task IX - Policy Relationships	33
Task X - Conclusions	34
Appendix A	44

MEMORANDUM

TO: Larry Stid, Planning Commission Director
Department of Community Development, City of Rochester

FROM: Stephen Buechner, Reimann.Buechner Partnership

DATE: February 8, 1989

RE: Rochester River Harbor Redevelopment Feasibility Study

EXECUTIVE SUMMARY

Purpose

This report is intended as a comprehensive study with the purpose of developing a unified, cohesive redevelopment plan for the River Harbor Redevelopment Area. The City of Rochester will use this plan as a basis for making appropriate land use, zoning and development decisions, and as a general guide for redevelopment activities within the study area. In addition, the redevelopment plan will help to implement several policies of the Local Waterfront Revitalization Program (LWRP).

Method

The analysis of the River Harbor Redevelopment Area was organized into nine tasks. In the first three tasks, the consulting team collected and analyzed background information on the River Harbor Study Area. The consultants, working closely with City Planning staff and Charlotte community groups, produced guiding concepts during the next three tasks. The final three tasks presented the consultants' recommendations for the study area.

Tasks I-III

The first three tasks provided essential background information. Task I summarized the 1984 Ontario Beach Park plan prepared by Reimann.Buechner Partnership and the 1987-88 City Planning Office plan for River Harbor. The goal of these plans was to maximize public waterfront access and water-related recreational opportuni-

ies. Task II summarized the history of settlement and waterfront development in the study area. The broader context, including Ontario Beach Park and the Village of Charlotte, was considered in the historic summary. Task II also summarized the existing conditions in the following categories: Topography, Vegetation, Hydrology, Views, Vehicular Circulation, Parking, Pedestrian Circulation, Utilities, Streetscape, Buildings, Zoning, and Land Use. Task III completed the process of gathering background information by presenting issues and concerns identified in the first two tasks, as well as in the Contract: Scope of Services (see Appendix C). Four development issues from previous tasks included 1) pedestrian connections, 2) inter-relationships for historically sensitive sites, 3) natural topographic features, and 4) low density housing location. Six development issues from the Scope of Services were elaborated: 1) options for the replacement of the Stutson Street Bridge, 2) intersection and streetscape improvements, 3) surge control, 4) market demand for major new recreational and tourist facilities, 5) east bank concerns, and 6) previously prepared plans.

Tasks IV-VI

The fourth through sixth tasks developed concepts to guide the design development phases. Task IV specified eight goals and related objectives. The goals and objectives were identified as consultant recommendations, City staff concerns, or local citizen concerns. Task V specified a development theme for the redevelopment area. The theme was prepared in conjunction with City staff and local community groups. It was decided that the theme shall be a Turn-of-the-Century Time Theme, with River Street exhibiting a Nautical Time Theme and all other areas exhibiting a Village Time Theme. Task VI specified design guidelines and standards. These examined details in four categories: I) Street Corridor details, II) Architectural details, III) Site details, and IV) Signage details. Tasks IV, V and VI provided the guiding concepts for the redevelopment plans and recommendations produced in the last three tasks.

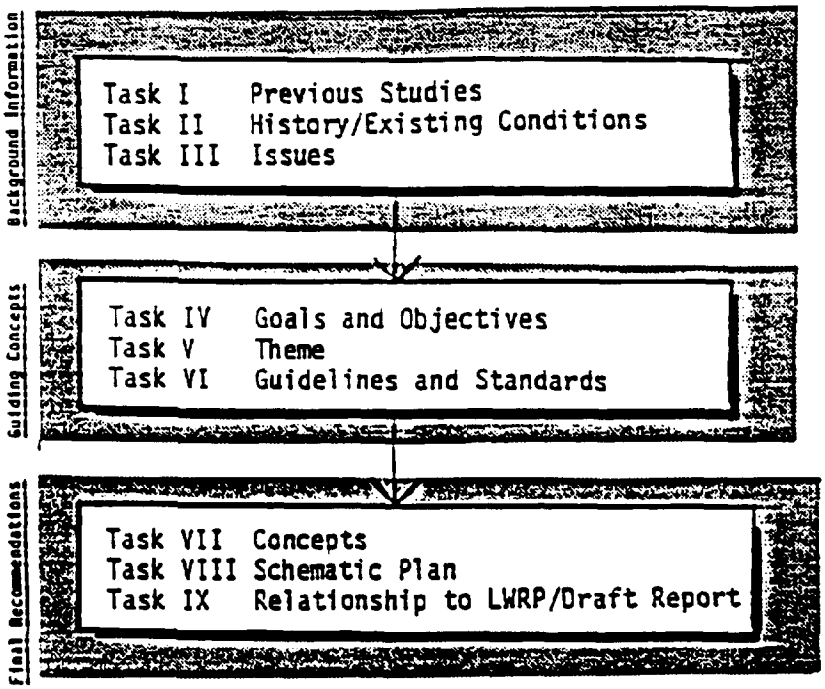
Tasks VII-IX

The last three tasks provided final recommendations on which to base planning decisions. In Task VII, conceptual plans were drawn. These included site-related diagrammatic presentations of development potentials, circulation, and waterfront opportunities. In Task VIII, schematic plans at preliminary stages of design development were produced and analyzed to identify the relationship of the plans to the City of Rochester LWRP. Task IX matrixed the schematic plans with the LWRP policies to illustrate areas of applicability.

The basic organization for this project is outlined below. The diagram illustrates that the tasks were grouped into three main categories, and that each task built on information generated by previous tasks. More detail on the project organization, including a flow chart that illustrates the role of community participation

in meetings with City staff and consultants, is provided in the Introduction to the River Harbor Redevelopment Design/Feasibility Study.

PROJECT ORGANIZATION



Conclusions

The River Harbor Redevelopment Design/Feasibility Study resulted in recommendations at a preliminary level of detail for pedestrian and vehicular circulation, boating and waterfront recreation facilities for the Genesee River, new housing and retail facilities, the re-use of existing historic buildings, and the provision of parking for waterfront visitors and residents. The majority of new facilities were planned for River Street and the immediate shore zone. Streetscape improvements were suggested for the shore zone access street, River Street, all adjacent cross-streets, and Lake Avenue.

ROCHESTER RIVER HARBOR REDEVELOPMENT FEASIBILITY STUDY

INTRODUCTION

PURPOSE AND SCOPE

The purpose of this study is to initiate a unified, cohesive redevelopment plan for the project study area. This plan will be used by the City of Rochester Department of Community Development to guide redevelopment activity in the River Harbor Area. It is intended to provide a basis for planning decisions and policy implementation. The products of this study were prepared at a level of detail sufficient to organize effective and appropriate revitalization of the waterfront and adjacent lands. Preliminary land use, engineering, and design solutions were explored for the purpose of directing the outcome of future design development projects. These solutions were coordinated by the directives of the City of Rochester Local Waterfront Revitalization Program (LWRP). The schematic redevelopment plan and policies proposed in this study were intended to ensure that redevelopment is undertaken in a manner consistent with the policies and objectives of the LWRP.

CONTEXT

The River Harbor Redevelopment Area has been studied in the context of other City LWRP projects. Previous projects as detailed in Task I have resulted in a coordinated conceptual design plan for the redevelopment of the River Harbor Study Area, the Port Site, and Ontario Beach Park. The City of Rochester has incorporated the coordinated plan into its Local Waterfront Revitalization Program (LWRP). A Local Waterfront Revitalization Program (LWRP) is a comprehensive, realistic program for the beneficial use, revitalization, and protection of a community's waterfront resources. The City of Rochester has received a grant from the New York State Department of State for the preparation of a Local Waterfront Revitalization Program pursuant to Article 42, Section 915 of the New York State Executive Law, the Waterfront Revitalization and Coastal Resources Act. The LWRP is designed to give the community the opportunity to undertake a comprehensive review and analysis of its waterfront, establish clear policies, propose specific uses, and implement these specific uses and projects. Rochester's local waterfront area is defined as those portions of the City bordering Lake Ontario and the Genesee River and their inland extensions. As part of the City's LWRP, the current River Harbor project extends the design process south from Ontario Beach Park to the River Street area and Lake Avenue commercial strip from

Beach Avenue to Lake Ontario State Parkway (refer to Task II Map A: Study Area Context for the specific location of the River Harbor Study Area).

STUDY METHOD

The River Harbor Redevelopment Design/Feasibility Study was organized into nine tasks as specified by City Planning staff in the Request for Proposals (RFP) for this project. The consulting team, headed by the Reimann.Buechner Partnership Landscape Architects and Planners, and Handler-Grosso Architects, D.J. Parrone & Associates, P.C., Engineers, and Phoenix Associates, Marketing Analysts, responded to the RFP. The consulting team (see Appendix B: Consulting Team; Page B1, Team Qualifications), headed by Reimann-Buechner Partnership, fine-tuned the RFP to reach an agreement with City staff as to the project format (see Appendix C: Project Scope). The project format is presented in the following outline.

TASK I: REVIEW AND ANALYZE ONTARIO BEACH PARK/PORT OF ROCHESTER COORDINATED DESIGN PLAN.

The Consultant team reviewed and analyzed the proposed Ontario Beach Park/Port of Rochester coordinated design plan prepared by the Reimann.Buechner Partnership, with an emphasis on identifying design and thematic relationships and connections to the remaining portions of the River Harbor Redevelopment Area.

INTERIM PRODUCTS: None.

TASK II: COMPILE HISTORICAL DATA AND EXISTING CONDITIONS

The Consultant team compiled historical information along with other data on existing land use, zoning, traffic, and development characteristics for the study area from existing documentation contained in the City of Rochester Local Waterfront Revitalization Program and from other sources. Some on-site field investigations were required in order to complete this task. This information was analyzed to produce a summary of development conditions which currently existed within the study area and their relationships to potential future development opportunities. Data collected included:

- historical overview of area;
- land use and zoning patterns;
- utility service information;
- existing traffic volumes, intersection turning movements and levels of service;
- pedestrian circulation patterns;
- existing parking supply/parking demand information;
- topographic and other environmental features;
- scenic views and vistas;
- type and condition of building facades;
- inventory of historic sites; and
- previous design or development study recommendations.

INTERIM PRODUCTS:

* Interim memorandum #1 summarizing date collected and relationships to future development potential.
* Concept map series #1 depicting the data collected and relationships identified.

TASK III: IDENTIFY AND SUMMARIZE SIGNIFICANT DEVELOPMENT ISSUES AFFECTING THE STUDY AREA.

The Consultant team, in coordination with City staff and after consultation with appropriate neighborhood groups, analyzed the following development issues and concerns to determine their collective impacts on and inter-relationships to the River Harbor Study Area.

Issue 1 Pedestrian connections between the proposed Port of Rochester entry plaza and the north end of the River Harbor Redevelopment Area.

Issue 2 Inter-relationships for historically sensitive sites in the River Harbor Area.

Issue 3 Potential for emphasizing natural topographic features as assets in redevelopment plans.

Issue 4 Low density housing location. Considerations for River Street housing should include public access to the water for recreation.

Issue 5 Options under consideration for replacement of the Stutson Street Bridge.

Issue 6 Plans for improvements to intersections and streetscapes in the study area.

Issue 7 Surge problems in the Genesee River that may affect waterfront user safety or construction of new waterfront facilities.

Issue 8 Market demand for major new recreational or tourist facilities.

Issue 9 Development issues, plans and concerns along the east bank of the Genesee River.

Issue 10 Previously prepared schematic or conceptual development plans for specific portions of the redevelopment area.

The consultant prepared the above "inventory" of development issues and concerns for the study area as a whole, and for the individual subareas.

INTERIM PRODUCTS:
* Interim memorandum #2 summarizing findings of task.
* Concept map series #2 showing development issues and concerns for the study area.

TASK IV: PREPARE GOALS AND OBJECTIVES STATEMENT FOR STUDY AREA.

The Consultant team, in coordination with City staff, prepared a statement or list of specific design and development goals and objectives for the River Harbor Redevelopment Area based on the summary of development issues and concerns prepared in Task III.

INTERIM PRODUCT:
* Interim memorandum #3 summarizing development goals and objectives for study area.

TASK V: DEVELOP A UNIFIED, THEMATIC CONCEPT FOR THE RIVER HARBOR REDEVELOPMENT AREA AND SPECIFIC SUBAREAS.

The Consultant team, in coordination with City staff and using the information, issues and concerns, and goals and objectives statement developed in the four previous tasks, prepared a unified, thematic design concept for the River Harbor Redevelopment Area. The Consultant also prepared thematic design concepts for specific subareas such as the River Street neighborhood, as directed by City staff. The thematic design concepts included a description of appropriate land uses, building/facade design themes, landscape and streetscape design themes, etc., and served as a guide for reviewing site plans and for developing design standards.

INTERIM PRODUCT:
* Interim memorandum #4 outlining thematic design concepts for study area and subareas.

TASK VI: DEVELOP SPECIFIC DESIGN STANDARDS AND GUIDELINES FOR BUILDING FACADES, INFILL DEVELOPMENT AND STREETSCAPES WITHIN STUDY AREA.

Based on the goals and objectives statement and thematic design concept developed for the Redevelopment Area in previous tasks, the Consultant team, in coordination with City staff, prepared specific design standards for building facades, building restorations, infill development, streetscapes and landscape features within the study area.

Design guidelines and standards developed in this task included the following:

I. Street Corridor

A. Building setbacks and lot coverage
B. Building widths and frontage
C. Off-street and on-street parking
D. Levels of service

II. Architectural

A. Fenestration
B. Color and materials
C. Restoration
D. Building exterior

D1. Height and mass
D2. Roofline, roof forms
D3. Infill schemes

III. Site

A. Public planting
B. Paving - pedestrian spaces and corridors
C. Lighting and furniture
D. Private green zones
E. Parking - screen wall and planting

IV. Exterior Signage

A. Sign type

A1. Function
A2. Duration - permanent/temporary

B. Safety

B1. Obstruction
B2. Maintenance
B3. Illumination

INTERIM PRODUCT: * Interim memorandum #5 detailing specific design standards and guidelines for study area.

TASK VII: PREPARE REDEVELOPMENT PLANS FOR RIVER HARBOR SUBAREAS.

The Consultant team prepared conceptual redevelopment plans for combined River Harbor Redevelopment Subareas. Major elements of the plan were shown on a composite study area map. The redevelopment area plan included the following concept maps:

1. Development Potentials: Proposals for infill sites, building reuse, redevelopment sites, and land use programs.

2. Circulation: Proposals for major vehicular routes, minor vehicular routes, pedestrian routes, and parking areas.

3. Waterfront Opportunities: Boardwalk/fishing, boating, and special use.

FINAL PRODUCT: * Concept plan series #1 for combined subareas showing development opportunities, public access, proposed waterfront uses, parking and landscape improvements, etc.
* Interim memorandum #6 detailing alternative design solutions.

TASK VIII: PREPARE SCHEMATIC SITE PLANS FOR SPECIFIC SITES WITHIN THE RIVER HARBOR REDEVELOPMENT AREA.

The Consultant team prepared schematic site plans and illustrative renderings for five specific sites within the River Harbor Redevelopment Area. This work included:

* Preparation of a schematic site plan for parking, landscape work, and public access/circulation improvements around the Genesee/Charlotte Lighthouse;

* Preparation of a schematic site plan for the adaptive reuse of the River Street Railroad Station, showing landscape and parking improvements, etc.;

* Preparation of a schematic site plan for the redevelopment of the Tape-Con site and Pelican Bay Marina, showing proposed use, landscape and parking improvements, building facade treatments, etc.;

* Preparation of a schematic site plan for the River Street streetscape, riverfront linear park, pedestrian walkway, and boat slips from Pelican Bay south to Petten Street;

* Preparation of a schematic site plan for a representative Lake Avenue infill or redevelopment site including building facades, proposed use, landscape and streetscape treatments, access and parking improvements, etc.

FINAL PRODUCT: * Concept design sketch series #1 and concept plan series #3 showing representative renderings and site plans for specific areas listed above, to include design layouts, public access, proposed uses, site improvements, facade treatments, etc.

TASK IX: IDENTIFY RELATIONSHIP OF FINAL PLANS TO POLICIES OF THE CITY'S LOCAL WATERFRONT REVITALIZATION PROGRAM, AND PREPARE FINAL REPORT.

The Consultant identified how and to what extent the various redevelopment plans, design standards and schematic site plans prepared for the River Harbor Redevelopment Area will address or implement applicable policies of the City's Local Waterfront Revitalization Program. A matrix chart was produced showing such relationships. The Consultant compiled all material, plans, drawings, analyses and recommendations into a draft final report including an executive summary and appropriate

appendices. The draft final report was reviewed by City staff and the LWRP Citizen's Advisory Committee. The Consultant prepared a final report based on that review.

INTERIM PRODUCT:

* Interim memorandum #7 summarizing, in matrix format, the relationships of each major project recommendation or proposal to the appropriate LWRP policies.

FINAL PRODUCT:

* Draft Final Report to include all data, analyses and recommendations developed as part of the project. Final report shall include all maps, figures, drawings, and plans in an appropriate scale, prepared as part of the Study.
* Final Report based on review of draft report by City staff and the LWRP Citizen's Advisory Committee.

The project method also included many meetings between the consultants and the Citizen's Advisory Committee (CAC) for the City LWRP and the Charlotte Community Association. The meeting schedules were coordinated with strategic points in the project organization such that community input was included in key decisions (see Appendix C: Project Scope, Page C7). Schedule A-1 charts the relationship of the community meeting schedule with the project task timetable.

MEMORANDUM

DATE: November 17, 1988

RE: Rochester River Harbor Redevelopment Feasibility Study

TASK III: ISSUE IDENTIFICATION AND SUMMARY

This memorandum analyzes specific development issues raised in Tasks I and II. After meeting with City staff and in consultation with the LWRP Citizen's Advisory Committee, the following issues are summarized and analyzed for impacts on the River Harbor Redevelopment Area:

Development Issues Identified in Task I and Task II

Issue 1 Pedestrian connections between the proposed Port of Rochester entry plaza and the north end of the River Harbor Redevelopment Area.

Issue 2 Inter-relationships of historically sensitive sites in the River Harbor Area.

Issue 3 Potential for emphasizing natural topographic features as assets in redevelopment plans.

Issue 4 Low density housing locations. Site planning consideration for River Street housing should include public access to the water for recreation.

Development Issues Identified in the Contract Scope of Services

Issue 5 Options under consideration for replacement of the Stutson Street Bridge.

Issue 6 Plans for improvements to intersections and streetscapes in the study area.

Issue 7 Surge problems in the Genesee River that may affect waterfront user safety or construction of new waterfront facilities.

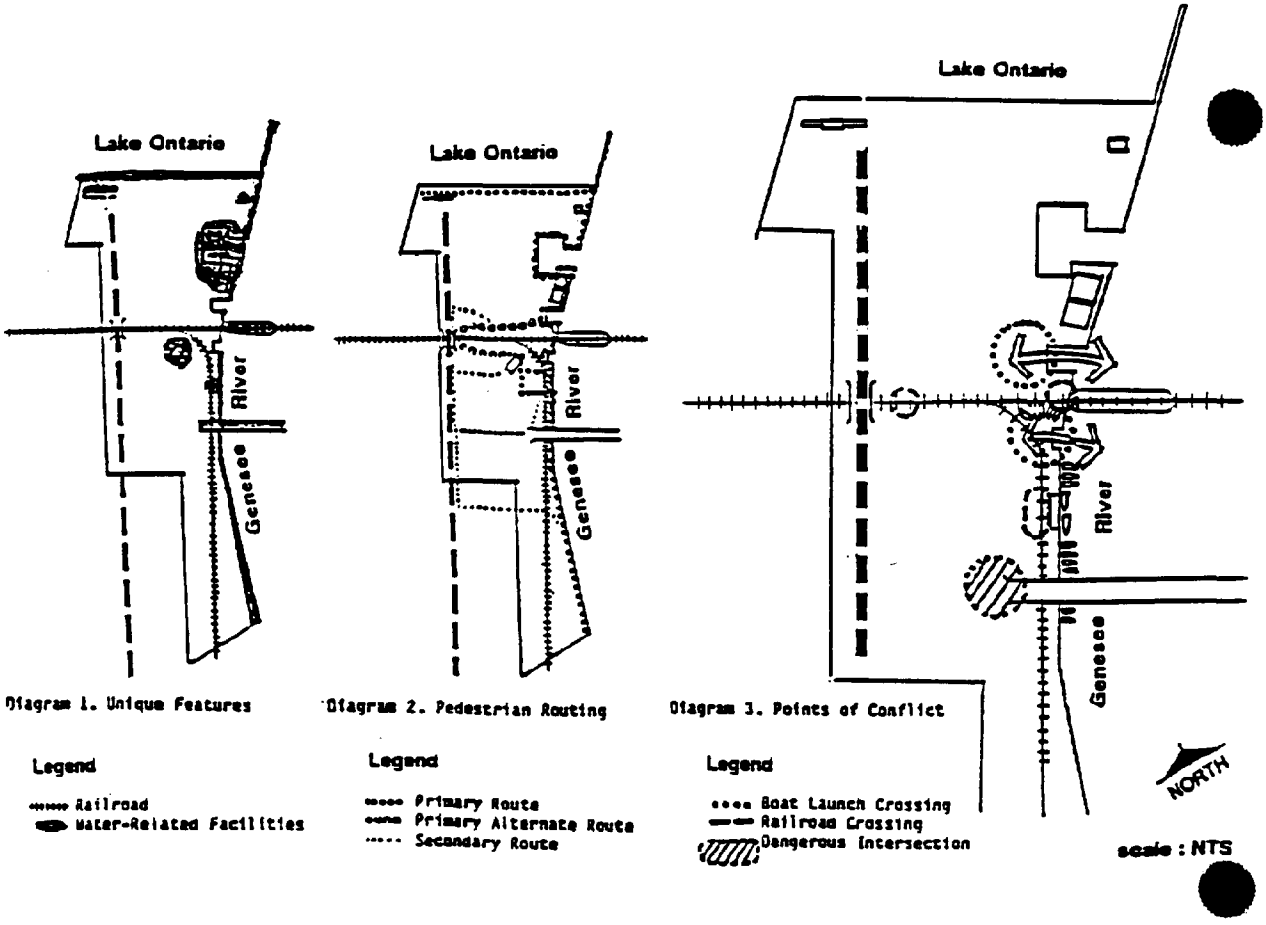
Issue 8 Market demand for major new recreational or tourist facilities.

Issue 9 Development issues, plans and concerns along the east bank of the Genesee River.

Issue 10 Previously prepared schematic or conceptual development plans for specific portions of the redevelopment area.

ISSUE 1 - PEDESTRIAN CONNECTIONS

As noted in Task I, logical connections between the Port of Rochester entry plaza and the River Harbor study area exist at the Pelican Bay Marina and Charlotte Lighthouse Park. Ideally, the pedestrian way would extend the waterfront promenade proposed for the east side of the redeveloped warehouses south along the entire length of the river bank. Visitors to the Port of Rochester and River Harbor developments would have the maximum access to the Genesee River if a continuous pedestrian walk were constructed. There are, however, several concerns for the safety and welfare of waterfront users if the scheme were so developed. The main issue is that the River Harbor waterfront is an active marina; potential conflicts between pedestrians and marina operations include risks to boats in dry storage, loss of privacy for owners of docked boats, and safety risks to pedestrians from heavy lifting equipment during fall boat removal and spring boat launching operations. Other potential safety risks to visitors that must be addressed in Subarea B are the crossing of the east/west Conrail tracks between the proposed new waterfront entry plaza and the Pelican Bay/Charlotte Lighthouse redevelopments and pedestrian crossings of the north/south railroad tracks at the Tape-Con/River



Street Station redevelopments. Additional concerns with increased use of the river bank include hazardous thin ice in early winter, high winds and water surge associated with Lake Ontario storms occurring from late August through the fall, and rough melt waters with ice chunks due to erratic freeze/thaw cycles during spring.

Diagram 1, Unique Features, locates some outstanding features adjacent to the River Harbor Redevelopment study area. These features should be highlighted in the design of pedestrian linkages for the study area. Visitors should have either direct access or visual access for the passive enjoyment of outstanding waterfront features. From the lighthouse, there are currently two connections between Lake Avenue and River Street. One involves cutting directly east through the side slope to River Street. The other takes Lighthouse Street on a gentle gradient to Latta Road. Due to parking problems at the Lighthouse, Lighthouse Street may be developed as a main access to Lighthouse Park.

Diagram 2, Pedestrian Routing, shows possible routing for pedestrian ways through the redevelopment area. The primary route maximizes public exposure to the waterfront. Bridging the railroad and marina is a possibility, although the height required to do so renders this solution impractical. The alternate route offers vistas from the Lighthouse Park overlooking the Genesee River from Stutson Street to Lake Ontario. The alternate route ameliorates safety risks from the movement of heavy lifting equipment used to move boats in and out of marina storage by bringing visitors around the west side of Pelican Bay Marina. East/west connections exist at Latta Road, Stutson Street, and Petten Street.

Diagram 3, Points of Conflict, locates the places where pedestrian safety and welfare are potentially at risk. The design of new pedestrian connections and upgrading of existing pedestrian ways should reinforce the uniqueness of the area by emphasizing the interrelationships of historic waterfront sites. Concerns for visitor safety should be addressed by careful consideration of several options at dangerous crossing places. A coordinated effort, including upgraded tree plantings, improved road pavement edges, sidewalk paving, and edge definition on streets in the River Harbor area would have a positive long term effect on the character of Charlotte neighborhoods; such improvements would further reduce pedestrian/vehicle conflicts.

ISSUE 2 - HISTORICALLY SENSITIVE SITES

The railroad swing bridge, the lighthouse, the railroad station, and several Stutson Street buildings are the outstanding historic resources in the River Harbor Redevelopment area. As noted above, the interrelationships between waterfront resources offer opportunities for the enhancement of a pedestrian walk along the Genesee River. The swing bridge is not accessible to pedestrians, but while operative, it allows visitors to watch trains crossing the river. The swing bridge is clearly visible from Lighthouse Park, the slope behind Harbor View Miniature Golf, the Lake Avenue vehicle bridge, and the boat launch area north of the railroad.

The Charlotte/Genesee Lighthouse and Park has potential both as a focal point and as an overlook (see Issue 3 below). It relates to the swing bridge and train station as a point from which to view these places, but otherwise has no direct relationship to them. Though it is topographically more closely connected to Lake Avenue than to River Street, the lighthouse is set back and cut off from Lake Avenue by the Holy Cross Church parking lot. In addition to this deep setback from Lake Avenue, the lighthouse is also located too far (2 blocks) north of the other outstanding historic buildings at the intersection of Lake Avenue and Stutson Street to have any direct relationship to them.

The train station on River Street functions as a waterside focal point and could be a memorable destination for visitors if it were redeveloped. Approaches from Latta Road and River Street give 3/4 views of the historic station, the most dramatic of which is the descent traveling north on River Street from Stutson Street. The station currently relates only spatially to significant buildings on River Street, now occupied by Sammy's Bar and Tape-Con Manufacturing, because the railroad tracks create a barrier between the station/shorezone and development west of the tracks. It has an unmistakable identity as a train station, and its location in the low marginal land along the river has helped to intensify the autonomy of the station as a focal point and point of reference. Streetscape design for River Street may draw from the train station for historic detailing (e.g. lighting, trackside treatments).

The historic buildings on Stutson Street from the bridge to Lake Avenue are a mixture of types, including residences, a fire hall, a police station, commercial buildings and churches. Though nearby, this cluster of historically significant structures is not adjacent to the train station, swing bridge or lighthouse.

The Stutson Street Bridge is not salvageable (see Issue 5), and therefore should not be considered in redevelopment plans.

ISSUE 3 - NATURAL TOPOGRAPHIC FEATURES

The pronounced separation of riverside development from the rest of the commercial and residential community is a result of natural topography. The steep east-facing slopes and crest can potentially be exploited for views of the river through the development of overlooks. Possible locations for these lookouts exist south of the intersection of Stutson Street and River Street on the east side of River Street, at the north end of Lighthouse Street, at the east side of Lighthouse Park, and along the steep slopes behind the RG & E substation and Riverside Miniature Golf.

The significant change in elevation from the river to Lake Avenue will separate new waterside tourist activity from existing residential neighborhoods. The autonomy of the riverside sites may be a benefit in that it could allow for waterfront development in a theme which might otherwise seem exaggerated and out of place if it were directly adjacent to the well-established residential neighborhoods of Charlotte.

Besides direct access to the river edge, public views to the water should be enhanced. Overviews and glimpses of the waterfront destination could establish a sense of anticipation of arrival at the river bank. Vistas to the waterfront from overlook positions could enrich the pedestrian's overall experience by providing a broad view that takes in all of the redevelopment waterfront. This type of overview might encourage visitors to use the boardwalk along the river.

Historic views to Lake Ontario and the Genesee River from Lighthouse Street and the Charlotte/Genesee Lighthouse grounds should be restored and enframed by the selective removal of obstructing trees. A planting scheme for trees on Lighthouse Street that does not block waterfront views should be prepared.

ISSUE 4 - LOW DENSITY HOUSING

There is an overwhelming consensus in the Charlotte community that housing development along the Genesee River should not block public visual access to the water, or preclude the possibility for the development of water-related and water-dependent recreation. Small scale, low density housing is preferred to high density, moderately-scaled or highrise structures. Housing as a mixed use on River Street is acceptable only if the actual shoreline remains open to the public. The preferred location for new housing is in open areas west of Lake Avenue.

ISSUE 5 - STUTSON STREET BRIDGE REPLACEMENT

The Stutson Street Bridge has been deemed structurally deficient and has deteriorated beyond feasible rehabilitation according to Monroe County Engineering Department, P.I.R., 1986, Larsen Engineers/ Architects.

According to the report prepared by Donald J. Bergman and Associates, traffic at the Lake, Stutson, and Parkway intersections should operate with only minor delays. Serious traffic congestion occurs, however, during summer weekend days when boat traffic is also very high. This corresponds to the Stutson Street Bridge being raised once every fifteen minutes. The report also states that if the Stutson Street Bridge were aligned with the Lake Ontario State Parkway, Stutson Street would become a local residential street forming a neighborhood network with River Street and Latta Road.

The following are alternatives for the Stutson Street Bridge replacement:

Alternative #1 involves removing the existing bridge and constructing a new bridge in the same location. A bridge with a higher clearance could be installed, but problems will occur during construction. The next closest crossing of the Genesee River would be the Veteran's bridge about four miles to the south, which would be a hardship for motorists, as well as emergency vehicles. If the bridge were to remain in the same place, it would not help to

alleviate any traffic problems in the Lake, Stutson, and Parkway intersection. This alternative would probably also require the widening of Stutson Street between the River and Lake Avenue, which would be a considerable disruption to that neighborhood, given the right-of-way width and the setbacks of buildings.

Alternative #2 would involve a new bridge constructed to the south of the existing bridge. This new bridge would align with the Lake Ontario State Parkway on the west side and end at Thomas Avenue on the east side.

Alignment of the bridge, however, with the existing Parkway would constitute condemnation of up to 15 parcels, some of which have potential for State Historic Preservation Office listing.

Since the major contributor to traffic congestion in the area is the bridge when opened, the following options apply to either of the previous alternatives:

Option I would involve keeping the approximate 24 foot vertical clearance that the existing bridge has; this does nothing to alleviate problems for vehicles or boat traffic because of the high frequencies of bridge openings.

Option II would involve constructing a movable bridge with 54 foot vertical clearance above mean water level in the closed position. This would allow passage of approximately 50 to 75 percent of the sailboat fleet in the closed position.

Option III would involve constructing a movable bridge with 64 foot vertical clearance above mean water level in the closed position. This would allow passage of approximately 100 percent of the sailboat fleet in the closed position. This height, as well as Option II, could present some grade problems on the east side of the River.

Option IV would involve constructing a fixed bridge with 100 foot vertical clearance above mean water level. This option does not seem feasible from a financial standpoint, and presents problems resolving gradient changes from the riverbanks to the river navigation channel.

ISSUE 6 - IMPROVEMENTS TO INTERSECTIONS AND STREETSCAPES

Many of the views along commercial areas and older residential streets in the Redevelopment Area can be improved. Infill structures developed on vacant lots should respond to the historic character of the area. Some considerations for the impact of new structures on existing neighborhoods include fenestration and facade treatments, building bulk and scale, paving materials, signage, and street planting and furnishings. The various historic and cultural resources of the Redevelopment Area could be coordinated by relating them to an overall development scheme, such as distinctive signage and lighting plan for neighborhood streets. The sense of Charlotte as a place secluded from the rest of Roches-

ter could be used as a point of beginning for favorable tourist publicity, and may become the framework for design decisions concerning the unification of streetscapes.

Establishment of a unique thematic concept for the streetscapes and intersections in the redevelopment area is essential. This theme will not only identify the area, but will provide a means of distinguishing this area from the rest of Rochester. This theme could relate the historical significance of structures and landscapes to the waterfront redevelopment. Existing facades along with proposed new buildings and landscape treatment could accentuate this theme. The following are examples which could unify this area into a unique theme:

1. Signage - a symbol or insignia could be placed on the street identification signs in the redevelopment area. This could also include differences from other Rochester districts, such as the overall shape of the signs or specific color combinations.

2. Trees - trees planted within the right-of-ways would help to uniquely characterize the area.

3. Sidewalks - either color, finish texture, or some type of plate or indenture to make them unique.

4. Lighting - unique lighting conveying the theme of the redevelopment area.

5. Benches and Trash Receptacles - color scheme along with redevelopment insignia could be utilized.

ISSUE 7 - RIVER SURGE

The river surge problem is caused by Lake Ontario storms from the northeast. These storms are infrequent, but are very damaging when they do occur. According to the Army Corps of Engineers, the river surge is caused by rising lake levels. The highest lake levels occur in the summer. The most dramatic recent change was a 5.2' rise in the base elevation of the lake recorded in June of 1952. Waves generated during a storm are, of course, on top of the raised water level. The height of waves on the high water depends on the distance of lake over which they are blown. Waves of up to 10' are not uncommon during such storms. Due to the alignment of the Genesee River to Lake Ontario, damaging waves can travel upstream as far as Stutson Street.

The lower Genesee River experiences wave surge primarily caused by storms from north/northeast, because of the alignment of the River to the Lake. It is not uncommon for waves from the Lake to travel as far south as the Stutson Street Bridge. This wave surge causes physical damage to recreational and commercial craft, along with damage to docks and boat launch facilities. This situation must be corrected before any new docks are constructed in this area of the River, especially north of the Stutson Street Bridge to the lake.

The following are three alternatives for the correction of the surge problem, along with advantages and disadvantages of each. The first two alternatives were outlined in a report issued by the United States Army Corps of Engineers in May of 1987.

Alternative #1 involves placement of rubble mound facing along both the west and east piers for the purpose of wave dissipation. This, according to the Army Corps' report, would alleviate 75 percent of the wave surge problems.

Alternative #2 involves construction of a permanent "dog-leg" structure built at the northern end of the west pier. This alternative would require additional dredging to accommodate some of the larger commercial traffic.

Alternative #3 involves construction of a permanent structure built perpendicular to the west and east piers. This alternative would include additional dredging, but may also discourage the larger commercial vessels from entering the River.

ISSUE 8 - MARKET DEMAND

Information regarding the demand for recreational and tourist attractions for the River Harbor Redevelopment Study Area is summarized below. The topics and perspectives presented have been gleaned from the LWRP work, a review of prior River Harborfront and City-wide studies, as well as from the consultant team's knowledge of the site and area-wide market conditions.

Water Related Uses

Among the water related uses identified as appropriate for the River Harbor Area are marinas, boat launch ramps, docks and slips. The Monroe County demand for such facilities is substantial. The County is currently preparing a Waterfront Recreation Opportunities Study. The draft material on Supply Demand Analysis and Development Opportunities, November 1988, Development Planning Services, provides the following information:

- From 1977 to 1987, there was a 30% increase in Monroe County resident boater registrations. As of 1987, 26,202 boats were registered to County residents.

- Fully 58.6% of those boats were 16 feet or over.

- The County's current supply of commercially available boat slips is limited to 2,525. There are 4,222 available in facilities stretching from Oak Orchard (Orleans County) to Fair Haven (Wayne County).

- Adjusting for out of county use, boats docked at homes and cottages and boats not requiring marina slips (cartops, etc.), demand for slips is currently at 350 and by 1992, demand will grow to 880.

- The availability of slips for visitors is negligible in the County and throughout the region as defined above.

- Based upon an assessment of available boat launch ramps, user patterns and boater registrations, there is a County-wide demand for up to 17 additional ramp facilities through 1992. The report specifically cites the Harborfront Area as a potential location for ramp facilities.

In addition to boating related facilities, the draft report provides some guidance on the demand for recreational facilities typically provided by the public sector, beaches and swimming areas and hiking and biking trails. Rochester has the highest use/capacity ratio for swimming in New York State, excepting New York City. The figures demonstrate a need for additional swimming facilities, as well as the heavy use which Ontario Beach Park already receives. Ontario Beach visitation is estimated at 800,000 annual visits. (Discovery Center Report, Phoenix Associates, May, 1987).

There can be no doubt that recreational facilities, such as walkways, trails, picnic areas, and playing fields, would be heavily used and would ennance current Ontario Beach Park offerings.

The demand for trails, in particular, is also supported by the New York Statewide Comprehensive Recreation Plan, 1983. The Plan states that Monroe County Design Day Capacity far exceeds the state average for biking and hiking activities. (Design Day Capacity indicates the degree to which average demand approaches or will exceed daily capacity on the given number of highest use days. NYS Comp. Rec. Plan, 1983).

In addition, the Ontario Beach Park Program Committee, Inc. (OBPRC) special events calendar has demonstrated the area's ability to attract visitors, given a worthwhile special event. The following provides a brief list of events and visitors.

Event	Visitors
Kite Flight Festival - 1 day	2,000
West Bank Theatre - 9 performances	1,500
Rochester Harbor Festival - 7 days	85,000
Concerts by the Shore - 8 performances	12,000
Lake Ontario Winter Festival	5,000

Water Enhanced Uses

The City's 1988 City-wide and Specific Neighborhood Housing Demand Forecasts Report, Real Estate Research Corporation, states that there could be a city-wide demand for 572 additional housing units through 1995. This projection is made for renter households earning $20,000 or more and owner households earning $35,000 or more. It is also premised upon an increase in the regional rate of growth as well as a substantial increase in the City's capture rate for new Monroe County households. Nevertheless, the Report does state:

The emphasis should be more on trying to modify household trends somewhat by building types of housing that might attract households that would otherwise move to the suburbs, either because they are unlikely to be satisfied with the City's existing housing stock or because the new City housing takes advantage of unique City strengths unavailable in the suburbs.

The River Harbor Redevelopment Area, because of its potential for waterfront and boating access, offers the opportunity to meet the stated criteria. Because of the limitations of the market, however, and the City's commitment to residential development at other locations, new unit construction is recommended at no more than 80 units over a five year period.

The feasibility of a museum/interpretive center was documented in the May, 1987 Discovery Center Report prepared for the City of Rochester by Phoenix Associates. Report findings indicated that such facilities have met with varying success through the Great Lakes Region. The scale and programming of facilities heavily influenced visitation. Visitation to aquariums and hands-on science facilities were substantially higher than visitation to history museums.

Visitation estimates for the Harborfront Discover Center ranged between 60,000 and 115,000, depending upon scale, offerings and the seasonality of the facility. These estimates were based upon visitation at Ontario Beach Park, regional attractions and other Great Lakes facilities. The Center is a marketable entity as part of the Harborfront's redevelopment package.

A Dicovery Center could become a key anchor to the redevelopment of the Harborfront. It has the potential to provide:

- A destination point for drawing County and regional visitors and a visible statement as to the changing face of the Beach;

- The foundation for an expanded year-round market for existing commercial and limited commercial development at appropriate in-fill locations throughout the Harborfront Area, particularly when linked by well-articulated walkways;

- An opportunity for the City to demonstrate to the development community its commitment to the River Harbor redevelopment through the active promotion of such a facility.

Current River Harbor commercial uses are heavily weighted towards eating and drinking establishments and convenience goods and services stores catering to residents and beach clientele. Some of the restaurants are long-standing Rochester institutions which maintain a year-round clientele. At the same time, water-related retail support facilities such as bait and tackle, sporting goods and fishing/boating supply stores are in short supply as are any type of specialty-gift related shopping facilities.

The lack of such facilities is indicative of the current seasonality of the River Harbor Area as a recreational/tourism center. While the warmer weather months offer many opportunities for substantial numbers of visitors, there is presently little incentive to visit the area during the off-season. The restaurants currently provide the only off-season draw.

The ability to attract water-enhanced commercial uses is also inhibited by the site's remoteness from other centers of activity, the unattractiveness of some of the existing commercial development along Lake Avenue and physical barriers between the Beach and other potential activity sites, particularly River Street.

With an enhanced waterfront which addresses the issues noted above, retail and service oriented development becomes a viable option. Infill, water-related retail, and food service uses would draw its clientele from the proposed visitor's marina, current boating operations, and the expanding schedule of special events occurring at Ontario Beach Park. The ability to attract such uses would be substantially enhanced by a year-round attraction sited within the River Harbor Redevelopment Area.

If the objective is to improve the planning area's appeal as a seasonal attraction, with little emphasis on year-round destination-oriented activities, new commercial space should be primarily oriented toward food service. The visitor's marina, along with other planned public improvements and the growing numbers of people using Ontario Beach Park, can provide market support for additional restaurants which capitalize upon a waterfront location.

In order for specialty retailing (including gifts, high end merchandising, as well as marine related sales) to be successful, sales generation should minimally reach $175 per square foot. Highly successful specialty centers reach sales levels more than twice that figure. (Urban Land Institute, Dollars and Cents of Shopping Centers; Buland Ordway, "Shopping Center Innovations", Urban Land, June, 1987). Three and one-half million dollars in sales, or 350,000 people spending $10 each on non-food purchases, would have to be achieved to support 20,000 square feet of specialty retailing. If the River Harbor Redevelopment Area is to remain a seasonal attraction, non-food retail space should be programmed at no more than 10,000 square feet, particularly considering some of the vacant or marginally used commercial space currently scattered throughout the area.

Were the River Harbor Area to become a center for year-round activity the potential for additional specialty retail space is enhanced. A Technical Memorandum prepared by Zucchelli, Hunter and Associates, May, 1987 for the Brown's Race Area, stated that this site, adjacent to the Central Business District and to Kodak Headquarters, could support 35,000 to 40,000 square feet of retail space, including food service, through 1995 and up to 102,000 square feet through the year 2000. These projections assume a strong local economy and new sales potential driven by an expanding population and household base at the County level.

The River Harbor Area, while not offering the same locational attributes as Brown's Race is, in and of itself, a unique and exciting location. While unlikely to capture sales at the same levels as Brown's Race, the addition of a major year-round attraction, the visitor's marina, additional boating slips, public improvements to the streetscape and reinvestment in existing properties along Lake Avenue and River Street could produce enough visitors and activity to support up to 30,000 square feet of non-food related retail space over time.

In neither scenario is additional space devoted to convenience goods shopping recommended. Efforts would be better concentrated on improving the appearance of existing convenience and service oriented establishments already located within the River Harborfront. Convenience goods and services businesses are not considered a market of "tourism" draw and exist, particularly when located outside neighborhood shopping centers, to serve the needs of immediate area residents. While the River Harbor Redevelopment Area is bordered by Greece, current population estimated at 83,000, that community has ample opportunities for resident shopping within its borders. To draw these and other visitors, River Harbor needs to offer somewhat unique goods and services at visible and accessible locations.

The addition of up to 80 new households to the immediate area would not substantially increase the market for convenience shopping facilities. The Consumer Expenditure Survey, U.S. Department of Labor, 1985, demonstrates that households with annual before tax income of $25,000 spend approximately $4,000 annually on food and beverage, tobacco products, personal care products and services and non-prescription drugs and supplies. Assuming that all new household dollars were spent in River Harborfront, 80 new households could support only 2,500 square feet of convenience shopping at a minimal productivity level of $125 per square foot.

The LWRP recommends a hotel/motel facility for the River Harbor Redevelopment Area. Like expanded retail, a hotel/motel is more likely to occur under a year-round scenario. For it to be included in a seasonal scheme, the level of activity at the Visitor's Marina would have to become more of a known quantity. Additionally, a seasonal facility is more likely to occur in tandem with another primary use such as a restaurant.

ISSUE 9 - EAST BANK DEVELOPMENT

The development of the east shore of the Genesee River directly across from the River Harbor site has been devoted to water-related activity. Developments on the east bank include the east pier and navigation light, the U.S. Coast Guard station near the mouth of the Genesee River, finger piers and lagoon dockage for small pleasure boats, the east side of the swing bridge, Conrail through tracks and side tracks, Genesee Yacht Club dock space, the east approach to the lift bridge at Stutson Street, and a sewage disposal plant (not located directly on the waterfront).

The view from the east bank would be favorably improved by any development on the west bank that increases recreational use of that river bank. The east side of the Genesee River has been developed almost entirely for the storage, launching and docking of sailboats. The development of water-related recreational uses for the west bank, especially proposals for increasing the number of boat slips, constitutes the land use most compatible with that of the east bank.

Surge control measures proposed in conjunction with west bank developments are likely to have an impact on the east side. Future modeling/study of the surge condition must deal with both sides of the river.

ISSUE 10 - PREVIOUS PLANS

Schematic and conceptual design plans for the River Harbor Redevelopment Study were prepared by the City of Rochester Planning Commission staff in August of 1988. As noted in Task I, the illustrative plans emphasized unique areas along the Genesee River from the swing bridge south to Petten Street. Waterfront development included new finger piers, a boardwalk with fishing piers, front end parking located parallel to River Street, and waterside picnic shelters. The plan explored two options for moving the Pelican Bay boat storage south to Petten Street. A boat launch would remain at Pelican Bay, however, dry storage for boats would be severly limited. A building for the stacked storage of small boats at the proposed Petten Street boat launch would accommodate up to 80 boats.

The City staff plans involved a good deal of cutting away of the river bank at the proposed Petten Street boat launch and filling into the river (as much as 25' from the existing shoreline) at the freight train station.

The overriding concept in the City plan was the provision of public access to the river. The entire length of river bank was rebuilt as a combination of boardwalk and boat docking piers. Small projections of land intended as surge control jettys were planted with trees and used to bring pedestrians to the water's edge. Parking was provided from the Tape-Con site to the southern terminus of the study area. Infill development in the form of housing and mixed housing and commercial was proposed for vacant sites on River Street.

The City of Rochester Office of Planning has summarized its plan in the Explanation of LWRP Policies, Section III, and in Section IV, LWRP Land Use Plan as follows:

The proposed plan takes advantage of the proximity of the site to the Historic Charlotte Lighthouse, as well as the Genesee River and nearby marinas. The plan promotes a variety of water-related commercial and recreational uses in the area. The programming includes construction of boat slips and a public walkway along the

Genesee River, development of direct public access to the Lighthouse, construction of picnic facilities and open space areas along the river, and provisions for additional parking and more efficient vehicular circulation in the area. The plan also identifies several buildings and structures in the area that could be redeveloped or rehabilitated for appropriate water-related commercial uses.

The City of Rochester will encourage and promote the development of various commercial and recreational uses within the Lake Avenue commercial district that will support and enhance the land uses and development activities on the Port Site and at Ontario Beach Park. In addition to the rehabilitation of major buildings, the City will give consideration to providing off-street parking areas and streetscape amenities such as tree plantings, landscape features, street furniture and unique pavement treatments.

The City of Rochester has developed a proposal to rehabilitate the River Street Site, including the 5 acre railroad right-of-way property recently acquired from Conrail. This development plan enhances the facilities and activities proposed for the Port Authority Site while creating a unique and distinctive area along River Street that takes advantage of the reuse opportunities for existing buildings.

The plan recommends that local demand for boat slips be addressed through the development of up to 200 new slips along the Genesee River, in an area that extends from the swing bridge south to the Petten Street extension. In addition, the plan proposes the construction of a riverwalk promenade or pedestrian path along the river that could potentially connect or link the site with the Port area to the north. The pedestrian walkway would also provide access to new open space and picnicking areas to be developed along the river. These areas would include new picnic shelters and river overlooks. Enhancements to the Charlotte Lighthouse and surrounding area, that involve creation of additional open space, a pedestrian connection to the river, and additional parking areas, are included in the plan. Rehabilitation of the existing railroad station into a unique riverside restaurant is also proposed in the plan. Finally, adaptive reuse of existing vacant commercial structures in the area is envisioned as a major part of the overall redevelopment of the River Street Site.

The proposed redevelopment plan for River Street and the former Conrail property meets many of the LWRP policy goals and statements contained in Section III, as well as additional overall objectives that were developed by City staff, committee members and citizens. The plan would also implement the specific land use recommendations for the River Street Site that are contained in LWRP Policies Section IV. The plan promotes tourism, enhances the City's image as a recreation center and waterfront attraction, strengthens the economic base of the region, promotes public access to the shore zone, and increases the amount and type of water-related recreational activities and opportunities.

MEMORANDUM

DATE: December 19, 1988

RE: Rochester River Harbor Redevelopment Feasibility Study

TASK IV: GOALS AND OBJECTIVES

This memorandum summarizes goals and objectives for the River Harbor Redevelopment Area. The goals are a compilation of broad intentions for the River Harbor Redevelopment Area as identified by the City of Rochester Planning Commission staff, the LWRP Citizen's Advisory Committee, and consultants. The objectives are courses of action, consistent with LWRP policies, that will result in the realization of goals for the Genesee River waterfront. The goals and objectives provide the conceptual framework for specific strategies and tactics. The strategies are guidelines for specific actions. The tactics are treatments detailed to serve particular needs. In the overall organization of the River Harbor Redevelopment Study, the goals and objectives generally describe the intentions of the study.

1. **GOAL:** Improve public access to the riverfront. (CS/RBP/CAC).*

   OBJECTIVES:

   a. Maximize pedestrian access along a waterfront boardwalk. (CAC). LWRP Policy 20A - Comprehensive Trail System.

   b. Provide waterfront seating and fishing places. (RBP). LWRP Policies 22, 22A.

   c. Organize and increase the number of existing piers to accommodate the docking of additional boats. (CS). LWRP Policies 21, 21A.

   d. Improve vehicular access and parking at waterfront. (CS).

*NOTE: CS - City Staff, RBP - Reimann.Buechner Partnership, CAC - LWRP Citizens' Advisory Committee.

2. GOAL: Incorporate historic structures into overall community image. (CS/RBP).

   OBJECTIVES:

   a. Rehabilitate existing structures, wherever possible. (CAC). LWRP Policy 1 - Restore, revitalize and redevelop deteriorated and underutilized waterfront areas. LWRP Policy 1B and 1E.

   b. Redevelop vacant and underutilized land and structures adjacent to the west bank of the Genesee River. (CS) LWRP Policy 1B.

   c. Take historic preservation measures where appropriate. (CS). LWRP Policies 23, 23A, 23B, and 23C.

   d. Ensure that development follows guidelines and standards for each subarea. (CS). (See Goal 6).

3. GOAL: Protect and enhance stable residential and commercial areas. (CAC).

   OBJECTIVES:

   a. Upgrade existing structures and develop vacant lots with compatible land uses. (CS).

   b. Develop water-oriented land uses along River Street. (CS). LWRP Policy 5B.

   c. Upgrade commercial development on west side of Lake Avenue. (CS). LWRP Policies 1B and 1C.

   d. Develop more specific permit-granting criteria for land uses within the River Harbor Study Area. (CS).

4. GOAL: Protect safety and welfare of waterfront users. (RBP).

   OBJECTIVES:

   a. Provide surge control against northeast storms. (CAC).

   b. Provide safe walkways, piers and boardwalk (sturdy, storm-proof, lighted, etc.). (RBP).

   c. Route pedestrians to avoid potential hazards and unnecessary safety risks. (RBP).

5. **GOAL:** Increase public water-enhanced or water-dependent recreational opportunities. (CAC).

   OBJECTIVES:

   a. Incorporate recreation as a land use in waterfront developments. (CS).

   b. Provide access for fishing on west bank of Genesee River. (CS). LWRP Policies 22 and 22A.

   c. Develop more boat slips and launch ramps along the Genesee River. (CS). LWRP Policies 1F; 19, 19C, 19F; Policy 20, 20B and 20C.

6. **GOAL:** Develop and implement a theme or set of subthemes to direct the design concepts for the River Harbor Study Area.

   OBJECTIVES:

   a. Delineate general design guidelines that clearly articulate the thematic goal for Site Development, Architectural Development, Landscape Development, and Signage. (RBP).

   b. Develop design standards that express means of achieving guideline recommendations. These should be specific for each subarea. (RBP).

7. **GOAL:** Enhance maritime ambience on River Street. (CAC).

   OBJECTIVES:

   a. Develop site details and amenities with theme that respects the area's historic use in shipping activity. (CS). LWRP Policy 23 - especially "the enhancement of the existing "neighborhood" and "nautical" character and ambience already present in the area".

   b. Ensure that development follows guidelines and standards for subareas B and E. (CS). (See Goal 6).

8. **GOAL:** Improve traffic circulation in River Harbor Redevelopment Area.

OBJECTIVES:

   a. Develop specific strategies to improve levels of service at congested intersections.

   b. Resolve parking demands and projected needs resulting from proposed redevelopment.

   c. Resolve traffic volume impacts resulting from proposed redevelopment.

MEMORANDUM

DATE: January 11, 1989

RE: Rochester River Harbor Redeveloment Feasibility Study

TASK V: THEMATIC CONCEPT

This memorandum specifies thematic concepts for the River Harbor Study Area. The concepts coordinate the efforts of the consulting team, City Planning staff, the LWRP Citizen's Advisory Committee, and the Charlotte Community Association (CCA).

The procedure for coordination of thematic concepts involved a series of meetings between the City staff, consulting team, and citizens' groups in December of 1988. The CCA developed a consensus during its regular meetings in late 1987. The following thematic concepts result from the process of reviewing project issues and concerns, goals and objectives, local history, and information from citizens' meeting discussions.

The overall theme for the River Harbor Redevelopment Area shall be a Time Theme expressive of the turn-of-the-century heyday. Design concepts shall recall this era of lively waterfront activity.

In order to facilitate the design process for thematic concepts, the Feasibility Study subareas have been combined from five subareas to two. The new subareas' boundaries (see map) were based on land use, topography, zoning and thematic distinctions. Subarea A combined prior Subareas A, C, and D from previous tasks. Subarea B combined prior Subareas B and E from previous tasks. Subarea A shall be developed with a Village Time Theme; Subarea B shall be developed with a Nautical Time Theme.

On Lake Avenue, the turn-of-the-century Time Theme shall be realized as a reinforcement of the village-like character present there. The impression of "village" is conveyed by small-scaled residences, local shops and services, churches, fire station; post office, and historic police station. The diversity of land uses will be retained and augmented in reinforcing this village character. Specific recommendations for appropriate scale and materials for buildings, as well as streetscape detailing, are presented in Task VI, Guidelines and Standards. Appropriate land uses in Subarea A include commercial and residential development, park areas, pedestrian ways, sitting areas, and parking facilities.

On River Street, the turn-of-the-century Time Theme shall have a maritime character. The maritime ambience of the waterfront is created by the presence of sailboats and motor boats, the freight trains, swing bridge, fire boat, lighthouse, docks, and marina operation. Waterfront activity will be encouraged through the development of water-related and water-enhanced uses. Appropriate land uses in Subarea B include mixed commercial and residential development, playground spaces, picnic areas, fishing piers, boat docks, boardwalk/pedestrian trails, parking, marina facilities, and specialty retail development.

Facade and architectural treatments shall be detailed with elements appropriate to the overall Time Theme in both subareas. Landscape and streetscape design shall also incorporate elements expressive of the Time Theme. Specific strategies for accomplishing the Time Theme, along with examples of appropriate design elements are included in Task VI.

MEMORANDUM

DATE: February 14, 1989

RE: Rochester River Harbor Redevelopment Feasibility Study

TASK IX: POLICY RELATIONSHIPS

The redevelopment design solutions were produced by the consultant team in close coordination with the City of Rochester Planning staff and the LWRP Citizen's Advisory Committee. The results of this effort were schematic plans and concepts which implement specific LWRP policies. The River Harbor Redevelopment Design and Feasibility Study was intended as a tool to provide the means of carrying out relevant LWRP policies. The LWRP policies and Explanation of Policies are presented in Appendix A.

The guidelines and standards were related to specific LWRP policies. These relationships, as they pertain to design controls for the anticipated Street Corridor, Architectural, Site, and Signage developments are summarized in the charts which follow this text. LWRP Policies 1, 2, 5, 9, 20, 21, and 22 were related to all four categories of development and were therefore universally applicable in this study. Similarly, Policies 1B, 1C, 1E, and 5B applied to all four categories of design controls (see Appendix A LWRP Policies for an explanation of the City of Rochester LWRP policies). The relationships between the Design Guidelines and Standards were identified and summarized in the "Task IX LWRP Policies Chart". The chart states the River Harbor Guidelines and summarizes the Standards which apply to each Guideline. Relevant LWRP Policies are then related to those Guidelines and Standards. Policies 23, 23A, and 23B related directly to the Architectural Restoration Standards. Policies 19C and 20C were directly applicable to boardwalk/trail system standards.

The Redevelopment Parcels were matrixed with the LWRP policies to determine the relationship of policies to proposed developments. The policies were then arranged in order of applicability, in a range from the most widely applicable policies on the left to the least applicable policies on the right. The Redevelopment Parcels were ranked from the most appropriate form of development at the bottom of the column (refer to Task IX LWRP Policy Matrix). The developments most compatible with the LWRP policies were shoreline or water-related development. The Riverfront Park proposal was in closest agreement with LWRP policies.

CONCLUSIONS

The following discussion summarizes specific design recommendations and policies resulting from Task VIII, Schematic Design, of the Design and Feasibility Study. It is organized into three sections; Program, Design and Policy. The plans and policies referred to in the discussion of these results can be found in this section immediately following the text.

PROGRAM

Task VIII resulted in the production of a schematic plan for the redevelopment of the River Harbor Study Area. Prior to drawing up final recommendations, a program was recommended for each redevelopment parcel. The redevelopment programs were adjusted after meetings with City Planning staff, the LWRP Citizen's Advisory Committee, the Charlotte Community Association, and the City of Rochester Development Committee. The following program resulted from the process of discussion and revision.

PELICAN BAY - PARCEL A

Sales Showroom and Services 5,200 square feet
Dry Boat Storage 35 boats
Parking - 7 cars

LIGHTHOUSE MUSEUM PARK - PARCEL B

Pedestrian and Bicycle Trail
Picnic Grounds
Handicapped Accessible Routes
Overlook

LIGHTHOUSE STREET - PARCEL C

Parking - 42 parallel spaces + 3 handicapped
Visitor Drop-off

TAPE-CON - PARCEL D

New Retail - 16,800 square feet
Adaptive Reuse Retail - (1st floor Tape-Con office building) 4,200 square feet
Parking - 103 front end spaces
- 30 spaces in garages at townhouses
Housing - 15 townhomes at 2,000 square feet
- 3 flats (2nd floor Tape-Con office building) at 1,400 square feet

RIVERFRONT PARK - PARCEL E

Boardwalk
Adaptive Reuse - Restaurant at 5,500 square feet
Restaurant Boat Dock
Restaurant Deck
Fishing Pier
Picnic Shelters, Play Sculpture
Parking - 253 front end spaces

RIVER STREET INFILL - PARCEL F

Mixed Use New Retail - (on ground level) 16,500 square feet
Existing Commercial - (1st floor) 8,025 square feet
Parking - 42 front end spaces
- 36 spaces in garages at townhouses
Adaptive Reuse - 15 flats (2nd floor above existing commercial) at 1,600 square feet
Mixed Use Housing - 11 townhomes (above new retail) at 2,400 square feet each
Housing - 10 walkouts at 2,000 square feet each
- 8 townhomes, two story, at 2,000 square feet each

RAIL LANDS - PARCEL G

Stacked Boat Storage - 30 to 40 boats
Parking - 39 front end spaces
Fishing Pier

LAKE AVENUE INFILL - Typical Site

Proposed Retail - 5,600 square feet
Proposed Parking - 25 offstreet spaces

DESIGN

The proposed program elements are summarized in the redevelopment statistics chart which follows. The chart indicates retail, housing, parking, and boating redevelopment recommendations for each redevelopment site (Parcels A-G). The total proposed redevelopment for each program element is indicated at the bottom of the chart. In addition to the program for redevelopment, other redevelopment design solutions were discussed at City staff and community meetings. The alternatives outlined in Task VII were debated, and the schematic plan reflects the result of this dialogue. The following discussion refers to the Task VIII schematic plan as it outlines the consultant's design recommendations.

REDEVELOPMENT PROGRAM ELEMENTS

	Retail	Housing	Parking	Boats
Pelican Bay - Parcel A	5,200 s.f.	-	7	35 dry storage
Lighthouse Museum Park - Parcel B	-	-	-	-
Lighthouse Street - Parcel C	-	-	45	-
Tape-Con - Parcel D	21,000 s.f.	15 Townhomes 5 Apartments	103	-
Riverfront Park - Parcel E	5,500 s.f.	-	253	213 at docks
River Street - Parcel F	24,525 s.f.	29 Townhomes 15 Apartments	42	-
Rail Lands - Parcel G	-	-	39	35 dry storage
	56,225 s.f.	44 Townhomes 20 Apartments	489 spaces	283 boats

REDEVELOPMENT STATISTICS CHART

PEDESTRIAN CIRCULATION

Pedestrian traffic through the redeveloped waterfront was implemented with two basic concepts in mind; first, that waterfront visitors should have the maximum possible access to the riverbank; second, that the pedestrian trail system should incorporate a series of loops which offer several routing choices to visitors. The pedestrian circulation routes are comprised of the existing sidewalk grid and proposed sidewalks and asphalt trails. Wherever possible, the pedestrian crossing of the Conrail tracks was combined with vehicular crossings. Of the nine proposed pedestrian crossings, seven are incorporated with road crossings. The following narrative highlights key features in the proposed pedestrian trail system.

Connection to Ontario Beach Park

Visitors to Ontario Beach Park will have direct access to the River Harbor Redevelopment Area from the Ontario Beach Park boardwalk or parking lots. Pedestrians traveling south along the waterfront are directed west at the picnic area to bring them west of the Monroe County boat launch. Benches should be provided here to allow views of boat launching activity.

North Parks

The walkway continues south around the boat launch staging area, then west parallel to the east/west Conrail line. At this point, pedestrians could choose a lower route offering close-up views of the marina activity or a higher route featuring an overlook platform equipped with benches positioned to take advantage of views to the swing bridge or views north to Lake Ontario. The lower route leads more directly to the proposed fishing pier, boardwalk, and Riverfront Park picnic area. The upper route accesses the Lighthouse Park picnic grounds and park proper. Here the visitor is rewarded by sweeping vistas of the waterfront from the Genesee Yacht Cub to the Summerville Pier on the east bank, and from the train station to Ontario Beach park on the west bank. There are five options for pedestrians leaving the lighthouse. They are the following connections:

1) West to Lake Avenue through the Holy Cross parking lot.

2) East to Riverfront Park parking lot, on through the proposed stairway (Note existing stairway needs replacing).

3) South to River Street by following the slope down past the proposed Tape-Con redevelopment site.

4) South to Latta Road via Lighthouse Street.

5) North to Ontario Beach parking lots via the routes described above.

Waterfront Park

The Waterfront Park was conceived as a linear green strip with a continuous boardwalk immediately adjacent to the riverbank. Key features incorporated into the proposed pedestrian system include the following:

Fishing piers on both ends of the restaurant deck. During the spring, summer and fall seasons, the deck would be utilized for outdoor dining by patrons, with most of the deck cordoned-off and occupied by tables and chairs. During the off-season, the deck could be utilized by pedestrians as part of the boardwalk system.

Proposed reuse of the west abutment of the Stutson Street Bridge. The existing bridge structure could be partially dismantled with the west abutment rebuilt as an overlook. A human-scaled railing and wooden decking could replace over-sized or inappropriate materials to create a pedestrian node. This could be developed in conjunction with the closure of portions of the Stutson Street/River Street intersection, resulting from the bridge relocation plan.

Also in conjunction with the bridge relocation plan, new walkways/bikeway. These would allow for non-vehicular traffic across the river on the new bridge. A switchback ramp and stair is proposed to bring pedestrians from the upper level at River Street or from the proposed new bridge down to the lower level near the railroad tracks. This would allow waterfront access for people crossing the new Parkway bridge without necessitating a long walk to Lake Avenue and back to River Street.

A forty-foot wide fishing pier. The deck-like fishing area would allow fishermen access to the Genesee River that would be sheltered from weather by the Parkway bridge.

Pedestrian reststop. At the point where the tee docks begin, the boardwalk is widened and a gazebo is provided. This area should be furnished with benches, a drinking fountain, trash receptacles, an information kiosk, etc.

Proposed sitting area. The boardwalk continues south to the stacked boat storage facility. A sitting area is proposed for the north end of the facility to allow onlookers views of the launching procedure. Bays at either end of the storage building could be left open so visitors can watch the high-tech launching equipment in operation.

Fishing pier and gazebo. The southern terminus to the waterfront park is provided with a fishing pier and landside shelter. The 15' open deck of the pier will allow ample room for snag-free casting. From this point, the boardwalk would continue south along the riverbank past the Spirit of Rochester mooring to the marina area. An optional asphalt path could parallel the train tracks, giving bicyclists and pedestrians a connection south to Turning Point Park.

Lighthouse Street

The west side of Lighthouse Street is provided with a pedestrian walk and planting strip. The north terminus of Lighthouse Street is a turn-around for vehicles with a convenient drop-off area that interfaces with Lighthouse Park via a short walkway. This walkway or the one on the west side of Lighthouse Street could be integrated with the Holy Cross Church path system, but are currently planned as an autonomous route operating independently of the church/school complex. There is also potential for coordinating school bus drop-off, automobile parking, service access, and playground development with public improvements on Lighthouse Street and the Lighthouse Park.

River Street Infill Site

Pedestrians are provided with a grid-type sidewalk system that allows for connections east to Lake Avenue and north/south between Stutson Street and Latta Road. There is a walk provided in front of all proposed mixed retail housing units, and landscaped front yards for all strictly residential townhomes. The parking lot adjacent to the retail sidewalks could be surfaced with interlocking pavers to create a pedestrian mall, which could be utilized during festival events for uses other than parking. The major east/west connection through the infill site is on sidewalks provided along Whitney Place.

VEHICULAR CIRCULATION

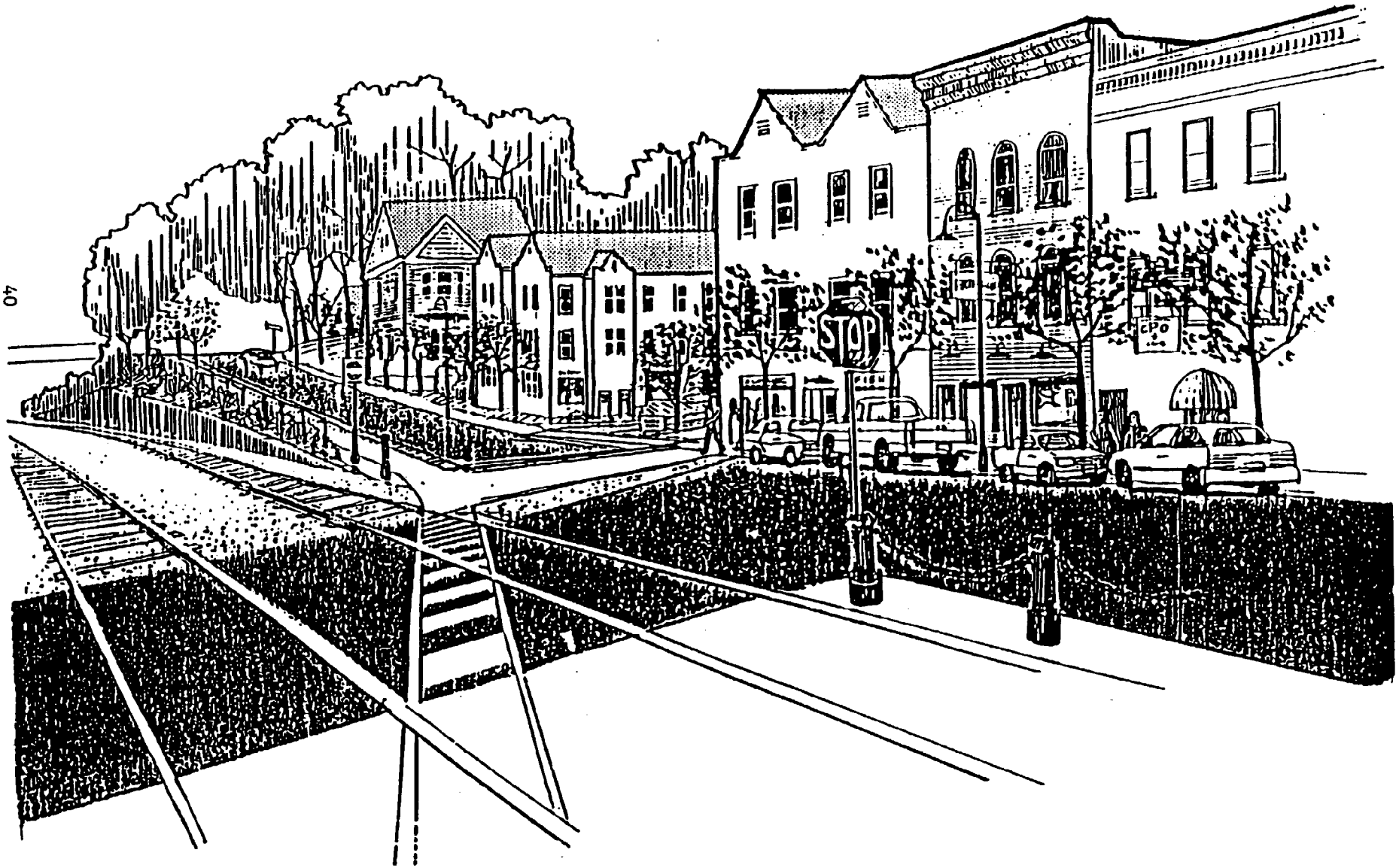
The existing road pattern remains unchanged, with the exception of changes to Stutson Street, Lake Ontario State Parkway (L.O.S.P.) and River Street. Major changes are proposed for these streets. As noted above, the schematic plan proposes changes to Lighthouse Street, modifying the north terminus of the street to a turn-around and passenger drop-off area. Curb cuts would allow direct wheelchair access to the path system. The following narrative highlights major design recommendations for Stutson Street, L.O.S.P. and River Street.

Lake Ontario State Parkway

The Parkway is planned to be extended eastward through existing residential areas, across River Street and over the Genesee River. To minimize the impact on this residential area, the consultants recommend that the center median be removed prior to crossing Lake Avenue. This would substantially reduce the right-of-way width and thereby minimize the taking of properties. As outlined in Task III, Option II is the consultants' preferred bridge replacement option. It involves the construction of a 54' vertical clearance lift bridge. The proposed bridge approach crosses Lake Avenue at a signalized, at-grade intersection. The four-lane road, with sidewalks and bike paths for both eastbound and westbound traffic crosses River Street with an 8 foot vertical clearance. As mentioned in the preceding discussion, a pedestrian ramp or stair would allow bridge users to move directly between the bridge and River Street. The new bridge would tie-in on the west shore to the existing bridge interface at Pattonwood Drive.

River Street/Stutson Street

In conjunction with this new bridge, several alternatives for River Street near the Stutson Street intersection were considered. These are outlined in Task VII. The option preferred by the neighborhood groups was to cul-de-sac River Street. The dead end would change the intersection of Stutson Street and River Street by allowing only one turning option for each street, since both streets would be dead ends (recall that the Stutson Street Bridge is scheduled for demolition and removal). Both streets would become accessways for local traffic only in the proposed plan.



View Looking South Along River Street

River Street

The north terminus for River Street is proposed as a through connection to Ontario Beach Park parking lots. The new street alignment would parallel the existing north/south Conrail tracks, then cross the east/west tracks to connect with the parking lots and Hincher Street entrance to the Park. The proposed extension of River Street could be controlled by one way signage. The schematic plan illustrates an alignment which would prevent vehicles with trailers from turning left at the intersection of the River Street extension and the boat launch parking accessway. This intersection would also be signed "No Left Turn". The improved access and circulation gained by extending River Street north to Ontario Beach Park parking lots, when compared with dead-ending River Street at a parking lot (see discussion in Task VII), would result in a higher degree of safety. Police, fire, ambulance, and service vehicles such as trash trucks and delivery vans, would be aided in providing emergency service or regularly scheduled services. Pedestrian safety in crossing the east/west Conrail tracks would be increased due to the additional warning signals for oncoming trains necessitated by a road crossing.

PARKING

A major concern for the redevelopment of the Genesee River waterfront was the provision of adequate parking. The overall concept which guided the development of parking areas was the concept of shared or overlapping use of spaces. To minimize the paving of land adjacent to the waterfront for parking, some uses would share the same spaces during different time periods. For example, mixed-use townhouse parking at two spaces per unit for night parking would be reduced to one space during business hours. For prime hours of operation, the retail businesses would utilize these spaces for customer shopping. With the exception of the mixed-use townhomes, all townhouse development will include two-car garages with optional driveway parking for the exclusive use of townhome owners.

Parking, as denoted on the schematic plan, is summarized below:

Pelican Bay - Parcel A

Parking AA	7 front end spaces

Lighthouse Street - Parcel B

Parking FF	42 parallel spaces 3 handicapped spaces

Tape-Con - Parcel D

Parking CC	103 front end spaces
Townhomes	30 garage spaces 30 driveway spaces

Riverfront Park - Parcel E

Parking BB	28 front end spaces
Parking DD	63 front end spaces
Parking II	72 front end spaces
Parking JJ	90 front end spaces
Stutson Street	100 parallel spaces
Latta Road	80 parallel spaces

River Street Infill - Parcel F

Parking GG	42 front end spaces
Townhomes	36 garages spaces
	36 driveway spaces
Parking HH	30 parallel spaces

Rail Lands - Parcel G

Parking KK	39 front end spaces
Stacked Storage	40 pigeon-hole spaces

PARKING SUMMARY

Lots	444 spaces
On-Street:	
Stutson Street	100 spaces
River Street	30 spaces
Latta Road	80 spaces
Lighthouse Street	45 spaces
River Street Ext.	50 spaces
	305 spaces
Stacked Storage (in racks)	40 spaces
TOTAL	789 spaces provided

Note: Private parking for townhome owners not included in the above summary is as follows:

Townhomes (in garages)	66 spaces
Townhomes (in driveways)	66 spaces
	132 spaces

BOATING

The proposed schematic plan provides dockage for 214 boats, plus dry storage for 80 and temporary docking at the restaurant deck for 4-5 boats. Currently, 98 boats are serviced in the study area. The dramatic increase in intensity of shoreline use will likely increase the demand for parking. As noted above, the 248 waterfront parking spaces proposed in this redevelopment plan will hardly be adequate for boaters' needs. In calculating the parking demand created by

boaters (at 2 spaces per slip) versus the available spaces, it is apparent that the demand can be met by sharing spaces provided in parking areas CC, FF, and GG.

The facilities proposed for boaters include a sales showroom, boat servicing outfit, launching ramp and dry storage yard at Pelican Bay, finger piers from this marina south to the proposed new L.O.S.P. bridge, and 10 tee docks south of the proposed new bridge. The tee docks were planned as permanent structures, but further study could show that the spring ice break-up flowing from upstream may necessitate floating docks or piers with some removable sections.

At the southern end of the study area a stacked boat storage facility is recommended. This facility would allow boats to be stored in pigeonhole compartments during all seasons. This service was proposed for up to 40 boats, but demand may actually be up to four times this number. Advantages for boaters choosing the dry storage system include less bottom painting, less general maintenance, longer outdrive life, peace of mind, convenience, and greater resale value for boats. Of the several available types of rack storage facilities, the consultants recommend an enclosed structure, such as that manufactured by Acco Chain and Lifting. This facility utilizes electric indoor lifting equipment which is designed to operate along a ceiling-mounted track. The system will reduce safety risks to bystanders and objectionable noise which may be present in other types of rack storage facilities, especially where those facilities depend on lift trucks.

Boat Docking Summary

North of Stutson Street:

Finger Piers	81 boats
Restaurant Deck	4 boats
Subtotal	85 boats

South of Stutson Street:

Finger Piers	10 boats
Tee Docks	118 boats
Subtotal	128 boats
Dry Storage at Pelican Bay	35 boats
Stacked Storage	35 boats
Subtotal	70 boats

Total Number of Boats Accommodated = 283 boats.

Task IX : LWRP Policy Chart Appendix A

Date : February 28, 1985.

	GUIDELINES	STANDARDS	LWRP POLICIES
I. STREET CORRIDOR	Define relationship of buildings to public spaces and circulation systems.	LOT COVERAGE: Commercial 80% Maximum; Mixed-Use 80% Maximum; Residential 45% Maximum	NOTE: The following policies are generally related to all design guidelines and standards. Policy 23A and 23B are specific to restoration activity, Policy 19C and 20C are specific for trail development.
	Promote a continuous blockface.	FRONTAGE: Commercial 90% Maximum; Mixed-Use 90% Maximum; Residential 80% Maximum	POLICY 1B - Redevelop vacant and underutilized land and structures along River Street adjacent to the west bank of the Genesee River to include water-oriented commercial and recreational uses.
	Protect pedestrian corridors from encroachment by buildings.	SETBACK: Commercial 0-20 feet; Mixed-Use 0-20 feet; Residential 5-20 feet	POLICY 1C - Upgrade existing commercial uses located along the west side of Lake Avenue immediately adjacent to the Port site.
	Provide for off-street parking and service requirements.	PARKING: (spaces per 1,000 square feet) Restaurant 16; Mixed-Use 4; General Retail 4; Boating 2 per slip; Residential 2 per unit	POLICY 1E - Promote and encourage appropriate reuse and/or redevelopment options for vacant industrial land located along the Genesee River.
	Reinforce the overall character of the Redevelopment Area.	ACCESS: (entry widths) One Way 10 feet; Two Way 18 feet	POLICY 5B - Promote and encourage appropriate water-oriented development along River Street, north of the Stutson Street Bridge, and upgrade the existing infrastructure in the area.
II. ARCHITECTURAL	Protect the existing character in River Harbor neighborhoods through the appropriate use of scale, color, materials, and detailing for buildings facing the street corridors.	FACADE: 30%<glass<50% MATERIALS: Wood, brick, stone, cast iron. Prohibited materials: tinted glass, vinyl/aluminum siding, grooved plywood, fake stone. EXTERIOR WALLS: 15%<glass<30% HEIGHT: Lake Avenue 4-story; River Street 2-story; Mixed-Use 3-story	POLICY 1B, 1C, 1E, 5B, and 23 POLICY 19E - Promote and encourage increased public access to the waterfront and to various recreational resources and facilities at the Port Authority Site and at the River Street Site through the implementation of a water-oriented, mixed-use development project.
	Develop in harmony with subarea themes, goals, and objectives. Create and reinforce an overall identity for the River Harbor Redevelopment Area.	RESTORATION: Retain or restore original facade. Appropriate measures: remove unacceptable materials, uncover transom windows, restore doorways, down-scale signage, replace lost or damaged details. NOTE: All restorations shall follow the latest revision of the Secretary of the Interior's standards for rehabilitation and guidelines for rehabilitating historic buildings.	POLICY 23A - Identify, protect and restore significant structures located within the local waterfront revitalization boundary, to include the Charlotte Lighthouse, as well as other buildings which may be of local significance. POLICY 23B - Encourage and promote the redevelopment of the Port Authority Site and the River Street Site in a manner which is compatible with and complements the architectural character and integrity of existing structures in the area, to include consideration of such things as scale, form, density, aesthetics, building materials, and use.

Task IX : LWRP Policy Chart Appendix A

Date: February 24, 1988.

	GUIDELINES	STANDARDS	LWRP POLICIES
III. SITE	Create a unified and consistent image for streetscapes in the Redevelopment Area. Clarify edge definitions for pedestrian, planting, and parking zones.	STREET LIGHTING: 18' maximum height post and luminaire. FURNITURE: Cast iron and wood. PLANTING: 3-1/2" caliper trees planted 30' on center. SCREEN WALL: 3' minimum, 6' maximum. SCREEN PLANTING: Used with wall; evergreens, vines allowable, trees at 15' on center. PAVING: Sidewalks: concrete scored in 6' squares. Trail System: asphalt 6' wide. Boardwalk: pressure-treated timber, 10' wide	POLICY 1B, 1C, 1E and 5B POLICY 19C - Increase access to the Genesee River and gorge area through the development of a system of formal river overlooks, hiking and biking trails, pedestrian paths, and other similar projects. POLICY 20C - Develop a comprehensive pedestrian trail system that will provide direct public access to the river, with property located along the east and west banks of the Genesee River, south of the Stutson Street Bridge, in the vicinity of Turning Point Park.
IV. SIGNAGE	Enhance thematic concepts for River Harbor subareas. Coordinate informational needs with goals and objectives. Express the character of subareas in commercial, regulatory, and informational signage.	COMMERCIAL SIGNAGE: Address sign - 1 per occupant Home Business sign - 12" x 12" max. Advertising - lettering<18" Permanent copy<25% window area Temporary copy<15% window area Rooftop signage prohibited Billboards prohibited - 32 s.f. max. allowed* Sign envelope width - 5 foot max. Vertical clearance - 8 foot min. Portable signs - 3 ft. x 3 ft. x 4 ft. Interior-lit or flashing prohibited. Construction sign - 1 per site REGULATORY SIGNAGE: Governmental - NYSDOT Manual of Uniform Traffic Control Devices Private Traffic Regulation - 5 ft. x 5 ft. x 8 ft. INFORMATIONAL SIGNAGE: Political - 45 days before election 7 days after election Real Estate - For Sale - 24 hours following sale Sold By - 14 days following sale	POLICY 1B, 1C, 1E, 5B, and 23B NOTES: Only relevant policies have been considered for applicability. LWRP Policies 1, 2, 5, 19, 20, 21 and 22 are addressed by all four categories and are universally applicable in this study. * Any sign larger than 32 square feet is considered out of scale and is prohibited.

City of Rochester
RiverHarbor Redevelopment Area
Design / Feasibility Study

City of Rochester Department of Community Development
Seymour Luechner Partnership, Landscape Architects, Planners
Handler-Grosso Architects
Phoenix Associates
O.J. Parrone & Associates, P.C., Engineers
Date: February 3, 1989

Applicable Policy ●
Non-Applicable Policy ○

Date: February 21, 1989
Date: February 24, 1989.

TASK IX: LWRP Policy Matrix

Appendix A

LWRP POLICIES

REDEVELOPMENT PARCELS	POLICY 1 Restore, revitalize, and redevelop waterfront.	POLICY 2 Site water-dependent uses on or adjacent to coastal waters.	POLICY 5 Locate development to avoid where public services are accurate.	POLICY 19 Increase access to public water-related recreation resources.	POLICY 20 Provide access to publicly owned foreshore in a manner compatible with adjoining uses.	POLICY 23 Protect, enhance, restore structures, sites, etc., of historic significance.	POLICY 23B Promote development at River Street that is compatible with existing architectural character.	POLICY 19C Increase access to the Genesee River through piers, trails, and overlooks.	POLICY 20C Develop a comprehensive pedestrian trail system for direct public access to the river.	POLICY 23A Identify, protect, and restore historic structures which may be of local significance.	POLICY 5B Promote water-oriented development along River Street, north of Sixteen Street.	POLICY 1B Redevelop vacant and underutilized land/structures along River Street.	POLICY 19E Promote public waterfront access at River Street through mixed-use development.	POLICY 21 Encourage water-enhanced recreation.	POLICY 1E Promote appropriate redevelopment for vacant industrial land along the Genesee River.	POLICY 22A Promote the development of a mix of water-related recreational uses at River Street.	POLICY 21A Promote the development of marinas, boat mooring facilities, and fishing access at River Street.	POLICY 22 Provide for water-related recreation as a multiple use on appropriate site.	POLICY 1C Upgrade existing commercial uses along the west side of Lake Avenue adjacent to the Port.
RIVERFRONT PARK	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	○
RAIL LANDS	●	●	●	●	●	●	○	●	●	○	○	●	●	●	●	●	●	●	○
PELICAN BAY	●	●	●	●	●	●	○	●	●	○	●	○	○	●	●	●	●	●	○
TAPE-CON REDEVELOPMENT	●	●	●	●	●	●	●	○	○	●	●	●	●	○	●	○	○	○	○
LIGHTHOUSE MUSEUM PARK	●	●	●	●	●	●	●	●	●	●	●	○	○	●	○	○	○	○	○
RIVER STREET INFILL	●	●	●	●	●	●	●	○	○	●	●	●	●	○	○	○	○	○	○
LIGHTHOUSE STREET	●	●	●	●	●	●	●	●	●	○	○	○	○	○	○	○	○	○	○
LAKE AVENUE INFILL	●	●	●	●	●	●	●	○	○	●	○	○	○	○	○	○	○	○	●

NOTES: Only relevant policies have been considered for applicability.
Recommendations for each Redevelopment Parcel are specified in the Task VIII Program for Redevelopment.

CITY OF ROCHESTER
LOCAL WATERFRONT REVITALIZATION PROGRAM

Legislation Resulting from the Rochester LWRP

TABLE OF CONTENTS

R-H - River Harbor District 49

O-HTD - Overlay Harbor Town Design District 55

Chapter 112 - Waterfront Consistency Law 75

Administrative Procedures for Runoff Control 85

City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

TO WHOM IT MAY CONCERN:

I hereby certify that the following is a true copy of an ordinance which was duly passed by the Council of the City of Rochester on September 11 19 90 and Approved (not disapproved, approved, repassed after disapproval) by the Mayor of the City of Rochester, and was deemed duly adopted on September 13, 19 90 in accordance with the applicable provisions of law.

Ordinance No. 90-364

Amending Chapter 115 Of The Municipal Code, Zoning Ordinance, With Respect To Regulations For The R-H River-Harbor District

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 115-72 of the Municipal Code, R-H River-Harbor District, as amended, is hereby further amended to read in its entirety as follows:

Section 115-72. R-H River-Harbor District

A. Purpose. The R-H River Harbor District is intended to preserve and enhance the recreational character of the harbor area at the mouth of the Genesee River; improve the visual quality of the harbor environment; preserve, retain and promote public access, both physically and visually to the shoreline; and encourage tourism in the area. While the primary uses of the area are boating and fishing, complementary commercial uses which enhance the recreational character of the area and provide conveniences for water-related and shoreline recreational activities are permitted. The development of additional public and private facilities for fishing, boating, swimming, dining, picnicking, strolling and sightseeing is encouraged. Residential land use is permissible to help promote a diversity of land uses and a year round population which will reinforce the village character of the area. The review of development in this district is intended to promote the integration, intermingling and visual and physical proximity of a variety of activities.

B. Permitted uses.

(1) The following uses are permitted as of right in the R-H River Harbor District subject, in each case, to site plan approval in accordance with provisions of Section 115-30 of this chapter:

(a) Public boardwalks, paths and biking trails.

(b) Boating and fishing docks.

(2) The following uses are permitted as of right in the R-H River Harbor District if located one hundred twenty-five (125) feet or more from the edge of the Genesee River, subject in each case, however, to site plan approval in accordance with the provisions of Section 115-30 of this chapter:

(a) Restaurants and taverns

(b) Private clubs

(c) Public parking lots and garages

(d) The following retail shopping and consumer service establishments:

[1] Clothing sales

[2] Fish, seafood and specialty food stores

[3] Gift shops

[4] Bicycle sales and rental

[5] Sporting goods sales

[6] Fishing supply stores

[7] Boating and sailing equipment and supplies sales and rental

(e) Tourist information centers

(f) Museums

(g) Studios for artists and craftsmen

(h) Other establishments relating to and supporting harbor activities.

C. Accessory uses and structures. Accessory uses and structures are permitted in the R-H River Harbor District subject to the provisions of Section 115-87 of this chapter.

D. Temporary uses. Temporary uses are permitted in the R-H River Harbor District subject to the provisions of Section 115-89 of this chapter.

E. Special permit uses

(1) In addition to uses specified in subsection 115-29E(1), the following uses and structures may be permitted in the R-H River Harbor District subject to the issuance of a special permit, as provided in Section 115-29 of this chapter:

(a) Any use permitted in Subsection B(2) above when located within one hundred twenty-five (125) feet of the edge of the Genesee River.

(b) Any structure or building over fifteen (15) feet in height.

(c) Private and commercial recreation and amusement facilities, subject to the additional standards set forth in subsection 115-54G(2)(a) and (b) of this chapter.

(d) Dwellings, subject to all the provisions and regulations applicable in the R-3 District.

(e) Fuel sale

(f) Hotels and motels

(g) Marinas

(h) Boat launches

(i) Coast Guard Stations

(j) Water passenger transportation terminals

(k) Boating and sailing instruction schools

(l) Boat, yacht, canoe, and kayak sales, repair and storage

(m) Sales and repair of boat trailers

(n) Boat rental and charter facilities

(2) Standards. In addition to standards specified in subsection 115-29E(2) and (3) of this chapter, the following additional standards shall be met:

(a) The proposed building, structure or use will not unnecessarily interfere with the passage of boats nor unnecessarily obstruct public access to riverside parcels.

(b) The proposed design and arrangement of the building, structure or use will provide for pedestrian access to riverside parcels and public views of the river to the maximum extent possible.

(c) The proposed building, structure or use is subject to the parking and loading requirements as set forth in Section 115-90 of this chapter except that the Planning Commission may, in approving the special permit for any use listed in subsection E(1) of this section waive or modify the standards of 115-90 when it finds that such action is warranted by reason of unique physical conditions or by the nature and location of the particular building, structure, or use proposed.

F. Prohibited uses.

(1) All manufacturing uses except for carnivals and circuses as temporary uses.

(2) Warehousing and distribution centers.

(3) Commercial cargo and shipping terminals.

(4) Railroad storage and freight yards.

(5) Adult bookstores, adult entertainment centers and adult film centers.

(6) Auto repair, rental, sales and storage.

(7) Drive-in establishments.

G. Bulk, space and yard requirements.

(1) The maximum height of structures in the R-H River Harbor District shall be 15 feet unless a Special Permit is issued as provided for in subsection 115-72E(1)(b).

(2) There shall be no yard requirements in the R-H River Harbor District except for Residential uses as set forth in Section 115-50 of this chapter.

H. Parking and loading requirements. Off-street parking and loading requirements applicable in the R-H River Harbor District are set forth in Section 115-90 of this chapter.

I. Signs. Sign regulations applicable in the R-H River Harbor District are set forth in Section 115-88 of this chapter.

J. Use limitations.

(1) No specialized retail shopping and consumer service establishment use permitted in subsection 115-72B(2) shall occupy a floor area greater than two thousand five hundred (2,500) square feet to conduct its operations and to store its wares, products, inventory and materials.

(2) No open-air outdoor storage of construction materials shall be permitted. Refuse and trash may be stored outdoors at all times only if placed in closed containers located in an area screened from view at all points on any public or private property or street when viewed from ground level.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Curran, Councilmembers Childress Brown, Giess, King, Mains, Muldoon, Norwood, Padilla, Stevenson - 9.

Nays - None - 0.

Attest Ellen S Chifford

City Clerk

City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

TO WHOM IT MAY CONCERN:

I hereby certify that the following is a true copy of an ordinance which was duly passed by the Council of the City of Rochester on September 11 19 90 and Approved (not disapproved, approved, repassed after disapproval) by the Mayor of the City of Rochester, and was deemed duly adopted on September 13, 19 90 in accordance with the applicable provisions of law.

Ordinance No. 90-365

Amending Chapter 115 Of The Municipal Code, Zoning Ordinance, With Respect To The Creation Of An O-HTD Overlay Harbor Town Design District

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 115 of the Municipal Code, Zoning Ordinance, as amended, is hereby further amended by adding thereto the following new Section 115-85.2:

Section 115-85.2. - O-HTD Overlay Harbor Town Design District.

A. Purpose.

(1) General Purpose.

The Overlay Harbor Town Design (O-HTD) District is intended through the review and regulation of design characteristics, to promote and facilitate:

a. a unique village neighborhood theme, character or atmosphere along the Lake Avenue corridor north of the Lake Ontario State Parkway, and along Stutson Street and Latta Road, from Lake Avenue to River Street; and,

b. a unique maritime theme, character or atmosphere along River Street north of Petten Street, and on both sides of the Genesee River; and,

c. the protection of significant natural, topographic and physical features.

The thematic concepts, design regulations, and procedures contained in this section are based on, and are in conformance with, the land use policies and recommendations of the City of Rochester's Local Waterfront Revitalization Program (LWRP).

(2) Thematic Concepts.

a. Village Neighborhood Character.

The village neighborhood theme, character or atmosphere shall be realized through design elements, amenities or treatments that recreate, enhance or reinforce the village-like character that existed within the boundaries of the overlay district during the latter part of the nineteenth century and early part of the twentieth century. This village-like atmosphere was characterized by:

[1] small-scale residences, shops and buildings along Lake Avenue that relate directly to the street;

[2] recreational development along the lakeshore and riverfront that provides water-dependent or water-enhanced recreational opportunities;

[3] a diversity of land uses in the area that provide local services and that encourage and thrive on recreational development as well as on lively street activity;

[4] ease of pedestrian movement throughout the area and the deemphasis of the automobile as a means to experience the area;

[5] signage which relates to pedestrians;

[6] open space and landscaped areas throughout the area that provide gathering places and physical breaks from development;

[7] overall design continuity that creates a sense of boundaries to the village, resulting in a unique enclave within the larger community.

b. Maritime Character.

The maritime or waterfront theme, character or atmosphere shall be realized through design elements, amenities or treatments that recreate, enhance or reinforce the water-oriented land uses, activities and ambience that existed within certain areas of the overlay district during the latter part of the nineteenth century and early part of the twentieth century. This maritime ambience was characterized by:

[1] boating activity and marina operations, docks, wharves, piers and similar uses, the Genesee Lighthouse, and their associated land use and design amenities;

[2] small-scale residences, shops and buildings in the area which relate directly to the water or to those streets which provide access to the water;

[3] a diversity of land uses in the area which provide local services and which encourage and thrive on a mix of water-oriented activity as well as on lively street activity;

[4] ease of visual and physical access to the waterfront throughout the area;

[5] ease of pedestrian movement throughout the area and the deemphasis of the automobile as a means to experience the area;

[6] signage which related to pedestrians.

(3) Specific Goals

The purpose of the Overlay Harbor Town Design (O-HTD) District established in this section includes the following specific goals:

(a) To encourage and promote outstanding design and craftsmanship, sensitive use of design and landscape features and amenities, and appropriate use of building materials, detailing and textures;

(b) To encourage and promote a sense of design continuity that appropriately relates the historic past of the district to on-going revitalization and redevelopment efforts, and that appropriately relates proposed development to existing designs, structures and land uses;

(c) To create a unique identity for and sense of neighborhood place along the Lake Avenue, Stutson Street and Latta Road corridors, and along River Street adjacent to the waterfront, that relates to the history of the area, and reinforces the relationship to the river and lake, as well as the water-oriented recreational uses located in the district;

(d) To reestablish or reinforce the visual and physical relationships between the district and the lakeshore, riverfront and adjacent harbor areas;

(e) To retain and enhance significant views and vistas within the district, as well as the unique aesthetic or visual qualities of the area;

(f) to encourage and promote direct visual and physical access to and from the river, lake and shore;

(g) To utilize and enhance significant existing buildings and structures;

(h) To restore, complement or enhance existing historic structures;

(i) To encourage and promote lively and vibrant street activity which relates to and reinforces land uses within the district;

(j) To encourage and promote pedestrian movement, access and circulation throughout the district;

(k) To utilize a flexible design review process that recognizes the variety of existing land uses, activities and design treatments within the district, and provides appropriate direction and guidance for property rehabilitation or new development through the use of the Overlay Harbor Town Design District Guidelines;

(l) To require the issuance of a Certificate of Design Compliance by the Director of Zoning for certain types of redevelopment or new construction within the district, based on the purpose, goals, and guidelines stated or referenced herein.

B. Overlay District.

The O-HTD District shall not be independently mapped upon the District Zoning Map, but shall be mapped, pursuant to the procedures for amending the District Zoning Map established by Section 115-26 of this chapter, only in conjunction with an underlying Zoning District. When so mapped, the O-HTD District shall provide regulations in regard to design of development and redevelopment additional to those applicable in the underlying districts; provided, however, that any lot may continue to be used in accordance with the regulations applicable in the underlying district in the same manner as though the O-HTD District did not exist except as hereinafter restricted.

C. Permitted Uses.

Uses as permitted in the underlying district.

D. Accessory Uses and Structures.

Accessory uses and structures are permitted in the OHTD District, subject to the provisions of Section 115-87 of this chapter.

E. Special Permit Uses.

Special permit uses as specified in subsection 115-29E(1) of this chapter and as specified in the underlying district.

F. Bulk Space and Yard Requirements.

Bulk, space and yard requirements shall be as specified in the underlying district.

G. Parking and Loading Requirements.

Off-street parking and loading requirements applicable in the O-HTD District are set forth in Section 115-90 of this chapter.

H. Signs.

Sign regulations applicable in the OHTD District are set forth in Section 115-88 of this chapter.

I. Use Limitations.

Use limitations shall be as specified in the underlying district.

J. Design Review.

The mechanism used to accomplish design review within the district shall be the Certificate of Design Compliance. Such certificate shall be required and utilized pursuant to the provisions and standards set forth in Section 115-24.1 of this chapter. In reviewing and deciding upon applications for Certificates of Design Compliance, the Director of Zoning shall be guided by the Overlay Harbor Town Design District Guidelines as referenced in this section.

K. Design Guidelines.

The Director of Zoning shall establish Overlay Harbor Town Design District Guidelines to provide direction and guidance in the review of applications for Certificates of Design Compliance. These guidelines shall be in keeping with the purpose and goals for the O-HTD District as established herein.

Section 2. Section 115-88 of the Municipal Code, relating to signs, as amended, is hereby further amended by adding thereto the following new subsection Z:

Z. Signs in the O-HTD Overlay Harbor Town Design District shall be subject to the regulations of the underlying district with the following exceptions:

(1) Advertising signs shall not be permitted in the O-HTD Overlay Harbor Town Design District.

(2) Pole signs shall not be permitted in the O-HTD Overlay Harbor Town District.

(3) Signs attached to buildings extending above the roof peak shall not be permitted in the O-HTD Overlay Harbor Town District.

(4) A Certificate of Design Compliance shall be required for all signs in the O-HTD Overlay Harbor Town Design District pursuant to subsections 115-85.2D and E of this chapter.

Section 3. Section 115-96 of the Municipal Code, relating to non-conformities, as amended, is hereby further amended by amending subsection F(3)(f)[1] to read in its entirety as follows:

[1] Any non conforming sign not terminated pursuant to any other provision of this chapter except for:

[a] Advertising signs in C-2, C-3, C-4 and M-1 and M-2 Districts, unless such districts are within an established Preservation District or the Overlay Harbor Town Design District;

[b] Pole signs and signs attached to buildings extending above the roof peak located within the Overlay Harbor Town Design District and legally existing on the effective date of the ordinance establishing the O-HTD District.

Section 4. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Curran, Councilmembers Childress Brown, Giess, King, Mains, Muldoon, Norwood, Padilla, Stevenson - 9.

Nays - None - 0.

Attest Ellen D Clifford
City Clerk

City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

TO WHOM IT MAY CONCERN:

I hereby certify that the following is a true copy of an ordinance which was duly passed by the Council of the City of Rochester on September 11 19 90 and Approved (not disapproved, approved, repassed after disapproval) by the Mayor of the City of Rochester, and was deemed duly adopted on September 13, 19 90 in accordance with the applicable provisions of law.

Ordinance No. 90-366

Amending Chapter 115 Of The Municipal Code, Zoning Ordinance, And Chapter 48, Environmental Review To Require A Certificate Of Design Compliance In Overlay Design Districts

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. There is hereby added to the Municipal Code the following new Section 115-24.1 to read in its entirety as follows:

Section 115-24.1 Certificate of Design Compliance.

A. Authority.

The Director of Zoning shall, subject to the procedures, standards and limitations hereinafter set forth, review and approve, approve with conditions, or deny applications for Certificates of Design Compliance.

B. Purpose.

The Certificate of Design Compliance process recognizes that some designs even though generally suitable for location in a design district, are, because of their character, building materials, details, textures or other features of probable impact, capable of adversely affecting the goals for which a design district is established unless careful consideration has been given to critical design elements. The Certificate of Design Compliance provides a vehicle for review of the developer's attention to such design elements. It is intended that the Certificate of Design Compliance shall be utilized only in conjunction with an Overlay Design District.

C. Certificate of Design Compliance required.

A Certificate of Design Compliance shall be required only in Overlay Design Districts, as established in this chapter, for the following activities:

(1) Construction of new buildings or structures;

(2) Exterior alterations to buildings, including alterations to signs, which are substantially visible from public open space, Lake Ontario, the Genesee River or any public right-of-way;

(3) Exterior alterations to existing buildings and structures on any lot which abuts the Genesee River;

(4) Alterations to structures that change structure volume;

(5) Alterations to buildings which change the shape or height of a roof line;

(6) Development or redevelopment of a parking lot;

(7) Exterior alterations to existing buildings and structures on any lot which is immediately adjacent to any landmark or landmark site;

(8) Exterior work involved in repairing fire damage when such damage exceeds fifty percent (50%) of the replacement cost new of the unit damaged; however, a Certificate of Design Compliance shall be required when such damage is less than fifty percent (50%) of the replacement cost new and the replacement is not in kind.

(9) Street and other improvements in the public right-of-way.

D. Procedure.

(1) Application. Applications for certificates of design compliance shall be submitted to the Director of Zoning. A nonrefundable fee, as established from time to time by the City Council to help defray administrative costs, shall accompany each application. Applications shall be submitted in two (2) duplicate copies and shall be in such form and contain such information and documentation as shall be prescribed from time to time by the Director of Zoning, but shall in all instances contain at least the following information or documentation unless any such information or document is expressly waived by the Director of Zoning as not relevant or necessary to determine that all provisions of this chapter have been met in a particular case:

(a) The applicant's name, address and interest in the subject property.

(b) The owner's name and address, if different than the applicant, and the owner's signed consent to the filing of this application.

(c) The name, residence and the nature and extent of the interest, as defined by Section 809 of the General Municipal Law of New York, of any state officer or any officer or employee of the City of Rochester or the County of Monroe in the owner-applicant or the subject property if known to the applicant.

(d) The address or location of the subject property.

(e) The present use and zoning classification of the subject property.

(f) The proposed use or uses of the subject property and a description of the construction, reconstruction, remodeling, alteration or moving requiring the issuance of a certificate of design compliance.

(g) The certificate of a registered architect or licensed professional engineer, or of an owner-designer, that the proposed construction, reconstruction, remodeling, alteration or moving complies with all the provisions of this chapter.

(h) If site plan approval is not required in conjunction with the application for a certificate of design compliance, a site plan drawn to scale of not less than fifty (50) feet to the inch, on one (1) or more sheets, illustrating the proposed construction, reconstruction, remodeling, alteration or moving and including the following:

[1] Property boundary lines and dimensions of the property and any significant topographic or physical features of the property.

[2] The location, size, use and arrangement, including height in stories and feet; where relevant, floor area ratio, total floor area and coverage; and number and size of dwelling units, by number of bedrooms, of proposed buildings and existing buildings.

[3] Minimum yard dimensions and, where relevant, relation of yard dimensions to the height of any building or structure.

[4] Location, dimensions, number and slope and gradient of all driveways, entrances, curb cuts, parking stalls, loading spaces and access aisles; total lot coverage of all parking, loading, driveway and aisle areas; and, where more than ten (10) parking and loading spaces are required, location of area for snow storage or indication of alternative disposal method.

[5] Location, size, arrangement and sketch showing content and layout of all outdoor signs.

[6] Location and height of fences or screen plantings, and the type or kind of building materials or plantings to be used for fencing or screening.

[7] Location, designation and total area of all usable open space.

[8] Any information necessary to determine that conditions imposed by any special approval granted pursuant to this chapter have been complied with.

(i) Scaled floor plans.

(j) Scaled elevations.

(k) Such other and further information and documentation as the Director of Zoning may deem necessary or appropriate to a full and proper consideration and disposition of the particular application. The Director may waive any of the application submission requirements of this subsection if in his or her opinion such full and proper consideration and disposition can be rendered without such information.

2. Action on the application.

(a) Action by Director.

[1] Within twenty-one (21) days following receipt by the Director of a completed application, or such longer time as may be agreed to by the applicant, the Director shall cause such application and the attached plans to be reviewed for compliance with this section and shall inform the applicant whether the application has been granted, granted with conditions or denied. The failure of the Director to act within said twenty-one (21) days, or such longer time as may be agreed to by the applicant, shall be deemed to be a denial

[2] In any case where an application is granted, the Director of Zoning shall issue a Certificate of Design Compliance which shall state on its face, in bold type that:

"THIS CERTIFICATE DOES NOT SIGNIFY BUILDING CODE REVIEW OR APPROVAL NOR SUBDIVISION REVIEW OR APPROVAL NOR REVIEW OR APPROVAL OF ANY OTHER CITY CODE AND IS NOT AUTHORIZATION TO UNDERTAKE ANY WORK WITHOUT SUCH REVIEW AND APPROVAL WHERE THE SAME IS REQUIRED. SEE CHAPTERS 39 AND 128 OF THE ROCHESTER MUNICIPAL CODE FOR DETAILS.

"BEFORE ANY STRUCTURE TO WHICH THIS CERTIFICATE IS APPLICABLE MAY BE OCCUPIED OR USED FOR ANY PURPOSE, A CERTIFICATE OF OCCUPANCY MUST BE OBTAINED. SEE SECTION 115-25 OF CHAPTER 115 and CHAPTER 39 OF THE ROCHESTER MUNICIPAL CODE FOR DETAILS."

[3] In any case where an application is denied, the Director of Zoning shall state the specific reasons and shall cite the specific provisions of this chapter upon which such denial is based.

[4] Disposition of copies: the Director of Zoning shall stamp each copy of the application and plans to reflect the action taken and shall return one (1) copy of each to the applicant and shall retain one (1) copy of each in City records for such period as he or she may deem necessary or as may be required by law.

(b) Action by Preservation Board.

If the Director shall decline to approve the application, or approve it subject to modification which is not acceptable to the applicant, or if any person is aggrieved by the action of the Director, such action shall not be deemed final administrative action or an action or failure to act pursuant to Section 115-33 of this chapter, but shall only be authorization for the applicant or the person aggrieved to refer the application to the Preservation Board for review and decision. Such referral shall be made by filing a written request with the Director within thirty (30) days of the action, specifying the grounds therefor. The Director shall promptly refer such request to the Preservation Board which shall review and act upon the application within twenty-one (21) days of receipt in the same manner and subject to the same standards and limitations as those made applicable to the Director by Subsection 5(a) above. The decision of the Preservation Board shall be final.

E. Standards for denial of a Certificate of Design Compliance.

Applications for Certificates of Design Compliance shall not be disapproved pursuant to this section except on the basis that the proposal is not in keeping with the purpose, goals and objectives of a particular design district as set forth in this chapter. Such denial shall be based on specific written findings directed to one (1) or more of the following standards:

(1) The application is incomplete in specified particulars or contains or reveals violations of this chapter or other applicable regulations which the applicant has, after written request, failed or refused to supply or correct;

(2) The design unnecessarily, and in specified particulars, destroys, damages, detrimentally modifies or interferes with the enjoyment of significant natural, topographic or physical features of the site or the significant design features of the existing buildings and structures on the site;

(3) The design unnecessarily, and in specified particulars, obstructs views of or from significant structures or natural features;

(4) The design unnecessarily, and in specified particulars, is lacking amenity in relation to, or is incompatible with nearby structures of significance on or off the property;

(5) The roof pitch, fenestration, scale, massing, form, size, texture, color and materials employed by the design are, unnecessarily and in specified particulars, lacking in amenity in relation to or incompatible with nearby structures of significance on or off the property;

(6) The site design features are deficient in terms of the creation and preservation of open space; the retention of trees and shrubs to the extent possible; pedestrian access, automobile access and parking;

(7) The design of commercial building facades and appurtenances fails to form cohesive walls of enclosure along a street to ensure visual compatibility with the buildings, public ways and places to which such elements are visually related;

(8) Exterior building appurtenances, such as porches and decks, are lacking in visual compatibility with the buildings to which they are attached or other buildings in the area or with the character encouraged in the design district in so far as materials, texture, colors and design.

F. Effect of Issuance of Certificate of Design Compliance.

The issuance of a Certificate of Design Compliance shall not authorize the establishment or extension of any use nor the development, construction, relocation, alteration or moving of any building or structure and shall not abrogate the requirements for any additional permits and approvals which may be required by the codes and ordinances of the city, including but not limited to a building permit, a certificate or occupancy and subdivision approval.

G. Limitation on Certificates.

A Certificate of Design Compliance shall become null and void six (6) months after the date on which it was issued unless within such period, a permit is issued, where necessary, and construction, reconstruction, remodeling, alteration or moving of a structure is commenced.

Section 2. Section 115-17 of the Municipal Code, Preservation Board, as amended is hereby further amended by amending subsection K thereof by renumbering subsections K(7) and (8) as subsections K(8) and (9), and by inserting therein the following new subsection K(7):

(7) Subject to the provisions of subsection 115-24.1D2(b) of this chapter, to hear and decide on applications for Certificates of Design Compliance.

Section 3. Section 115-18 of the Municipal Code, relating to the Director of Zoning, as amended, is hereby further amended by amending subsection A thereof by renumbering subsections A(9) through (17) as subsections A(10) through (18) respectively, and by inserting therein the following new subsection A(9):

(9) Certificate of Design Compliance. Subject to the procedures, standards and limitations set forth in Section 115-24.1 of this chapter, the Director shall review or cause to be reviewed, applications for Certificates of Design Compliance and shall approve, approve with conditions, or deny such applications.

Section 4. Section 48-5 of the Municipal Code, relating to Type II actions, as amended, is hereby further amended by adding thereto the following new subsection B(22):

(22) The granting of Certificates of Design Compliance.

Section 5. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Curran, Councilmembers Childress Brown, Giess, King, Mains, Muldoon, Norwood, Padilla, Stevenson - 9.

Nays - None - 0.

Attest Ellen F Clifford
City Clerk

DESIGN GUIDELINES
HARBOR TOWN DESIGN DISTRICT (O-HTD)

The Harbor Town Design District has been designated in order to create a unique village neighborhood atmosphere in the Lake Avenue corridor north of the Lake Ontario State Parkway and along Stutson Street and Latta Road; a unique maritime atmosphere along River Street north of Petten Street on both sides of the Genesee River and to protect significant physical, historic, topographic and natural features in the area. These basic guidelines for development in the area are intended for use in connection with the sections of the Zoning Ordinance which deal with the Harbor Town Design District (O-HTD).

I. ARCHITECTURAL DEVELOPMENT:

Architectural developments should be guided by an intent to protect the existing character in these neighborhoods through the appropriate use of scale, color, materials, and detailing for buildings facing the street corridors. Architectural developments should be harmonious with subarea development themes, goals, and objectives, so as to further create and reinforce an overall identity for the development area.

The commercial buildings are the areas of greatest concern for facade renovation. Strategies for restoration include the removal of materials which obscure the architectural integrity of building facades, the repair or replacement of deteriorated design details, and the addition of new architectural details in appropriate materials, as necessary, for the adaptation of older buildings to contemporary uses.

A. Building Setbacks:

New construction should complement existing conditions. In both residential and commercial areas the predominant existing setbacks on built up streets should be maintained. In commercial areas, new infill and additions to existing buildings should parallel the street, reinforce the street edge at corner lots and provide continuity along the street corridor.

B. Fenestration:

The proportion of window and door openings to total exterior facade is crucial to the perception of bulk and scale for individual buildings. The River Harbor district can utilize the sizing and placement of facade openings as a unifying treatment for the street wall. Development and redevelopment in the area should be guided toward a cohesive image.

The relationship of window and doorway openings to exterior walls in historic buildings should be preserved or restored wherever necessary. Where new windows or doorways are introduced, they should respect the existing facade pattern.

Openings on street-facing walls should not be greater than 50%, nor less than 30% of the total area of the facade. Glass curtain walls or spandrel glass are inappropriate, as are blank walls without windows.

Display windows are appropriate on the first story in commercial buildings, but only two-way glass should be used in windows. Mirrored or tinted glass generally is unacceptable.

Window openings for exterior walls, other than the street facade, should not be greater than 30% of the total area of the wall nor less than 15% of the wall area.

C. Color and Materials:
The predominant building material for commercial structures in the area is brick in yellow or brown tones. Historically, wood siding has been used on both commercial and residential buildings. New buildings should take their "spirit" from historic buildings, so that they are compatible with the color and materials used in nearby significant buildings.

The use of imitation stone, grooved plywood, galvanized steel, sheet aluminum, sheet plastic, and vinyl siding materials on commercial buildings is strongly discouraged . Acceptable materials include wood, brick, stone or cast iron. Detailing and trim elements, including doors, should conform to these standards.

Accent colors applied to wood trim, brick, or metal detailing are acceptable. Fluorescent colors are not appropriate and, in general, not in keeping with purposes for which the district was established. Original cast stone, stone or concrete trim should not be painted.

D. Restoration:
All restorations should follow the latest revision of the Secretary of the Interior's Standards for Rehabilitation and Guidelines for rehabilitating historic buildings.

Original facade openings should be retained or restored to original condition. Ground level windows and entrances should be given priority. Appropriate measures include the removal of uncceptable materials, uncovering transom windows, restoration of doorways, down-scaling signage, and replacement of lost or damaged details. The addition of new elements, such as lighting, awnings, ornament, hardware or signage is permitted where such additions do not detract from the historic character of the building.

E. Scale and Bulk:
Maximum building heights are delineated in the Zoning Ordinance; however, in the areas closest to the river or in other areas, where views to and from the river are possible, buildings of a height which obstructs these views are unacceptable. Views of historic or architecturally significant structures should also be carefully considered.

Existing rooflines range from complex gabled and dormered residential rooflines to steeply sloped church roofs, to flat roofs with orthogonal rooflines. Due to the variety of roof forms in the area, specific development proposals will be reviewed on a case-by-case basis.

II. SITE DEVELOPMENT
Site developments should ensure the proper functioning of circulation systems, the safety of visitors, and a unified and consistent image for streetscape elements. Edge definitions for pedestrian, planting and parking zones should be clarified to enhance the overall pedestrian experience.

A. Private Planting:
A privately-owned and maintained planting zone may exist between the property line and the building, depending on the building setback. In residential areas, the setback may be planted with any types of flowering plants, trees, shrubs, ground covers or lawn. Grass lawn is preferable in residential areas. Where setback of commercial buildings from the public right-of-way is permitted or required, this area should be developed in a manner compatible with the public sidewalk and planting area along the frontage. Flowers, trees and shrubs are permitted. Trees should meet planting requirements for public plantings, including tree grates. Planter boxes and pots are acceptable in these private planting areas.

B. Parking Lots and Areas:
While efforts have been made to encourage pedestrian traffic in the development area, it is intended that it become a destination for many visitors. Therefore, adequate plans for parking lots and areas must be considered.

1. Access and Circulation Elements:
Access to off-street parking by way of secondary streets is encouraged. For off-street lots with direct access to Lake Avenue, definition of one exit and one entrance is encouraged. Interior landscaping with both shrubs and canopy trees is encouraged and should be considered. The plantings should meet all of the requirements for public plantings. Aisles and planting strips should be defined with curbing. Pedestrian walkways should be clearly defined and conflicts between pedestrian and vehicular traffic should be minimized.

2. Screening:
All off-street surface parking adjacent to the street must be screened from the view of pedestrians. Screen walls 3 to 4 ft. in height are encouraged. Such walls should be set back 5 ft. with the area between the wall and sidewalk planted with trees and other landscape elements. Tree plantings should conform to the standards for public plantings. The tree planting area may be covered in hard paving with tree grates or planted with trees, shrubs and ground covers. Evergreen vines are allowable for screen walls.

III. SIGNAGE

Because of the strong impact of signage on the streetscape, protection must be afforded from inappropriate signage. Signs should harmonize with the building they serve and promote the use they serve imaginatively and effectively. While not dominating the surrounding visual environment. Signs should be of a scale in keeping with the use and building they serve and the immediate neighborhood, as well.

A. Sign Materials:
1. Appropriate sign materials include brass, cast iron, steel and carved and painted wood. Other materials will be reviewed on a case-by-case basis.

2. In general interior lit and plastic signs are considered incompatible with the goals and purposes for which the district was established.

3. Neon signs on the interior of windows are acceptable; if permanent, they are treated as wall signs in Section 115-88 of the Zoning Ordinance.

4. The sign support structure should be durable but should be designed and colored to reduce its dominance or obtrusiveness.

B. Relationship To The Building:

1. Signs should be integrated closely with the architectural features of the building. The form, design materials, texture and color of the sign should maintain or complement the style, design and form of the building.

2. Signs and their support structures should not cover up or damage decorative features of the facade such as leaded glass transoms, cast iron or wooden pilasters, etc.

3. Where several businesses are located in/on one property, the signs should be coordinated, complement or balance one another and not compete with each other.

C. Relationship To The Area:

1. Size of the signs should be in keeping with the scale of nearby structures as well as the building they serve.

2. Existing or planned landscaping, on the site and nearby should be considered in locating the sign.

3. Visual clutter in signage should be avoided by refraining from the use of large signs, random placement of signs and excessive numbers of signs.

4. Signage should relate to pedestrian and low level vehicular traffic.

IV. STREET CORRIDOR

Street corridors should be developed to assist in reinforcing the overall character of the area by defining the relationship of buildings to public spaces and circulation systems. The street corridor developments should promote continuous street wall development where appropriate, protect street corridors from encroachment by buildings, and provide for on-street parking and service requirements. The standards presented in this category deal with the corridors bounded by lot lines on each side of the street.

A. Parking:

On-street parking should be metered parallel parking, except in residential areas, where demand does not require metering. Parallel parking with a narrowed planting zone can be considered for high demand areas.

B. Landscaping:

For the area streets, a planting zone should be established for street trees measuring a minimum of 3 feet from the face of the curb in areas with on-street parking and 10 feet from the curb in areas without on-street parking. The purpose of the planting zone is the separation of pedestrian and vehicular corridors. The planting zone should be grass in residential areas and "hard scape" paving in commercial areas. The width of the planting strip should be variable to accommodate the needs of parking conditions, i.e., the planting zone may narrow for parallel parking, but should conform to the minimum width.

In conjunction with shoreline redevelopment on the east side of River Street, a planting zone should be established in areas south of the Stutson Street Bridge where the shore zone is too narrow to allow for front end parking. This planting zone should be hardscape paving, with tree grates provided as specified below.

All planting zones should include trees unless otherwise specified. Street trees shall be chosen from species with the following characteristics:

Hardiness (plant zone 3)
Tolerance to street conditions, including salt
A maximum mature height of 40 to 60 feet
A low maintenance schedule
An open, airy growth habit that affords light shade in summer
Seasonal interest

B. Landscaping:

Trees that drop substances harmful to the finish of parked automobiles should be avoided. Other undesirable characteristics for street trees include multi-stemmed or suckering trees, species with a low or compact habit of growth, those which produce an abundance of fleshy fruits, and species prone to disease or insect predation.

Examples of suitable choices include:

Oaks (Red or White)
Honeylocust
Littleleaf Linden
London Plane Tree

Poor choices are exemplified by:

Norway Maple
Pin Oak
Conifers
Crabapple

At the time of planting, young trees should be 3-1/2" caliper, with the lower side of the crown a minimum of 6' above grade to avoid hazards to pedestrians. Trees should be placed every 30 feet in the planting strip.

In commercial areas where the planting strip is hard pavement, trees should be provided with grates. Trees requiring grates are planted with the top of the root ball 5" below the pavement surface to allow for grate installation.

All new trees should be staked and guy-wired for a period of one year after planting.

C. Paving:

All sidewalk paving should be concrete scored in 6 foot squares, with tree pits at 30' on center. The use of asphalt sidewalks is unacceptable. Concrete walks should be dominant where driveways cross pedestrian paths.

Scoring or imprinting concrete, in coordination with subarea themes, is allowable. Specific emblems or insignia symbolizing the unique character of a subarea may be developed to enhance visitors' awareness of local history.

A concrete sidewalk should be established approximately 5 feet from the River Street Right-of-Way on the west side of the street. The planting zone should be 8 feet wide from the edge of the sidewalk to the street curb. A new concrete retaining wall should be installed from the Stutson Street Bridge abutment north about 280 feet to accommodate the grade change along River Street. A new sidewalk 6 feet wide should be constructed along the west side of the retaining wall from the bridge abutment to the lower level of River Street. The street corridor widths for improvements to this section of River Street are summarized below:

West Sidewalk		6'
Planting Zone		8'
Curbing	.5'	
Parallel Parking		8'
Travel Lane		10'
Curbing	.5'	
East Sidewalk		6'
Retaining Wall		2'

Where pedestrian corridors cross streets, curbs should be zeroed out and the crosswalk should be highlighted to increase pedestrian safety. A 10 foot brick strip should be provided on each side of the crosswalk. Curbing material set flush to the street should form the joint between asphalt paving and the brick strips. Crosswalks should correspond directly to the 6 foot sidewalk pavement widths, with brick strips corresponding to planting zone widths. On River Street, cobblestones are recommended in place of the brick.

C. Lighting and Furniture:

Consistent with the turn of the century time theme, antique sytle posts and lantern lighting should replace cobra lights on Lake Avenue, Stutson Street, Latta Road, and all minor cross streets in the redevelopment area. The materials for lighting fixtures should be cast iron or aluminum, such as those manufactured by Antique Street Lamps, Inc. or an equivalent quality.

The total height of post and luminaire should not exceed 15 feet. Finished colors for lightposts should be black or dark olive.

At the waterfront, and along River Street, the lighting should be pole lighting with an industrial character, such as the railroad fixture manufactured by Sternberg.

Street furnishings should be expressive of the turn-of-the-century time theme. Street furnishings include trash receptacles, drinking fountains, benches, bollards, and tree grates. These items should be located in planting zones such that pedestrian corridors remain unobstructed. Street furnishings must be compatible in design, color, and materials with light fixtures.

Benches should be of an historic style and could incorporate custom lettering or a logo for River Harbor or the design district. They should be provided at bus stops and as necessary at locations where pedestrians congregate. Trash receptacles should be placed near each bench.

Bollards should be used at all pedestrian crossings. A bollard and chain barrier should be placed between pedestrian accessways and the Consolidated Rail tracks on River Street, where the sidewalks parallel the railroad. Pipe railings should be installed with concrete retaining walls on River Street between Latta Road and Stutson Street, and at the Lighthouse Park. Similar pipe railings should be incorporated into the design specifications for a concrete bulwark along the west shore of the Genesee River. Bollards, chains, and pipe railings should be painted black.

City of Rochester
City Clerks Office
Certified Ordinance

Rochester, N.Y., _____

TO WHOM IT MAY CONCERN:

I hereby certify that the following is a true copy of an ordinance which was duly passed by the Council of the City of Rochester on September 11 19 90 and Approved (not disapproved, approved, repassed after disapproval) by the Mayor of the City of Rochester, and was deemed duly adopted on September 13, 19 90 in accordance with the applicable provisions of law.

Ordinance No. 90-370

Amending The Municipal Code By Adding
A New Chapter Relating To Waterfront
Consistency Review, as amended

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Municipal Code is hereby amended by adding a new Chapter 112 - Waterfront Consistency Review, which shall read in its entirety as follows:

CHAPTER 112

WATERFRONT CONSISTENCY REVIEW ORDINANCE

Section 112-1. Purpose.

The purpose of this chapter is to protect the public health, safety and general welfare in the City of Rochester, by providing a framework for governmental agencies to review actions proposed within the boundaries of the city's Local Waterfront Revitalization Program (LWRP). This framework will allow agencies to consider the policies and purposes contained in the city's LWRP when reviewing applications for actions or when directly approving, undertaking or funding agency actions located in the waterfront area. The framework will also ensure that such actions are consistent, to the maximum extent practicable, with said policies and purposes.

It is the intention of the City of Rochester that the preservation, enhancement and utilization of the natural and man-made resources of the city's unique coastal areas take place in a coordinated and comprehensive manner, in order to ensure a proper balance between natural resource protection and the need to accommodate population growth and economic development. Accordingly, this ordinance is

intended to achieve such a balance, by permitting the beneficial use of coastal resources while preventing: loss of living estuarine resources and wildlife; diminution of open space areas or public access to the waterfront; erosion of shoreline; impairment of scenic beauty; losses due to flooding, erosion and sedimentation; or permanent adverse changes to ecological systems.

Section 112-2. Authority.

This ordinance is enacted under the authority of Section 20 of the General City Law and the Waterfront Revitalization and Coastal Resources Act of the State of New York (Article 42 of the Executive Law).

Section 112-3. Definitions.

When used in this Chapter, the following terms shall have the meanings ascribed to them:

ACTION - shall have the same meaning as in Section 48-3 of the Municipal Code Environmental Review, but shall be limited to those activities that constitute an unlisted or Type I action, as defined in Section 48-3.

AGENCY - any governmental agency, including but not limited to the City Council, departments, offices, commissions, boards, agencies, officers or other bodies of the City of Rochester.

COASTAL AREA - the New York State coastal waters and adjacent shorelands as defined in Article 42 of the Executive Law. The specific boundaries of the city's Coastal Area are shown on the Coastal Area Map on file in the office of the New York State Secretary of State and as delineated in the City of Rochester's Local Waterfront Revitalization Program (TASK I).

COASTAL ASSESSMENT FORM (CAF) - the form, contained in Appendix A, which shall be used by an agency to assist it in determining the consistency of an action with the city's LWRP.

CONSISTENT TO THE MAXIMUM EXTENT PRACTICABLE - that an action will not substantially hinder the achievement of any of the LWRP policy standards or conditions and, whenever practicable, will advance one or more of them.

DIRECT ACTIONS - an action planned and proposed for implementation by an agency itself, such as, but not limited to a capital project, or rule making, procedure making or policy making decisions or determinations.

LOCAL WATERFRONT AREA (LWA) - that portion of the New York State Coastal Area within the City of Rochester as delineated in the city's LWRP (TASK I).

LOCAL WATERFRONT REVITALIZATION PROGRAM (LWRP) - the Local Waterfront Revitalization Program of the City of Rochester, as approved by the New York State Secretary of State, pursuant to the Waterfront Revitalization and Coastal Resources Act (Executive Law, Article 42), a copy of which is on file in the Office of the Clerk of the City of Rochester.

Section 112-4. Review of Actions.

A. Whenever a proposed action is located in the LWA, an agency shall, prior to approving, funding or undertaking the action, make a determination that it is consistent, to the maximum extent practicable, with the applicable LWRP policy standards and conditions set forth in Section 112-5 herein.

B. Whenever an agency receives an application for approval or funding of an action or as early as possible in the agency's undertaking of a direct action to be located in the LWA, the applicant, or in the case of a direct action, the agency, shall prepare a Coastal Assessment Form (CAF) to assist with the consistency review.

C. Prior to making its determination, the agency shall solicit and consider the recommendation of the Commissioner of the City of Rochester Department of Community Development or his/her designee, regarding the consistency of the proposed action, by referring a copy of the completed CAF to the Commissioner within ten (10) days of its submission to or completion by the agency.

D. After referral from an agency, the Commissioner shall consider whether the proposed action is consistent, to the maximum extent practicable, with the LWRP policy standards and conditions sat forth in Section 112-5 herein. The Commissioner may require the applicant to submit all completed applications, EAF's and any other information or documentation deemed to be necessary in order to make the consistency determination.

E. The Commissioner shall render his/her written recommendation to the agency within ten (10) working days following the submission by the applicant of the required information, unless extended by mutual agreement of the Commissioner and the applicant, or in the case of a direct action, the agency. The recommendation shall indicate whether, in the opinion of the Commissioner, the proposed action is consistent, to the maximum extent practicable, or inconsistent with one or more of the applicable LWRP policy standards or conditions. The recommendation shall state the manner and extent to which any inconsistency affects the LWRP policy standards and conditions.

The Commissioner shall, along with his/her consistency determination, make any suggestions to the agency concerning modification of the proposed action in order to make it consistent, to the maximum extent practicable, with LWRP policy standards and conditions, or to greater advance them.

In the event that the Commissioner's recommendation is not forthcoming within the specified time, the application shall be deemed to have received a recommendation that it is consistent to the maximum extent practicable.

F. The agency shall make the determination of consistency based on the CAF, the recommendation of the Commissioner and such other information as is deemed to be necessary in its determination. The agency shall issue its determination within seven (7) days of receipt of the Commissioner's recommendation.

G. Actions to be undertaken within the LWA 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 TASK III of the City of Rochester's LWRP. The LWRP is on file in the City Clerk's office and is available for inspection during normal business hours. Agencies which undertake direct actions shall also consult with TASK IV: USES AND PROJECTS of the LWRP in making their consistency determination. The action shall be consistent with the policy to:

(1) Revitalize and redevelop deteriorating or underutilized institutional, commercial, recreational and residential areas and uses (POLICY 1, 1A, 1B, 1C, 1D, 1E, 1F, 1G);

(2) Encourage the development of water-dependent uses near coastal waters (POLICY 2, 2A);

(3) Ensure that development occurs where adequate public infrastructure is available to reduce health and pollution hazards (POLICY 5, 5A, 5B, 5C);

(4) Streamline development permit procedures (POLICY 6);

(5) Protect significant and locally important fish and wildlife habitats from human disruption and chemical contamination (POLICIES 7, 7A, 7B, 7C and 8);

(6) Maintain and expand commercial fishing facilities to promote commercial and recreational fishing opportunities (POLICY 9, 9A, 9B);

(7) Minimize flooding and erosion hazards through nonstructural means, carefully-selected, long-term structural measures and appropriate siting of structures (POLICIES 11, 11A, 11B, 12, 12A, 13, 13A, 14, 15 and 17, 17A);

(8) Safeguard economic, social and environmental interests in the coastal area when major actions are undertaken (POLICY 18);

(9) Maintain and improve public access to the shoreline and to water-related recreational facilities while protecting the environment (POLICIES 19, 19A, 19B, 19C, 19D, 20, 20A, 20B, 20C, 20D, 20E);

(10) Encourage and facilitate water-dependent and water-enhanced recreational resources and facilities near coastal waters (POLICY 21, 21A, 21B, 21C);

(11) Encourage the development of water-related recreational resources and facilities, as multiple-uses, in appropriate locations within the shorezone (POLICY 22, 22A, 22B);

(12) Protect and restore historic and archeological resources (POLICY 23, 23A, 23B, 23C);

(13) Protect and upgrade scenic resources (POLICY 25, 25A, 25B, 25C);

(14) Protect surface and groundwaters from direct and indirect discharge of pollutants and from overuse (POLICIES 30, 31, 32, 33, 34, 36, 37 and 38);

(15) Perform dredging and dredge spoil disposal in a manner Protective of natural resources (POLICY 35);

(16) Handle and dispose of hazardous wastes and effluents in a manner which will not not adversely affect the environment nor expand existing landfills (POLICY 39); and,

(17) Protect tidal and freshwater wetlands (POLICY 44).

H. If the agency determines that the action would cause a substantial hindrance to the achievement of the LWRP policy standards and conditions, such action shall not be undertaken unless the agency determines with respect to the proposed action that:

(1) No reasonable alternatives exist which would permit the action to be undertaken in a manner which would not substantially hinder the achievement of such LWRP Policy standards and conditions, or which would not hinder the overall implementation of the LWRP;

(2) The proposed action and any required mitigation measures would be undertaken in a manner which would minimize all adverse effects on natural and man-made resources within the LWRP, and would minimize the extent to which the implementation of LWRP policy standards and conditions are hindered; and,

(3) The action will result in a significant and overriding city, regional or state-wide public benefit.

Such a finding by the agency shall constitute a determination that the action is consistent to the maximum extent practicable.

I. Each agency shall maintain a file for each action which was the subject of a consistency determination, including any recommendations received from the Commissioner. Such files shall be made available for public inspection upon request.

Section 112-6. Coordinated Review Required.

The agency and the Commissioner of Community Development or designee shall coordinate the consistency determination process required by this chapter with the environmental review process required by Chapter 48 of the Municipal Code.

Section 112-7. Severability.

The provisions of this ordinance are severable. If any provision is found invalid, such finding shall not affect the validity of any Part or provision hereof other than the provision so found to be invalid.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Curran, Councilmembers Childress Brown, Giess, King, Mains, Muldoon, Norwood, Padilla, Stevenson - 9.

Nays - None - 0.

Underlined material added.

Attest Ellen D. Clifford
City Clerk

APPENDIX A

COASTAL ASSESSMENT FORM

A. INSTRUCTIONS (Please print or type all answers)

1. Applicants, or in the case of direct actions (city, town, village) agencies, shall complete this CAF for proposed actions which are subject to the consistency review law. This assessment is intended to supplement other information used by a (city, town, village) agency in making a determination of consistency.

2. Before answering the questions in Section C, the preparer of this form should review the policies and explanations of policy contained in the Local Waterfront Revitalization Program (LWRP), a copy of which is on file in the (city, town, village) clerk's office. A proposed action should be evaluated as to its significant beneficial and adverse effects upon the coastal 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 a 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 (city, town, village) agency action (check appropriate response):

   (a) Directly undertaken (e.g. capital construction, planning activity, agency regulation, land transaction) _____

   (b) Financial assistance (e.g. grant, loan, subsidy) _____

   (c) Permit, approval, license, certification _____

   (d) Agency undertaking action: _____

2. Describe nature and extent of action: _____

3. Location of action

   _____
   Street or Site Description

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, dunes, swales, ground depressions, other geological formations): _____

8. Percentage of site which contains slopes of 15% or greater: _____.

9. Streams, lakes, ponds or wetlands existing within or contiguous to the project area?

   (1) Name _____
   (2) Size (in acres) _____

10. If an application for the proposed action has been filed with the (city, town, village) agency, the following information shall be provided:

   (a) Name of applicant: _____
   (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. COASTAL ASSESSMENT (Check either "Yes" or "No" for each of the following questions)

	YES	NO
1. Will the proposed action be located in, or contiguous to, or have a potentially adverse effect upon any of the resource areas identified on the coastal area map:.....	___	___
(a) Significant fish or wildlife habitats?.....	___	___
(b) Scenic resources of local or statewide significance?.....	___	___
(c) Important agricultural lands?.....	___	___
(d) Natural protective features in an erosion hazard area?.....	___	___
If the answer to any question above is yes, please explain in Section D any measures which will be undertaken to mitigate any adverse effects.		
2. Will the proposed action have a significant effect upon:	YES	NO
(a) Commercial or recreational use of fish and wildlife resources?...	___	___
(b) Scenic quality of the coastal environment?.....	___	___
(c) Development of future, or existing water dependent uses?.....	___	___
(d) Operation of the State's major ports?.....	___	___
(e) Land or water uses within a small harbor area?.....	___	___
(f) Stability of the shoreline?.....	___	___
(g) Surface or groundwater quality?.....	___	___
(h) Existing or potential public recreation opportunities?.....	___	___
(i) Structures, sites or districts of historic, archeological or cultural significance to the (city, town, village), State or nation?.....	___	___
3. 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 (2) acres or more of land located elsewhere in the coastal area?.....	___	___
(c) Expansion of existing public services or infrastructure in undeveloped or low density areas of the coastal area?.....	___	___
(d) Energy facility not subject to Article VII or VIII of the Public Service Law?.....	___	___
(e) Mining, excavation, filling or dredging in coastal waters?.....	___	___
(f) Reduction of existing or potential public access to or along the shore?.....	___	___
(g) Sale or change in use of publicly-owned lands located on the shoreline or under water?.....	___	___
(h) Development within a designated flood or erosion hazard area?....	___	___
(i) Development on a beach, dune, barrier island or other natural feature that provides protection against flooding or erosion?....	___	___
(j) Construction or reconstruction of erosion protective structures?.....	___	___
(k) Diminished surface or groundwater quality?.....	___	___
(l) Removal of ground cover from the site?.....	___	___
4. Project	YES	NO
(a) If project is to be located adjacent to shore:		
(1) Will water-related recreation be provided?.....	___	___
(2) Will public access to the foreshore be provided?.....	___	___
(3) Does the project require a waterfront site?.....	___	___
(4) Will it supplant a recreational or maritime use?.....	___	___
(5) Do essential public services and facilities presently exist at or near the site?.....	___	___
(6) Is it located in a flood prone area?.....	___	___
(7) Is it located in an area of high erosion?.....	___	___

		YES	NO
(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?.....	___	___
	(2) If located in the foreshore, will access to those and adjacent lands be provided?.....	___	___
	(3) Will it involve the siting and construction of major energy facilities?.....	___	___
	(4) Will it involve the discharge of effluents from major steam electric generating and industrial facilities into coastal facilities?.....	___	___
(c)	Is the project site presently used by the community neighborhood as an open space or recreation area?.....	___	___
(d)	Does the present site offer or include scenic views or vistas known to be important to the community?.....	___	___
(e)	Is the project site presently used for commercial fishing or fish processing?.....	___	___
(f)	Will the surface area of any waterways or wetland areas be increased or decreased by the proposal?.....	___	___
(g)	Does any mature forest (over 100 years old) or other locally important vegetation exist on this site which will be removed by the project?.....	___	___
(h)	Will the project involve any waste discharges into coastal waters?.....	___	___
(i)	Does the project involve surface or subsurface liquid waste disposal?.....	___	___
(j)	Does the project involve transport, storage, treatment or disposal of solid waste or hazardous materials?.....	___	___
(k)	Does the project involve shipment or storage of petroleum products?.....	___	___
(l)	Does the project involve discharge of toxics, hazardous substances or other pollutants into coastal waters?.....	___	___
(m)	Does the project involve or change existing ice management practices?.....	___	___
(n)	Will the project affect any area designated as a tidal or freshwater wetland?.....	___	___
(o)	Will the project alter drainage flow, patterns or surface water runoff on or from the site?.....	___	___
(p)	Will best management practices be utilized to control storm water runoff into coastal waters?.....	___	___
(q)	Will the project utilize or affect the quality or quantity of sole source or surface water supplies?.....	___	___
(r)	Will the project cause emissions which exceed federal or state air quality standards or generate significant amounts of nitrates or sulfates?.....	___	___

D. REMARKS OR ADDITIONAL INFORMATION. (Add any additional sheets necessary to complete this form.)

If assistance or further information is needed to complete this form, please contact (city, town, village) clerk at _____.

Preparer's Name: _____ Telephone Number: (___) _____

Title: _____ Agency: _____ Date: _____

City of Rochester
City Clerks Office
Certified Ordinance

Rochester, N.Y., _____

TO WHOM IT MAY CONCERN:

I hereby certify that the following is a true copy of an ordinance which was duly passed by the Council of the City of Rochester on September 11, 19 90 and Approved (not disapproved, approved, repassed after disapproval) by the Mayor of the City of Rochester, and was deemed duly adopted on September 13, 1990 in accordance with the applicable provisions of law.

Ordinance No. 90-371

Amending Chapter 48 Of The Municipal Code, Environmental Review, With Respect To the Local Waterfront Revitalization Program And Waterfront Consistency Review

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Section 48-7 of the Municipal Code, Environmental Review process, as amended, is hereby further amended by amending subsection A(1) thereof to read in its entirety as follows:

(1) Determine whether the action is subject to this chapter, and whether it is located within the boundaries of the City of Rochester's Local Waterfront Revitalization Program (LWRP) area (see TASK I of the LWRP). If the action is an exempt, an excluded or a Type II action, the agency shall have no further responsibility under this chapter or Chapter 112, Waterfront Consistency Review Ordinance, except recordkeeping responsibilities. If the action is an unlisted or a Type I action, the requirements of this chapter shall apply. If such an unlisted or Type I action is located within the boundaries of the City's LWRP, the consistency review procedures and requirements of Chapter 112 shall also apply and be coordinated with the environmental review required by this chapter.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Curran, Councilmembers Childress Brown, Giess, King, Mains, Muldoon, Norwood, Padilla, Stevenson - 9.

Nays - None - 0.

Attest Ellen S Clifford
City Clerk

City of Rochester

City Clerks Office

Certified Ordinance

Rochester, N.Y., _____

TO WHOM IT MAY CONCERN:

I hereby certify that the following is a true copy of an ordinance which was duly passed by the Council of the City of Rochester on September 11, 19 91 and Approved (not disapproved, approved, repassed after disapproval) by the Mayor of the City of Rochester, and was deemed duly adopted on September 13, 1991 in accordance with the applicable provisions of law.

Ordinance No. 91-416

Amending Chapter 39 Of The Municipal Code, Building Code, With Respect To Site Preparation, as amended

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Article IV of Chapter 39 of the Municipal Code, Building Code, relating to Conflicts and severability and containing Section 39-401 and 39-402, is hereby renumbered as Article V, with Section 39-401 and 39-402 renumbered as 39-501 and 39-502, respectively, and there is hereby added to Chapter 39 of the Municipal Code the following new Article IV:

ARTICLE IV

Section 39-400. Purpose.

It is the purpose of these regulations to protect health, safety, and welfare in the City of Rochester by regulating site preparation activities, including filling, grading, and stripping, so as to prevent nuisances from being created, including erosion, sedimentation or drainage.

Section 39-401. Title.

These regulations shall be known and may be cited as the "Regulations for the Issuance of Site Preparation Permits in the City of Rochester".

Section 39-402. Jurisdiction.

All site preparation, and associated activities requiring a Site Preparation Permit, shall be in conformance with the provisions set forth herein.

Section 39-403. Authority.

The Director of the Bureau of Buildings shall serve as the agent of the Commissioner for the purpose of administering these regulations.

Section 39-404. Definitions.

As used in this Article, in addition to the terms defined in Section 39-201, the following terms shall have the meanings indicated:

CERTIFICATE OF SUBSTANTIAL COMPLIANCE - A signed statement by the Commissioner that specific construction has been inspected and found to comply with all grading plans and specifications.

CITY ENGINEER - The City Engineer of the City or an authorized representative.

DIRECTOR - The Director of the Bureau of Buildings of the City or an authorized representative.

DRAINAGE - The gravitational movement of water or other liquids by surface runoff or subsurface flow.

EROSION - The process by which the ground surface is worn away by action of wind, water, gravity, or a combination thereof.

EXCAVATION OR CUT - Any act by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced, or relocated, and also included shall be the conditions resulting therefrom.

FILLING - Any activity which deposits natural or artificial material so as to modify the surface or subsurface conditions of land, lakes, ponds or watercourses.

GRADING - Any stripping, excavating, filling, stockpiling, or any combination thereof, and also included shall be the land in its excavated or filled condition.

MULCHING - The application of a layer of plant residue or other material for the purpose of effectively controlling erosion.

PERMANENT SOIL EROSION CONTROL MEASURE - Those control measures which are installed or constructed to control soil erosion and which are maintained after completion of the project.

RATIONAL METHOD - A method of estimating the runoff in a drainage basin at a specific point and time by means of the rational runoff formula.

SEDIMENT - Solid material, both mineral and organic, that is in suspension, is being transported, has been deposited, or has been removed from its site of origin by erosion.

SITE PREPARATION - Site preparation shall include, but is not limited to: filling, stripping of vegetation, grading, altering existing topography for any purposes whatsoever.

SOIL - All unconsolidated mineral or nonliving organic material of whatever origin which overlies bedrock.

STRIPPING - Any activity which removes or significantly disturbs the vegetative surface cover including clearing and grubbing operations.

TEMPORARY SOIL EROSION CONTROL MEASURES - Interim control measures which are installed or constructed for the control of soil erosion until permanent soil erosion control is effected.

TOPSOIL - The natural surface layer of soil, usually darker than subsurface layers, to a depth of at least six (6) inches within an undisturbed area of soils.

WATERCOURSE - Any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drainage way, gully, ravine, or wash in which water flows in a definite direction or course, either continuously or intermittently, and which has a definite channel, bed, and banks, and any area adjacent thereto subject to inundation by reason of overflow, flood, or storm water.

WETLANDS - Areas of aquatic or semi-aquatic vegetation, or any areas which have been mapped as such by the New York State Department of Environmental Conservation under the New York State Freshwater Wetlands Act or the United States Department of the Interior, Fish and Wildlife Service for the National Wetlands Inventory.

Section 39-405. Permit Requirement.

A. None of the following activities shall be commenced until a permit has been issued pursuant to the provisions of these regulations or a building permit or site plan approval including site preparation activities has been granted:

(1) Site preparation within wetlands;

(2) Site preparation on slopes which exceed one and one half (1-1/2) feet of vertical rise for each ten (10) feet of horizontal distance, as determined by a topographical survey;

(3) Site preparation within the floodplain of any watercourse;

(4) Excavation which affects more than fifty (50) cubic yards of material within any parcel or any contiguous area;

(5) Stripping which affects more than ten thousand (10,000) square feet of ground surface within any parcel or any contiguous area;

(6) Grading which affects more than ten thousand (10,000) square feet of ground surface within any parcel or any contiguous area; or

(7) Filling which exceeds a total of fifty (50) cubic yards of material within any parcel or contiguous area.

Section 39-406. Permit Application, Review, Issuance and Compliance Procedures.

A. Prior to the commencement of any work requiring a permit under Section 39-405, six (6) copies of a permit application shall be filed with the Commissioner, and the application shall have been approved and a permit issued pursuant to the provisions of these regulations.

B. At the time of filing an application for a site preparation permit, a fee of seven hundred fifty dollars ($750.00) shall be made payable to the City Treasurer.

C. The Director shall have the authority to recommend to the Commissioner that a permit application be approved or denied. The Director shall also have the authority to recommend the approval of a permit subject to conditions.

D. Copies of the permit application shall be submitted to the City Engineer, who shall submit recommendations on the application to the Director within fifteen (15) business days of the date of filing. Failure by the City Engineer to comment within the fifteen (15) business day review period shall not restrict the Director from carrying out his or her responsibilities related thereto.

E. The Director shall make a recommendation to grant or deny all permits within sixty (60) days after the date of filing of a complete application, unless the applicant and the Director consent to a time extension.

F. [Prior to making a recommendation to grant a permit, the Director shall:

(1) Seek the concurrence of the Director of Zoning;

(2) Seek the concurrence of the Director of Planning;

(3) Seek the concurrence of the Director of Development Services;

(4) Seek the concurrence of the City Engineer;

(5) Seek the concurrence of the Director of Neighborhood Development; and

(6) Seek the concurrence of the Rochester Pure Waters District if said District has jurisdiction.

G.] The Director shall recommend a reasonable time limit for the termination of the permit and may recommend any conditions which are deemed necessary to assure compliance with the provisions of these regulations. In no event shall the overall total time schedule for completion of the project exceed twelve (12) months.

[H]G. The Director shall cause inspections to be performed as required to assure compliance with the terms and conditions of the approved permits, and to submit written notification to the Commissioner of any violations of these terms or provisions.

[I]H. If at any time during the effective period of a permit, the terms of the permit are violated, the Commissioner may revoke the permit, in accordance with the procedures set forth in subsection 39-210H of the City Code.

Section 39-407. Permit Application Materials.

A. The application for a permit regulated by these procedures shall be made to the Director, as agent for the Commissioner, in such form as the Commissioner and Director shall prescribe.

B. The application shall be made by the owner or by an authorized agent including, but not limited to, an architect, engineer, occupant of the property, or contractor employed in connection with the proposed work.

C. The application shall contain:

(1) A site plan prepared by a civil engineer, landscape architect, or land surveyor licensed and registered to practice in the State of New York. The site plan shall be prepared at a scale no smaller than one (1) inch to twenty (20) feet (1"-20') and shall indicate: existing and proposed contours at horizontal intervals not to

exceed ten (10) feet; the locations of all buildings and natural features including, but not limited to streams, water bodies and wetlands, structures or appurtenances; and the locations and descriptions of any utilities, easements and rights-of-way.

(2) The site plan shall indicate all areas of vegetation, including areas of grass, brush, tree clusters and wood areas, caliper size of mature trees, and shall also indicate the areas where topsoil is removed and stockpiled and where topsoil is ultimately placed.

(3) A description of the material used in filling operations, the total volume of material proposed to be deposited on site, and a listing of the points of origin of the proposed fill material which include:

(a) Name, address, and telephone numbers of the owner of the source material;

(b) Street address, town, village, city, county and tax account number of location of point of origin for source material; and

(c) A notarized affidavit signed by the owner of the source material which states that the material has been tested and found free of any hazardous waste and complies with the requirements set forth in subsection 39-408A(7). A copy of the test results, performed by an authorized testing agency, shall be included as part of the affidavit.

(4) Proposed contours which shall be shown at a maximum interval of two (2) feet.

(5) A time schedule which indicates:

(a) The anticipated commencement and completion dates; and

(b) The anticipated duration (in days) of the exposure of all major areas of site preparation before the installation of erosion and sediment control measures.

(6) A performance bond or letter of credit in increments of ten thousand dollars ($10,000.) for each five thousand (5,000) cubic yards or fractions of thereof, of material scheduled for placement on site. The bond shall not be released until it has been determined by the Director that the work has been completed in conformance with these regulations.

Section 39-408. Standards for Application Approval.

A. In granting a permit under these regulations, the standards and considerations taken into account shall include, but are not limited, to the following:

(1) Excavation, filling, grading, and stripping shall be permitted to be undertaken only in such locations and in such manner as to minimize the potential for erosion and sedimentation and the threat to the health, safety, and welfare of neighboring property owners and the general public.

(2) Site preparation and construction shall be fitted to the vegetation, topography, and other natural features of the site and shall preserve as many of these features as feasible.

(3) The control of erosion and sedimentation, including dust control, shall be a continuous process undertaken as necessary prior to, during, and after site preparation and construction.

(4) Mulching or temporary vegetation suitable to the site shall be used where necessary to protect areas exposed by site preparation, and permanent vegetation which is well adapted to the site shall be installed as soon as practical.

(5) Where slopes are to be revegetated in areas exposed by site preparation, the slopes shall not be of such steepness that vegetation cannot be readily established or that problems of erosion or sedimentation may result.

(6) Site preparation and construction shall not adversely affect the free flow of water or bring about flood conditions by encroaching on, blocking, or restricting watercourses, or drainage patterns.

(7) All fill materials shall be of a composition suitable for the ultimate use of the fill, free of hazardous materials, contaminants, rubbish, organic or frozen material. It shall be free of any materials which may corrode, collapse, dissolve or cause voids, or present the potential for causing voids. Structural steel, steel reinforcing, conduit, piping or similar materials are not permitted to comprise the fill material. Demolition or construction debris of any type is prohibited.

(8) Fill material shall be compacted sufficiently to prevent problems of erosion[, and]. [w]Where the material is to support structures or roadways, it shall be compacted to within ninety-five percent (95%) of modified Proctor density with proper moisture control. Compaction tests shall be submitted to the Commissioner by an independent soils testing laboratory which verify the compaction results.

(9) All topsoil which is excavated from a site shall be stockpiled and used for the restoration of the site, and such stockpiles, where necessary, shall be seeded or otherwise treated to minimize the effects of erosion. All fill shall be covered to a minimum depth of thirty (30) inches with clean earth free of boulders or rocks exceeding twelve (12) inches in diameter, and shall also be covered with topsoil to a minimum depth of six (6) inches. The final proposed grade elevations shall be taken from the finished top soil elevation.

(10) Prior to, during, and after site preparation, an integrated drainage system shall be provided which at all times minimizes erosion, sedimentation, hazards of slope instability, and adverse effects on neighboring property owners.

(11) The natural drainage system shall generally be preserved in preference to modifications of this system excepting where such modifications are necessary to reduce levels of erosion and sediment and adverse effects on neighboring property owners.

(12) All drainage systems shall be designed to adequately handle estimated flows both within the site and from the entire upstream drainage basin, with the flow estimations to be calculated utilizing the Rational Method for a specified storm event.

(13) Sufficient grades and drainage facilities shall be provided to prevent the ponding of water.

(14) Drainage systems, plantings, and other erosion or sediment control devices shall be maintained as frequently as necessary to provide adequate protection against erosion and sediment and to insure that the free flow of water is not obstructed by the accumulation of silt, debris, or other material or by structural damage, so as to avoid the creation of flood conditions.

(15) Cuts and fills shall not endanger adjoining property, nor divert water onto the property of others.

(16) In the event that the removal of any trees, shrubs, vegetation and/or other organic material is necessary to conduct operations covered by this permit, all such material shall be removed off-site to an approved location prior to the commencement of fill or grading activities.

Section 39-409. Denial of Permit.

A. Site Preparation Permits shall not be issued where:

(1) A nuisance will be established as defined by Section 59-23 of the Municipal Code;

(2) The proposed work would cause hazards to the public safety, comfort, health, repose or welfare;

(3) The work as proposed by the applicant will damage any public or private property or interfere with any existing drainage course in such a manner as to cause damage to any adjacent property or result in the depositing of debris or sediment on any public way or into any waterway or create an unreasonable hazard to persons or property;

(4) The land area for which grading is proposed is subject to geological hazard to the extent that no reasonable amount of corrective work can eliminate or sufficiently reduce settlement, erosion, slope instability, or any other such hazard to persons or property; or

(5) The land areas for which the grading is proposed may lie within the flood plain of any stream or watercourse unless a hydrologic report, prepared by a professional engineer, is submitted to certify that the proposed grading will have, in his opinion, no detrimental influence on the public welfare or upon the total development of the watershed.

Section 39-410. Responsibility of Owner.

A. During grading and filling operations the owner shall be responsible for:

(1) The prevention of damage to any public utilities or services within the limits of grading and along any routes of travel of the equipment that are not part of the public right-of-way;

(2) The prevention of damage to adjacent property. No person shall grade on land so close to the property line as to endanger any adjoining public street, sidewalk, alley, or any public or private property without supporting and protecting such property from settling, cracking, or other damage which might result;

(3) Carrying out the proposed work in accordance with the approved plans and in compliance with all the requirements of the permit and Chapter 39; and

(4) The prompt removal of all soil, miscellaneous debris, or other materials applied, dumped, or otherwise deposited on public streets, highways, sidewalks, or other public thoroughfares during transit to and from the construction site, where such spillage constitutes a public nuisance or hazard.

Section 39-411. Minimum Design Standards for Erosion and Sediment Control.

All grading plans and specifications including extensions or previously approved plans shall include provisions for erosion and sediment control in accordance with, but not limited to, accepted engineering standards and the guidelines as outlined in the document entitled, Guidelines for Erosion and Sediment Control in Urban Areas of New York State available from the Monroe County Soil and Water Conservation District.

Section 39-412. Inspection.

The requirements of these regulations shall be enforced by the Director. The Director shall cause the work to be inspected to assure compliance with the requirements of these regulations.

Section 39-413. Project Closeout.

A. A Certificate of Substantial Compliance shall be issued by the Director when all of the following have been submitted to the Director or verified as specified elsewhere in these regulations, including:

(1) Written verification from a New York State licensed professional land surveyor, civil engineer, or landscape architect that the final grading and contours conform with the requirements of the approved site plan;

(2) Required tests verifying soil compaction have been prepared by an independent soils testing lab and copies of the results have been submitted; and

(3) Submission of the results of core samples taken from the site, which verifies that the material deposited on site complies with subsection 39-408A(7). Core sampling shall be performed by an approved independent testing laboratory and shall be taken at intervals not to exceed one (1) sample for each five thousand (5,000) square feet of site area affected by any filling, grading or stripping operation covered by these regulations. The exact locations of the samples shall be determined by the Director.

Section 39-413. Applicability of Article II.

Except where specific provisions relating to site preparation are established in this Article, the Administrative Regulations of Article II of this chapter shall apply to site preparation and permits, performance of work and enforcement.

Section 2. Section 39-211 of the Municipal Code, Stop-Work orders, as amended, is hereby further amended by adding the words "or performed under any permit" after the words "Whenever the Commissioner has reasonable grounds to believe that work on any building or structure" where they appear at the beginning of the first sentence of said section.

Section 3. Section 59-43 of the Municipal Code, Dumping, as amended, is hereby further amended by deleting the words "Chief of Police" in each place where they appear therein, and by inserting in their place the words "Director of Buildings".

Section 4. This ordinance shall take effect two weeks after the date of its adoption.

Bracketed material deleted; underlined material added.

Passed by the following vote:

Ayes - President Curran, Councilmembers Childress Brown, Giess, King, Mains, Muldoon, Norwood, Stevenson - 8.

Nays - None - 0.

Attest Ellen J Clifford

City Clerk

US Department of Commerce
NOAA Coastal Services Center Library
2234 South Hobson Avenue
Charleston, SC 29405-2413

NOAA COASTAL SERVICES CTR LIBRARY
3 6668 14111515 6