

Village of Macedon Local Waterfront Revitalization Program

Adopted:

Village of Macedon Board of Trustees, March 9, 2016

Approved:

NYS Secretary of State Rossana Rosado, March 23, 2017

STATE OF NEW YORK
DEPARTMENT OF STATE

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ANDREW M. CUOMO
GOVERNOR

ROSSANA ROSADO
SECRETARY OF STATE

March 23, 2017

Honorable William Murray
Mayor
Village of Macedon
81 Main Street
Macedon, NY 14502

Dear Mayor Murray:

I am pleased to inform you that I have approved the Village of Macedon Local Waterfront Revitalization Program (LWRP), pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. Everyone who participated in the preparation of this program is to be commended for developing a comprehensive management program that promotes the balanced preservation, enhancement, and utilization of the valuable local waterfront resources along Erie Canal and Ganargua Creek.

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

The approved Macedon LWRP amendment will be available on the website of the Department of State, at http://www.dos.ny.gov/opd/programs/WFRevitalization/LWRP_status.html.

If you have any questions, please contact Renee Parsons of the Office of Planning and Development, at (518) 473-2461.

Sincerely,



Rossana Rosado
Secretary of State



Department
of State

Village of Macedon
Resolution Adopting the Village of Macedon
Local Waterfront Revitalization Program

WHEREAS, the Village of Macedon initiated preparation of a Local Waterfront Revitalization Program in cooperation with the New York State Department of State, pursuant to Article 42 of the Executive Law; and

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

WHEREAS, the Village of Macedon, as lead agency, filed a Negative Declaration-Notice of Determination of Non-Significance on March 9, 2016 for preparation of the Local Waterfront Revitalization Program, pursuant to Article 8 of the Environmental Conservation Law (State Environmental Quality Review Act;

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

Motion: The following above motion was made on March 9, 2016 by Deputy Mayor Kelly and Trustee Nelson:

Motion carries:

4 votes in favor

1 absent

ACKNOWLEDGEMENTS

Marie Cramer, Mayor

Dave Kelly, Deputy Mayor

Kathy Reilly, Village Clerk

Village of Macedon Planning Board:

Mark Howell, Chair

Geoff Greapentrog

Laurie Leenhouts

Gil Magee

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Project Steering Committee:

Marie Cramer, Mayor

Marcy Frey, Chair

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Laurie Leenhouts

Gil Magee

Dave Nelson

Kathy Reilly

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

Table of Contents

OVERVIEW	1
NYS LWRP PROGRAM	1
WATERFRONT PLANNING IN THE VILLAGE OF MACEDON	2
REGIONAL CONTEXT (MAP 1)	3
ORGANIZATION OF THE LWRP	4
SECTION I: WATERFRONT REVITALIZATION AREA BOUNDARY	1
WATERFRONT REVITALIZATION AREA BOUNDARY JUSTIFICATION	1
WATERFRONT REVITALIZATION AREA BOUNDARY DESCRIPTION (MAP 2)	1
SECTION II: INVENTORY AND ANALYSIS.....	1
HISTORICAL OVERVIEW	1
DEMOGRAPHIC CHARACTERISTICS	2
Population Characteristics.....	2
Home Ownership.....	3
Housing Costs and Value	3
ECONOMIC CHARACTERISTICS	4
Household Income	4
Employment	4
EXISTING LAND AND WATER USES	5
Current Land Use Patterns	5
Current Water Use (Map 3).....	8
Navigation	10
LAND USE REGULATIONS.....	10
Site Plan Review	10
Subdivision Regulations.....	11
Village Zoning Code (Map 4)	11
OWNERSHIP	15
Land Ownership (Map 5)	15
Underwater Ownership.....	17
ABANDONED, DETERIORATED AND UNDERUTILIZED SITES (MAP 6)	18
HISTORICAL & CULTURAL RESOURCES (MAP 7)	21
Historic Resources	21
Archeological Resources.....	24
PARKS, RECREATIONAL AND OPEN SPACE RESOURCES (MAP 8).....	24
Parks and Recreational Facilities	24
Open Space and Trails	27
Boating Facilities.....	28
Potential Recreational and Trail Opportunities.....	28

VISUAL QUALITY AND SCENIC RESOURCES (MAP 9).....	28
NATURAL RESOURCES (MAP 10).....	30
Fish and Wildlife Habitats.....	31
Waterbodies.....	33
Water Quality.....	33
Flood Hazard Areas.....	34
Wetlands.....	34
Topography.....	34
Soil Characteristics.....	34
INFRASTRUCTURE (MAPS 11&12).....	35
Roadways and Traffic Volume.....	35
Pedestrian and Bicycle Infrastructure.....	36
Rail Service.....	36
Public Transportation.....	39
Water Transportation.....	39
Water and Waste Water.....	39
Underwater Infrastructure.....	40
Bulkheads.....	40
Docks and Docking Facilities.....	40
SUMMARY OF KEY FINDINGS.....	40
Strengths and Opportunities.....	40
Obstacles and Constraints.....	42
Summary Conclusion.....	43
SECTION III: WATERFRONT REVITALIZATION PROGRAM POLICIES.....	1
INTRODUCTION.....	1
DEVELOPED WATERFRONT POLICIES.....	2
Policy 1.....	2
Policy 2.....	4
Policy 3.....	5
NATURAL WATERFRONT POLICIES.....	7
Policy 4.....	7
Policy 5.....	8
Policy 6.....	11
Policy 7.....	12
Policy 8.....	13
PUBLIC WATERFRONT POLICIES.....	15
Policy 9.....	15
WORKING WATERFRONT POLICIES.....	18
Policy 10.....	18
Policy 11.....	20

Policy 12	21
Policy 13	21

SECTION IV: PROPOSED LAND AND WATER USES AND PROJECTS 1

FUTURE LAND AND WATER USES.....	2
PROPOSED PROJECTS.....	6
Project 1 - Village Gateway Enhancements.....	9
Project 2 - Route 31 Streetscape Enhancements	10
Project 3 - Trailhead & Connector Trail	11
Project 4 - Adaptive Reuse	12
Project 5 - Business District Gateway Enhancements	13
Project 6 - Route 350 Roadway Improvements & Buffer	14
Project 7 - Commercial Development	15
Project 8 - Gravino Park Enhancements, Phase 1	16
Project 9 - Improvements to Treatment Plant Site	17
Projects 10 & 11 - Multi-Use Trail & Canalway Trail Connection	18
Project 12 - Macedon Canal Park Enhancements	19
Project 13 - Expanded Canalfront Open Space	22
Project 14 - Creekside Restaurant	24
Project 15 - Creekside Trail.....	25
Project 16 - Main Street Mixed Use Development.....	26
Project 17 - Gravino Park Enhancements, Phase 2	27
Project 18 - Enhanced Pedestrian Connection with Destination Developments	28
Project 19 - Waterfront Development	30
Project 20 - Townhouse Development.....	32
Project 21 - Patio Home Development.....	33

SECTION V: TECHNIQUES FOR LOCAL IMPLEMENTATION..... 1

LOCAL PLANNING INITIATIVES.....	1
EXISTING LOCAL LAWS AND REGULATIONS NECESSARY TO IMPLEMENT THE LWRP.....	2
Village of Macedon Zoning Code.....	2
Land Subdivision Regulations	2
State Environmental Quality Review Act.....	2
New or Revised Local Laws and Regulations Necessary to Implement the LWRP	3
Village of Macedon Zoning Code Updates (Appendix 2).....	3
LWRP Consistency Review Law (Appendix 1)	3
LOCAL MANAGEMENT STRUCTURE NECESSARY TO IMPLEMENT THE LWRP	4
Village Administration	4
Procedures to Ensure Consistency	4
OTHER PUBLIC AND PRIVATE ACTIONS NECESSARY TO IMPLEMENT THE LWRP.....	6
Public Sector Actions	6
Private Sector Actions	6

FINANCIAL RESOURCES NECESSARY TO IMPLEMENT THE LWRP	6
Administrative Costs	6
Capital Improvements	7
Maintenance and Upkeep	7
SECTION VI: STATE ACTIONS AND PROGRAMS LIKELY TO AFFECT IMPLEMENTATION	1
STATE ACTIONS AND PROGRAMS NECESSARY TO FURTHER THE LWRP	15
SECTION VII: LOCAL COMMITMENT AND CONSULTATION	1
COMMUNITY PARTICIPATION PLAN (APPENDIX 3)	1
LOCAL PARTNERS AND CONSULTATION	1
Project Oversight	1
Consultation Methods and Techniques	1
REGIONAL CONSULTATION	3
STATE AGENCY CONSULTATION	3
NYS ENVIRONMENTAL QUALITY REVIEW ACT	3
APPENDICES	1
APPENDIX 1: LOCAL CONSISTENCY REVIEW LAW AND WATERFRONT ASSESSMENT FORM	1
APPENDIX 2: ADOPTED ZONING AMENDMENTS	1
APPENDIX 3: COMMUNITY PARTICIPATION PLAN & LWRP ADOPTION MEETING	1
APPENDIX 4: PROCEDURAL GUIDELINES FOR CONSISTENCY REVIEW OF STATE ACTIONS	1
APPENDIX 5: MACEDON BOA EXECUTIVE SUMMARY	1
APPENDIX 6: REGULATIONS & STANDARDS FOR DOCKS ON THE CANAL SYSTEM	1

OVERVIEW

The Village of Macedon has developed this Local Waterfront Revitalization Program (LWRP) in conjunction with a Brownfield Opportunity Area (BOA) Nomination Study. The LWRP focuses on the opportunities associated with the Village's unique waterfront areas around the Erie Canal and Ganargua Creek. The Village of Macedon recognizes the strong potential in better connecting the Erie Canal to its downtown core to improve and enhance the economic vitality of the community. The Village's revitalization is contingent upon its ability to improve the accessibility and enjoyment of its waterways and waterfront assets, such as Canal Park. The Village of Macedon Local Waterfront Revitalization Program is an opportunity to capitalize on strategies for revitalization.

NYS LWRP Program

The Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Article 42 of New York State Executive Law) was enacted by the New York State Legislature to protect the State's natural waterfront resources; advance economic development opportunities; and enhance waterfront opportunities and experiences. The Local Waterfront Revitalization Program (LWRP), a voluntary program which builds partnerships between local communities and the New York State Department of State, is the comprehensive waterfront management planning process developed under the Act to allow local communities to prepare waterfront development objectives by

adapting statewide policies to the individual circumstances of each community. Once completed and approved by the New York State Secretary of State, the LWRP will provide the Village of Macedon with the local controls necessary to guide development in its waterfront areas.

An LWRP provides numerous benefits to participating communities, which include:

- **Clear direction** – The Village of Macedon LWRP reflects community consensus regarding use of its two waterfronts. As such, it can significantly increase the Village's ability to attract appropriate development that will respect its unique cultural and natural characteristics.
- **Technical assistance** – The Village of Macedon LWRP establishes a long-term partnership between the local government, community based organizations, and the State, providing a source of technical assistance to prepare and implement the Village's LWRP.
- **State consistency** - State permitting, funding and direct actions must be consistent with the Village's approved LWRP. This "consistency" provision is a strong tool that helps ensure all government levels work in unison to build a stronger economy and a healthier environment.
- **Financial assistance** - An LWRP presents a unified vision and therefore increases the Village's chances to obtain funding

for projects presented within the LWRP. Funding for implementation of the Village's LWRP is available from the New York State Environmental Protection Fund (EPF), among other sources.

Waterfront Planning in the Village of Macedon

The Village of Macedon LWRP identifies opportunities for enhancing Village waterfront resources, while also creating a vision for redevelopment of adjacent abandoned, deteriorated and underutilized parcels that have the potential to impact future land uses around the waterfronts.

The Village understands that the revitalization and success associated with the Erie Canal corridor is contributing to and complimentary to downtown revitalization and vice versa. The value of water resources in the Village has been diminished by the presence of large brownfield sites and a distressed and underutilized downtown core.

Past planning processes have emphasized the need to strengthen the relationship between Main Street and the Erie Canal, such efforts include:

Brownfield Opportunity Area Nomination Study (2013)

In conjunction with the LWRP, the Village of Macedon undertook a Step 2 BOA Nomination Study to identify, analyze and plan for abandoned, underutilized and deteriorated sites. Many of the objectives within the BOA Nomination Study and

LWRP are shared and are complementary to one another. The BOA was formally designated in April, 2015.

Main Street Downtown District Design Guidelines and Overlay Zoning (2010)

Working with the Rochester Regional Community Design Center, the Village of Macedon developed design guidelines for the Main Street that include redevelopment scenarios for vacant and infill sites. Building off of the design guidelines emphasis on retaining the historic character of Main Street, the LWRP includes recommendations to further enhance the historical value of the downtown core and strengthen the relationship between Main Street and the Erie Canal.

Downtown Revitalization Plan (2009)

In 2009, the Village of Macedon partnered with the Genesee Finger Lakes Regional Planning Council in the development of a Downtown Revitalization Plan. The plan addressed the impacts of development on land use patterns, open space, natural resources and cultural landscapes. A major value of the Plan was the results of community surveys, providing information regarding current market demand and local consumer behavior and attitudes towards the downtown.

Circulation, Accessibility, and Parking (CAP) Study (2008)

A Circulation, Accessibility and Parking Study (CAP) was prepared for the Village of Macedon focusing on the Main Street corridor. The Study recommended transportation enhancements to improve the aesthetics and appeal of Main Street and identified opportunities to enhance the character of the Village and its connection to its waterways. The CAP specifically identified the BOA Program as a potential follow-up project that would help position the Village to achieve its goals.

Western Erie Canal Heritage Corridor Management Plan (2004)

The Management Plan, developed in 2004, includes broad strategies and recommendations for canal communities in Wayne, Monroe, Orleans, Niagara, and Erie Counties. The plan identifies general findings, recommendations, and targeted studies and strategies for revitalization and redevelopment along the Western Erie Canal Corridor. The LWRP builds upon the framework established in the Management Plan, recognizing the objectives of the Management Plan for the region are consistent with the objectives of the Village on a local level. The objectives include a vibrant economy, enhanced quality-of-life, conservation of resources, and increased appreciation of local natural and cultural resources.

Regional Context (Map 1)

The Village of Macedon has been a well-connected community since its founding along the banks of the newly-constructed Erie Canal. Today residents still value the Village's connectivity. The Village has access to major thoroughfares and highways that easily connect residents to employment, commercial and entertainment destinations within Wayne County and the Greater Rochester Metro Area. The Village and the surrounding region has a long history of agriculture and manufacturing thanks to its abundance of natural and man-made resources. This context, however, is changing as the region's land is converted from farmland into suburban tracts and manufacturing sites downsize.

The Village's affordable cost of living and proximity to Rochester, the region's employment center, has resulted in Wayne County and the Village becoming more suburbanized as residences and businesses are finding it a more attractive place to locate. The commuter traffic traveling through the Village has increased as has the demand for convenient commercial establishments. For the Village of Macedon to retain its historical, small-town character while benefitting from the economic and social shifts taking place in the regional community, an active and ongoing planning process is required.

Organization of the LWRP

The LWRP planning process evolved through the following steps, as sequentially discussed in the body of this program:

Section I: Waterfront Revitalization Area Boundary, in which the local Waterfront Revitalization Area program boundary is defined. The Village of Macedon Waterfront Revitalization Area boundary is consistent with the study area boundary of the Village's Waterfront & Downtown Revitalization Strategy / Brownfield Opportunity Area.

Section II: Inventory and Analysis, which describes existing natural and man-made conditions within the LWRP boundary, as well as conservation and development opportunities and constraints. The inventory and analysis serves as a framework and foundation for the development of policies and land and water use recommendations.

Section III: Waterfront Revitalization Policies, identifies those State policies applicable to the Village's waterfront area. Statements of local applicability are prepared to support each of the relevant state policies.

Section IV: Proposed Land and Water Uses and Proposed Projects, which describes proposed land and water uses and proposed projects to realize the community vision and advance the LWRP policies.

Section V: Techniques for Local Implementation, which specifies management, funding and program strategies necessary to implement the LWRP. This includes organizational structures, land use controls, laws, ordinances, regulations, local government capabilities, and necessary local and state actions.

Section VI: State Actions and Programs Likely to Affect Implementation, which includes a list of state actions and programs which must be undertaken in a manner consistent with the Village of Macedon's LWRP, and a description of State actions necessary to implement the LWRP.

Section VII: Local Commitment and Consultation with Federal, State, Regional and Local Agencies, which summarizes actions taken by the Village to obtain local input and support for the LWRP and local commitment to its implementation. This Section also describes the Village's consultation with adjacent municipalities and appropriate state and regional agencies during the LWRP development.

SECTION I: WATERFRONT REVITALIZATION AREA BOUNDARY

The following section describes the boundary of the Village of Macedon Waterfront Revitalization Area covered by the LWRP. The Village of Macedon Waterfront Revitalization Area boundary is consistent with the boundary of the study area covered by the Village's Waterfront & Downtown Revitalization Strategy and Brownfield Opportunity Area.

Waterfront Revitalization Area Boundary Justification

The Village of Macedon's Waterfront Revitalization Area encompasses approximately 462 acres over 231 parcels, with an additional 18 acres of public right-of-way. Approximately 278 acres are identified as abandoned, deteriorated or underutilized sites, indicating the potential for expanded use of key sites.

The geographic boundaries for the project generally consist of the Village boundary and CSX rail corridor to the north, the Village boundary to the east, the Ganargua Creek floodplain and Macedon Cemetery to the south and the Village boundary and Drumlin Drive neighborhood to the west. Map 2 illustrates the relationship between the Waterfront Revitalization Area and the Village of Macedon.

The boundary of the LWRP is focused on strengthening the connections and inter-

relations of the Canal, Creek and downtown. The far northern shore of the Erie Canal is included due to the abundance of underdeveloped land beyond the Canal and the location of the Erie Canal Heritage Trail and its importance to tourism and economic revitalization. Although Ganargua Creek is a much smaller waterway, it provides recreational and quality of life benefits for residents and could be improved to provide greater benefits to residents and serve as a visitor attraction.

Waterfront Revitalization Area Boundary Description (Map 2)

The western boundary of the Macedon Waterfront Revitalization Area begins just east of the intersection of Drumlin Drive and Route 31, extending north to include the 97-acre, vacant parcel up to and including the Erie Canal. The western boundary extends south from Route 31 following the Village's boundary then heads northeast before the Denise Drive housing development. The southern border continues east to follow the natural contours of Ganargua Creek's floodplain, including the Macedon Cemetery. The southern border terminates at the Village's Wasterwater Treatment Plant. The eastern border begins at the southeastern corner of the Village's

Wasterwater Treatment Plant and continues north along Quaker Road to the southern shore of the Erie Canal. The north border of the Macedon Waterfront Revitalization Area continues west along the southern shore of the Erie Canal and crosses the Canal concurrent with the Village's boundary. The northen boundary continues west along the railroad tracks, through the intersection with Route 350, before heading southwest along the Village's boundary to include Macedon Canal Park.

VILLAGE OF MACEDON WATERFRONT & DOWNTOWN REVITALIZATION STRATEGY

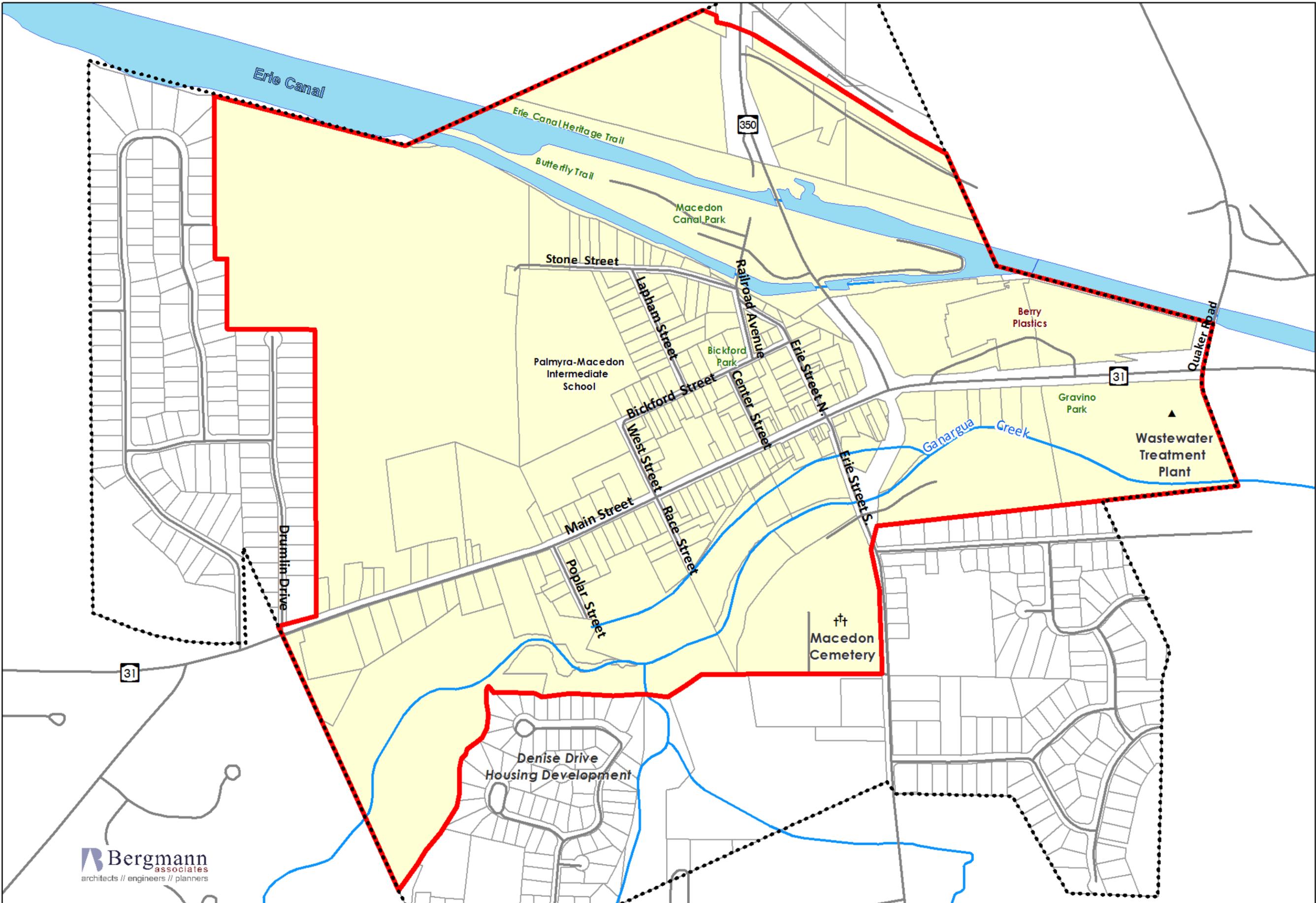


- Legend**
- Waterfront Revitalization Area Boundary
 - Village of Macedon
 - Hydrography



MAP 2 Waterfront Revitalization Area

This document was prepared for the Village of Macedon and the New York State Department of State with state funds provided under Title 11 of the Environmental Protection Fund and the Brownfield Opportunity Area Program.



SECTION II: INVENTORY AND ANALYSIS

Historical Overview

The Village of Macedon is an iconic Western New York industrial village located along the Erie Canal. The Village was incorporated in 1856, thirty years after the construction of the original Erie Canal. The Erie Canal's heritage is prominent in the community as the corridors of all three Erie Canal routes, Clinton's Ditch, the Enlarged Era Canal, and the Barge Era Canal, are present within the Village.

The settlement quickly grew to become an important canal port for agricultural and industrial goods and services. A mill race traveled west to east behind the buildings south of Main Street. This race, fed from the impoundment of Ganargua Creek, was important to the milling, foundry and tannery industries. Although the race has been abandoned and partially filled, Ganargua Creek remains a quality of life feature in the community.

Further growth and innovation in the agricultural industry was spurred on by the Bickford & Huffman Company, which had its origins as early as 1805 as a foundry that built and repaired agricultural equipment. Located at the intersection of Pittsford and Victor Roads, the Village grew as the company grew. By the 1860s, the Bickford & Huffman Company had gained patents and success for its grain drills.

The Village's location along the Canal also made it more accessible to the

cultural changes taking place in the region. Upstate New York played a major role in the social, religious and political upheavals that came to define mid-19th century America. From the abolitionists to the suffragists, to the founding of the Mormon and Spiritualist churches, these movements found grassroots support in many rural areas of the region. Frederick Douglass spoke at the Macedon Baptist Church in 1840 and abolitionists living in Macedon helped escaped slaves move north to freedom.

By 1876, Macedon had become an important destination along the Erie Canal corridor as numerous retail and service outlets, including grocery stores, pharmacies, doctor's offices, cobblers, farriers and farm implement shops lined the Canal and Main Street.

Together the Erie Canal and Ganargua Creek, along with their associated histories are viewed as elements critical to the successful revitalization of the Village of Macedon, positioning the Village to become a premiere destination for recreational, ecological and heritage tourism.

In the mid-20th century, Mobil Chemical Corporation began operating a large facility located in the center of the Village. The plant provided significant employment and acted as an economic generator in the community. However, by 1995, Mobil had vacated the premises, with the remaining plant divided into

several parcels for use by various companies. The recent resurrection of the property by Pliant Corporation and its successor Berry Plastics has been a boon for the community in both tax revenue and job creation. Today Berry Plastics employs more than 600 people at its Main Street complex.

Continued suburban retail development west of the Village in the Towns of Macedon and Perinton has increased the amount of traffic traveling through the Village. Local businesses, however, have failed to capitalize on the increased traffic, as motorists continue to pass through the Village. The LWRP represents a turning point in the community's on-going efforts to reestablish the Village of Macedon as a destination within Wayne County and the Rochester Metro area.

Demographic Characteristics

Current demographic composition and trends over the past decade provide a general overview of the makeup of the Waterfront Revitalization Area and its relationship with the surrounding region. Understanding demographic trends is a critical element in identifying viable waterfront revitalization initiatives.

Population Characteristics

The 2012 population of the Village of Macedon was 1,491, a 0.3 percent decrease in population from 2000 (1,496). Contrary to population gains throughout the region and New York State, the Village of Macedon is projected to gradually

decline – a common trend in other small communities throughout Upstate New York. Current projections anticipate the continuation of this trend, forecasting a gradual decline through 2017.

A similar decline in the number of families in the Village of Macedon occurred between 2000 and 2012, despite increasing in the Town of Macedon, Wayne County and the Rochester Metropolitan Statistical Area (MSA). The Rochester MSA is comprised of all communities within the 6-county region including Livingston, Monroe, Ontario, Orleans, Wayne and Yates counties. The number of families dropped from 413 in 2000 to 397 in 2012. The number of households increased in the Village from 558 to 584 between 2000 and 2012 while the average household size decreased from 2.64 people to 2.55 people. Although this change is minor, its long-term continuation may impact the types of services needed by Village residents.

The population age distribution in the Village of Macedon slightly favors children and young adults, with 27% of the Village population under 19 years old. The 2010 Census also indicates that the Village has a relatively small percentage (4%) of its population in the 20-24 age cohort - significantly lower than the population percentage this age group represents in the greater Rochester MSA (8%) and New York State (7%). The lack of young adults in the Village affects the type of services that locate and succeed within the Village. Due to the Village's affordability and small-town character, businesses locating in the Village may be best served

by catering to the families and aging population that are already attracted to living in Macedon.

A complete breakdown of the Village population by age is included in Table 1 below.

Table 1: Age Distribution, 2010

Age Group	Rochester MSA	Village of Macedon
0-9	12%	12%
10-19	14%	15%
20-24	8%	4%
25-34	12%	11%
35-44	13%	14%
45-54	16%	17%
55-64	13%	14%
65-74	7%	8%
75+	7%	5%

Source: ESRI

The Village of Macedon is not expected to experience any major changes in population in the next five years, which will lead to an increase in the aging population and number of older residents in the Village. The implications of an aging population include the need for additional services, including health care and transportation. Conversely, the projected decrease in families with children could impact household spending and educational institutions. Population trends should be watched as they impact the types of services provided in the Village.

Home Ownership

Three hundred seventy-five housing units were located within the Waterfront

Revitalization Area in 2012. Of the 375 total housing units, 245 units were owner-occupied, 93 were renter occupied and 37 were vacant resulting in a vacancy rate of 10%. The vacant housing units within the Waterfront Revitalization Area represent approximately 87% of all vacant housing units within the Village. There is projected to be a continuing increase in vacant units in the Waterfront Revitalization Area from 13 in 2000 to nearly 40 in 2017.

Housing Costs and Value

Affordability is one of the primary reasons people choose to locate in Macedon, including both renter-occupied and owner-occupied units. Macedon attracts residents due to its family-friendly “small town” atmosphere and its proximity to major employment centers, while remaining affordable.

In 2010, nearly 80% of Waterfront Revitalization Area housing units were valued below \$150,000 with 48% valued between \$100,000 and \$150,000. The Waterfront Revitalization Area has a few units valued over \$400,000. The median home value for the Waterfront Revitalization Area is \$120,125. Compared to other villages in Wayne County, the value of the Village of Macedon’s housing stock is much greater. The nearby Village of Palmyra’s median value is \$90,400 whereas the Village of Newark is \$86,600 (ACS 2011). Although all three villages are located along the Canal and share a small town character, Macedon’s proximity to Rochester most likely contributes to the difference in housing value. The Village of Macedon’s median

value is similar to Wayne County and slightly lower than the Rochester MSA average, yet is steadily increasing at a similar rate.

Economic Characteristics

Household Income

In order to obtain a more accurate picture of income levels for the Village of Macedon and the surrounding region, median household income is the preferred measure because it provides a clearer depiction of the purchasing power of Village households.

In 2012, the median household income for residents in the Village of Macedon was approximately \$53,290, slightly higher than the median household income for Wayne County (\$52,686), the Rochester MSA (\$52,131) and Upstate New York (\$50,363). The Village's median household income increased by 16.9%, from \$45,585 in 2000 to \$53,290 in 2012. Projections for the Village indicate that median household income will grow by approximately 14% to \$60,671 by 2017. Rising median household incomes in both the Village and region could benefit local businesses by impacting local opportunities and service demands through increased purchasing power.

Employment

The unemployment rates for the Village of Macedon (6.5%) and the Rochester MSA (7.86%) are much healthier than the rates for the Upstate region, New York State and the United States (ACS 2011). These rates may indicate that Macedon

residents have more job opportunities than residents in the surrounding region.

Employment in the Rochester MSA is projected to grow by 7.87% over the next ten years, creating 41,865 new jobs. This rate is slightly faster than Upstate NY (7.26%) but slower than New York State (8.47%) and the United States (11.25%). Similarly, average earnings for the MSA from 2011 (\$52,424) are slightly higher than the rest of the Upstate region but lower than the rest of New York State and the United States.

The majority of people who work in Macedon are employed in the Manufacturing Industry, (56%) or Educational Services (22%). The Manufacturing industry is the largest employer for Village residents and the third largest employer in the MSA, consisting of 60,857 jobs in 2012. Manufacturing's employment in the MSA, however, is projected to decrease by nearly 5% by 2022, resulting in 3,010 jobs lost. Educational services, however, are projected to increase as a regional industry.

The Berry Plastics Complex located within the Waterfront Revitalization Area is a major employer for residents of the Village and region. More people commute into Macedon for work than leave to work elsewhere -- 1,155 people come into Macedon for work and live elsewhere, 33 people live and work in Macedon and 648 people live in Macedon and travel elsewhere for work. The Village's close connection to Rochester and proximity to other employment centers presents an opportunity for Macedon to attract new

residents. Additionally, the number of people coming into Macedon on a daily basis provides a base for revitalization with the potential to capture those commuters to visit local retailers and service providers.

Existing Land and Water Uses

Due to the Village of Macedon's position along the Erie Canal and the prominence of the manufacturing industry, the types of land and water uses within the Waterfront Revitalization Area vary widely. Along the Village's Main Street, land uses range from heavy industry to single family residential. Along the Erie Canal, waterfront uses range from Manufacturing to public parks and trails.

The majority of the Waterfront Revitalization Area is located between the Erie Canal and Ganargua Creek, constricting potential development locations. The limited number of developable parcels within the Waterfront Revitalization Area will necessitate creative revitalization strategies. The portion of the Waterfront Revitalization Area north of the Canal currently in agricultural use has high development potential due to its large size and proximity to the Canal, though it is also potentially constrained as the land has a low elevation and is often wet.

Current Land Use Patterns

VACANT

The most prominent land use within the Waterfront Revitalization Area is vacant land, covering 36% of the land area over

26 parcels and 165 acres. The majority of the vacant land (97 acres), however, is a single, privately held parcel located between Macedon Town Hall and the Canal. A number of small, vacant properties with limited redevelopment potential are located along the Erie Canal, Ganargua Creek and Main Street corridors. The vacant parcel owned by the Canal Corporation and leased to Berry Plastics has previously been used as overflow parking, but today further contributes to the amount of vacant land within the Waterfront Revitalization Area.

RESIDENTIAL

There are 144 residential parcels in the Waterfront Revitalization Area, comprising approximately 90 acres. Residential properties are the second largest land use within the Waterfront Revitalization Area and are primarily concentrated between Macedon Canal Park and Main Street and west of downtown along Main, Poplar, and Race Streets.

PARKS AND OPEN SPACE

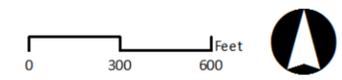
The New York State Thruway Authority owns a 54-acre parcel within the Waterfront Revitalization Area encompassing the Erie Canal corridor, Lock 30, the Erie Canal Heritage Trail right of way and the island containing Macedon Canal Park, Macedon Fire Department and a vacant parking lot east of Route 350. Although Macedon Canal Park comprises only 17 acres of this site, the entire property is classified as a park, making public parkland the third largest land use classification within the Waterfront Revitalization Area.

VILLAGE OF MACEDON WATERFRONT & DOWNTOWN REVITALIZATION STRATEGY



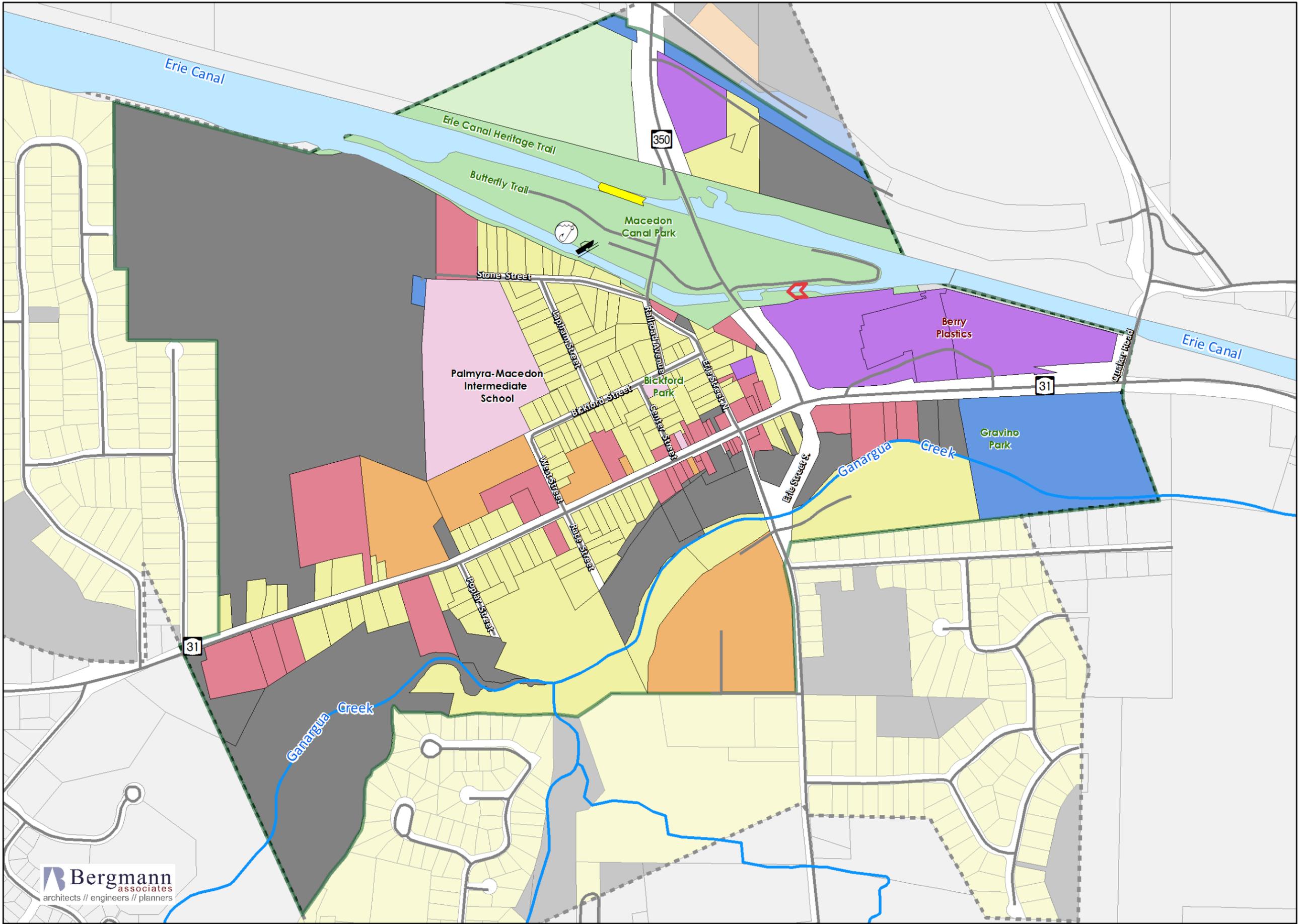
Legend

- Enlarged Erie Canal Lock 61 (1842)
- Ganargua Creek
- The Erie Canal
- Waterfront Revitalization Area Boundary
- Village Boundary
- Land Use**
- Agriculture
- Residential
- Vacant
- Commercial
- Recreation & Entertainment
- Community Services
- Industrial
- Public Services
- Parks
- Public Boat Launch
- Public Fishing Docks
- Lock 30



MAP 3 Existing Land* & Water Uses

*Based on 2010 Land Use Assessment Data
 This document was prepared for the Village of Macedon and the New York State Department of State with state funds provided under Title 11 of the Environmental Protection Fund and the Brownfield Opportunity Area Program.



Gravino Park, Palmyra-Macedon Intermediate School and Bickford Park are all open spaces available to the public in the Waterfront Revitalization Area. Gravino Park is classified as Public Services as it shares the parcel with the Water Treatment Facility while Bickford Park and the school’s facilities are classified as Recreation and Entertainment.

Table 2: Waterfront Revitalization Area Land Use Classification by Parcel

Classification	Parcels		Acres	
Agricultural	1	<1%	15	3%
Residential	144	62%	91	20%
Vacant	26	11%	165	36%
Commercial	42	18%	31	7%
Recreation & Entertainment	3	1%	18	4%
Community Services	6	3%	30	6%
Industrial	5	2%	29	6%
Public Services	4	2%	28	6%
Conservation & Parks	1	<1%	54	12%

COMMERCIAL

The majority of the commercial parcels in the Waterfront Revitalization Area are concentrated along the Route 31/Main Street corridor. There are 42 commercial parcels covering 31.5 acres. A variety of businesses are located along this corridor including antique stores, a gas station and limited-service eating establishments. All commercial properties are located within a short walking distance of the Erie Canal making downtown Macedon ideally

located for users of the Canal, the trail and park.

INDUSTRIAL

The Berry Plastics Complex, located northeast of the intersection of Route 31 and Route 350, comprises most of the 29 acres of industrial land within the Waterfront Revitalization Area. Berry Plastics additionally has a long-term lease with the Canal Corporation for the use of a parking lot located in the portion of Macedon Canal Park east of Route 350 although it is classified as parkland. The parking lot has not been used in many years.

Other industrial properties within the Waterfront Revitalization Area include the Whiting Group property north of the Erie Canal which specializes in the manufacturing and repair of heavy construction equipment, and the Mechmar Industries property northwest of the Route 31/Route 350 intersection which specializes in die-cutting of metallic and non-metallic materials.

Agricultural

Currently, no active agricultural lands have been identified in the Waterfront Revitalization Area. However, portions of the Waterfront Revitalization Area are included in the Wayne County Agriculture District Number 1. The NYS Legislature enacted the New York Agricultural Districts law in 1971 to protect and promote the availability of land for farming purposes. A map of the Agricultural District is available through the NYS Department of Agriculture and Markets website (<http://www.agriculture.ny.gov/ap/agservices/agricultural-districts.html>) and

illustrates the extent of lands within agricultural districts, as defined under article 25-AA of the Agriculture and Markets Law.

Current Water Use (Map 3)

There are two waterbodies within the LWRP Waterfront Revitalization Area – the Erie Canal along the northern boundary and the Ganargua Creek along the southern boundary. The Erie Canal receives much more use than Ganargua Creek because of its larger size and ease of accessibility. Ganargua Creek is shallow and most appropriate for non-motorized water activities such as kayaking, fishing and wading. The Erie Canal serves a variety of uses including recreational boating, fishing, tourism boating, and commercial transportation.

Existing water-dependent uses along the Canal include a public boat launch along the southern shore of Macedon Canal Park west of Route 350 and public boat docks located near the Route 350 overpass in Canal Park. There are currently no water-dependent uses along Ganargua Creek, nor is there likely to be any significant, permanent development aside from access improvements given its location within a floodplain.

Current water-enhanced uses within the Waterfront Revitalization Area are limited. The open space and recreational amenities associated with the Canal and Canal Park and the private residences

that line Ganargua Creek enhance the quality of life for Village residents and visitors. There are opportunities for future development of restaurants and other commercial uses that benefit from proximity to the waterfront, especially along the Erie Canal.

GANARGUA CREEK

Ganargua Creek begins southwest of the Village in the town of Victor in Monroe County and flows through the Waterfront Revitalization Area before emptying out into the Erie Canal in the Town of Palmyra. The Creek travels for approximately 7,300 linear feet within the Waterfront Revitalization Area. Ganargua Creek is classified by NYSDEC as a Class “C” navigable waterway – best used for fishing, swimming and boating.

Water-Dependent
Uses: Those uses that could not exist without a waterfront location.

Water-Enhanced
Uses: Those uses that do not require a waterfront location, but are improved or benefit from a waterfront setting.

Within the Waterfront Revitalization Area, Ganargua Creek is lined by vacant, natural landscaping that runs along the corridor and serves as an unofficial greenway for recreational use by adjacent private property owners. Residential properties comprise the majority of the land area along the Creek and are enhanced by their location to this natural amenity.

Gravino Park borders the Creek along the eastern boundary of the Waterfront Revitalization Area and is enhanced by, but not dependent upon, its proximity to the Creek. With no formal

public or boating access points along the Creek, the public's ability to access this open space remains limited. Gravino Park has 700 linear feet of frontage along Ganargua Creek, but has no formal access points to the water.

In the southwestern portion of the Waterfront Revitalization Area, the Village owns a vacant three acre parcel at the end of Poplar Street that could be developed to provide dedicated public access to Ganargua Creek.

The third most common land use along the Creek is commercial, but none of the commercial uses are currently enhanced by or dependent upon their proximity to the Creek. It is unlikely that water-dependent or water-enhanced uses beyond providing boat access will be developed along the Creek since much of the vacant land is located within a floodplain.



Unofficial walking trail along Ganargua Creek, as seen from the end of Poplar Street

ERIE CANAL

The Erie Canal runs 3,500 linear feet through the northern portion of the Waterfront Revitalization Area. The existing Erie Canal is connected to the historic enlarged Erie Canal, which runs along the southern edge of Macedon Canal Park. Both the existing Erie Canal and the historic enlarged Erie Canal are classified by NYSDEC as Class "C" navigable waterways, best used for fishing, swimming and boating. The Erie Canal is part of the NYS Canal System, it is operated and maintained by the New York State Canal Corporation, a subsidiary of the NYS Thruway Authority. Rules and regulations adopted pursuant to NYS Canal Law (21 NYCRR Chapter III Subchapter D, Parts 150 - 156) serve as the definitive controls governing use of the Canal.



The Erie Canal and Lock 30, as seen from Route 350

The water-dependent uses along the Canal include the public docks and launch located on the southern shore of Macedon Canal Park. There are currently no water-dependent or water-enhanced businesses along the Canal, but there are a series of water-enhanced amenities for

users of the Canal. Macedon Canal Park, including the Erie Canal Heritage Trail and Butterfly Nature Trail, are water-enhanced amenities. The Park provides amenities for canal-related tourists, including camping space, a boat launch, potable water and picnic facilities. The Erie Canal Heritage Trail, along the north shore of the Canal, is intended for use by pedestrians, cyclists, cross-country skiers, horseback riders, and snowmobilers (in some areas). The Butterfly Nature Trail is a pedestrian-only nature trail that runs along the south side of the Canal.

Navigation

Maritime navigation takes place only in the Erie Canal. The Erie Canal's water depths are generally maintained at 12 feet, although shallower areas may exist due to shoaling. There is one bridge and one pipeline in the Waterfront Revitalization Area. According to NYS Canal Corporation, the Ontario Center Road Bridge's vertical clearance is just under 21 feet. The oil pipeline used by Berry Plastics has a vertical clearance of 21 feet.

Dredging occurs on the Canal only as needed. The portion of the Canal within the Waterfront Revitalization Area has ten foot drafts making for easy boat passage.

Erie Canal Lock 30, located within Macedon Canal Park, remains an active lock with an on-site Lock Master. It provides residents and visitors the opportunity to view the operations of the Lock mechanism throughout the navigation season which occurs from early May to November, dependent upon

weather. Peak navigation season is late May to early September, with daily lock operations during this period from 7am to 10pm.

Land Use Regulations

The Village of Macedon Zoning Code divides the Village into four zoning districts: Residential-1, Residential-2, Commercial, and Industrial. In addition, there are two Overlay Districts including the Floodplain Overlay District (FP-O) and the Village Center Overlay District (VCOD). The enforcement of these zoning districts governs the use of land within the Village and helps to ensure that future development occurs in conformance with the Village's Comprehensive Plan. The Village of Macedon Zoning Ordinance was originally adopted in 1989 and subsequently revised in 2008. All four districts and both overlay districts are present within the Waterfront Revitalization Area. Modifications to land use regulations, as further discussed in Section V, can also ensure that future development and land use changes on privately owned lands within the Waterfront Revitalization Area are consistent with proposed projects and policies defined in the LWRP.

Site Plan Review

The Village Zoning Code states that whenever a proposed development requires compliance with either the special use permit procedure or the requirements of the Village's land subdivision regulations, the Planning Board shall attempt to integrate, as appropriate,

site plan review with the procedural and submission requirements for such other compliances.

Subdivision Regulations

The Village Zoning Code states that all Subdivision proposals account for:

- All subdivision proposals shall be consistent with the need to minimize flood damage.
- All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
- Base flood elevation data shall be provided for subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than either 50 lots or 5 acres.

Village Zoning Code (Map 4)

(R-1) RESIDENTIAL DISTRICT

The R-1 Residential District is the largest zoning district within the Waterfront Revitalization Area composed of 31 parcels and 47% of the total land area. The properties within the R-1 District are primarily concentrated within the western portion of the Waterfront Revitalization Area and along the western and southern portion of Ganargua Creek. Permitted uses include single family residential and accessory uses such as swimming pools, garages, sheds and fences. A number of uses are permitted through special use

permits including essential services, home occupations, windmills, public buildings and cluster residential development.

(R-2) RESIDENTIAL DISTRICT

The R-2 Residential District is the third largest zoning district within the Waterfront Revitalization Area, comprising over 68 acres (122 parcels, 15% of total land area). The R-2 District allows for higher density single-family and two-family residential units more befitting of its location directly west and north of the Village's downtown. The Special Permitted Uses allowed in R-2 are the same as those allowed in R-1.

(C) COMMERCIAL DISTRICT

The smallest zoning district within the Waterfront Revitalization Area is the Commercial District composed of 68 parcels over 52 acres. The Commercial District is centered on the Village's Main Street between the Bickford Home and the Route 31/Route 350 intersection. The Commercial District continues east of Route 350 between Route 31 and Ganargua Creek. Principal uses permitted in the Commercial District include grocery stores, butcher shops, drugstores, convenience stores (tobacco, newspapers, and confections), clothing stores, variety/general merchandise establishments, hardware stores, personal service establishments, professional offices, theaters, restaurants, hotels and automobile sales establishments. The Village Planning Board is allowed to approve other uses within the C District that they view as keeping with the Village Zoning Ordinance. Motor vehicle service/repair stations, adult

entertainment establishments, and car washes are uses allowed by Special Permit within the C District.

(I) INDUSTRIAL DISTRICT

The second largest zoning district within the Waterfront Revitalization Area is the Industrial District covering 123 acres and 27% of the land area over 11 parcels. The I District includes the Berry Plastics Complex, the island containing Macedon Canal Park and several agricultural, commercial and industrial parcels in the northern portion of the Waterfront Revitalization Area between the Erie Canal and the CSX railroad corridor. The I District allows for light industrial involving the processing, assembly, compounding and/or packaging of previously prepared or refined materials, manufacturing, fabrication, beverage bottling, warehousing, office buildings, research laboratories, pharmaceutical plants and commercial storage. Through special permits awarded by the Village Planning Board, motor vehicle service stations and car washes are allowed.

All access points to the Erie Canal – the northern shore, the southern shore, and the island containing Macedon Canal Park are within the Industrial District.

(FP-O) FLOODPLAIN OVERLAY DISTRICT

The Floodplain Overlay District encompasses all land within the 100-year flood plain as defined by the Federal Emergency Management Agency (FEMA). The FP-O runs along Ganargua Creek, most of the Erie Canal corridor, and the eastern portion of the Waterfront Revitalization Area including the Berry

Plastics Complex and Gravino Park. Uses are governed by the underlying zoning district, but the property owner is required to obtain a Floodplain Development Permit from the Village of Macedon and conform to the Floodplain Development Standards provided in the Village’s Zoning Ordinance.

Due to the FEMA Flood Zone designation along Ganargua Creek and the Erie Canal (Map 10), it is unlikely that development will take place directly along these waterways. Within the Village’s floodways development is possible, but would involve additional costs. All encroachments including fill, new construction, substantial improvements, and other development shall be prohibited within the limits of the floodway unless a technical evaluation demonstrates that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(VCOD) VILLAGE CENTER OVERLAY DISTRICT

The Village Center Overlay District and its implementing regulations were developed by the Rochester Regional Community Design Center (RRCDC) in the report “Design Guidelines and Overlay Zoning for the Main Street Downtown District in the Village of Macedon.” The VCOD aims to establish and regulate design and use standards within the Village’s downtown including the exterior design and arrangement of buildings, parking, lighting, and public realm elements. Notably, the implementation of the VCOD allows for regulation of design standards and protection of historic buildings within the district. The VCOD is compact and runs along Main Street between the Route

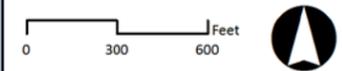
31/Route 350 intersection and 66 Main Street. Encouraged uses within the VCOD include single- and multi-family residential units, lodging (hotels, inns and bed & breakfasts), offices, retail shops, restaurants, artist space, food processing, civic buildings, mortuaries and medical clinics.

VILLAGE OF MACEDON WATERFRONT & DOWNTOWN REVITALIZATION STRATEGY



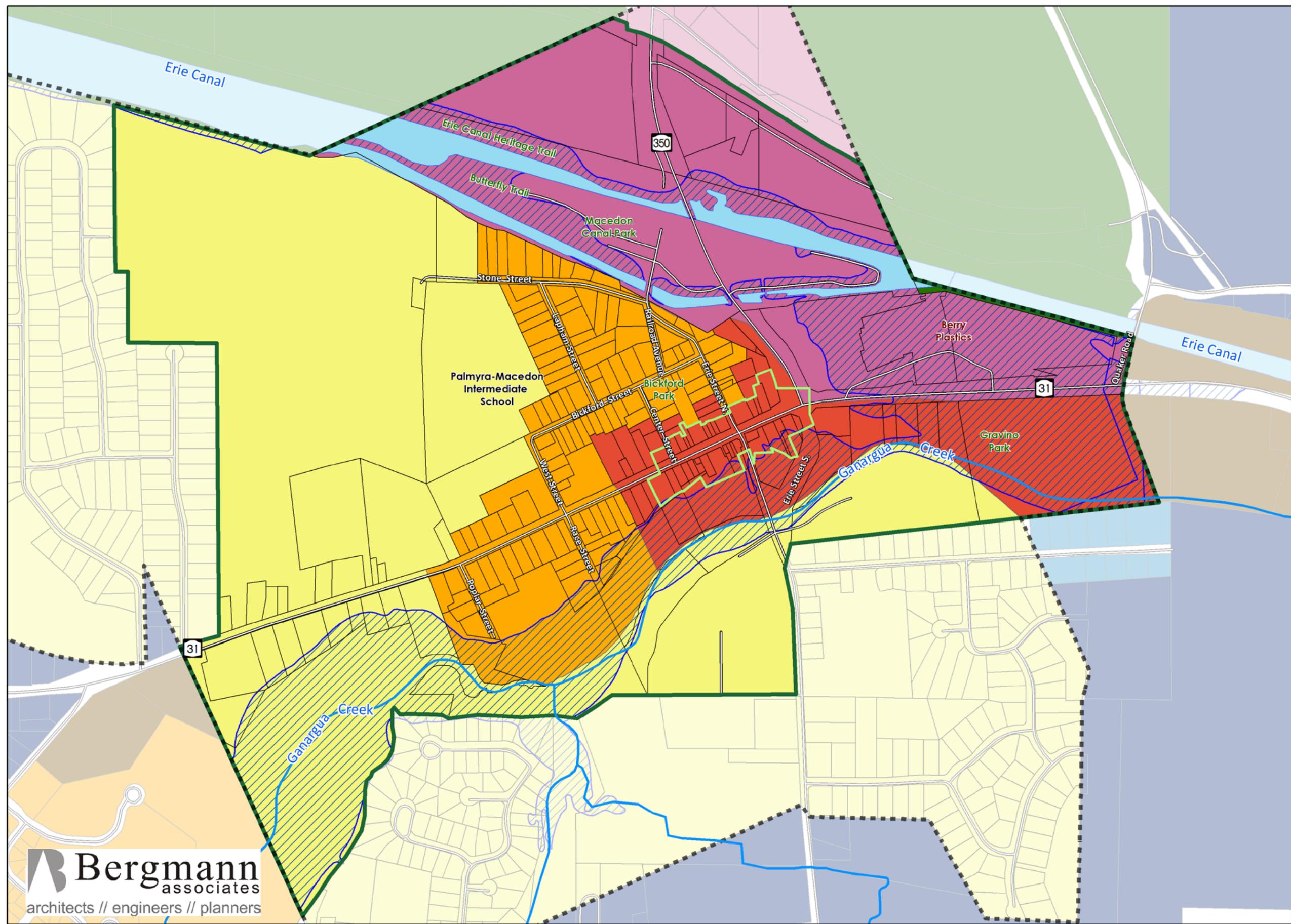
Legend

- Waterfront Revitalization Area Boundary
- Village Boundary
- Village Zoning Districts**
 - C - Commercial District
 - I - Industrial District
 - R-1 Residential District
 - R-2 Residential District
 - Village Center Overlay District
 - Floodplain Overlay District
- Town Zoning Districts**
 - GC General Commercial
 - ORM - Office-Research Manufacturing
 - R-22 Residential
 - R-30 Residential
 - TPD Totally-Planned Development



MAP 4 Existing Zoning (2015)

This document was prepared for the Village of Macedon and the New York State Department of State with state funds provided under Title 11 of the Environmental Protection Fund and the Brownfield Opportunity Area Program.



Ownership

Understanding property ownership and how it relates to future development opportunities and revitalization efforts is critical when considering and identifying future projects and land and water uses.

Land Ownership (Map 5)

Within the Village of Macedon Waterfront Revitalization Area there are 214 privately-owned parcels and 18 publicly-owned parcels. Although publicly-owned land accounts for under 8% of total parcels, these lands cover 29% of the total Waterfront Revitalization Area.

There are a number of publicly owned lands along both the Erie Canal and Ganargua Creek. New York State currently owns the land lying under the Erie Canal, Canal Park (under long term lease to Village), the land on Canal Park island east of Route 350 (portion currently leased to Berry Plastics for overflow parking lot) and the Erie Canal Heritage Trail corridor on the north side of the Canal.

NEW YORK STATE THRUWAY AUTHORITY

The New York State Thruway Authority (NYSTA), through its subsidiary the New York State Canal Corporation, is the largest landowner of public properties within the Waterfront Revitalization Area. According to Wayne County parcel data, NYSTA owns a 54-acre parcel encompassing the Erie Canal corridor, Lock 30, the Erie Canal Heritage Trail right of way and the island

containing Macedon Canal Park. In addition to Macedon Canal Park, the island between the Barge Erie Canal and the Enlarged Erie Canal contains the Macedon Fire Department on the land to the west of Route 350 while the section to the east of Route 350 has historically been in a long-term lease as a parking lot for the employees of the industrial complex now owned by Berry Plastics.



Macedon Canal Park including the Macedon Fire Department, as seen from Route 350

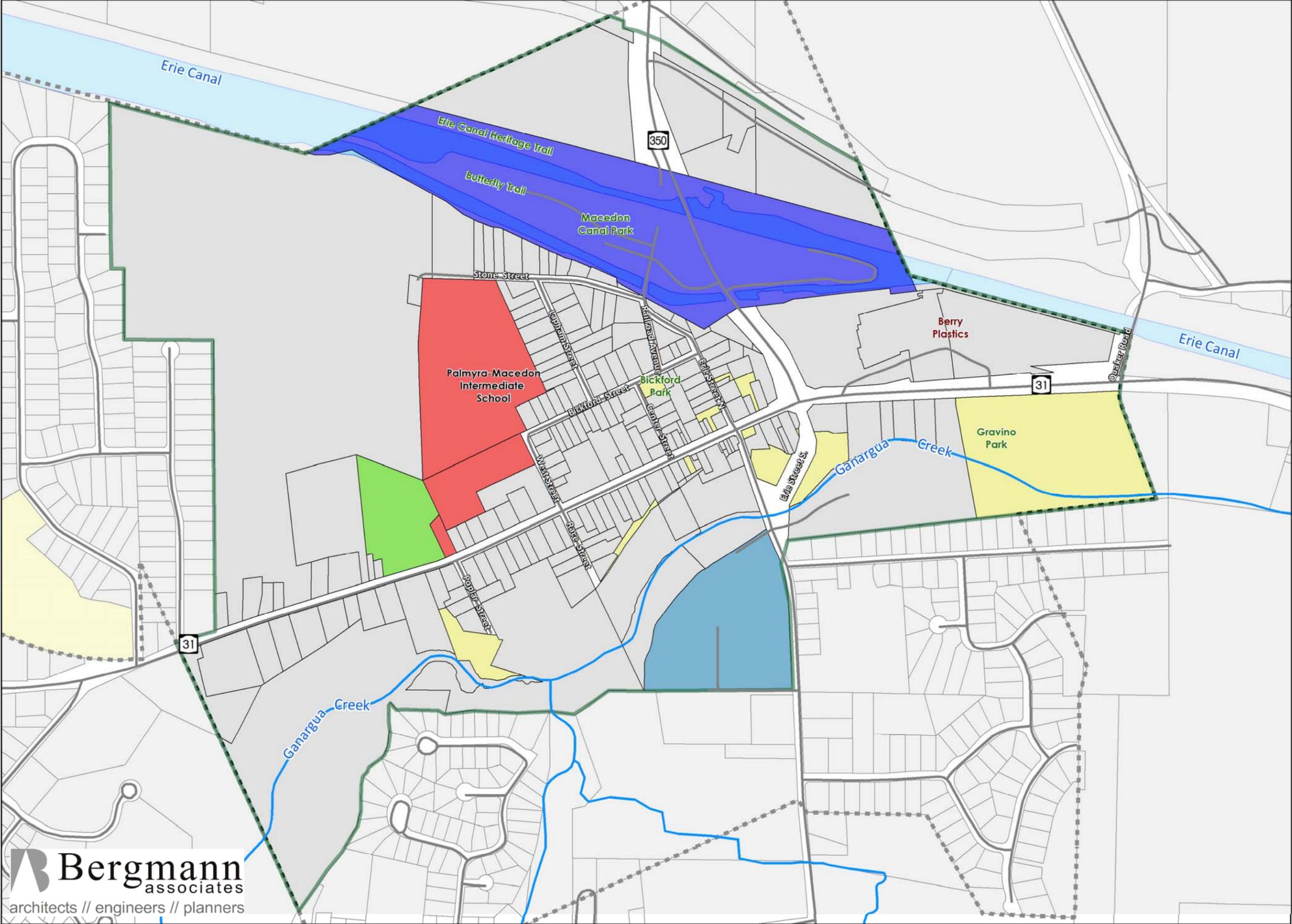
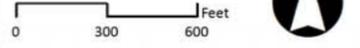
VILLAGE OF MACEDON

The Village of Macedon owns 34 acres across 12 parcels of public land, making it the second largest public land owner in the Waterfront Revitalization Area. Village-owned parcels include Gravino Park, the Village Wastewater Treatment Plant property, Village Hall, Bickford Park, a centrally-located parking lot west of the Route 31/Route 350 intersection and a section of the former mill race right of way to the east of Race Street. Along Ganargua Creek, the Village owns two, 3-acre parcels with water frontage – one at the end of Poplar Street and one along the east side of Erie Street.

VILLAGE OF MACEDON WATERFRONT & DOWNTOWN REVITALIZATION STRATEGY



- Legend**
- Waterfront Revitalization Area Boundary
 - Village Boundary
 - Privately Owned Parcels
 - Publicly Owned Parcels**
 - Village of Macedon
 - Macedon Village Cemetery Assoc.
 - Town of Macedon
 - Palmyra Macedon CSD
 - NYS Thruway Authority



MAP 5 Ownership

This document was prepared for the Village of Macedon and the New York State Department of State with state funds provided under Title 11 of the Environmental Protection Fund and the Brownfield Opportunity Area Program.

Table 3: Public Land Ownership

Public Entity	Parcels	Total Acres
NYS Thruway Authority	1	54.4
Village of Macedon	12	33.6
Palmyra Macedon CSD	3	22.9
Village of Macedon Cemetery	1	16.8
Town of Macedon	1	6.3
Total	18	134

OTHER PUBLIC LANDS

The Palmyra-Macedon School District is the third largest public land owner in the Waterfront Revitalization Area, owning 23 acres over three parcels all of which are associated with the Palmyra-Macedon Intermediate School located at 4 West Street.

The Village of Macedon Cemetery Association owns a 17-acre parcel in the south-central portion of the Waterfront Revitalization Area. The site overlooks Main Street and Ganargua Creek and is strategically located between the Village center and several residential neighborhoods. Although redevelopment opportunities will likely be limited to a cemetery, there is potential for the site to act as a safe pedestrian connection point between the Village center and its surrounding neighborhoods and community services.

The Town of Macedon owns one parcel in the western portion of Main Street that houses Town Hall and the Public Library.

A summary of public property ownership within the Waterfront Revitalization Area is provided in Table 3.

Underwater Ownership

Underwater lands are defined as land submerged by water. In the Village of Macedon, this includes the land below the high water mark in the Erie Canal and Ganargua Creek. The owner of property on adjacent “dry land” is referred to as the upland property owner. The NYS Canal Corporation has control of the underwater lands beneath the Erie Canal. According to Wayne County parcel data, the lands under Ganargua Creek are owned by the adjacent property owners.

Within the Village of Macedon, the Creek is adjacent to both public and private lands. According to New York riparian rights, boating, fishing and swimming activities can be restricted by the owner of the land beneath the water. Private owners with riparian rights can exclude the public from those waters for all uses except commercial or recreational navigation. If the beds of the waters are in private ownership, all other uses are prohibited and entering the banks is considered trespassing except in the need of overcoming obstacles within the water.

Within the Village, the Erie Canal can be enjoyed freely by water and by trail whereas Ganargua Creek can be used throughout the Village only for navigation and can be accessed solely by public lands. In order to establish a public Creekside trail, private landowners would

have to give permission or an easement would have to be purchased.

Abandoned, Deteriorated and Underutilized Sites (Map 6)

The Village of Macedon is participating in the NYS Brownfield Opportunity Area (BOA) Program in tandem with the LWRP process. The BOA program was devised to assist communities in the establishment of a community-based revitalization plan and implementation strategy to achieve brownfield redevelopment. As part of the BOA program, properties have been identified as abandoned, deteriorated or underutilized. Some sites have additionally been identified as potential brownfield sites due to the possibility of environmental contamination.

A significant level of investigation and reporting has been included in the Village's BOA document specific to potential brownfield sites (Appendix 6).

Within the Village's Waterfront Revitalization Area, 32 sites are classified as abandoned, deteriorated or underutilized based on a preliminary environmental site assessment (ESA) that was conducted to gain a better understanding of existing conditions. Some of these properties were also identified as potential brownfield sites. Brownfield sites can severely hinder development opportunities whereas abandoned, deteriorated or underutilized sites may be the "low hanging fruit" that spur on revitalization efforts.

The abandoned, deteriorated or underutilized sites cover 180 acres, more than half of which is located on a 97-acre wooded property located in the northwest corner of the Waterfront Revitalization Area. The second largest underutilized site straddles Ganargua Creek along the southwest portion of the Waterfront Revitalization Area. It covers nearly 29 acres, yet will likely remain undeveloped because it is federal jurisdiction wetlands within the 100-year floodplain of Ganargua Creek.

The New York State Thruway Authority owns a 54-acre property operated by the Canal Corporation including Macedon Canal Park Island and the Canal waters within the Waterfront Revitalization Area. The portion of the island east of Route 350 is a vacant parking lot currently under lease to Berry Plastics from the NYS Thruway Authority. Only the 6 acres bounded by the Canal and Route 350 are officially considered underutilized and should be considered for more appropriate waterfront use. This site was also identified as having possible environmental contamination. The plan recommends that this site include mixed use development that will balance the Village's need for additional revenue and desire to maximize the use of the waterfront for water-dependent and water-enhanced businesses. Additional recommendations include wayfinding and pedestrian connections, family-oriented amenities, and enhanced docking facilities.

The Village of Macedon owns seven abandoned, deteriorated or underutilized

sites, five of which are unlikely to be developed because of size, configuration or environmental concerns. Two of the sites, however, could be favorable for development. The two highly visible parking lots are located at 109 Main Street and behind 100 Main Street along Route 31. The BOA plan recommended that this site be used for mixed use and infill development that can accommodate a range of uses consistent with the character and scale of the Main Street. A Phase I ESA should be conducted prior to any potential future redevelopment due to potential contamination.

All publicly owned parcels within the Waterfront Revitalization Area can be found on Map 5.



95 Main Street with building foundation and parking lot

Several of the sites appropriate for redevelopment have past auto-related uses and require further investigation prior to redevelopment. The former Mobil Chemical parking lot, due to its large size and central location, has a particularly high potential for redevelopment opportunities.



Former Mobil Chemical Parking Lot, as seen from Route 350

Abandoned, deteriorated, underutilized and brownfield sites comprise 39% percent of the Waterfront Revitalization Area’s land cover, as seen in Table 4. Map 6 illustrates all sites within the Waterfront Revitalization Area according to their status as abandoned, deteriorated or underutilized including 12 sites with the potential for environmental contamination.

Table 4: Inventory of Abandoned, Deteriorated or Underutilized Sites

Ownership	Parcels	Acres
Private	22	152.9
Public	10	26.9
Totals	60	179.8

Through the redevelopment of several key sites, as identified in both Phase I and II of the Master Plan (Maps 14 and Map 15), the Village’s center could be transformed into a dense, mixed-use district while the Erie Canal and Ganargua Creek achieve

VILLAGE OF MACEDON WATERFRONT & DOWNTOWN REVITALIZATION STRATEGY

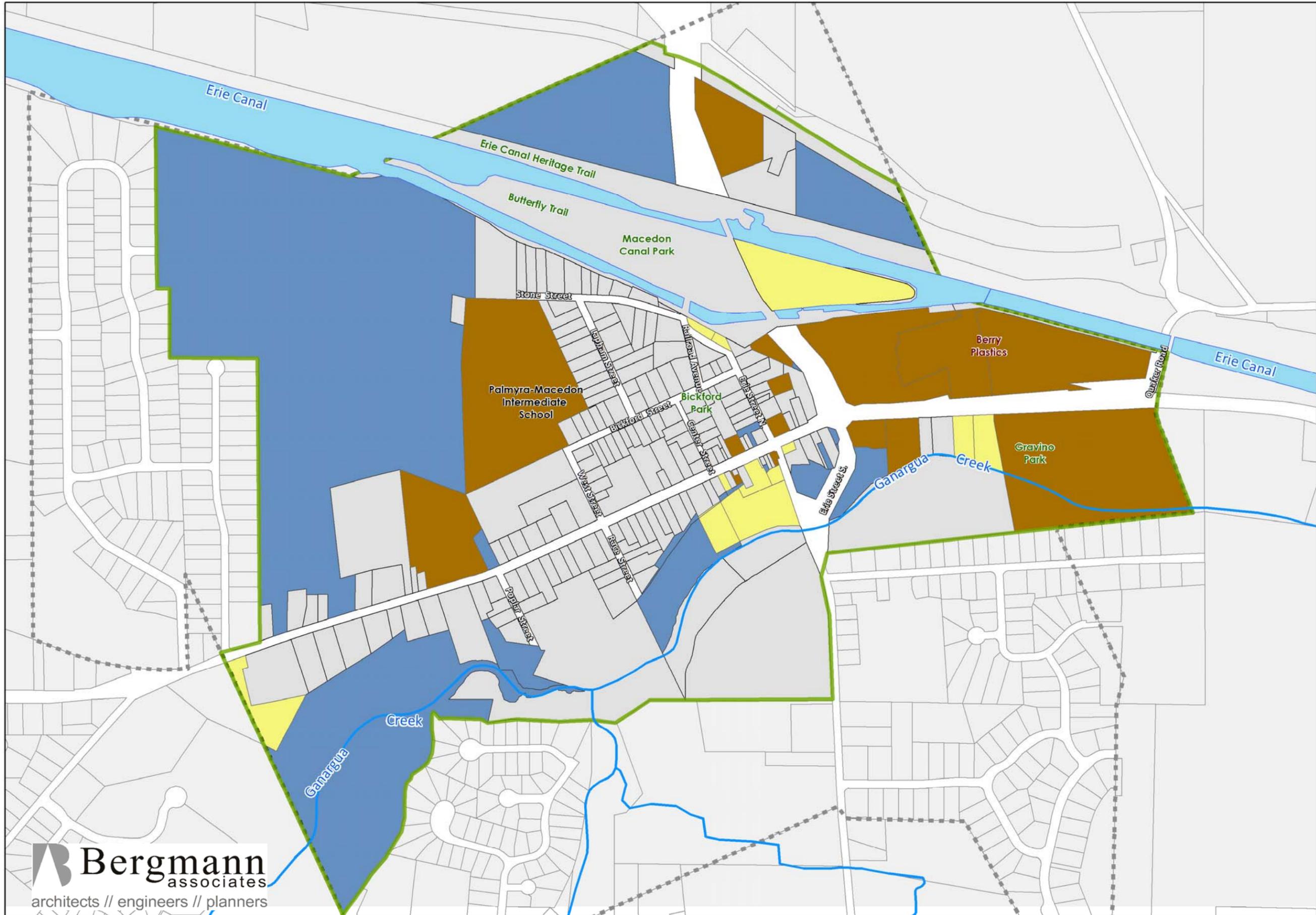


-  Waterfront Revitalization Area Boundary
-  Village Boundary
-  Brownfield Parcels
-  Brownfield and Underutilized Parcels
-  Underutilized Parcels



MAP 6
Abandoned, Deteriorated & Underutilized Sites

This document was prepared for the Village of Macedon and the New York State Department of State with state funds provided under Title 11 of the Environmental Protection Fund and the Brownfield Opportunity Area Program.



better accessibility and reach their recreational potential. The redevelopment of these abandoned, deteriorated or underutilized parcels could also enhance connectivity between the Village center and its waterways, generating both quality of life and economic benefits.

The Village must fully leverage the capabilities and inherent value of each property. The Village seeks to develop water-dependent and water-enhanced uses along the waterfronts of both the Erie Canal and Ganargua Creek in order to draw recreational and economic activity to those areas while also considering natural resource protection.



Former Bob's Body Shop, as seen from Macedon Canal Park

Historical & Cultural Resources (Map 7)

The Village of Macedon's cultural and industrial heritage forms a complementary foundation that supports tourism development and plays an important role in solidifying the identity of the community.

Historic Resources

The Village of Macedon has long been influenced by the Erie Canal. The Village's economic base grew out of the presence of the Canal. Soon after the Canal was built, in the 1830s, the Village of Macedon began to develop in support of Canal-related transport. Along with the routing of the New York Central and West Shore Railroads through the Village, Macedon was established as an important inland Erie Canal stop as numerous retail and service outlets, including grocery stores, pharmacies, doctor's offices, cobblers, farriers and farm implement shops lined the Canal and Main Street to support travelers along the Canal.

Although there are several locally-important historic resources within the Waterfront Revitalization Area, the State Barge Canal is the only State and National Register-listed property. The contributing resources associated with the listed State Barge Canal include: Lock E30, Enlarged Erie Canal Lock 61, a lockhouse, and a garage.

ERIE CANALWAY NATIONAL HERITAGE CORRIDOR AND HISTORIC LANDMARK

The Erie Canal, spanning 524 miles across Upstate New York, was established as a National Heritage Corridor by the U.S. Congress in 2000, and later was proposed to be designated as a National Historic Landmark. The entire Village of Macedon is located within the designated corridor boundary. The Village's location within the Erie Canalway National Heritage Corridor makes the Village of Macedon an integral partner in tourism promotion and economic development activities of the Corridor and the National Park Service.

THE BICKFORD HOME

Built in 1860 by a founding member of Bickford & Huffman Fertilizer Grain Drills, this Victorian residence is centrally located at 56 Main Street within the Village.

It is currently operated as an elder care and assisted living facility.



The Bickford Home, photo taken 1915

THE CHURCH OF THE GOOD SHEPHERD

This Universalist Church was built and dedicated in 1873 and served as Macedon Town Hall and Public Library into the 20th century. In 2012, it was privately purchased and renovated into

an apartment and an event space for the arts and is currently referred to as "7 Center."

THE FIRST BAPTIST CHURCH OF MACEDON

This Church was built in 1835 on the former Lemuel Spear property just east of the Village, and was later moved to its current site at 58 Main Street. It continues to serve the community as a Church.

MACEDON VILLAGE CEMETERY

This 17-acre plot located in the south-central portion of the Waterfront Revitalization Area was established in 1851. It includes the burial plots of some of Macedon's most notable families – the Bickfords, the Huffmans and the Laphams, in addition to various Civil War veterans. The cemetery remains active and is owned and operated by the Village of Macedon.

MACEDON VILLAGE HALL

The Village Hall is centrally located at 81 Main Street. It occupies the former First National Bank building from 1910 and has retained a number of historical elements including the original teller counter space and steel bank vault.



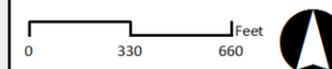
Former First National Bank now Macedon Village Hall, photo taken 1957

VILLAGE OF MACEDON WATERFRONT & DOWNTOWN REVITALIZATION STRATEGY



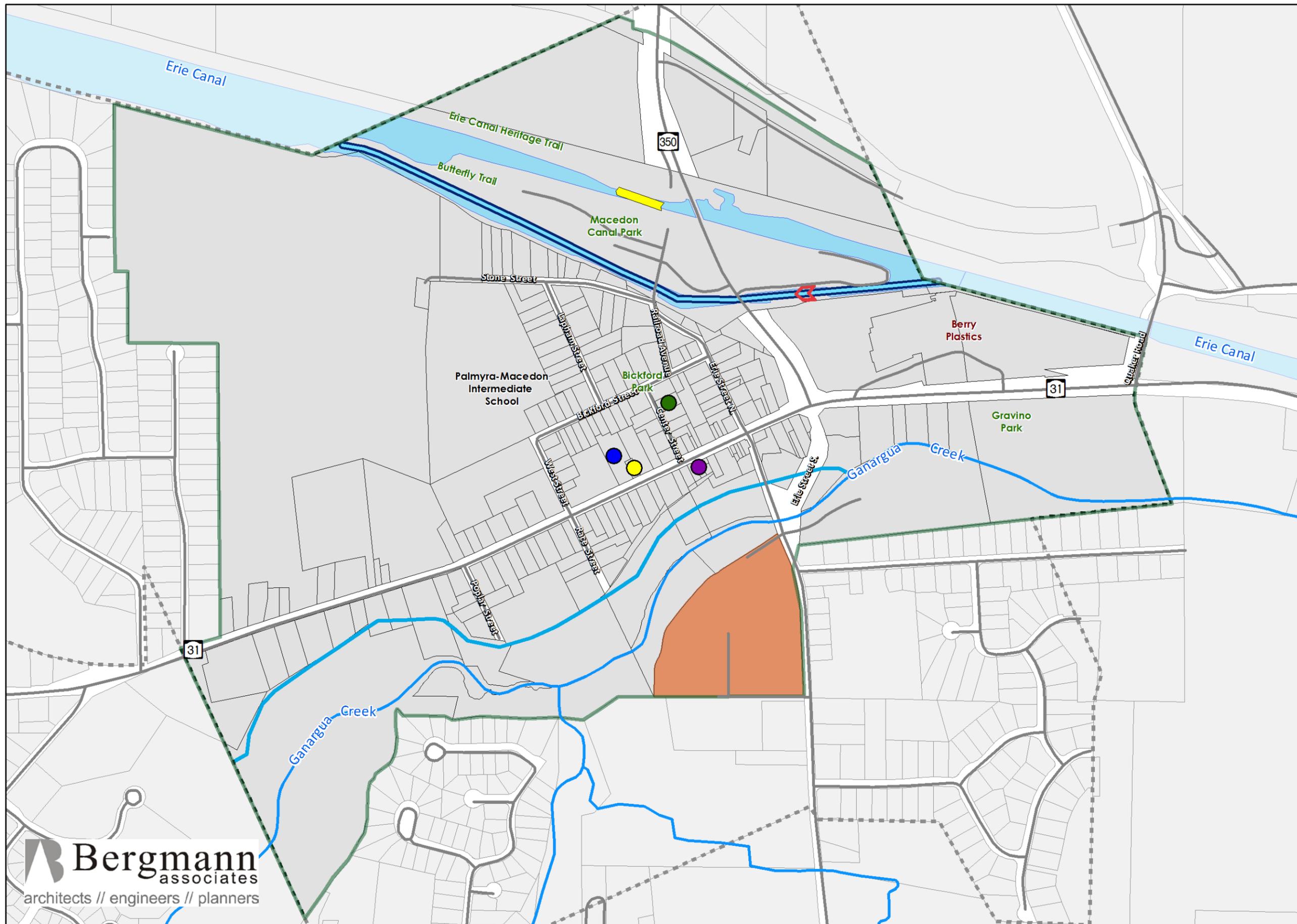
Legend

- Waterfront Revitalization Area Boundary
- Village Boundary
- Macedon Village Cemetery
- Enlarged Erie Canal Lock 61 (1842)
- Former Mill Race Route
- Enlarged Erie Canal Route
- First Baptist Church of Macedon
- The Bickford Home
- The Church of the Good Shepherd (Universalist)
- Village Hall (former First National Bank)
- Lock 30



MAP 7 Historic & Cultural Resources

This document was prepared for the Village of Macedon and the New York State Department of State with state funds provided under Title 11 of the Environmental Protection Fund and the Brownfield Opportunity Area Program.



FORMER MILL RACE

The mill race was historically located between Ganargua Creek and Main Street and served Macedon's mills and factories by diverting water from Ganargua Creek for power use. A number of the Village's most notable mills lined the Mill Race during the 19th and early 20th centuries. Now, only portions of the mill race remain in the southwestern portion of the Waterfront Revitalization Area west of Poplar Street. The Village of Macedon owns a portion of the mill race at the southern end of Poplar Street which could provide public access to Ganargua Creek and opportunities for historical interpretation and industrial tourism associated with the race.

Archeological Resources

The presence of the Erie Canal within the Village provides several archeological resources including Clinton's Ditch, the Enlarged Erie Canal, Lock 61 from the Enlarged Erie Canal and the Barge Erie Canal. All of these resources are located in or adjacent to Macedon Canal Park. According to the NYS Historic Preservation Office's database, there are known or expected areas of archeological sensitivity within the Waterfront Revitalization Area. These areas are mostly contained within the western residential portion of the Village.

Parks, Recreational and Open Space Resources (Map 8)

The Waterfront Revitalization Area contains a variety of open space resources all within walking distance of the Village's Main Street and the Erie Canal. The compact nature of the Village's resources makes the Village attractive for tourists and boaters visiting the area. Public parks cover 37 acres of the Waterfront Revitalization Area.

The Waterfront Revitalization Area's three public parks include Macedon Canal Park, Bickford Park, and Gravino Park. Palmyra-Macedon's Intermediate School provides an additional 18 acres of open space owned by the Palmyra-Macedon School District for use as athletic fields and playgrounds for the school and public. The 6-acre Town Hall and Public Library property offers some additional open space adjacent to the Intermediate School.

Parks and Recreational Facilities

MACEDON CANAL PARK

Macedon Canal Park occupies a portion of the 54-acre New York State Thruway Authority -owned parcel that encompasses Macedon Canal Park, the Canal island and Canal waters. The Park occupies 17 acres on the island south of the Main Canal and west of Route 350. Canal Park provides various amenities including a pavilion, temporary outhouses, picnic tables, and a boat launch.

Macedon Canal Park is one of the only facilities along the Canal that allows camping for boaters or travelers on the Erie Canal Heritage Trail, but currently has no amenities such as showers and restrooms to make camping more appealing to visitors. In 2012, the Village of Macedon, in partnership with NYSTA, the Macedon Village Pride Committee and Trailworks, Inc., dedicated the Butterfly Nature Trail within Canal Park.

GRAVINO PARK

Owned and operated by the Village of Macedon, Gravino Park is an asset to the community for its recreational uses. It is the home of the Pal-Mac Youth Baseball League, with amenities including two baseball diamonds with bullpens, restrooms and concession facilities utilized by the baseball league. The park also has two fenced tennis courts, two enclosed basketball courts, playground equipment, a gazebo, a pavilion and a parking lot.



Gravino Park's open space and baseball stadium, as seen from the berm along Ganargua Creek

Due to the popularity and use of the park, safe access and parking remain an issue for park users. The park covers a portion of the 20-acre parcel it shares with the Village Waste Water Treatment Plant. The Park's southern boundary is lined by 700 linear feet of frontage along the Ganargua Creek, although there are no formal access points. To the west of the park are two vacant parcels which have been considered for acquisition by the Village for park expansion.

BICKFORD PARK

The .3 acre pocket park is located in the heart of the Village's oldest residential neighborhood at the intersection of Center and Bickford Streets. Although the only amenities in the park are a small gazebo and some mature trees providing ample shading, it is very close to both Canal Park and Main Street. Its location adjacent to "7 Center" also provides opportunity for expanded park programming as a performance and arts-related venue.

PALMYRA-MACEDON INTERMEDIATE SCHOOL

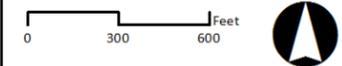
The 18-acre site immediately north of the Palmyra-Macedon Intermediate School, owned by the School District, is used for public sports and recreational uses. The field space is used by the district for lacrosse, soccer, football, baseball and softball, with accessory benches, dugouts, walking paths, spectator bleachers and parking areas. The property also houses a large playground open to the public and a restroom/concession facility that is open during select sporting events.

VILLAGE OF MACEDON WATERFRONT & DOWNTOWN REVITALIZATION STRATEGY



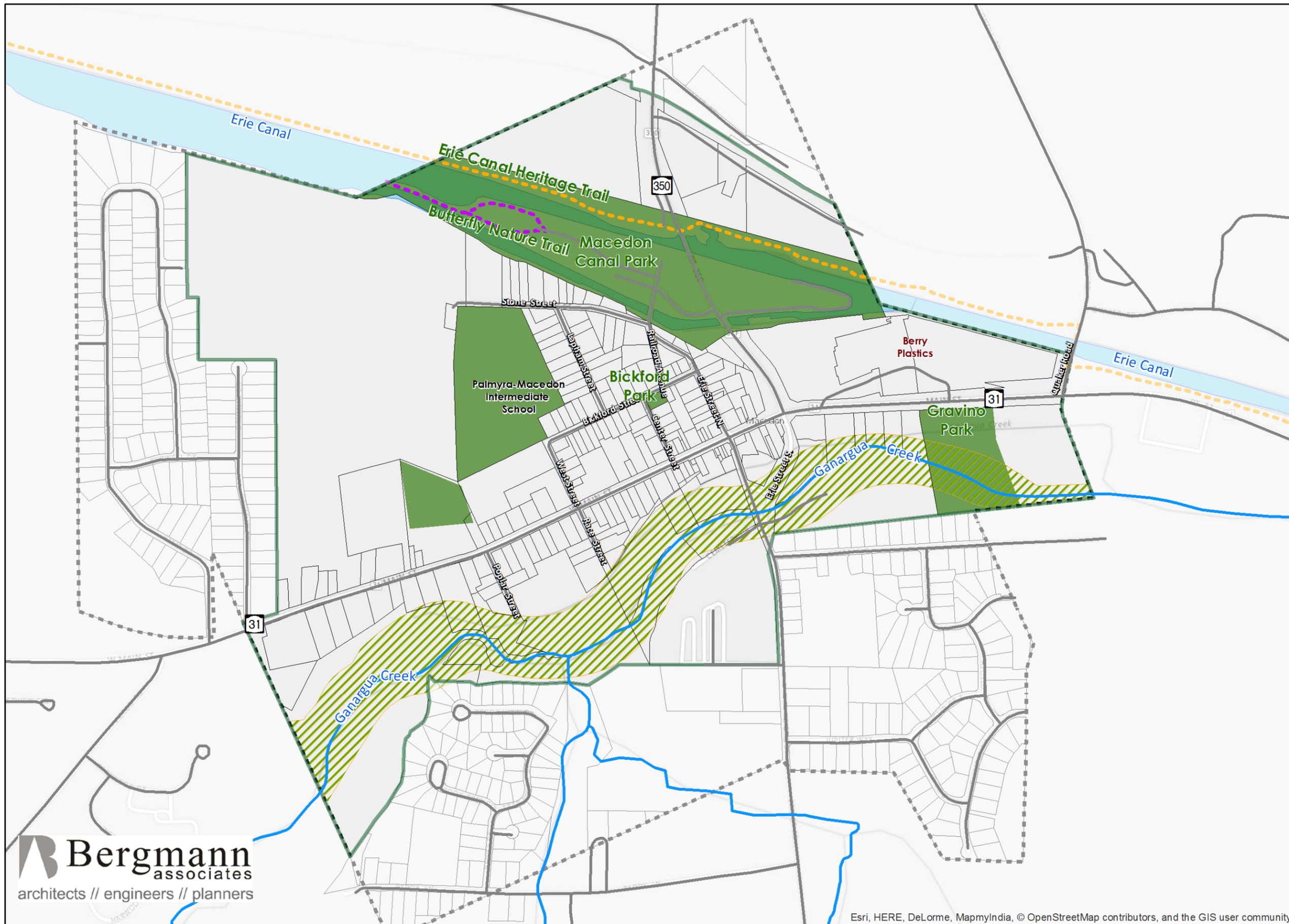
Legend

- Waterfront Revitalization Area Boundary
- Village Boundary
- Erie Canal Heritage Trail
- Butterfly Trail
- Open Space
- Public Open Space



MAP 8 Parks, Rec & Open Space Resources

This document was prepared for the Village of Macedon and the New York State Department of State with state funds provided under Title 11 of the Environmental Protection Fund and the Brownfield Opportunity Area Program.



Open Space and Trails

ERIE CANAL

The Erie Canal is a major resource for the Village of Macedon for both its historical significance and recreational uses. The Canal remains an active transportation corridor for recreational boating and some commercial use. The Canal, however, is now most valued for its recreational and tourism features. The Canal's waters can be accessed via boat launch or dock adjacently located on the southeastern shore of Macedon Canal Park. The shores of the Canal can be enjoyed throughout Canal Park via the Butterfly Nature Trail and Erie Canalway Trail.

Erie Canal Lock 30, within Macedon Canal Park, is a draw for residents and visitors alike. The operation of the lock can be viewed throughout the navigation system from May to November.



Macedon Canal Park and Lock 30, looking west

GANARGUA CREEK

Ganargua Creek is shallow throughout the Village of Macedon and most appropriate for non-motorized water activities such as kayaking. The Creek's greatest recreational feature is the unofficial greenway that lines its shores. Most of the properties that line the Creek

are privately-owned and no formal public access points exist, thereby limiting the public's enjoyment of the Creek as an open space asset. The Village of Macedon, however, has the opportunity to formalize access to the Creek either within Gravino Park or on a Village-owned parcel at the end of Poplar Street.

ERIE CANALWAY TRAIL

The Macedon Canal Park contains two trails that run along opposite sides of the Erie Canal. The Erie Canal Heritage Trail, along the north shore of the Canal, is intended for use by pedestrians, cyclists, cross-country skiers, and horseback riders. From the east the Trail follows the towpath on the south shore from the Village of Palmyra and crosses the Canal via the O'Neil Road Bridge to the north side of the Canal just east of the Berry Plastics Complex before heading west towards the Village of Fairport. Currently there is little connection between the Canal Trail on the north side of the Canal and the south side of the Canal, the park and downtown.



Butterfly Nature Trail entrance in Macedon Canal Park

BUTTERFLY NATURE TRAIL

A truly unique pedestrian-only nature trail to attract butterflies, called The Butterfly Nature Trail, runs along the south side of the Canal within the western end of Macedon Canal Park and loops through a wooded area to a vantage point at the western tip of the island. It was developed largely through volunteer efforts in association with the Macedon Village Pride Committee and the Village's Department of Public Works.

Boating Facilities

The Village of Macedon's public boating facilities are located within Macedon Canal Park. The public boat launch, equipped for motor boats, is located on the south side of the park and boat docks are located near the Route 350 overpass. There are various informal launching points for kayaks and canoes on both the Canal and Ganargua Creek.

Potential Recreational and Trail Opportunities

All future recreational development opportunities on private property are dependent upon conversations and willing negotiation with property owners.

14 MAIN STREET

This 97-acre vacant parcel has substantial frontage along the Erie Canal. The large private property currently causes residents living to the west and south of the property to take a round-about route to access the Canal. With approval from the owner, the Village could construct a small Canalfront park in the northwestern

portion of the property with the potential of a trail connecting the Town Hall complex to the proposed park.

HEMLOCK HILL TRAIL

Village residents living in the southwestern section of the Village must currently walk around Hemlock Hill and down Erie Street, with its heavy traffic and unsafe pedestrian experience, to access downtown and the Canal Park. As appropriate, a more direct and pleasant off-road pedestrian trail to connect residents to downtown and Canal Park could be achieved through the Village Cemetery access and the acquisition of easements from surrounding property owners.

Visual Quality and Scenic Resources (Map 9)

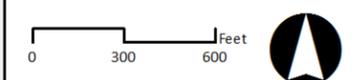
Visual quality and scenic resources play a significant role in the sense of place and quality of life within a community. The Village of Macedon is grounded in the heritage of the Erie Canal – it has defined the community since its beginning. Although there are no designated federal or New York State Scenic Byways located within or immediately adjacent to the Village of Macedon, there are a number of vistas of local importance. Locally-significant scenic resources include the Erie Canal corridor, the Ganargua Creek corridor and the viewshed from the top of Hemlock Hill within the Macedon Village Cemetery.

VILLAGE OF MACEDON WATERFRONT & DOWNTOWN REVITALIZATION STRATEGY



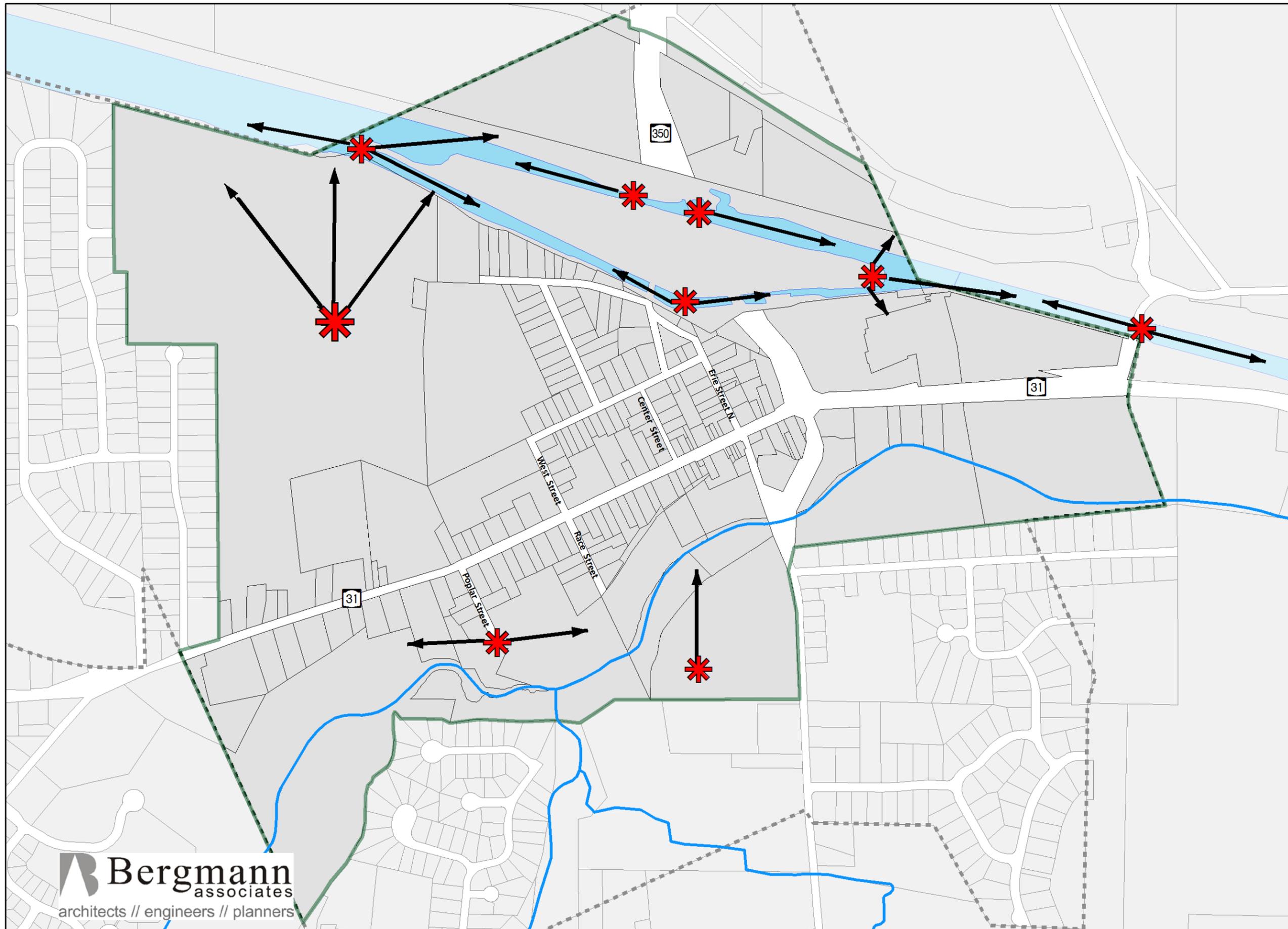
Legend

-  Waterfront Revitalization Area Boundary
-  Village Boundary
-  Erie Canal
-  Ganargua Creek
-  Scenic Views



MAP 9 Scenic Resources

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View of the Erie Canal from Lock 30, looking west

ERIE CANAL

Intimate and short-distance views of the Erie Canal corridor are best enjoyed from the two trails that line the Canal. The industrial and commercial uses beyond the trails detract from longer-distance vistas of the Canal. The most dramatic views of the Canal can be seen from the Route 350 Bridge and atop Lock 30.

The visual character of the Erie Canal is of extreme importance as a regional and national historic and recreational resource. The maintenance and preservation of the Canal's unique qualities is a major priority for the Village of Macedon. As discussion of redevelopment along the Canal continues, the Village should be mindful of waterfront uses that enhance the visual quality of the Canal, instead of detracting from it.

14 MAIN STREET

The 97-acre property contains a drumlin that is the highest point within the Waterfront Revitalization Area. Although the property is privately owned, it is presumed to have scenic overlooks of the

Erie Canal and the surrounding countryside.

GANARGUA CREEK

Ganargua Creek is heavily insulated by tree cover and is thus best viewed from the informal greenway that lines the Creek or within the Creek itself. The undeveloped site behind Village Hall offers a more expansive view of the Creek as well.



Ganargua Creek, as seen from the end of Poplar Street

HEMLOCK HILL

Hemlock Hill, the second highest elevation point within the Village, is located south of Ganargua Creek and houses the Village's historic cemetery. The northern slope of the Hill offers views of the Erie Canal and surrounding countryside.

Natural Resources (Map 10)

The natural characteristics of a community have a critical impact on overall development patterns and on the choice between conservation and development alternatives. The natural features associated with the Erie Canal

and Ganargua Creek are critical assets in attracting visitors and residents to the Village of Macedon. Natural resource characteristics are considered in order to gain a better understanding of existing conditions within the Waterfront Revitalization Area and to identify parcels that are better suited for either development or conservation.

Fish and Wildlife Habitats

Woodland areas around Ganargua Creek, the northeastern portion of Erie Canal corridor and large, undeveloped properties such as the vacant parcel at 14 Main Street provide ample habitat to support a variety of fish, birds, deer and other small mammals typically found within Western New York. Given the dense residential, commercial and industrial nature of the Waterfront Revitalization Area, it is likely that only common species of urban wildlife (e.g., raccoons, opossums, crows) are present.

Fish species commonly found within Ganargua Creek include freshwater drum (*Aplodinotus grunniens*) and northern pike (*Esox lucius*). Common fish species within the Erie Canal include smallmouth bass (*Micropterus dolomieu*), largemouth bass (*Micropterus salmoides*), walleye (*Sander vitreus*), yellow perch (*Perca flavescens*) and bullhead (*Ameiurus nebulosus*). The NYS DEC reports that the aquatic life in the Creek is stressed. Within the Waterfront Revitalization Area, common wildlife includes small birds and mammals such as white-tailed deer (*Odocoileus virginianus*), eastern grey squirrel (*Sciurus carolinensis*), red fox (*Vulpes vulpes*) and raccoon (*Procyon lotor*).

According to the NYSDEC Environmental Resource Mapper, no state-listed threatened or endangered species are known to be located within the Village of Macedon and it does not have any State-designated Significant Coastal Fish and Wildlife Habitats. According to the United States Fish & Wildlife Service, the federally-listed Indiana bat (*Myotis sodalis*) and the bog turtle (*Clemmys [Glyptemys] muhlenbergii*) have the potential to be located within the Waterfront Revitalization Area. Future redevelopment initiatives need to be cognizant of this threatened species and be planned in a way to minimize significant impacts to the maximum extent practicable.

The Erie Canal offers limited fishing opportunities due to its intermittent shallower water depth. This Village implemented a habitat enhancement project to provide native vegetation to improve cover and habitat for local bird, insect and small mammal populations, while enhancing public access and enjoyment of the waterfront.



Fishermen along the Enlarged Canal in Macedon Canal Park

VILLAGE OF MACEDON WATERFRONT & DOWNTOWN REVITALIZATION STRATEGY

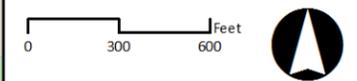


Legend

- Waterfront Revitalization Area Boundary
- Village Boundary
- FEMA Flood Zones
- NYSDEC Wetlands
- Erie Canal
- Ganargua Creek
- NWI Wetlands
- Contours (5 ft)

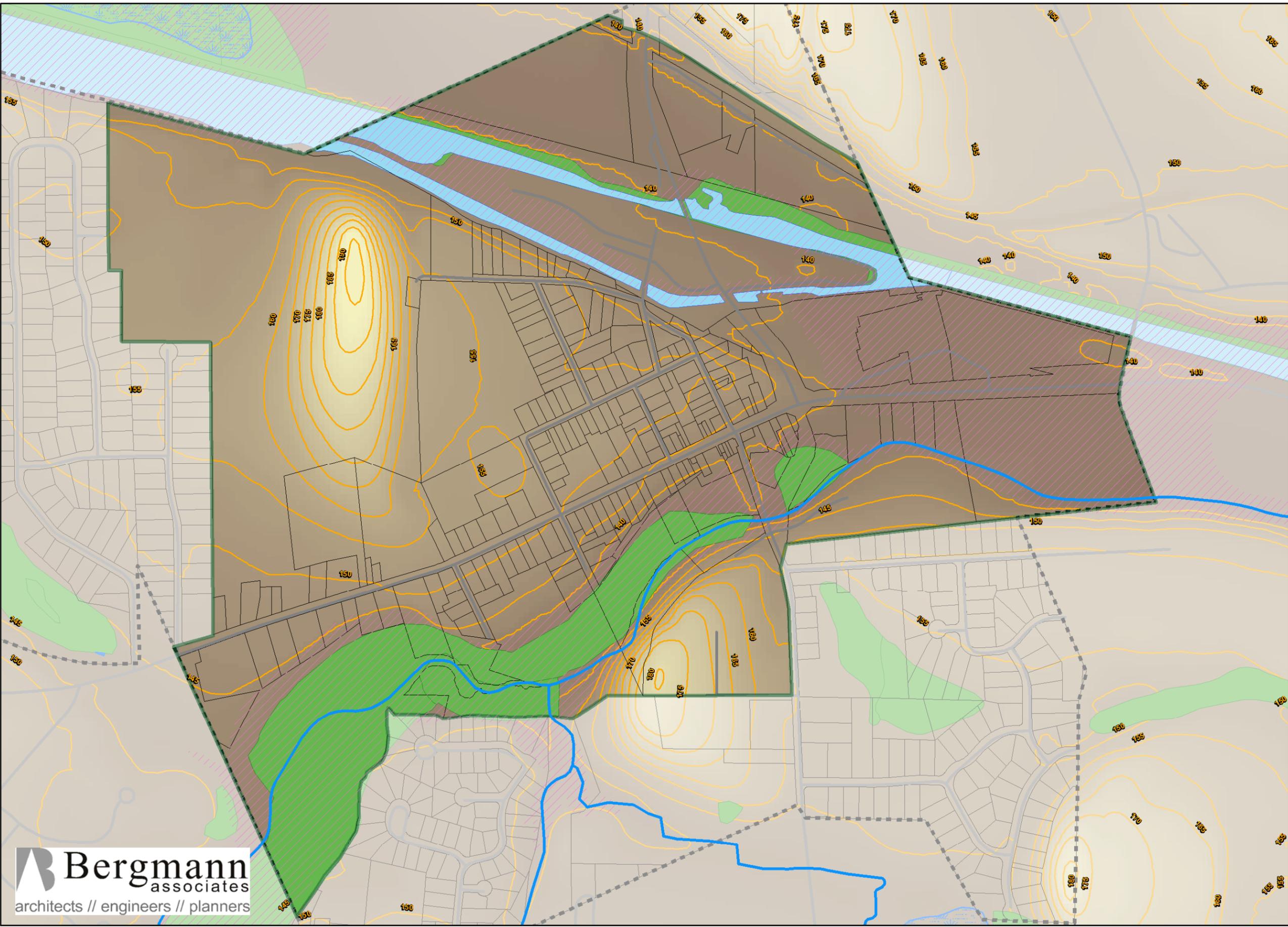
Elevation (ft)

High : 225.9
Low : 130.8



MAP 10 Natural Resources

This document was prepared for the Village of Macedon and the New York State Department of State with state funds provided under Title 11 of the Environmental Protection Fund and the Brownfield Opportunity Area Program.



Waterbodies

There are two prominent waterbodies within the Waterfront Revitalization Area – the Erie Canal and Ganargua Creek.

ERIE CANAL

The Erie Canal and its surrounding uses are located in the northern section of the Waterfront Revitalization Area. The Canal flows from east to west ultimately converging with the Niagara River, and is a major navigable waterway connecting the Village of Macedon with Albany to the east, Rochester to the west and beyond. The boat launch and dock in Macedon Canal Park provide amenities for recreational boaters traveling along the Canal. Due to its status as a Navigable Water of the United States, the Erie Canal is under the jurisdiction of both the Army Corps of Engineers and the United States Coast Guard, in addition to the NYS Canal Corporation.

GANARGUA CREEK

Ganargua Creek runs the southern length of the Waterfront Revitalization Area and the Village boundary. It flows east to the Oswego River and ultimately north into Lake Ontario. The Creek is navigable only by small, non-motorized boats such as kayaks and offers limited fishing opportunities. The Creek is prone to drought in some places. In addition to its limited recreational uses, the Ganargua Creek offers environmental and ecological benefits to the community.

WATERSHEDS

A watershed is defined as the area of land that drains into a particular water

body. The Village of Macedon drains into the Oswego River/Finger Lakes Watershed. The watershed includes most of the Finger Lakes and empties into Lake Ontario.

Water Quality

The Department of Environmental Conservation classifies all waterways according to best use. The classifications are used to regulate water quality and enforce water quality standards. Both Ganargua Creek and the Erie Canal are classified by NYSDEC as Class “C” navigable waterways, best used for fishing, swimming and boating.

The NYSDEC has implemented several programs to monitor the waters of the state, assess the quality of these waters, conduct research to better define the nature of pollutants, sources and impacts on water quality, and develop management strategies to enhance and protect these waters. The NYSDEC Division of Water is responsible for the routine monitoring to determine the overall quality of waters, trends in water quality, and identification of water quality problems and issues. This monitoring effort is coordinated through several active programs that provide varied findings across the spectrum of water resources. Several assessment and reporting programs are utilized to evaluate monitoring results and report on water quality.

Ganargua Creek is listed on the NYSDEC Priority Waterbodies List as having “minor impacts.” Waters with minor impacts are defined by NYSDEC as waterbodies in

which less severe water quality impacts are apparent but uses are still considered fully supported. A 2001 biological assessment and a 2002 Rotating Intensive Basin Study were conducted for Ganargua Creek in Macedon by NYSDEC, concluding that the Creek has been slightly impacted by non-point source nutrient enrichment since 1980, most likely from construction and urban and stormwater runoff.

Flood Hazard Areas

According to Federal Emergency Management Agency (FEMA) mapping for the Village of Macedon, the Erie Canal and Ganargua Creek corridor are mapped as Zone "AE", which is within the 100-year floodplain. Any development within Zone "AE" must conform to both federal floodplain requirements as well as the requirements set forth in §906 ("Flood Protection Overlay") of the Village of Macedon Zoning Ordinance. Designated Zone "AE" was formally designated as an overlay zoning district by the Village (Map 4). The "Floodplain Overlay District" (FP-O) requires a Floodplain Development Permit from the Village of Macedon prior to development or construction activities being undertaken within the Floodplain Overlay District. Additional information regarding the Floodplain Overlay District is included within the Village Zoning Code.

Wetlands

There are no New York State mapped freshwater wetlands located within the Waterfront Revitalization Area. New York State freshwater wetland MA-16 is located just outside of the northwestern portion of

the Waterfront Revitalization Area, along the northern portion of the Erie Canal. There are, however, a number of federally-mapped freshwater wetlands located within the Waterfront Revitalization Area along the Ganargua Creek corridor. Other small federal wetlands not mapped by the National Wetlands Inventory may also be present.

Topography

The majority of the Village of Macedon Waterfront Revitalization Area is topographically flat, limiting erosion hazard areas to the banks and slopes of the Ganargua Creek Corridor and the slopes of Hemlock Hill in the vicinity of the Village Cemetery property. This highest point within the Waterfront Revitalization Area is the top of the drumlin, at 600 feet above sea level, on the Beckenbach Property. The lowest point is along the banks of Ganargua Creek as it exits the eastern portion of the Waterfront Revitalization Area behind the Water Treatment Plant. During the realignment of Erie Street, erosion protection measures were implemented between Erie Street and Ganargua Creek, including the installation of erosion control blanket and rip-rap slope protection and selective planting of trees.

Soil Characteristics

The majority of the soil is comprised of two soil types as identified by the Wayne County Soil Survey.

Cut and Fill Land (CFL): CFL soil refers to the soil that is removed or added during construction in order to create the desired contour or flatness in an area of land. Within

the Waterfront Revitalization Area, 24.7% of the soil is comprised of CFL. CFL soils are mapped generally along the Erie Canal corridor, and also include the Palmyra-Macedon Intermediate School properties, the Town of Macedon Complex, the Berry Plastics complex and the properties located south of Route 31 opposite the Berry Plastics complex. The unknown nature of CFL soil composition means that actual soil types and structural composition may vary greatly. Future redevelopment initiatives will need to consider additional site soil investigations prior to redevelopment on mapped CFL soils.

Palmyra Gravelly Loam (PcA): This soil type is very deep, flat and well drained with a high water table around six feet below ground. PcA soils possess high permeability, and can facilitate surface pollution entering the water table. The slope ranges from 0 to 3 percent and consists of 17.5% of the LWRP Waterfront Revitalization Area. PcA soils are mapped along the Route 31/Main Street corridor in the Village of Macedon's downtown. Future redevelopment initiatives within the Village's downtown will need to include considerations for this highly permeable soil to prevent groundwater contamination.

The remaining land within the Waterfront Revitalization Area is split between forty-five smaller soil associations.

Infrastructure (Maps 11&12)

The Waterfront Revitalization Area is served by a variety of transportation options, including two New York State Routes, the Erie Canal, a regional bus route, active

railroad lines, multi-use trails and sidewalks located along most Village streets. Transportation systems are illustrated on Map 11.

Roadways and Traffic Volume

NYS Route 31 is a major connector between Wayne County and the Greater Rochester area. It is classified as a Principal Arterial by NYSDOT and runs from west to east through the Village of Macedon. 2012 Annual Average Daily Traffic (AADT) volumes were obtained from the NYSDOT Traffic Data Viewer for Route 31 within the Waterfront Revitalization Area. Route 31 west of its intersection with Route 350 possesses an AADT of 23,368 vehicles. East of this intersection, Route 31 possesses an AADT of 11,931 vehicles. Route 31, especially west of the intersection with Route 350, is a major roadway for commuters into, out of, and through the Village of Macedon.

Within the Village of Macedon, NYS Route 31 consists of one 12-foot lane in each direction with auxiliary turn lanes at intersections, nine-foot wide on-street parking lanes. Portions of the roadway within the Village are curbed. Bike lanes have recently been added to Route 31 to ensure safe passage for cyclists along this corridor. The posted speed limit is 30 MPH inside the Village of Macedon.

Ontario Center Road, NYS Route 350, is the major north to south roadway intersecting with Route 31 in the Village of Macedon. It is also operated by NYSDOT and is classified as a Minor Arterial, yet experiences substantial traffic from commercial trucks. The roadway generally has one 12-foot wide travel lane in each direction with a ten-foot shoulder. The shoulder narrows at the bridge over the

Canal making safe passage difficult for pedestrians and cyclists. The estimated AADT for Route 350 is 5,281 vehicles.

A Corridor Study of Route 31 funded by the Genesee Transportation Council (GTC) in 2011 measured the Level of Service (LOS) at several key intersections along Route 31, including the Village's main intersection at Route 31/Route 350. LOS is a qualitative measure describing how motorists and passengers perceive factors influencing the degree of congestion at an intersection. These factors include travel time, volume, speed and delay. LOS range from A to F. The Route 31 Corridor Study graded the Route 31/Route 350 intersection as an LOS B, with a mean wait time of 10 seconds during the morning peak and a mean wait time of 11 seconds during the afternoon peak.

Local roads within the Waterfront Revitalization Area are in generally good condition based on field observation.

Pedestrian and Bicycle Infrastructure

Pedestrian traffic is generated by commercial buildings along NYS Route 31, the Erie Canalway Trail and residential areas of the Village of Macedon. Within the Village, Route 31 and most local streets are lined with sidewalks. They are generally four to five feet wide and are maintained by the Village Department of Public Works. Based upon field observations, the sidewalks appear to be in fair to good condition. Traveling by foot is generally safe within the Waterfront Revitalization Area with the exception of

portions of Route 350 that do not provide an ample shoulder.

Bicycling is most popular as a recreational activity along the Erie Canalway Trail, but is common throughout the Village. NYS Route 31 is part of NYS Bicycle Route 5, a statewide bicycle route connecting Albany to Buffalo. Marked bike lanes were recently added to Route 31 in the Village to ensure safe passage for cyclists. Bicyclists also share the pavement with motorized vehicles within the Waterfront Revitalization Area – existing shoulders are adequate, with the exception of those areas adjacent to the intersection of Routes 31 and 350.

The Erie Canal Trail is an asset for both recreational pedestrians and bicyclists. There are two access points within the Waterfront Revitalization Area – the sole access point with parking facilities is just west of Route 350 and north of Lock 30. The Trail can also be accessed at the intersection of Quaker Road and Main Street at the eastern border of the Waterfront Revitalization Area.

The Butterfly Nature Trail offers a unique pedestrian-only experience within Macedon Canal Park.

Rail Service

A dual railroad track runs along the northern shore of the Erie Canal and serves as the northern extent of the Waterfront Revitalization Area. CSX owns the heavily used rail corridor -- approximately 55 Class I freight trains and 7 Class VI passenger trains pass each day. Class I railroads are primary corridors,

VILLAGE OF MACEDON WATERFRONT & DOWNTOWN REVITALIZATION STRATEGY



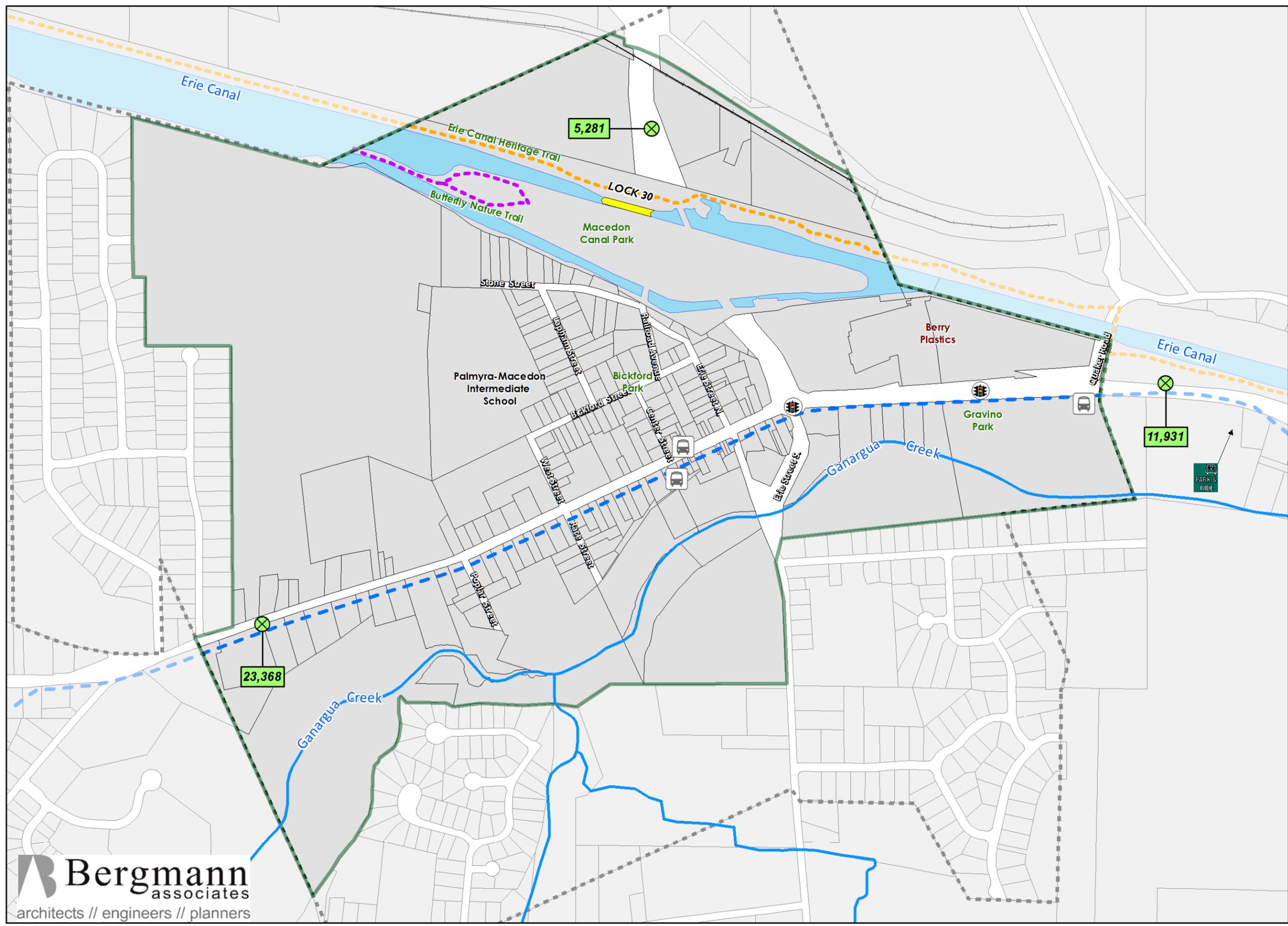
Legend

- Waterfront Revitalization Area Boundary
- Village Boundary
- Average Daily Traffic Count
- Bus Stops
- Bus Routes
- Railroads
- Erie Canal Heritage Trail
- Butterfly Nature Trail
- Erie Canal
- Ganargua Creek

0 300 600 Feet

MAP 11 Transportation Infrastructure

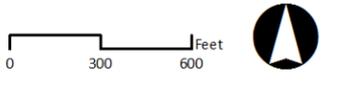
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VILLAGE OF MACEDON WATERFRONT & DOWNTOWN REVITALIZATION STRATEGY

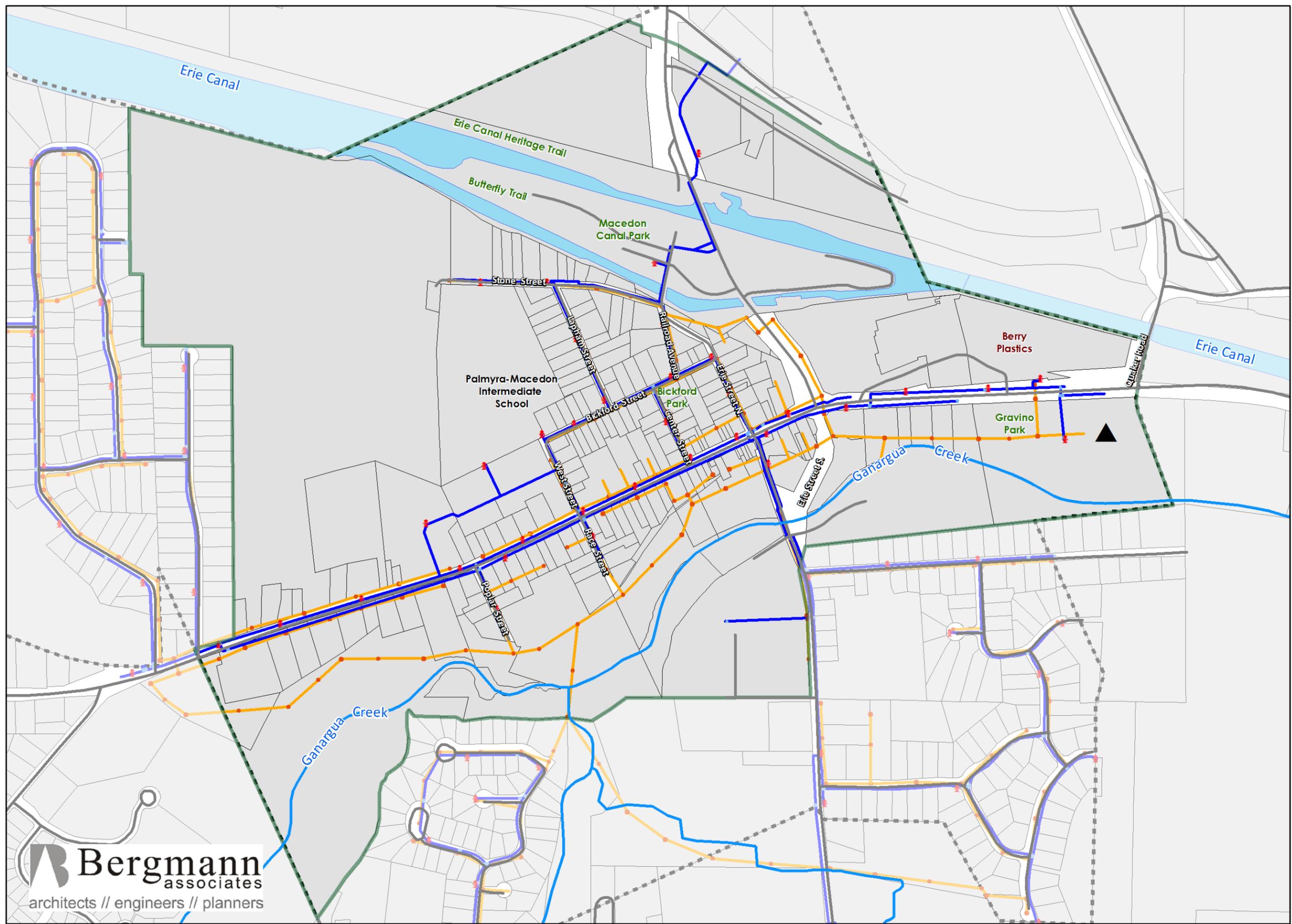


- Legend**
- Waterfront Revitalization Area Boundary
 - Village Boundary
 - Fire Hydrants
 - Sewer Manhole
 - Water Valve
 - Sanitary Sewer
 - Water Line
 - County Water Mains
 - Erie Canal
 - Ganargua Creek
 - Sewage Treatment Plant



MAP 12 Infrastructure

This document was prepared for the Village of Macedon and the New York State Department of State with state funds provided under Title 11 of the Environmental Protection Fund and the Brownfield Opportunity Area Program.



carrying interstate traffic and generating annual revenues over \$250 million. Through a shared use agreement, AMTRAK operates a Class VI Passenger Service.

The two track line switches to a one track line as it approaches Route 350 via an at-grade crossing, controlled by a two quadrant signal arm with flashing warning lights. The condition of the Route 350 crossing appears to be deteriorating based on 2013 observations.

Public Transportation

There are two existing bus stop locations within the Waterfront Revitalization Area, both of which offer RTS and WATS service. Regional Transit Service, Inc. (RTS) provides public transit service between Wayne County and the Village of Rochester via the RTS Park & Ride in Webster. Wayne Area Transportation Service (WATS) loops throughout Wayne County and connects to RTS. The north curb line of NYS Route 31 at Center Street is equipped with both signage and a bus shelter whereas the other stop located directly across the street on the south curb line, is only signed. An RTS/WATS Park and Ride serving residents of the Village is located just east of the Waterfront Revitalization Area, in West Wayne Plaza.

Water Transportation

The Erie Canal, once a major corridor for the transportation of goods, is now used primarily for recreational purposes. Boaters on the Canal have access to a public boat launch and dock within Macedon Canal Park. Although there are no other

boat-related amenities such as gas and pumpout facilities within the Village, there is a private marina, Mid-Lakes Erie Macedon Landing, just west of the Village in the Town of Macedon.

Water and Waste Water

The Wayne County Water and Sewer Authority provides the Village of Macedon with potable water drawn from Lake Ontario. The Authority has long-term water contracts with the Town of Ontario and Monroe County Water Authority to provide water for resale to public water customers in Macedon. The available water supply and transmission capacity of the Village is considered sufficient to provide potable water for future redevelopment activities in the Waterfront Revitalization Area.

Sewer infrastructure within the Village of Macedon Waterfront Revitalization Area is comprised of combined sewer mains that combine sanitary waste and stormwater discharged to the Village of Macedon Sewage Treatment Plant. A 16-inch diameter gravity trunk runs along the northern bank of Ganaragua Creek with connected eight and six inch diameter laterals that serve as the Village's sewer infrastructure.

While the Town of Macedon's sewer mains are owned by the Town and maintained by the Wayne County Water and Sewer Authority, it also discharges its effluent to the Village Sewage Treatment Plant. The Sewage Treatment Plant currently has a capacity of 750,000 million gallons per day (MGD). The Town is entitled to 500,000 MGD of that while the

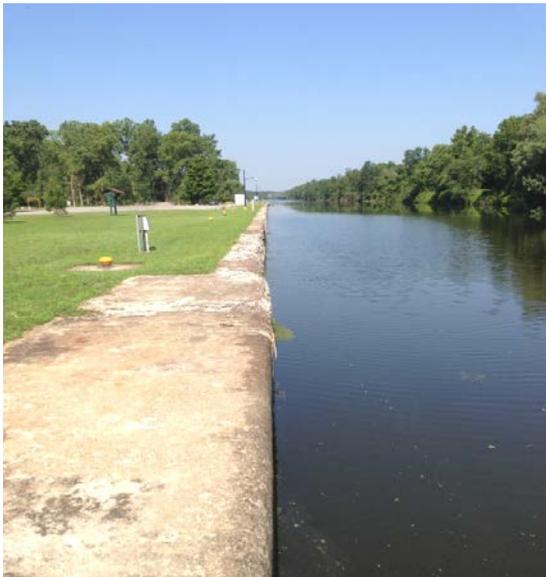
Village has appropriated 250,000 MGD. Dry weather flows are roughly between 300,000 and 400,000 MGD. It is anticipated that the existing Sewage Treatment Plant possesses sufficient capacity to allow for expansion associated with future redevelopment initiatives.

Underwater Infrastructure

According to the NYS Canal Corporation, there are no identified underwater crossings in the Canal within the Waterfront Revitalization Area's boundaries.

Bulkheads

Within the Waterfront Revitalization Area, bulkheads line the entire Barge Canal whereas the Enlarged Canal has only intermittent hardened shoreline, primarily along privately owned properties. The Barge Canal bulkheads are in poor condition, especially west of Lock 30.



Barge Canal bulkheads in Macedon Canal Park, looking west

Docks and Docking Facilities

Two public docks and one public launch are located on the southeastern shore of Macedon Canal Park. Both the launch and docks are in good condition, but require routine maintenance and could be enhanced to better serve the community. There are currently no ADA accessible docks within the Waterfront Revitalization Area.



Boat launch and two docks, as seen from Macedon Canal Park

Summary of Key Findings

The Village of Macedon's two waterways offer considerable opportunity for economic development, yet also require a significant level of investment and planning to achieve their greatest potential.

Strengths and Opportunities

Almost the entire waterfront along the Enlarged Canal is under public ownership, positioning the Village to lead the effort in revitalizing the waterfront. The enhancement and expansion of these recreational facilities and the introduction of appropriately scaled housing or commercial development along the

banks of the Canal represent significant opportunity for investment and revitalization.

The Erie Canal is a tourism generator – recreational boaters are drawn to the rich history of the Canal, its locks and the towns that grew up around it. Pedestrians and bicyclists frequent the Erie Canalway Trail either for a short, leisurely activity or a multi-day adventure through New York State along the Canal. At this time, however, the Village of Macedon is not capitalizing on its history as a Canal Town. Some enhancements that would make the Village of Macedon more of a destination or stopping off point for recreational users of the Canal are diverse and can be implemented incrementally. A coordinated wayfinding and promotional campaign would be an initial step in enhancing the connectivity of the Canal and the Downtown. Streetscaping improvements to make it safer and easier to travel from the Canalway Trail to Main Street would also be necessary.

In contrast, Ganargua Creek offers a unique, tranquil experience in nature just south of the Village’s Downtown. Through minor enhancements such as establishing public access points to the Creek, improving the greenway along the Creek, providing wayfinding signage and constructing a boat launch for kayaking and canoeing, the Creek can be better enjoyed by residents and visitors alike.

Building off of the Village of Macedon’s desire to be an authentic and independent Canal Town, the improvement of Ganargua Creek would

serve as a unique feature, especially due to its proximity to the Downtown.

ECONOMIC REVITALIZATION

The proximity of the Village of Macedon to the Erie Canal and Ganargua Creek is essential to promoting the Village as a center for recreation and local business. Opportunities for economic revitalization will be furthered through the enhancement and expansion of Macedon Canal Park island and its connectivity to the Village’s downtown. As Canal Park’s amenities improve and draw more frequent use from a wider variety of users, commercial opportunities will increase around Canal Park and into the downtown.

The Village of Macedon can begin to encourage residents from the surrounding region to visit through the promotion of special events such as a Canal Days Celebration that would link and highlight the Village’s various assets. The Village of Macedon should also seek partners within the county and region to mutually promote the towns along the Erie Canal Corridor.

CONNECTIVITY

Canal Park and downtown will mutually benefit from better connectivity and wayfinding for pedestrians and cyclists. Inviting, accessible walkways and signage that clearly indicate the proximity between Canal Park, downtown and other Village destinations will entice people to travel between the Village’s two greatest amenities.

There are also opportunities for the establishment of additional trails to ensure

safer, easier access to the Village's natural amenities -- particularly the Erie Canal, Ganargua Creek, the proposed loop trail and existing parks and open spaces. The creation of a loop trail would also serve to entice Canal trail users to visit other amenities in the Village of Macedon.

NEW DEVELOPMENT

The Village of Macedon's Waterfront Revitalization Area contains several strategic sites for redevelopment to better take advantage of the Canal's scenic waterfront and the downtown's small town character. The vacant Berry Plastics parking lot, several vacant parcels on Main Street and the farmland along the northern shore of the Canal are some of the sites that could be redeveloped for more appropriate uses in order to spur on further revitalization efforts within the Village.

CANAL PARK

There are many opportunities to enhance Canal Park as a regional destination for residents and visitors. The park offers one of the few designated camp sites along the Erie Canal, but lacks amenities that overnight travelers require.

The redevelopment of the vacant Berry Plastics parking lot on Canal Park Island, east of Route 350, could greatly improve the aesthetics and programming opportunities for Canal Park and the waterfront area.

GANARGUA CREEK

Ganargua Creek contributes to the quality of life of residents who use it as an informal walking trail and location for

kayaking, canoeing and fishing. By formalizing a Creek trailhead and trail, the Creek will become more accessible and will encourage residents and visitors to use the trail for recreation, thereby increasing activity in and around the Main Street Corridor.

Obstacles and Constraints

While opportunities for the redevelopment and enhancement of the Waterfront Revitalization Area abound, there are hurdles to leveraging these resources.

The Village's abundance of developable land will eventually become an opportunity, but it is currently a deterrent to current Village users and potential investors. Although the Village of Macedon has ample open space, there are existing obstacles to making the best use out of its waterfronts and existing open space. The underutilized properties north of the Canal and the portion of Canal Park island east of Route 350 diminish the Village's tax base and detract from the Canal and Canalway Trail. The size and current use of these large parcels will make redevelopment both time consuming and costly. Canal Park also suffers from poor connectivity with the downtown, causing the downtown to lose out on potential Canal traffic and Village users to visit Canal Park infrequently.

The downtown faces similar challenges -- the vacant and underutilized buildings and lots that line Main Street deter potential investment and cause Village users to go elsewhere for their daily needs. When downtown, there is little indication

of the Village's nearby open space amenities.

ECONOMIC REVITALIZATION

The Village's underutilized and vacant buildings and lots will eventually translate into economic opportunity, but currently deter residents, nearby employees and commuters from using the Village's amenities and services on a regular basis. This is especially true of Main Street, the Village's commercial corridor.

CONNECTIVITY

The Village has many amenities, including Canal Park, Main Street, Ganargua Creek and Gravino Park. Currently, however, these destinations are not well-connected for easy pedestrian access nor is there clear signage identifying the proximity of these destinations.

NEW DEVELOPMENT

As mentioned, the Village's underutilized and vacant buildings and lots currently deter investment interest on Main Street, but the potential for redeveloping Canalfront properties may attract developers willing to take on large, potentially costly projects.

CANAL PARK

Residents and Canal users alike see Canal Park as having few attractions to bring them to the park today. The lack of interest in the park, especially by Canal users, negatively impacts the Village's commercial activity.

GANARGUA CREEK

Although the Creek is enjoyed by some residents, the informal trail and entry points to it are not widely known by

residents and visitors who are looking to further explore the Village.

Summary Conclusion

The successful redevelopment of the Village's Waterfront Revitalization Area will be determined by the following:

- The identification of priority projects that leverage existing resources and reflect the vision and goals of Village residents.
- The identification of public and private resources and capital for project implementation.
- A realistic understanding of the marketplace for individual redevelopment opportunities and the Village's economic outlook.
- The generation of community and investment support for the Village of Macedon's waterfront and downtown amenities.

SECTION III: WATERFRONT REVITALIZATION PROGRAM POLICIES



Introduction

The LWRP Policies are intended to serve as the basis for coordinated decision-making regarding waterfront resources and issues in the Village of Macedon Waterfront Revitalization Area. The policies are consistent with those established by the New York State Department of State, yet they are specifically tailored to meet the specific needs and characteristics of the Village. The policies have been developed in accordance with input obtained through meetings with local officials, the LWRP Steering Committee and interested citizens and organizations. These policies are based on the economic, environmental and cultural

characteristics of the Village of Macedon, and are intended to achieve a suitable balance between economic development and preservation of existing natural resources. This balance shall permit the beneficial use of the Village's waterfront resources and prevent adverse impacts to those resources.

The policies are comprehensive and reflect the community's concerns; and they will be enforced through use of State laws and authorities, and local laws and regulations. The policies are organized under four headings: developed waterfront policies; natural waterfront policies; public waterfront policies; and working waterfront policies.

Developed Waterfront Policies

Policy 1

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

- 1.1 Concentrate development and redevelopment in downtown and along the Erie Canal waterfront.**
- 1.2 Ensure that development or uses take appropriate advantage of their waterfront location.**
- 1.3 Protect existing stable residential areas and promote new residential development downtown and along the northern shore of the Erie Canal.**
- 1.4 Maintain and enhance natural areas, recreation, and open space.**
- 1.5 Minimize adverse impacts of new development and redevelopment.**

Explanation of Policy 1

Future development of the Village of Macedon's Waterfront Revitalization Area should focus on the promotion of water-dependent and water-enhanced uses, especially along the historic Erie Canal. Development should also leverage the waterfront's location for the benefit of

private and public interests through the preservation of public access, provision of recreation, and protection of natural areas, where applicable. Future land uses within downtown and along portions of the waterfront should focus on mixed use development, to include the opportunity for residential units where appropriate. Residential or commercial development along the northern shore of the Canal should follow the Village's design guidelines and enhance rather than detract from the character of the Canal.

Explanation of Policy 1.1

The revitalization of underutilized waterfront properties along the Erie Canal is one of the most effective means of encouraging economic growth in the Village without consuming valuable waterfront open space. The redevelopment of the Berry Plastics parking lot into an extension of Canal Park, implementation of enhanced uses of the facilities already located within Macedon Canal Park Island and identifying the highest and best uses for parcels on the north shore of the Canal will serve as a magnet for other development activities along the Erie Canal and the nearby Ganargua Creek, as well as Downtown.

The following guidelines will be used to review actions for consistency with this policy as it pertains to any future development within the Waterfront Revitalization Area.

- a. Priority should be given to uses which are dependent on a location adjacent to the water. In addition, uses which are

enhanced by a waterfront location should be encouraged to locate along the shore, though not at the expense of water dependent uses.

b. The action should enhance existing and anticipated uses. For example, with regard to potential NYS DEC Brownfield Cleanup funding, priority should be given to sites within the Waterfront Revitalization Area over sites with similar characteristics but located outside this policy area.

c. The action should serve as a catalyst for continued private investment in the area.

d. The action must lead to development which is compatible with the character of the area, with consideration given to scale, architectural style, density, intensity of use and impacts to surrounding development.

e. The action should have the potential to improve the existing economic base of Macedon, and, at a minimum, must not jeopardize this base.

f. The action should enhance views of the water and, at a minimum, must not affect these views in an insensitive manner.

g. The action should have the potential to improve the possibilities for multiple uses on the site.

h. Development should not negatively impact existing land or waterside environmentally sensitive areas.

i. Provide physical linkages between the waterfront and downtown area and other areas of Village.

Explanation of Policy 1.2

Future projects and development in the Waterfront Revitalization Area shall consider proximity to the Erie Canal and Ganargua Creek shorelines.

Development adjacent to the Erie Canal should seek to maximize the recreational potential of the waterway and shall be developed in a manner that takes advantage and capitalizes on the scenic beauty of the waterway.

Specific water-dependent and water-enhanced uses to be accommodated within the Village's waterfront area are described in Section IV, Proposed Projects. All new development within the Village's waterfront area is to be sited and designed to enhance, or at least not detract from the surrounding area. All waterfront development should be oriented towards the water. Projects should provide careful consideration of potential impacts, positive and negative, on the promotion of tourism within the Village, which has been identified as an important economic driver of revitalization.

Many developments present practical opportunities for providing public access to the Village's waterfronts. Therefore, developments located adjacent to the Erie Canal or Ganargua Creek should, to the greatest extent possible, provide for some form of public access. The Village will consider public access as part of their Site Plan Review process.

Explanation of Policy 1.3

Existing residential neighborhoods within the Waterfront Revitalization Area should be maintained, with compatible and desirable new residential supported in strategic locations, including the conversion of upper story units in the downtown and on properties on the north side of the Erie Canal.

Explanation of Policy 1.4

The Village's Erie Canal and Ganargua Creek waterfronts are its most important outdoor recreation resources and natural resources. The loss and degradation of existing park, trail, and open space amenities shall be avoided, while strategically identifying opportunities to expand, enhance and improve existing facilities.

Existing water-dependent and water-enhanced recreational facilities at Macedon Canal Park should be maintained and expanded to support the recreation and service needs of park visitors. Building off of the Park's unique asset as a legal camping ground, amenities to attract boaters to stay the night in Macedon instead of other Canal Towns should be added. Enhancing accessibility for pedestrians and bicyclists to Canal Park from downtown and the northern shore of the Canal shall be a priority.

Creating public access and enhancing the possible recreational activities along Ganargua Creek is also a priority.

Proposed projects in the vicinity of Ganargua Creek or the Erie Canal shall be

undertaken in a manner that ensures the development maintains the value of the recreational, open space and natural resources in the community.

Explanation of Policy 1.5

Development or redevelopment activities within the Waterfront Revitalization Area should be cognizant of potential positive or negative impacts such development would have on the future viability and economic competitiveness of the Village, environmental factors and general land use patterns.

Policy 2

Preserve historic resources of the waterfront area.

2.1 Maximize preservation and retention of historic resources.

2.2 Protect and preserve archaeological resources.

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

Explanation of Policy 2

The preservation of the Village's numerous historic resources is important to retain its unique sense of place, to build upon the community's heritage and identity and to promote heritage tourism opportunities.

The intent of this policy is to preserve the historic and archaeological resources within the waterfront revitalization and weave opportunities to share their story into future projects.

There are currently no individually- listed buildings or districts on the National Register of Historic Places. However, the entire Waterfront Revitalization Area lies within the boundaries of the Erie Canalway National Heritage Corridor.

A number of locally significant buildings and sites are present as described in Section II.

Explanation of Policy 2.1

To preserve and promote the historical roots of the Village of Macedon, the Village should pursue the designation of historic districts or properties, whether locally or through National Register designation. The design standards established in the “Design Guidelines and Overlay Zoning for the Main Street Downtown District in the Village of Macedon” from 2010 for the Village Center Overlay District should be adhered to preserve the historical character of the Village within the boundaries of the overlay district.

Future development on any site with historic significance shall be done in a manner that is sensitive to and preserves, to the extent practicable, remaining historic resources and elements.

Explanation of Policy 2.2

Any site with known archaeological resources shall be developed in a manner that preserves the resources of the site. Those sites that have the potential to contain archaeological resources shall undergo an archaeological assessment prior to development.

Explanation of Policy 2.3

The Village’s historic waterfront culture is shaped by the Erie Canal, Ganargua Creek and the waterfront amenities that celebrate the community’s heritage.

Pursuant to other Policy recommendations, these resources shall be protected and enhanced to ensure the Village of Macedon’s cultural and economic prosperity.

The historic character of the Canal corridor shall be preserved and celebrated by following the goals and actions identified in the Western Erie Canal Heritage Corridor Management Plan. The objectives of the Plan include a vibrant economy, enhanced quality-of-life, conservation of resources, and increased appreciation of local natural and cultural resources.

Policy 3

Enhance visual quality and protect scenic resources in the waterfront area.

3.1 Protect and improve visual quality throughout the waterfront area.

3.2 Protect aesthetic values associated with recognized areas of high scenic quality.

Explanation of Policy 3

Locations offering high scenic quality and cultural importance, including the Erie Canal and Ganargua Creek waterfronts and The Village of Macedon’s downtown shall be protected and public access

ensured. Future public and private development within the Waterfront Revitalization Area should be cognizant of locally and regionally significant views and vistas to and from project sites. The protection of high quality visual areas is an important factor in the development and sustainability of the Village's tourism industry, and should be considered a high priority during development projects. Significant views are identified, but not limited to, those recognized in Section II and depicted on Map 9.

Explanation of Policy 3.1

The following siting and facility-related guidelines are to be applied accordingly to protect the visual quality of the waterfront area.

- a. Site structures and other development, such as power lines and signage, away from the shoreline or in inconspicuous locations to maintain the attractive quality of the shoreline and to retain views to and from the shore.
- b. Cluster or orient site structures to retain views, save open space, and provide visual organization to development.
- c. Promote and encourage the adaptive reuse of existing structures, especially historic buildings, into the overall development scheme.
- d. Remove deteriorated and/or degrading elements that detract from the visual quality of an area.
- e. Demolish and/or remove structurally unsound or deficient buildings along the waterfront.

f. Maintain or add vegetation to provide interest, blend structures into the site, and obscure unattractive elements, except when selective clearing removes unsightly, diseased or hazardous vegetation.

g. Selective clearing of vegetation along the shoreline is permitted to provide intimate and structured views of waters, only where such clearing would not negatively impact shoreline stabilization or water quality.

h. Prevent the blocking of views to the water from upland areas.

i. Use appropriate materials, in addition to vegetation, to screen unattractive elements.

j. Use appropriate scales, forms and materials to ensure buildings and other structures are compatible with and add interest to the landscape.

k. Utilize natural materials and colors in future developments that blend with the surrounding natural landscape.

Explanation of Policy 3.2

There are no Scenic Areas of Statewide Significance (SASS) located within the Village of Macedon Waterfront Revitalization Area.

Natural Waterfront Policies

Policy 4

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

- 4.1 Minimize losses of human life and structures from flooding and erosion hazards.
- 4.2 Preserve and restore natural protective features.
- 4.3 Protect public lands and public trust lands and use of these lands when undertaking all erosion or flood control projects.
- 4.4 Manage navigation infrastructure to limit adverse impacts on waterfront processes.
- 4.5 Ensure the expenditure of public funds for flooding and erosion control projects results in public benefit.
- 4.6 Consider climate change when siting and designing projects involving substantial public expenditures.

Explanation of Policy 4

This policy seeks to protect life, structures and natural resources from flooding and erosion hazards.

This policy applies to those areas designated as special flood hazard areas by the Federal Emergency Management Administration (FEMA) and displayed on the Village's Flood Insurance Rate Map (FIRM), dated January 6, 1982 and as such

may be updated. The 100-year floodplain, also called the special flood hazard area, and the 500-year floodplain are identified on Map 8.

Explanation of Policy 4.1

The Village of Macedon participates in the National Flood Insurance Program and has established a Floodplain Overlay District (FP-O) which encompasses all land within the 100-year flood plain as defined by the Federal Emergency Management Agency (FEMA).

The intent of the FP-O is to minimize loss to structures as a result of flood conditions. As such any future development within the FP-O is required to obtain all required approvals and permits. Non water-dependent uses are discouraged from development in flood-prone areas.

Explanation of Policy 4.2

The Village shall promote the preservation of natural protective features such as wetlands, vegetated slopes and shorelines, when practical. Guidelines for development along existing shorelines include, but are not limited to:

- Avoiding the alteration or interference with shorelines in their natural vegetated condition.
- Managing activities to minimize interference with, limit damage to, or reverse damage which has diminished the protective capacities of the natural shoreline.

Existing natural protective landside features should be preserved to the greatest extent practical. Previously

impacted shorelines should be re-vegetated to their former natural state to protect water quality and local habitat.

Explanation of Policy 4.3

Avoid losses or likely losses of public trust lands or use of these lands, including public access along the shore, which can be reasonably attributed to or anticipated to result from erosion protection structures. Projects proposed within or adjacent to public lands shall be considerate of all necessary protections against negative impacts associated with erosion and flood control activities both during and after construction.

Explanation of Policy 4.4

Maintenance of the Erie Canal navigation channel is the responsibility of the New York State Canal Corporation. The Village shall continue to work with the Canal Corporation in the maintenance of the channel consistent with the policies of this LWRP.

Explanation of Policy 4.5

Public funds should only be used for erosion and flood protective measures where necessary to protect human life and for new development which requires a location within or adjacent to an erosion or flood hazard. Public funds should only be used 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 4.6

Climate change and resiliency shall be considered in siting and design of projects involving substantial public expenditures to ensure projects can withstand flooding, damage, and other hazards posed by the threat of extreme weather. Appropriate siting and design techniques for a given project will depend on case-by-case considerations, including site-specific vulnerabilities and risks.

Policy 5

Protect and improve water quality and supply in the waterfront area

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

5.2 Manage land use activities and use best management practices to minimize nonpoint pollution of waterfront areas.

5.3 Protect and enhance the quality of waterfront area waters.

5.4 Limit the potential for adverse impacts of watershed development on water quality and quantity.

5.5 Protect and conserve the quality and quantity of potable water.

Explanation of Policy 5

The purpose of this policy is to protect the quality and quantity of water in the Erie Canal and Ganargua Creek. Quality considerations include both point and nonpoint pollution management. Water

quality protection and improvement must be accomplished by the combination of managing new and remediating existing sources of pollution.

The protection of existing water resources shall be accomplished through the implementation of best management practice with regards to discharges, storm water management, and land use controls within the Waterfront Revitalization Area.

Working in concert with the Ontario-Wayne Stormwater Coalition, the Village of Macedon has developed the following stormwater management activities:

- Village of Macedon has mapped all of its storm drain outfalls.
- All construction site plans are reviewed during the approval process by the Zoning Department and Village Engineer for erosion and sediment control practices.
- The Village Engineer inspects construction sites and enforces compliance issues.
- Village staff regularly attends training sessions provided by the Ontario-Wayne Stormwater Coalition or at New York State training events to ensure they are current with Stormwater Phase II regulations.

Explanation of Policy 5.1

The following are known point-source discharges within the Waterfront Revitalization Area registered with the NY State Pollutant Discharge Elimination System:

- Village of Macedon Waste Water Treatment Plant, 135 Main Street
- Berry Plastics Complex

Point-source discharges into the water resources of the Village of Macedon will be prevented by avoiding land and water uses which would:

- Exceed applicable effluent limitations;
- Cause or contribute to contravention of water quality classification and use standards; or
- Adversely affect the quality of receiving water.

Pursuant to the Federal Clean Water Act of 1977 (FL 95-2L7) the State has classified its coastal and other waters in accordance with considerations of best usage in the interest of the public and has adopted water quality standards for each class of waters. These classifications and standards are reviewable at least every three years for possible revision or amendment. The Village of Macedon's Local Waterfront Revitalization Program shall be factored into the review process for the Erie Canal and Ganargua Creek. Such consideration, however, shall not affect any water pollution control requirement established by the State pursuant to the Federal Clean Water Act.

The Village will evaluate the potential impact of any future development projects to determine if there is the potential for the project to adversely impact water quality. If potential is determined, the Village shall require a

Stormwater Pollution Prevention Plan be prepared.

Explanation of Policy 5.2

All development projects identified in the Waterfront Revitalization Area shall incorporate best management practices related to stormwater management. Erosion and sediment control measures shall be required on all projects in the Waterfront Revitalization Area.

All projects disturbing more than one acre of land shall be required to prepare a Stormwater Pollution Prevention Plan. Projects on less than one acre with potential to have negative impacts on water quality may also be required to prepare a Stormwater Pollution Prevention Plan.

Explanation of Policy 5.3

Protect water quality of Ganargua Creek and the Erie Canal. The Department of Environmental Conservation classifies Ganargua Creek and the Erie Canal as Class "C" navigable waterways, best used for fishing, swimming and boating. This classification shall be maintained.

Minimize disturbance of waterways, including their beds and banks, in order to prevent erosion of soil, increased turbidity, and irregular variation in velocity, temperature, and level of water.

Protect water quality of the waterway waters from adverse impacts associated with excavation, fill and disposal of dredged material.

Explanation of Policy 5.4

All projects within the Waterfront Revitalization Area shall be completed in a manner that limits the potential for adverse impacts to the waters and quality of the Erie Canal and Ganargua Creek.

Protect water quality by ensuring that watershed development protects areas that provide important water quality benefits, maintains natural characteristics of drainage systems, and protects areas that are particularly susceptible to erosion and sediment loss.

Limit the impacts of individual development projects to prevent cumulative water quality impacts upon the watershed which would result in a failure to meet water quality standards.

Explanation of Policy 5.5

Potable water in the Waterfront Revitalization Area is provided by Wayne County Water and Sewer Authority, drawn from Lake Ontario.

Protection of local groundwater and surface water is overseen by New York State and is required to be considered as part of land use planning, zoning and site development projects.

Potential negative impacts shall be considered, evaluated and mitigated, as necessary. Potential impacts include, but are not limited to, construction activity, land use management, point and non-point pollution sources and direct actions on waterways.

All commercial and industrial discharges into Village waterways are regulated by State and Federal Law, and shall flow into the Village of Macedon’s wastewater treatment plant.

Policy 6

Protect and restore the quality and function of the waterfront ecosystem.

6.1 Protect and restore ecological quality.

6.2 Protect and restore Significant Coastal Fish and Wildlife Habitats.

6.3 Protect and restore freshwater wetlands.

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

Explanation of Policy 6

The Erie Canal and Ganargua Creek are locally important elements within a larger regionally significant waterfront ecosystem that stretches from Lake Erie to Lake Ontario. Development policies and activities in the Village of Macedon shall protect and restore locally important ecological sites, such as the Erie Canal, but shall also support existing efforts at the State and Federal level to protect and restore this ecosystem after decades of degradation by industrial activities.

This policy recognizes the importance of natural ecosystems in the Village of Macedon, and identifies how these ecosystems shall be protected.

Explanation of Policy 6.1

The Village shall encourage the maintenance and enhancement of local ecosystems by considering the impacts to air quality, water quality and natural habitats in all redevelopment projects.

The Western Erie Canal Heritage Corridor Management Plan, developed in 2004, includes strategies and recommendations for canal communities in Wayne, Monroe, Orleans, Niagara, and Erie Counties. The plan identifies objectives which include the conservation of resources, and increased appreciation of local natural resources.

Explanation of Policy 6.2

This sub-policy is not applicable as there are no designated significant coastal fish and wildlife habitats within the Village Waterfront Revitalization Area.

Explanation of Policy 6.3

There are no New York State mapped freshwater wetlands located within the Waterfront Revitalization Area.

A number of federally-mapped freshwater wetlands exist along the Ganargua Creek corridor. These wetlands also lie within the designated FEMA 100-year flood plain, and therefore, there is limited threat of proposed development on these areas.

Any new trails or other site enhancement that would traverse a wetland area shall be designed to minimize the ecological impact and shall be elevated, to the extent possible.

Other development activities that may adversely affect wetland areas shall be avoided in order to limit negative impacts associated with erosion, sedimentation and pollution.

Development on lands immediately adjacent to a known wetland shall occur in a manner that minimizes stormwater runoff, directs runoff away from waterbodies and wetlands and effectively removes runoff from impervious surfaces (such as parking lots) in a manner that prevents harmful substances from reaching nearby wetlands and waterbodies.

Explanation of Policy 6.4

There are limited areas of vulnerable wildlife, plants species and ecological communities within the Waterfront Revitalization Area.

The Village will encourage the abundance of marine and terrestrial resources by ensuring that habitat is not degraded or adversely affected as a result of development in the waterfront area.

Any action taken in the Village Waterfront Revitalization Area that would have an adverse impact on existing fish, plant, or wildlife species shall be considered inconsistent with this policy.

Specific actions to maintain or enhance these species shall be considered a benefit and consistent with the intent of this policy.

Policy 7

Protect and improve air quality in the waterfront area.

7.1 Control or abate existing and prevent new air pollution.

Explanation of Policy 7

This policy provides the Village of Macedon with protection from air pollution and its detrimental effects.

Explanation of Policy 7.1

New development in the Waterfront Revitalization Area shall limit pollution resulting from stationary air contamination sources, consistent with applicable standards and requirements. Projects shall also consider, and minimize, the impact from vehicles and vessels emissions.

Activities within the Waterfront Revitalization Area can limit air pollution through the decreased reliance and use of motor vehicles and an increase in pedestrian and non-motorized travel.

Policy 8

Minimize environmental degradation in the waterfront area from solid waste and hazardous substances and wastes.

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

Explanation of Policy 8

The intent of this policy is to protect people from sources of contamination and to protect waterfront resources from degradation through proper control and management of wastes and hazardous materials. In addition, this policy is intended to promote the expeditious remediation and reclamation of

hazardous waste sites to permit redevelopment.

Explanation of Policy 8.1

Village residents and commercial properties independently contract with waste management companies to handle solid waste and recyclables.

Policies and regulations found within the Village of Macedon Zoning Ordinance are applicable within the Waterfront Revitalization Area, where appropriate, to control pollution from these uses.

The storage, treatment, recycling, processing or disposal of commercial/industrial solid wastes is not permitted in the Village of Macedon's Waterfront Revitalization Area. Any transportation of solid wastes must comply with State and Federal regulations and ensure the protection of the Village's waterfront resources.

Commercial/industrial solid wastes include sludge from air or water pollution control facilities, demolition and construction debris, wood and concrete wastes, and industrial and commercial wastes.

Chapter 52 of the Code of the Village of Macedon requires a license for the purchase, sale and storage of junk, defined as any old metal, paper, rags, scrap, iron, glass or salvage material. The placement of such businesses, including other material recycling businesses, should be prohibited within the Waterfront Revitalization Area, unless such business can be determined as a water-dependent use. The placement of any such land use within the Waterfront

Revitalization Area must also comply with the Village's Storm Water Management Plan to ensure the proper disposal of storm and waste water.

Explanation of Policy 8.2

Any activities involving hazardous wastes, remediation or otherwise, shall be completed in accordance with DEC and EPA regulations.

New development on sites with unknown environmental conditions shall be investigated and remediated, as necessary, prior to any redevelopment.

Explanation of Policy 8.3

Activities related to the environment and toxic and/or hazardous materials are regulated by State and Federal laws. The Village shall work with the appropriate agencies and organizations to ensure the on-going protection of the environment and human health and safety.

Explanation of Policy 8.4

All land uses within the Waterfront Revitalization Area shall ensure the prevention of discharges of petroleum products by following methods approved for their handling and storage, and by using approved design and maintenance principles for storage facilities.

The redevelopment of any site that has the potential for on-site contamination shall be remediated prior to redevelopment.

Future redevelopment along the Erie Canal corridor may include vessel fueling facilities. If and when such facilities are

proposed, development shall be consistent with State regulations, in addition to the following standards for such development:

- a. Facility siting and placement shall minimize the potential adverse impacts from oil spills.
- b. Any proposed facilities shall be required to provide adequate plans for prevention and control of petroleum discharges. A plan must also be established for the clean-up and removal of any petroleum in the event a discharge occurs.

Explanation of Policy 8.6

Solid and hazardous waste facilities are not permitted within the Waterfront Revitalization Area. If the need for such facilities arises, private industry shall coordinate with the Village, County and other private industry for siting these facilities outside of the Waterfront Revitalization Area to avoid potential degradation to waterfront resources.

Public Waterfront Policies

Policy 9

Provide for public access to, and recreational use of, waters, public lands, and public resources of the waterfront area.

9.1 Promote appropriate and adequate physical public access and recreation throughout the waterfront area.

9.2 Provide public visual access from public lands to waterfront lands and waters or open space at all sites where physically practical.

9.3 Preserve the public interest in and use of lands and waters held in public trust by the State, and other public entities.

9.4 Assure public access to public trust lands and navigable waters.

Explanation of Policy 9

Where reasonably attainable and in areas that maintain the health, safety and welfare of the public, public access to the waterfront should be required for new development projects within the Village. To the greatest extent practical, the Village shall promote, encourage and provide for improvements and enhancements to public access and recreational use of the Village's waterfronts.

Today, particularly along Ganargua Creek, physical and visual access to the shoreline is limited. Access to the Erie Canal is provided within Macedon Canal

Park, as well as on the north side of the Canal via the Erie Canal Heritage Trail.

The Erie Canal and Ganargua Creek afford recreational fishing opportunities within proximity to residential neighborhoods and the Downtown. These opportunities shall be protected. No new development shall be considered that has a harmful impact on fishing activities or the presence of aquatic species.

This policy is intended to retain and increase public access to the Erie Canal and Ganargua Creek both via visual and physical connections and improvements. Desired types of access include improved shoreline access and trail along Ganargua Creek and enhanced boater facilities (dockage), fishing areas, waterfront trails and public open space along the Erie Canal. Please refer to Section II for additional information on existing facilities and Section IV for additional information on proposed facilities.

Explanation of Policy 9.1

Existing public access and recreation resources and facilities within the Waterfront Revitalization Area include Macedon Canal Park, Gravino Park and the Erie Canal Heritage Trail.

Macedon Canal Park affords visual access to the Erie Canal, in addition to boat docking, a boat launch and a fishing pier. Landside amenities include a picnic pavilion, camping area, nature trail and passive recreation open space.

Gravino Park offers visual access to Ganargua Creek with no designated physical access. Landside amenities existing within the park include active recreation fields, playground, picnic pavilion and green space.

Future development opportunities along waterfront lands in the Village shall consider the opportunities to include continuous public access and off-road connections and linkages to the shoreline. Existing levels of access from adjacent or proximate public lands or facilities to public water-related recreation resources and facilities shall not be reduced.

Development of the parcel comprising the east side of Canal Park island (owned by the New York State Canal Corporation) shall consider opportunities for continuous public access along the southern shore of the Erie Canal, including but not limited to off-road pedestrian connection to Canal Park, outdoor public open space along the shoreline and boat docking.

A trail loop, linking the Erie Canalway Heritage Trail, Macedon Canal Park, downtown, Gravino Park, and future off-road connections along Ganargua Creek shall be considered as part of redevelopment initiatives to maximize public use and enjoyment of the Villages natural and recreational resources.

Future connections shall be considered to provide safe pedestrian linkages between neighborhoods south of Ganargua Creek to the downtown and Erie Canal.

Public and private development on the north side of the Erie Canal shall take

advantage of proximity to the Erie Canal Trail by providing visual and physical connections to the trail and the Canal.

Any future development adjacent to, or within the viewshed of, Ganargua Creek or the Erie Canal shall consider the visual impacts of development as it relates to viewsheds from the public realm. No new development shall impede or restrict viewsheds to existing natural and recreational resources within the Village.

No project using public monies shall be undertaken which reduces public access to a water-related resource or facility or results in the construction of a water-related use that is not open to all members of the public.

Explanation of Policy 9.2

This policy recognizes the importance of visual access to waterfront lands, waters and open spaces. While the provision of physical access to the water is a priority, those areas where this level of access is not feasible or practical should continue to be considered for public access for the visual enjoyment of the site.

Future development on public lands shall provide visual access to the waterfronts and natural resources. This includes Macedon Canal Park, the east side of Macedon Canal Park island, publicly owned parcels adjacent to Ganargua Creek, Gravino Park, Erie Canal Heritage Trail and the Village Wastewater Treatment facility.

Future development on public lands shall strive to enhance the visual access to the

waterfront by considering the scale, massing, proportion and siting of buildings.

Viewsheds along the Erie Canal Corridor should not be entirely obscured by development on a given parcel.

Explanation of Policy 9.3

Development on public land, including the leasing of public lands, shall be in a manner that preserves and enhances public access and promotes the general public interest. Publicly undertaken or funded projects which increase access to a water-related resource or facility shall be open to all members of the public.

In their plans and programs for increasing public access to public water-related resources and facilities, State agencies shall give priority first to projects served by public transportation, and next to projects not served by public transportation but with non-motorized linkages to other Village destinations.

Existing grants, leases, licenses, or permits should be evaluated and where these instruments are not used in accordance with or are in violation of the terms of the grant, lease, license or permit, or where there are significant limitations on public benefits, shall be reconsidered for the public good.

Explanation of Policy 9.4

Public access to the navigable waters of the Erie Canal is provided in Macedon Canal Park. The Village shall continue to provide sufficient and convenient access to its navigable waters and a reduction or

elimination of public access shall be avoided.

This policy does not support the sale, lease, or other transfer of public lands (e.g., State land along Erie Canal) that could provide public access to a public water-related recreation resource or facility.

Any trusts granted on public lands shall, if feasible, ensure public access to the waterfront.

Working Waterfront Policies

Policy 10

Protect water-dependent uses and promote siting of new water-dependent uses in suitable locations.

- 10.1 Protect existing water-dependent uses.
- 10.2 Promote maritime centers as the most suitable locations for water-dependent uses
- 10.3 Allow for development of new water-dependent uses outside of maritime centers.
- 10.4 Improve the economic viability of water-dependent uses by allowing non-water-dependent accessory and multiple uses, particularly water enhanced and maritime support services.
- 10.5 Minimize adverse impacts of new and expanding water-dependent uses, provide for their safe operation and maintain regionally important uses.
- 10.6 Provide sufficient infrastructure for water-dependent uses.
- 10.7 Promote efficient harbor operation

Explanation of Policy 10

The intent of this policy is to protect existing water-dependent uses and to promote future siting of water-dependent uses at suitable locations. Suitable areas

along the Erie Canal should be promoted for water-related uses to further leverage the Village's most abundant natural and recreational resource for the benefit of the public and the local economy. The Village's existing water-dependent uses are identified in Section II.

Explanation of Policy 10.1

Access to the navigable waters of the Erie Canal is critical for the existing recreational enjoyment of the Canal and the encouragement of future water-dependent and water-enhanced businesses locating along the Village of Macedon's waterfront. Water-dependent uses existing along the waterfront today, limited to boat docking, fishing and recreational boating, should be preserved and expanded as appropriate.

To encourage expanded use of water-dependent activities, additional docking facilities should be encouraged along the Erie Canal, as well as improved launch and designated fishing facilities.

Fishing platforms and physical access opportunities should be promoted along Ganargua Creek to increase the recreational use of that waterway.

Actions which would displace, adversely impact or interfere with the existing water-dependent use should be avoided.

Water-dependent and water-enhanced uses that positively contribute to providing public access, both physical and visual, shall be considered before uses that are not water-dependent or water-enhanced. Approving non-water-dependent uses when such use will have

the potential to hinder future development of water-dependent uses should be avoided.

Water-enhanced uses shall be encouraged when they are proposed in tandem with and incorporate water-dependent component(s).

Explanation of Policy 10.2

Future development shall be consistent with current uses of the waterfront, or that have been identified by the community as appropriate and desirable future uses.

Explanation of Policy 10.3

Water-dependent uses and water-enhanced uses, such as residential, restaurants and parks, shall not be prohibited from being developed on non-waterfront lands if determined to not be in conflict with other LWRP policies, the Village's Zoning Code, or other applicable law.

Explanation of Policy 10.4

Many water-dependent uses often contain and are supported by non-water-dependent uses that are complementary, supportive and do not impair the ability of water-dependent uses to function. These non-water-dependent uses enhance and promote the water-dependent uses.

Non-water-dependent uses, particularly water-enhanced uses, when they are supportive and do not negatively impact opportunities for water-dependent uses should be allowed.

Examples of such uses in the Village of Macedon include parks and open space,

high density residential, commercial, cultural, entertainment and restaurants. Each of these uses should be designed in a manner that capitalizes on and takes advantage of its waterfront location. All uses and new development should take into consideration the provision for public access, outdoor walkways and seating areas that are oriented to the waterfront.

Explanation of Policy 10.5

Macedon Canal Park is a regionally important destination along the Erie Canal, as only one of five designated campgrounds. No project shall be undertaken in the Waterfront Revitalization Area that will impact the Village's ability to utilize and capitalize on this as an asset for regional trail users.

Explanation of Policy 10.6

The Village of Macedon is an area of concentrated development where infrastructure and public services are generally adequate to support future land uses and development. Capital improvements, however, may be needed to service future development along the northern shore of the Canal.

Agencies charged with allocating funds for required facilities, such as water, sanitary sewer, and roadways, should give high priority to needed upgrades in the Waterfront Revitalization Area to ensure the Village is able to maximize the opportunities associated with its waterfronts.

The New York State Canal Corporation is responsible for the maintenance of the Erie Canal. The Village shall continue to

work with the Canal Corporation to meet the intent of this section of the policy.

Explanation of Policy 10.7

While the Village of Macedon does not have traditional harbor facilities, the Erie Canal is utilized for recreational purposes. This waterway is utilized for boating, fishing, swimming and other water sports.

Many private landowners along the shoreline utilize the waters and its adjacent land for water access, boat docking and recreational purposes. New York State Canal Corporation Guidelines pertaining to dock installations and shoreline development that apply to the use of the Erie Canal shall be enforced.

Policy 11

Promote sustainable use of living marine resources in the waterfront area.

11.1 Ensure the long-term maintenance and health of living freshwater resources.

11.2 Provide for and promote recreational use of water resources.

Explanation of Policy 11

The intent of this policy is to ensure that development of the Waterfront Revitalization Area does not adversely impact the long-term health and sustainability of living marine resources.

Living marine resources contribute to the Village's natural, recreational, social and economic vitality. Continued access to

living marine resources requires that these resources are maintained for future generations.

Allocation and available use of resources must be consistent with the maintenance of healthy stocks and must maximize the benefits of resources to provide valuable recreational opportunities.

Explanation of policy 11.1

Although neither the Erie Canal nor Ganargua Creek are considered commercial fisheries, they are important recreational fisheries. Recreational fishing is regulated by the Department of Environmental Conservation (DEC).

The Village shall coordinate and work with DEC to promote recreational fishing and the enforcement of its regulations. Occurrence and abundance of freshwater resources should be promoted by protecting spawning grounds, habitats, water quality and enhancing and restoring fish habitat.

Explanation of policy 11.2

The Erie Canal and Ganargua Creek provide opportunities for recreational fishing. Enhancements to parks and public lands should consider and provide for improved access, for all persons, to enjoy fishing and recreational opportunities.

Policy 12

Protect agricultural lands in the waterfront area.

12.1 Minimize adverse impacts on existing agriculture and agricultural lands from the conversion of agricultural land to other land uses.

Explanation of policy 12

The intent of this policy is to conserve and protect active agricultural land. As an urban Village in a largely agricultural County, the role of the Village of Macedon is to create an active and viable economic center that provides an appropriate range of services, businesses and recreational opportunities for the larger region.

Explanation of policy 12.1

Currently, no active agricultural lands have been identified in the Waterfront Revitalization Area. However, portions of the Village's Waterfront Revitalization Area are included in the Wayne County Agriculture District Number 1. To accommodate future growth within Village's downtown, the future land use plan proposes mixed-use and residential development in some areas included in the agricultural district. Development proposals for areas included in the agricultural district should minimize the impact of land use conversion on existing agriculture and agricultural lands.

Policy 13

Promote appropriate use and development of energy and mineral resources.

- 13.1 Conserve energy resources.
- 13.2 Promote alternative energy sources that are self-sustaining, including solar and wind powered energy generation.
- 13.3 Ensure maximum efficient and minimum adverse environmental impacts when siting major energy generating facilities.
- 13.4 Minimize adverse impacts from fuel storage facilities.

Explanation of Policy 13

The intent of this policy is to foster the conservation of energy resources in the Village of Macedon.

Explanation of Policy 13.1

Opportunities to conserve energy resources should be considered in all public and private projects located within the Waterfront Revitalization Area and throughout the Village. Energy conservation measures include, but are not limited to, the following:

- a. Promote the use of alternative transportation, including transit, bicycles, local and inter-Village shuttles, carpooling, and walking.
- b. Improve the pedestrian network to facilitate fewer vehicle trips and conserve motor fuel resources.

c. Ensure energy efficient design is incorporated into site and building design, including exploring opportunities for green infrastructure.

d. Determine appropriate needs for managed turf at public and private facilities, and reduce mowing to only those areas intended for active play or gatherings.

e. Collect, store and utilize rain water, particularly in public parks, where practical.

Explanation of Policy 13.2

State Policy recognizes the need to develop new local energy sources. However, the Village of Macedon is not located in an area that meets industry requirements for wind powered energy generation.

Where possible, the use of solar generated electricity to power public and private facilities should be promoted and explored as an alternative to traditional technologies, such as the use of a solar powered water heater at public park shelters.

Explanation of Policy 13.3

The Village of Macedon does not currently have a major energy generating facility within its boundaries. The development of a new major energy generating / transmission facility is not anticipated at this time.

Major energy generating and transmission facilities should be discouraged from locating on the waterfront due to the potential for adverse environmental and economic impacts.

Explanation of Policy 13.4

The future siting of bulk petroleum storage facilities is not anticipated in the Waterfront Revitalization Area.

However, the proposed development of any future fuel storage facilities should be accompanied by the preparation of a spill contingency plan. The development of fuel storage facilities is not encouraged within the Waterfront Revitalization Area beyond the storage of fuel needed to support retail marine refueling service, to supply regular on-site operations or for emergency power generation.

SECTION IV: PROPOSED LAND AND WATER USES AND PROJECTS



The Village of Macedon Waterfront Revitalization Area has many assets. The Erie Canalway Heritage Trail stretches across its northern boundary, remnants of all three Canal phases converge within the Village, historic Lock 30 sits adjacent to Macedon Canal Park, Ganargua Creek meanders through the Village and the historic downtown is a short, leisurely and enjoyable walk from the waterfront.

The proposed land and water uses and projects within the Village of Macedon Waterfront Revitalization Area seek to capitalize on these assets and promote and highlight them as a means to establish the Village as a bona fide destination and Canal community. Building on its waterfronts as recreational, natural and historic resources will position the Village to embrace economic development opportunities to support the

Village's future growth as a commercial destination along the Canal while supporting its historic, Canal town charm. Through strategic redevelopment, the Village of Macedon will create stronger connections between its waterfronts, recreational and open space amenities and its downtown.

Throughout the public engagement process associated with the establishment of this LWRP, community members were asked to identify the unique assets and attributes that make Macedon a desirable place to live, visit and recreate. This list was used as the framework from which the proposed projects grew.

COMMUNITY DEFINED ASSETS & OPPORTUNITIES IN THE VILLAGE OF MACEDON

- Leverage the Erie Canal
- Enhance Natural Resources and Recreational Assets
- Attract Businesses
- Promote History and Heritage
- Attract Young Families
- Provide Opportunities to Age in Place
- Market the Village and the Canal as a Tourism Destination
- Improve Connections between downtown and the Canalway Trail
- Make Downtown More Appealing
- Create Attractions that are welcoming to Canal and trail users

The Future Land and Water Uses section is divided into two primary components. The *Future Land and Water Uses* component discusses the general categories of land uses within the boundary, depicted geographically in the Future Land and Water Use Plan, Map 13. The *Proposed Projects* section identifies 21 specific planning and capital projects that are intended to further the Village’s vision for its downtown and waterfront in support of the LWRP Policies identified in Section III. Proposed projects are shown in Maps 15 and Map 16.

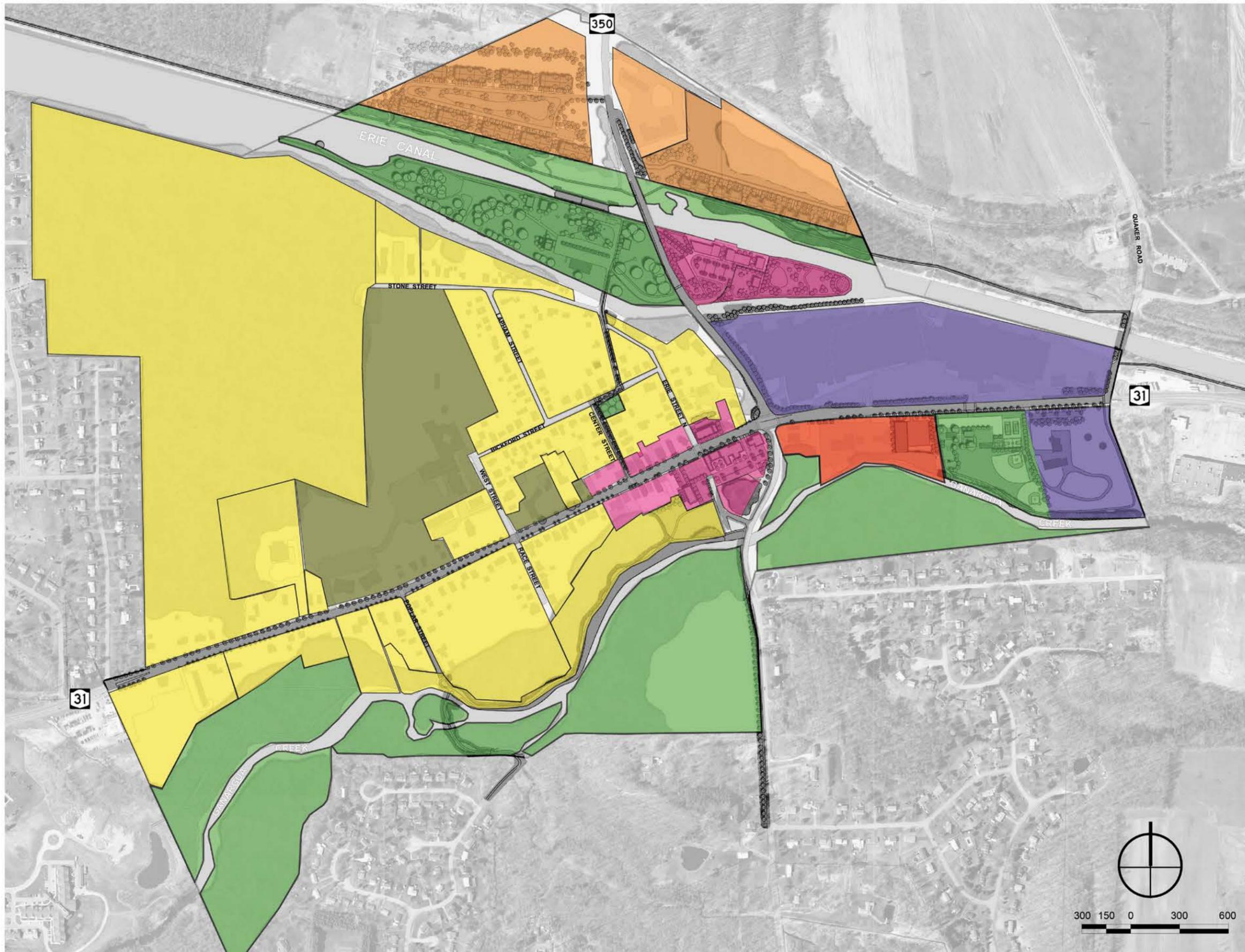
Future Land and Water Uses

The Future Land and Water Use Plan shows a range of land uses for the Waterfront Revitalization Area including commercial, mixed-use, industrial, single-family residential, high-density residential, open space and recreation and community service.

The proposed land and water uses are intended to be consistent with the policies presented in Section III.

The range of uses envisioned for the Village of Macedon Waterfront Revitalization Area seeks to create a unique and vibrant Canal town experience for both residents and visitors. The increased presence of appropriate and in-demand commercial uses and the enhancement of the Village’s stock of recreational and open space amenities will help strengthen the local tax base and create more opportunities for continued growth and activity in the Village.

The highest priorities for redevelopment focus on capitalizing on the waterfronts as attractive development opportunities, promoting public access and use of waterfront lands and creating a comprehensive pedestrian loop that offers safe and desirable pedestrian access to all Village destinations and amenities.



LEGEND

- Commercial
- Mixed Use
- Industrial
- Residential (Single Family)
- Open Space and Recreation
- High Density Residential
- Community Service

The following long-term land use categories are proposed for the Village of Macedon Waterfront Revitalization Area:

Commercial

Commercial and retail uses are recommended to remain concentrated along the Main Street (Route 31) corridor. Route 31 is a desirable location for retail and service-based businesses because of the high volume of commuter traffic. Traditional commercial uses, in addition to appropriate mixed use development, should continue to be located along the Route 31 corridor, particularly west of Route 350.

Mixed-Use

The promotion of mixed-use redevelopment will encourage public interaction, civic engagement and support for small business development, all of which are critical to the revitalization of Main Street and its surrounding neighborhoods. The Village of Macedon has two proposed centers for mixed-use development – the section of Main Street just west of the intersection with Route 350 and the roadside portion of the parcel just east of Route 350 on Macedon Canal Park island.

The proposed Main Street mixed-use area is recommended to build off of the existing mix of uses while enhancing the quality and variety of the offered services, housing stock and retail opportunities. Additional improvements to the Main Street mixed-use corridor include restricting residential uses to the upper floors of buildings, enhancing the facades

of the existing structures and pursuing infill development projects that are appropriate in design and use within the Main Street corridor. Not all buildings within the mixed-use district need to have multiple uses, though it is preferred to support diversity and vibrancy in the downtown area. The Main Street mixed-use area should strengthen connections with nearby recreational and open space amenities, most notably Macedon Canal Park and Ganargua Creek, by fostering retail and service businesses that highlight the Village's Canal town character and recreational opportunities.

The proposed waterfront mixed-use area will support the Village's desire to capitalize on and enhance its waterfront setting as a destination for both residents and visitors. The Village's setting along a particularly scenic and historical section of the Erie Canal will encourage developer and visitor interest in the transformation of this site.

Creative solutions to accommodate parking and access should be required while shared parking should be encouraged to avoid the development of expansive areas of pavement along the waterfront. Opportunities for alternative materials for parking areas should be considered as appropriate. Structures should be designed to highlight the Canal and Village's heritage while avoiding large, suburban-style development. First floors should be reserved for water-enhanced uses that encourage ground-level vibrancy such as restaurants, services and retail, with offices, residential units

and small-scale accommodation should be limited to upper stories.

Recommended water-dependent uses along the Canal including docks, boat hookups, fishing docks and a kayak launch should be promoted to increase the popularity of Canal Park for boaters, recreational Canal users and residents.

Public access to the waterfront should be retained through the creation of a public access trail along the northern shore of the island, connecting Macedon Canal Park to the west of Route 350 and a proposed trail and park to the east. The trail will integrate the waterfront mixed-use development into the recreational fabric of the community and further contribute to the enjoyment and patronage of the new commercial opportunities along the waterfront.

Industrial

The Waterfront Revitalization Area currently has two industrial properties that are proposed to remain part of the Village's economic fabric while further development of heavy industrial uses is not identified as part of the Village's redevelopment plan. The Lawson M. Whiting Inc., a construction equipment repair company in the northernmost section of the Waterfront Revitalization Area has been in operation since the 1970s.

The Berry Plastics Complex, located between Route 31 and the Erie Canal east of Route 350 is the Village's largest employer and continues to invest in its current facility. The continued presence of

Berry Plastics within the Village is imperative to the economic sustainability of the Village.

Single-Family Residential

Single-family residences are currently concentrated west of Route 350 and south of Macedon Canal Park as well as along the south side of Route 31 around Race and Poplar Streets. The oldest homes in the Village, located between the downtown core and Macedon Canal Park, should be preserved in a way that is in keeping with the historic building stock. Infill residential development should strive to retain the Village's character by following the Village's design standards that promote the Village's dominant, historical aesthetic. The continued redevelopment of the Village's downtown and waterfront will make the Village's well-kept, quaint residential enclaves an attraction for drawing new residents to the Village.

High-Density Residential

High-density residential development is proposed along the northern shore of the Erie Canal. In response to the Village population's desire to age in place and national trends of downsizing empty nesters, it is likely that there will be growing demand for smaller-scale housing options within walking distance of Main Street and the Canal. Young couples who are looking for a balance between connectivity and a small-town lifestyle may also be attracted to the proposed high-density residential development. Market analysis and community feedback has also indicated a demand for

alternative housing product and attractive new residential. Given the limited number of available sites within the Village appropriate for high-density residential development, the underutilized parcels along the northern shore of the Erie Canal provides a unique and ideal location.

A portion of the underutilized agricultural land located in the northwestern section of the Waterfront Revitalization Area is proposed for conversion into a townhouse development with direct access to the Canalway Trail and design features that enhance its waterfront location. To the east of Route 350, patio homes are proposed for the parcels east of the Lawson M. Whiting property and adjacent to the Canalway Trail.

Open Space and Recreation

The Village of Macedon is defined by its wealth of open space, recreational and waterfront amenities. Areas defined as open space and recreation represent existing Village parks and linear corridors occupied by trails and pedestrian connections. Many of the Village's open spaces are located adjacent to conflicting uses, such as the water treatment plant and Berry Plastics, and require buffering for visual and aural impacts. The Village's Future Land and Water Use Plan proposes some additional open space, but seeks more to enhance the existing system so that it serves a wider range of users. Notable new areas designated for open space and recreation include the Ganargua Creekside Trail and portions of Macedon

Canal Park island east of Route 350 will be dedicated to open space and trails. Additionally, the 97-acre undeveloped parcel along the western border of the Waterfront Revitalization Area has Canal frontage that would be ideal for a canalfront trail system.

Community Service

Three properties within the Village will continue to be dedicated for Community Service – the Palmyra-Macedon Intermediate School, the Town of Macedon Town Hall and Library and St. Patrick's Catholic Church.

Harbor Management Plan

The Erie Canal within the Village of Macedon is part of the State Canal Systems, owned and maintained by the NYS Canal Corporation. Long-term water uses appropriate for the State Canal System within Macedon include recreational and, to a lesser extent, commercial boating, which are consistent with the boating activities throughout the Canal System.

A key recommendation in the State's Canal Revitalization Program was the establishment of harbor centers and service ports at existing urban and village centers along the Canal. By enticing pedestrians and boaters with the use of their public services, these harbor centers are meant to promote the entire Canal System as a major recreation resource. The Village's Canal Park is a service port with tie ups, camping and picnic facilities, and a boat launch. It is therefore well-

positioned to be an attraction for canal boaters and trail users.

The Village, along with the NYS Canal Corporation and other State agencies, has the power to develop public access and boater amenities. The NYS Canal Corporation, however, has jurisdiction over the use of the Canal and its shoreline, including maintenance of the navigation channel and canal infrastructure. The NYS Canal Corporation enforces NYS Canal Law (21 NYCRR Sub-Chapter D, Parts 150-156) and designated design standards to serve as the definitive controls governing use of the Canal and the construction of docks on the Canal System, including:

- Occupancy of NYS Canal Corporation lands adjacent to the Canal System is regulated through the issuance of revocable permits by the NYS Canal Corporation.
- Dock designs shall be approved by the NYS Canal Corporation.
- One dock per property owner is permitted.
- Docks shall be set back at least 10 feet from adjacent property lines.

Complete information regarding dock standards can be found in Appendix 7: Canal Regulations & Standards for Docks on the Canal System.

Proposed Projects

The proposed project recommendations seeks to create opportunities for commercial growth and economic sustainability in balance with the desire to preserve, protect and enhance existing natural and recreational resources.

The proposed projects are divided into two phases: short-term and long-term. The short-term plan (0-10 years) focuses on public realm enhancements and adaptive reuse along Route 31 to encourage business development and visitorship, as depicted in the short-term plan and described in detail in the following section.

The long-term plan (10+ years) builds off of the public investment with new private investment opportunities. The long-term plan illustrates the Village's commitment to expanding its commercial vitality and status as a Canalside destination while making the Village an inviting place to live and visit.

Cost estimates are provided for each project in 2013 dollars and are planning-level estimates. Implementation of the following projects will require additional construction-level design. The following cost estimates do not include any necessary permits or potential costs associated with utilities and infrastructure.



KEY

1. Village Gateway Enhancements
2. Rt. 31 Streetscape Enhancements
3. Trailhead and Connector Trail
4. Adaptive Reuse and Business Development
5. Business District Gateway Enhancements
6. Rt. 350 Roadway Improvements and Buffer
7. Commercial Development
8. Gravino Park Enhancements - Phase 1
9. Improvements to Treatment Plant Site
10. Multi-Use Trail
11. Canalway Trail Connection
12. Macedon Canal Park Enhancements
13. Expanded Canalfront Open Space

Project 1 - Village Gateway Enhancements

Total Proposed Cost	\$235,000
<i>Planning & Design</i>	\$ 85,000
<i>Construction</i>	\$150,000

When entering the Village of Macedon along Route 31, it is unclear where the Town ends and the Village begins. Motorists on Route 31 do not sufficiently lower their speed upon crossing into the Village thereby causing safety concerns and causing motorists to not take notice of the Village's unique amenities and attractions. For the Village of Macedon to differentiate itself from nearby village and canal towns, heavily traveled Route 31 must act as a gateway proudly greeting visitors and residents returning home to the Village.

Proposed gateway enhancements seek to clearly identify and signify entry into the Village and welcome visitors and residents to Macedon while also slowing traffic. Proposed gateway enhancements include a landscaped median, unique signage and street trees.



Existing western gateway into the Village via Route 31 east



Proposed Village entrance

Project 2 - Route 31 Streetscape Enhancements

Total Proposed Cost	\$1,208,000
<i>Planning & Design</i>	\$ 438,000
<i>Construction</i>	\$ 770,000

NYS Route 31 is a major connector between Wayne County and the Greater Rochester area. In 2012 the Annual Average Daily Traffic (AADT) volumes for Route 31 west of Route 350 was 23,368 vehicles while Route 31 to the east of this intersection had an AADT of 11,931 vehicles. Every day commuters travel along Route 31 into yet the Village's businesses receive little benefit from this traffic flow.

Although the speed limit drops upon entering the Village, little else persuades motorists to slow down and take notice of the Village's amenities and charm. Community members have expressed concern over the high speeds of motorists passing through the Village and the unsafe conditions for pedestrians.

The proposed streetscape enhancements along Route 31 exemplify the Village's commitment to Complete Streets principles. West of Route 350, streetscape enhancements include tree plantings, wayfinding, "Village of Macedon" branded amenities, crosswalk bump outs and pavement changes. The Route 31 corridor east of Route 350 has a more commercial character, requiring less extensive enhancements.

Proposed improvements include tree plantings and a crosswalk connection between Berry Plastics and Gravino Park

Streetscape enhancements including landscaping, traffic calming at intersections, crosswalks, benches and banners will cause motorists to slow down and come to see the Village as a worthwhile destination, as described in Project 1.



Existing Route 31 looking east



Proposed streetscape enhancements with additional landscaping

Project 3 - Trailhead & Connector Trail

Feasibility Study **\$100,000**

Ganargua Creek, winding east to west through the Village of Macedon, is a picturesque natural and recreational resource for residents and visitors. However, dedicated access to the Creek limits its use and enjoyment.

In an effort to make the Creek more accessible and increase its recreational value, the Village-owned parcel at the end of Poplar Street may be improved into a formalized trailhead for a dedicated Ganargua Creek Trail. This location is preferable for the trailhead because the slope from Poplar Street to the Creek is relatively gradual and there is sufficient space to create a small parking lot. The Poplar Street trailhead would also be a convenient location for potential trail users due to its proximity to Main Street, the Town of Macedon Hall and Library and the Intermediate School. As proposed, the Ganargua Creek Trail will extend in two directions from the trailhead – the southern portion of the trail will cross a bridge and connect the neighborhoods south of the Creek to downtown. The Creek Trail will also extend east along the Creek towards Erie Street and ultimately Gravino Park.



Proposed Ganargua Creekside Trail and Trailhead at Poplar Street

Additional planning level studies are necessary to determine the feasibility of both the trailhead design and trail connections.

Project 4 - Adaptive Reuse

Costs will vary based on buildings and proposed uses.

The Village of Macedon's downtown does not serve the needs of Village users including residents, visitors, employees and commuters. While many buildings have been maintained and are home to several locally-owned businesses, others are vacant with facades that have modified over time from the original historic character. The revitalization of the Village's Main Street will require a sustained and focused effort on the part of Village leaders, business owners and concerned citizens. Improving the look and feel of the Main Street Corridor will contribute to making it look like a place worthy of investment. Façade improvements on existing buildings along Main Street will conjure up notions of a bygone era and convey the Village small-town character and historical roots. Such improvements will be supported by the Village's design standards and will positively impact the Village's image and investment potential.



Proposed Façade Improvements to reflect Main Street's history

These efforts can further be supported through the designation of historic district, either local or through the National

Register. In addition to preserving important historic features, they are instrumental in promoting infill redevelopment and the rehabilitation of historic structures. Through tax incentives and preservation-related programs, the downtown can attract new investment that contributes to revitalization efforts.



Historic Main Street

Most importantly, however, is filling Main Street with businesses that will draw commuters and residents of the Village and nearby communities to spend their time and money in the Village instead of other nearby commercial centers. Adaptively reusing vacant and underutilized buildings will activate the corridor and improve the appearance and economic vitality of Main Street. Market analysis and stakeholder engagement has suggested that businesses that could fill local demand on Main Street include specialty food stores, cafes, a small grocery store, antique stores and service-based businesses such as a dentist office or dance studio. Stakeholders also have expressed a need for affordable rental housing. The types of buildings that currently line Main Street lend themselves to creative, mixed-use projects that can serve a variety of commercial and residential uses.

Project 5 - Business District Gateway Enhancements

Total Proposed Cost	\$400,000
<i>Planning & Design</i>	<i>\$145,000</i>
<i>Construction</i>	<i>\$255,000</i>

The intersection of Routes 31 and 350 serves as many visitors' and commuters' introduction to the Village of Macedon's business district. Travelers from the south and the east do not have any visual cues identifying they have entered the Village's main business corridor.

Creating a gateway at this intersection is intended to inform visitors that they are entering the Village's business district and to draw attention to the Village's less apparent assets through banners and signage. Proposed gateway improvements include a brick gateway sign, benches and landscaping.



Existing Route 31/Route 350 Intersection
looking northwest



Proposed Business District Gateway

Project 6 - Route 350 Roadway Improvements & Buffer

Total Proposed Cost	\$315,000
<i>Planning & Design</i>	<i>\$55,000</i>
<i>Construction</i>	<i>\$260,000</i>

The Berry Plastics Complex dominates the view of the Village, framing the eastern boundary of Route 350 when traveling from the north.

In an effort to minimize the visual presence of the Berry Plastics Complex along Route 350, a vegetative buffer along Berry Plastics is proposed. Streetscape enhancements along Route 350 will contribute to improving the visitor experience between Macedon Canal Park and the Canalway Trail to the Village's Main Street (Route 31).

Although the distance between Main Street and Macedon Canal Park along Route 350 is only a few minutes' walk, the roadway conditions and the commercial truck traffic makes the walk unpleasant and unsafe, deterring community members and visitors from using this route. Proposed roadway improvements include a wider shoulder for pedestrians and cyclists, updated road markings and clear wayfinding signage to improve safety for pedestrians and cyclists.



Existing Route 350 corridor entering the Village from the north



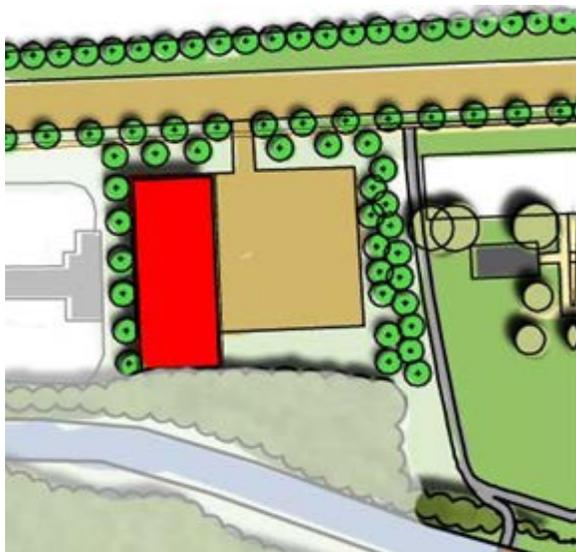
Proposed Route 350 corridor with roadway improvements

Project 7 - Commercial Development

Total Proposed Cost	\$3,400,000
Planning & Design	\$1,235,000
Construction	\$2,165,000

Situated strategically along Route 31 across from Berry Plastics are two vacant parcels nestled between existing commercial uses and Gravino Park. These parcels create a gap in the activity along the eastern end of the Village’s Main Street.

This site has high redevelopment potential due to the location along the newly utilized Route 31. The character on “East Main Street” includes larger-scale, suburban style, allowing for a business that might not be appropriate in the downtown context. The community has expressed interest in this site being used to build the Village’s tax base as there are limited, readily available redevelopment sites within the Village.



Proposed Commercial Development Site

Commercial uses that have been identified as desirable by community stakeholders include a small-scale grocery store, a fast-food restaurant, a sit-down restaurant, a pharmacy, a bank and fitness-related services. There are a number of unknowns associated with site development which would need to be investigated prior to purchase and development. These include environmental concerns, site access and acquisition.

Moving forward, Step 3 BOA funding can be allocated towards completing the necessary pre-development studies to help position the site for investment.



An example of a small-scale grocery store

Project 8 - Gravino Park Enhancements, Phase 1

Total Proposed Cost	\$535,000
<i>Planning & Design</i>	<i>\$195,000</i>
<i>Construction</i>	<i>\$340,000</i>

Gravino Park is an asset to the residents of the Village of Macedon as it provides opportunities for active and passive recreation. Currently, the park serves little league baseball teams, as well as their families that utilize the playground, open space and picnic facilities. The southern border of Gravino Park is Ganargua Creek, but it is currently buffered by a line of trees with no direct access

Proposed enhancements to Gravino Park in Phase 1 will be limited to upgrading the playground, creating a Creekside Trail with Exercise Stations and replacing the picnic pavilion. Landscaping is proposed along Route 31 and between the park and the treatment plant to buffer the park from Route 31. An enhanced crosswalk connecting the Berry Plastics Complex to the Park is also proposed in order to ensure safe passage for park users walking to and from their cars.



Example of Exercise Stations along naturalized trail



Example of a Picnic Pavilion



Example of an Enhanced Crosswalk

Project 9 - Improvements to Treatment Plant Site

Total Proposed Cost	\$570,000
<i>Planning & Design</i>	<i>\$210,000</i>
<i>Construction</i>	<i>\$360,000</i>

The water treatment plant adjacent to Gravino Park discourages some community members from using the park and at time, deters from the positive perception of the park.

The installation of a landscape buffer between the Park and the treatment plant will diminish the negative impacts of the treatment plant on park users (sub-project 1 and 4). The nearby large, unused lawn between Route 31 and the treatment plant is proposed to be converted into a parking lot for the park with landscaped buffering (sub-project 2). Creating additional parking on the south side of Route 31 will create safer, easier access to the park, thereby encouraging increased use of the park.

Sub-project 3 illustrates the eastern portion of the loop trail (Project 10) that connects Gravino Park to Quaker Road around the perimeter of treatment plant property as part of the Village-wide loop trail.



Proposed Treatment Plant Improvements

Projects 10 & 11 - Multi-Use Trail & Canalway Trail Connection

Total Proposed Cost	\$600,000
 <i>Planning & Design</i>	\$215,000
 <i>Construction</i>	\$385,000

Ganargua Creek runs along the southern edge of Gravino Park and the water treatment plant, but there is currently no connection between the park and the Creek because of a thick row of trees and the steep slope of the Creek's bank. Additionally, Gravino Park remains isolated from other public trails and open space with limited non-motorized connections.

A primary objective of the Village of Macedon Waterfront & Downtown LWRP is to enhance and better connect its open space and recreational amenities. Such improvements will increase the usage of these amenities and will distinguish the Village as a unique destination for recreational users.

The proposed multi-use trail and trailhead will allow pedestrians and cyclists to move more safely and easily between the Ganargua Creekside Trail, Main Street, Gravino Park and the Canalway Trail. The trail begins at the western edge of Gravino Park, connecting travelers on Main Street to the park and its access point to Ganargua Creek. The trail continues along the creek and around the water treatment plant before paralleling Quaker Road before reaching the Canalway Trail. The creation of this trail will encourage Canal users to visit the

Village and discover its charming Main Street while also enjoying its various amenities. Village and discover its charming Main This trail will also encourage residents to make better use of the Village's various open space and recreational amenities along the Canal and Main Street.



Proposed Trail and Canalway Connection

Project 12 - Macedon Canal Park Enhancements

Total Proposed Cost	\$2,415,000
<i>Planning & Design</i>	\$ 875,000
<i>Construction</i>	\$1,540,000

Macedon Canal Park is a unique asset not only in the Village, but along the entire Erie Canal Corridor. The Park is an island providing access to and views of the Barge Era Canal and the Old Enlarged Canal. Although Macedon Canal Park benefits from being one of only five designated campgrounds along the Erie Canal and has direct access to the Canal Trailway it is not considered a destination today because of the lack of amenities and poor connection and wayfinding to Main Street. The distance between the Village and Macedon Canal Park is a leisurely five minute walk, but today feels much longer. Enhancements to Macedon Canal Park are central to the Village of Macedon Waterfront & Downtown LWRP. A more attractive and usable Park will attract Canalway Trail users, residents, boaters and other visitors to the Park and the downtown business district. Increased visitorship to the Village's business district would have positive economic impacts.



Existing Railroad Avenue connection between Village and Macedon Canal Park

Macedon Canal Park improvements are divided into the following categories:

- Wayfinding and Pedestrian Connections
- Natural Playground & Spray Park
- Comfort Station & Picnic Pavilions
- Lock Enhancements
- Enhanced Docking Facilities
- Trail Connection
- Potential Community Center

Wayfinding and Pedestrian Connections

To encourage more use of the waterfront and trails, Canal Park must be more visible and accessible from the Trail and the downtown. A comprehensive wayfinding signage system is proposed to create better connections between downtown, Macedon Canal Park, the Canalway Trail and the Butterfly Nature Trail. Additionally, the Macedon Canal Park parking lot and surrounding lawn will be enhanced through new paving, tree plantings and enhanced landscaping.



Proposed Village Connector with wayfinding kiosk

Improving the pedestrian experience between Canal Park and Main Street is central in strengthening the connection between the Village's two major destinations. An enhanced pedestrian connection to Main Street will include wayfinding signs including two signage kiosks, improved sidewalks and landscaping. The Railroad Avenue entrance to the Park will serve as a gateway and information portal. A kiosk will provide information on downtown amenities and will direct pedestrians and cyclists down Railroad Avenue to the business district.

Pedestrian improvements connecting Canal Park to the land on the east side of Route 350 will include a pedestrian walkway along Route 350, an underpass underneath Route 350 and signage welcoming pedestrians, cyclists and motorists to Macedon Canal Park and East Canal Park. To connect Macedon Canal Park and East Canal Park on the other side of Route 350, a pedestrian connection underneath the bridge for Route 350 will be created on the north side of the Canal Park island.

Natural Playground & Spray Park



Example of Natural Playground

The improved Macedon Canal Park should have a variety of unique, family-oriented amenities to encourage visits from residents of the Village and nearby communities such as a natural playground and spray park.

Comfort Station & Picnic Pavilions

The construction of a Comfort Station with bathrooms and showers and small picnic pavilions will make day trips to the park more enjoyable for visitors and will encourage increased use of the site as an overnight camping ground, particularly for boaters and extended trail users.



Proposed Comfort Station and Picnic Pavilion

Lock Enhancements

A Canal Lock is a unique feature along the Erie Canal. The Village must enhance Lock 30's educational and recreational aspects through signage and enhanced viewing locations in order to make it one of the Village's defining features.

Enhanced Docking Facilities

Canal Park is one of the few designated campgrounds along the Canalway Trail. Boat docking along the Barge Canal will encourage boaters to stop and explore the Village of Macedon while the enhanced campgrounds will encourage them and other trail users to spend the night. Tie ups for motor boats on the north

side of Canal Park and docking along the southern shore of Macedon Canal Park for fishing and launching kayaks, canoes and motorboats will provide additional amenities for visitors to the Park. Additional facilities include ADA accessible docks.

Trail Connection

To make Macedon Canal Park an easily accessible destination for residents and visitors to the Village, connections within the Park and between the Villages' various amenities must be improved. Within the existing Macedon Canal Park, a formalized pedestrian path will lead from the docks to the parking lot, Barge Canal waterfront and Butterfly Nature Trail. The Butterfly Nature Trail, an on-going

project undertaken by the Village and its residents, will continue to be developed and enhanced to reflect the Village's commitment to improving its assets and cultivating a do-it-yourself character unique to the Village of Macedon (Project 1). Trails will also connect the existing Canal Park to the property East of Route 350

Potential Community Center

The creation of a Community Center within Macedon Canal Park would draw residents and visitors to Canal Park for year-round community-oriented and private events.

Extending 524 miles across New York, the Canalway Trail brings economic, public health, tourism and quality of life benefits to more than 3.7 million New Yorkers living in the 15 upstate counties the canal crosses. The Erie Canalway Trail is growing in popularity and is on its way to becoming a premier tourist destination for cyclists and other outdoor enthusiasts.

Project 13 - Expanded Canalfront Open Space

Total Proposed Cost	\$630,000
<i>Planning & Design</i>	<i>\$230,000</i>
<i>Construction</i>	<i>\$400,000</i>

The redevelopment of the former Exxon overflow parking lot into East Canal Park will greatly enhance the Village's waterfront. In the short-term plan, "East Canal Park" is proposed to be enhanced with trail connections to Macedon Canal Park. An internal loop trail around the perimeter of East Canal Park will provide additional walking trails connecting to Macedon Canal Park and the Canalway Trail. The winding walking trails will lead to a small park with a lookout point on the island's scenic eastern point will maximize public enjoyment of the Village's unique and historic water features.



Proposed East Canal Park open space



KEY

1. Village Gateway Enhancements
2. Rt. 31 Streetscape Enhancements
3. Trailhead and Connector Trail
4. Adaptive Reuse and Business Development
5. Business District Gateway Enhancements
6. Rt. 350 Roadway Improvements and Buffer
7. Commercial Development
8. Gravino Park Enhancements - Phase 1
9. Improvements to Treatment Plant Site
10. Multi-Use Trail
11. Canalway Trail Connection
12. Macedon Canal Park Enhancements
13. Expanded Canalfront Open Space
14. Creekside Restaurant
15. Creekside Trail
16. Main Street Mixed Use Development
17. Gravino Park Enhancements - Phase 2
18. Enhanced Pedestrian Connection with Destination Developments
19. Waterfront Development
20. Townhouse Development
21. Patio Home Development

Project 14 - Creekside Restaurant

Feasibility Study

\$ 40,000

The undeveloped parcels located between the south side of Main Street and Ganargua Creek's floodplain provide a glimpse into the uninterrupted shores of the Creek. The strategic redevelopment of this land would showcase the Village's scenic views of the Creek while increasing the Village's tax base and preserving the floodplain.

This location offers the Village the opportunity to link the small-town character of Main Street to the serene, natural beauty of the Creek. A Creekside restaurant would serve Village users' desire for a downtown eatery, act as a destination for travelers, highlight the unique assets and character of the Village and contribute to the Village's tax base.



Example of a Creekside Restaurant



Proposed Creekside Restaurant

The Village of Macedon has enacted a Flood Plain Overlay District (FP-O) in Section 906 of the Village's Zoning Ordinance to minimize public and private losses to due flood conditions and to regulate development on the Village's floodplains. The FP-O is comprised of the land located within the 100-year floodplain delineated by the Federal Emergency Management Agency (FEMA) along Ganargua Creek and the Erie Canal. Any use allowed by a property's underlying zoning designation is allowed within the FP-O District, however the property owner is required to obtain a Floodplain Development Permit from the Village of Macedon and conform to the Floodplain Development Standards as provided in the Village's Zoning Ordinance. The FP-O District also generally prohibits all development within the Ganargua Creek and Erie Canal floodway, a special area of severe flood hazard within the designated floodplain.

Project 15 - Creekside Trail

Feasibility Study **\$ 40,000**

The increased access to and enjoyment of Ganargua Creek is a primary goal of the LWRP. The implementation of Project 3 would establish a trailhead at Poplar Street and a trail connector between the trailhead and the neighborhood south of the Creek. Project 15 would expand on that effort through the completion of the trail along the northern shore of the creek to Gravino Park.

The Ganargua Creekside Trail which is proposed to extend from the Poplar Street trailhead east to Route 350. From this point, pedestrians can access Main Street and nearby Canal Park and Gravino Park. Once pedestrians reach Gravino Park, they can continue to walk along the Creek, as described in Project 10, and eventually reach the Erie Canalway Trail via Quaker Road. The creation of the Ganargua Creekside Trail completes the Village-wide trail loop.



Proposed Extension of Creekside Trail

Project 16 - Main Street Mixed Use Development

Total Proposed Cost	\$9,480,000
 <i>Planning & Design</i>	\$3,440,000
 <i>Construction</i>	\$6,040,000

The Village’s downtown does not currently offer the full range of commercial establishments to encourage people to stop in the Village for their daily needs. Similarly, Village residents and visitors have expressed a lack of availability of rental housing in the Village.

There is a concentration of vacant and underutilized buildings and sites in the Village along the south side of Main Street between Erie Street and Route 350. Redevelopment of these various sites as a singular project would offer a unique opportunity for new commercial development consistent with the character and scale appropriate to the Village. New development along Main Street should seek to fill in the existing gaps along Main Street and seamlessly reflect the Village’s small-town character. New development should have a mix of commercial and residential uses that address the needs of Village residents and visitors.



Examples of newly built Village-scale Mixed Use Development

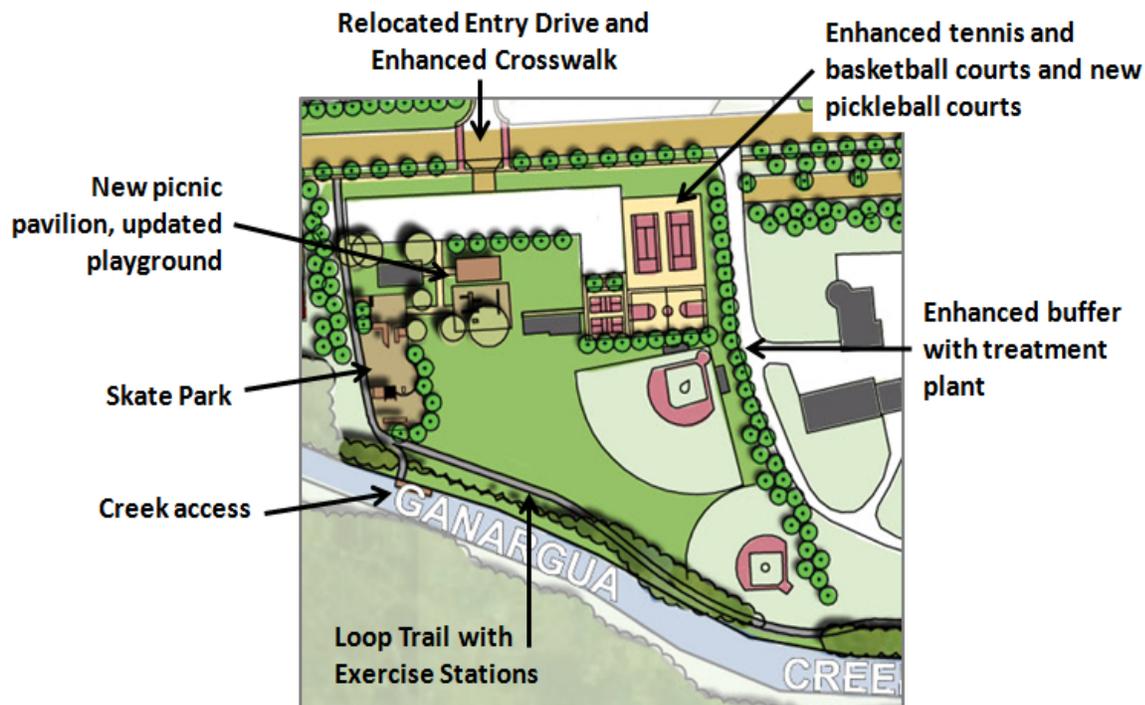
Project 17 - Gravino Park Enhancements, Phase 2

Total Proposed Cost	\$1,040,000
<i>Planning & Design</i>	<i>\$380,000</i>
<i>Construction</i>	<i>\$660,000</i>

The second phase of enhancements build off of Project 8. The proposed improvements will make Gravino Park a regional destination and continue to improve the park's connectivity to the Village's other amenities.

In addition to the projects identified in Project 8, including the installation of a new playground, picnic pavilion and trail with exercise stations. The projects identified for implementation in Gravino Park were suggested by community members and based on regional trends and demands for parks and recreation.

Long-term investments to Gravino Park include the installation of a skate park, a pickle ball court and the enhancement of tennis and basketball courts. The creation and improvement of these recreational amenities will draw a wider group of residents and visitors to the park. With the completion of the Ganargua Creekside Trail, Project 15, the park will better connect Canal Trailway users to the Village via the loop trail.



Project 18 - Enhanced Pedestrian Connection with Destination Developments

Total Proposed Cost	\$930,000
<i>Planning & Design</i>	<i>\$340,000</i>
<i>Construction</i>	<i>\$590,000</i>

The proposed pedestrian connection would direct pedestrians and cyclists from Macedon Canal Park to Main Street via Railroad Avenue and Center Street. The Railroad Avenue route is a safer, more pedestrian-scale alternative to Route 350, which is dominated by automobile traffic. Improvements to this route would encourage increased pedestrian travel between the Canal and downtown.

Railroad Avenue Conversion

The route from Canal Park to Main Street should receive improved streetscaping and pedestrian infrastructure including repaired sidewalks, tree lawn plantings, improved signage and benches. Railroad Avenue, which connects Center Street to Canal Park, should be converted into a one-way street away from the Canal to accommodate a separate path for pedestrians and cyclists, which will decrease traffic and improve the pedestrian experience.

Gateways

As mentioned in Project 12, the informational kiosk at the start of Railroad Avenue within Canal Park will inform park visitors about the proximity and amenities located in the Village's downtown. Once visitors reach the intersection of Center and Main Streets they will be greeted by another gateway signifying the entrance into the Village's downtown.



Existing Railroad Avenue Connection



Proposed Railroad Avenue Connection

Wayfinding

Beginning at the informational kiosk at the start of Railroad Avenue within Macedon Canal Park, there will be pedestrian wayfinding signs illustrating that downtown is only a few minutes' walk away. Community stakeholders believe that there is a lack of visitor traffic between Downtown Macedon and Canal Park simply because they are unaware of the proximity between the two and are unaware of what Main Street

has to offer. Along the walk from Canal Park to Main Street, there are several experiences that highlight the Village's unique charm. Each of these destinations will be identified with signage and descriptions.

Bob's Bait Shop

Bob's is a vacant building formerly used as an auto body shop located along the Old Enlarged Canal with access from the south side of the Canal and views of both the Barge and Enlarged Canals. This location is ideal for an eatery with outdoor dining such as an ice cream shop or diner, due to its scenic views and proximity to Macedon Canal Park and downtown.



Former Bob's Auto Body Shop on Old Enlarged Canal

The Barn

The large barn located on Railroad Avenue provides a look back at the history of the Village of Macedon. The quality farmland surrounding the Village brought prosperity to the community and continues to define the character of the Village. The barn, which is currently in private use, could be converted into a public use such as a visitor center, museum, eatery or gift shop. In order to allow such future uses, the zoning would



Proposed Enhancements to the Railroad Avenue Barn

need to allow for a commercial use and the land would need to be subdivided.

Bickford Park & 7 Center

Bickford Park, a small public open space, is located in one of the Village's oldest residential neighborhoods and sits next to the recently renovated 7 Center. 7 Center is a Victorian style church that has been converted into a mixed use building with apartments and a performing arts space.



Bickford Park with 7 Center in the background

Bickford Park, located adjacent to 7 Center, can serve as an informal outdoor space for events at 7 Center thereby creating a deeper connection between the community and the arts and entertainment events taking place at 7 Center.

Project 19 - Waterfront Development

Cost of projects to be determined after additional site studies and final programming.

The Canal Corporation, which owns the entire Macedon Canal Park island, has been engaged in a long-standing lease agreement with Berry Plastics for the use of a parking lot on a portion of the property east of Route 350. The parking lot has sat unused for years making this portion of the island appear abandoned and blighted from Route 350 and the Canalway Trail. The eastern portion of Canal Park has great redevelopment potential because it has two uninterrupted waterfronts and the site is essentially a blank canvas with little existing infrastructure.

The following individual projects are proposed for the Canal lands east of Route 350:

Waterfront Trail Connection (sub-project 1)

A waterside trail connecting to Macedon Canal Park along the north side of the island will allow pedestrians to pass

uninterrupted between the two sections of the island.

Mixed Use Development (sub-project 2)

To balance the Village's need for additional revenue and desire to maximize the use of the waterfront for water-dependent and water-enhanced businesses, a portion of this property is proposed for development as visitor/service-based businesses like a bicycle rental shop and small-scale eateries with the potential for small-scale overnight accommodations or residential uses on the upper floors.

Picnic Pavilion and Enhanced Park Space (sub-project 3)

A picnic pavilion and enhanced park space is proposed to attract visitors to this site. This open space area will provide views of the Old Enlarged Canal and easy access to the mixed use development and loop trail.



Proposed Waterfront Development Projects

Although the Old Enlarged Canal's waterfront runs parallel to the Berry Plastics Complex, landscaped buffering along the southern shore of the Old Enlarged Canal will diminish the Complex's visual impact.

Canal Property (sub-project 4)

A small, 1-acre portion of the site will remain dedicated to Canal Corporation for storage of dredged Canal materials. The space will be insulated and will not detract from the public's enjoyment of

the site, but instead act as a reminder of the ongoing activity of the Canal.

Waterfront Overlook (sub-project 5)

One of the most scenic locations in the Village is the easternmost point of the island. Uninterrupted views of the Canal are enhanced by the confluence of the Old Enlarged Canal and the Barge Canal. To capitalize on this location, an overlook and access point should be established.



Existing Berry Plastics Parking Lot Site

Recent discussions with the Canal Corporation and Berry Plastics have revealed that the Canal Corporation would support the re-use of the 7-acre eastern portion of Macedon Canal Park as open space or private, commercial use. Berry Plastics does not anticipate needing additional parking in the future.



Proposed Waterside Mixed Use Development

Project 20 - Townhouse Development

Cost of projects to be determined after additional site studies and final programming.

The underutilized agricultural land in the northwestern portion of the Waterfront Revitalization Area has been fallow in recent years. The site has high redevelopment potential due to its prominent Canalfront location.

The portion of the property located closest to Route 350 is ideal for waterfront residential use. This large parcel is partially located in the Town of Macedon and would only have a small section developed for residential use. An attractive Canalside townhouse development that reflects the architectural style of the Village's history would help the Village of Macedon diversify its population by attracting empty-nesters and couples seeking a small-town lifestyle within walking distance of downtown and the Canal.

As part of the townhouse development, the following actions are recommended:

- 1) Improved connection
- 2) Buffer with the railroad line
- 3) Wetland mitigation
- 4) Connect to Canalway Trail
- 5) Potential future development site

An enhanced Route 350 would connect townhouse residents to Canal Park and downtown.

Pedestrian improvements and wayfinding signage are planned to make this route more attractive and accessible for pedestrians, cyclists and motorists (sub-project 1).

A trail should be created to connect the townhouse development directly to the Canalway Trail, an asset that would act as a selling point for potential residents (sub-project 4). A water feature in between the two rows of townhouses will further the development's attention to improving the visual quality of the waterfront and the high-quality living conditions (Project 3). Landscaped buffering is proposed for the northern border between the development and the railroad tracks while the western border remains flexible for future development of the agricultural land along the waterfront (sub-projects 2 & 5).



Proposed Townhouse Development

Project 21 - Patio Home Development

Cost of projects to be determined after additional site studies and final programming.

These two properties provide yet another opportunity for the Village of Macedon to activate its waterfront and increase its tax base. The western parcel holds a single-family home and two mobile homes while the parcel farther to the east is wooded.

Recognizing residents' desire to age in place, community stakeholders envision this site as an expansion of the townhouse development planned for the northwestern portion of the Waterfront Revitalization Area. Patio homes that combine the necessary amenities for aging in place with waterfront living are an appropriate housing type for this site.

The homes should be oriented towards

the Canal and the Canalway Trail with vehicle access and parking in the back.

Walkable access to recreational and community amenities and daily need services makes this location ideal for senior living.

The construction of this development in combination with the potential permanent closure of the O'Neil Road Bridge could encourage the construction of a public road connecting Route 350 to Quaker Road. The new road would make accessing the north side of the Canal more convenient for Village residents and would therefore add value to the patio homes located here.



Proposed Patio Home Development

SECTION V: TECHNIQUES FOR LOCAL IMPLEMENTATION



To achieve the objectives embodied in the policies, uses, and projects which have been identified in the Local Waterfront Revitalization Program, the Village has identified the local techniques and actions needed to ensure Program implementation.

Such techniques and actions are grouped here under the following categories:

- Local Planning Initiatives
- Local Laws and Regulations Necessary to Implement the LWRP
- Local Management Structure

Necessary to Implement the LWRP

- Other Public and Private Actions
- Financial Resources Necessary to Implement the LWRP

Local Planning Initiatives

The Village has previously prepared land use and planning documents that have been which have direct recommendations specific to the Village's Waterfront Revitalization Area. These include the Brownfield Opportunity Area Nomination Study (2013), Main Street Downtown District Design Guidelines and

Overlay Zoning (2010), Downtown Revitalization Plan (2009), Circulation, Accessibility, and Parking (CAP) Study (2008), and the Western Erie Canal Heritage Corridor Management Plan (2004). For a full description of past planning efforts, see LWRP Overview.

Existing Local Laws and Regulations Necessary to Implement the LWRP

Several local land use and development controls are in place in the Village to guide future land use and development activities, which have an impact on the implementation of the LWRP. The following section includes a description of local laws for the Village of Macedon that will serve to further and implement the LWRP.

Village of Macedon Zoning Code

The Zoning Code regulates and restricts: the height, number of stories and size of buildings and other structures; the percentage of lot that may be occupied; the size of yards, courts and other open space; the density of population and the location and use of buildings, structures and land for business, industry, agriculture, residence or other purposes. The following zoning districts are located within the Waterfront Revitalization Area: Commercial District, Industrial District, R-1 and R-2 Residential Districts, a Village Center Overlay District and a Floodplain Overlay District.

VILLAGE CENTER OVERLAY

Development along Main Street in downtown is subject to design guidelines that aim to retain the historic character of Main Street.

FLOODPLAIN OVERLAY

Development within flood hazard areas is regulated in Section 906 of the Village Zoning Code.

SITE PLAN REVIEW

The Village's Zoning Law requires site plan review for all new uses and substantial additions or alternations. Although the Village Code references the need for Site Plan Review, procedural requirements are not identified. The Village Planning Board oversees all Site Plan Review.

Land Subdivision Regulations

The Village Planning Board has the power and duty to review and approve, approve with modifications or disapproves plans involving the subdividing of land.

Whenever the particular circumstances of a proposed development require compliance with either the special use procedure or the requirements of the Village's land subdivision regulations, the Planning Board shall attempt to integrate, as appropriate, site plan review with the procedural and submission requirements for such other compliances.

State Environmental Quality Review Act

The Village's Zoning Law requires compliance with the State Environmental

Quality Review Act (SEQR) and all applicable rules and regulations as identified in New York State Conservation Law Section 8-0113 and New York Compilation of Codes, Rules, and Regulations Part 617.6.

SEQR requires a designated lead agency to identify any possible significant impacts of proposed actions on the physical and natural environment and to identify and implement appropriate mitigating measures as deemed to be warranted.

The Village of Macedon Planning Board provides technical review of SEQR Environmental Impact Statements and Environmental Assessment Forms for proposed actions within the Village and makes recommendations to the Village Board. The Village Board generally serves as Lead Agency on behalf of the Village.

New or Revised Local Laws and Regulations Necessary to Implement the LWRP

The existing local laws and regulations described above do not adequately assure the policies within the LWRP will be upheld. The adoption of a LWRP requires the adoption of new laws and regulations to assure the Program's policies and intentions are implemented.

The Village of Macedon is required to make a commitment to ensure local consistency with the LWRP; this is achieved by ensuring local laws implementing the Program reflect the content of the adopted LWRP document.

Village of Macedon Zoning Code Updates (Appendix 2)

Two new districts, the Waterfront Mixed Use District and the R-3 High Density Residential District, have been created and added to the Village's Zoning Code, as seen on Map 16.

LWRP Consistency Review Law (Appendix 1)

The purpose of this law is to provide a framework for the Village of Macedon when considering the policies and recommendations contained in the LWRP, in the review of applications for actions within the Waterfront Revitalization Area to ensure that such actions are consistent with the policies and projects identified in the LWRP.

No action within the Waterfront Revitalization Area which is subject to review under this law shall proceed until a written determination has been issued from the village agency that the action is consistent with the policies and purposes of the LWRP. The Village of Macedon Planning Board shall be responsible for coordinating review of actions in the Village's Waterfront Revitalization Area for consistency with the LWRP, and will advise, assist and make consistency recommendations to other Village agencies in the implementation of the LWRP, its policies and projects, including physical, legislative, regulatory, administrative and other actions included in the program.

Local Management Structure Necessary to Implement the LWRP

Implementation of the LWRP will require the action and involvement of Village officials, volunteers and community members.

A summary of assignments, roles, and responsibilities associated with implementation of the LWRP are listed below:

Village Administration

VILLAGE BOARD

The Village Board is Macedon's policy-making body. The Board plays a key role in the development and funding of municipal programs and services. The Board has the sole power to adopt and amend legislation. The Village Board will serve as the designated lead agency for setting policy regarding implementation of the LWRP.

PLANNING BOARD

The Planning Board shall provide input to the Mayor and Village Board on the prioritization of LWRP projects and activities and will, as provided for in the Village's existing local laws and regulations, provide detailed review of projects under subdivision, site plan and related review and approval devices.

Under the Local Consistency Review Law, the Planning Board is granted the authority to make consistency

determinations regarding development in the Waterfront Revitalization Area.

VILLAGE CLERK / TREASURER

The Village Clerk will be responsible for handling correspondence, communications, and record keeping for Village actions pertaining to implementation of the LWRP.

DEPARTMENT OF PUBLIC WORKS

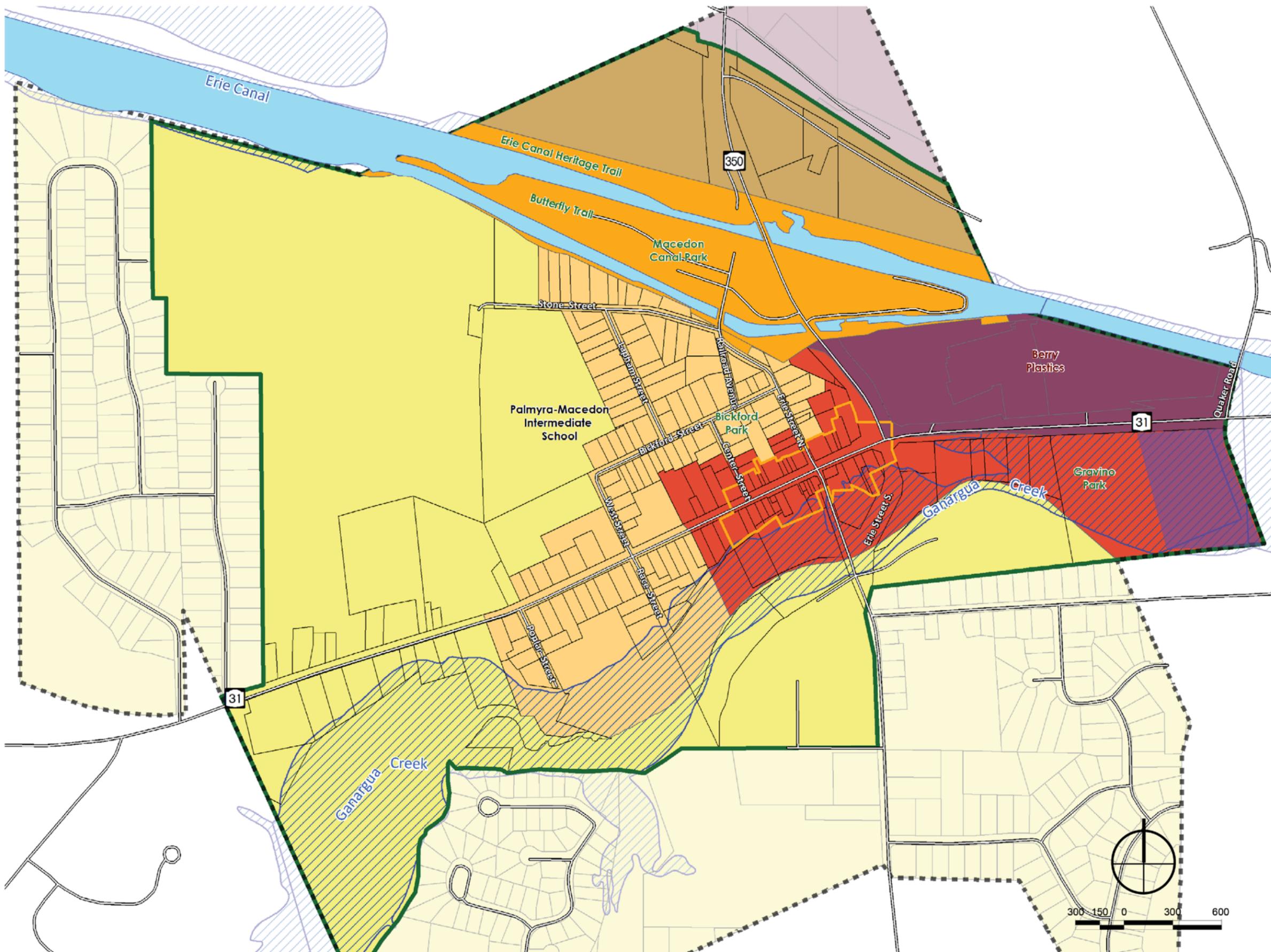
The Superintendent of Public Works is responsible for the management, maintenance, and operation of all public works and physical properties within the Waterfront Revitalization Area.

Procedures to Ensure Consistency

As noted, the Village has adopted a Local Consistency Review Law to ensure local actions are undertaken in a manner consistent with the policies, projects, and purposes of the LWRP. LWRP consistency review procedures are distinct but also associated with SEQR procedures. All individuals, agencies or organizations considering a project or action, or receiving an application for approval of an action, shall follow the review and certification procedures set forth in the Village's Local Consistency Review Law.

STATE AGENCY ACTIONS (Appendix 4)

The New York State Waterfront Revitalization of Coastal Areas and Inland Waterways Act, Article 42 of the Executive Law (Act) and 19 NYCRR Part 600 of the NYS Department of State's regulations require certain state agency actions to be consistent with the approved policies of a local LWRP.



LEGEND

- Proposed Zoning Districts**
- Waterfront Mixed Use
 - R-3 High Density Residential
- Existing Village Zoning Districts**
- Industrial
 - Commercial
 - R-1 Residential
 - R-2 Residential
 - Floodplain Overlay
 - Village Center Overlay

The Act requires state agencies to provide notice to the Village of Macedon whenever an identified action will occur within the designated Waterfront Revitalization Area. The Secretary of State is required to confer with the Village and state agencies when notified that a state agency action is in conflict with the policies and projects within an approved LWRP.

Other Public and Private Actions Necessary to Implement the LWRP

The following public and private actions have been deemed necessary to fully implement the policies, projects, and programs within the Village of Macedon Local Waterfront Revitalization Program.

Public Sector Actions

The Village shall pursue financial and technical assistance from local, State, and Federal agencies, as well as private funding sources to implement the proposed projects identified in Section IV of this LWRP. The acquisition of financial and technical assistance shall complement Village resources in an effort to further the redevelopment and revitalization of the waterfront area. Priority projects are identified in Section IV.

Private Sector Actions

Private sector investment is essential for achievement of LWRP policies and implementation of LWRP projects. Participation and capital investment by the private sector is required at all stages

of the redevelopment and revitalization process. As discussed in Section IV, private investment is necessary for the implementation of projects ranging from large-scale site redevelopment to the completion of planning level studies to determine feasibility for specific projects. The construction, operation, and maintenance of proposed projects and facilities will also fall to the private sector, except as noted on public lands.

Financial Resources Necessary to Implement the LWRP

Implementation of the Village's LWRP has three primary funding implications, including administrative costs associated with local review and management, capital improvement expenditures to complete and implement projects, and costs associated with the maintenance and upkeep of projects once completed.

Administrative Costs

Costs associated with the day-to-day administration of the LWRP must be considered and budgeted for by the Village. The Village should identify a separate line item in their annual budget for the administration and management of the LWRP, which may be streamlined by allocating oversight to the Planning Board. Allocated costs should cover consistency reviews of proposed actions and projects, coordination with the Department of State as needed, reporting, and any general clerical and

organizational needs including hiring a part-time staff worker.

Capital Improvements

The costs for completing and implementing all or portions of proposed projects will, in many instances, become the responsibility of the Village. The Village should identify, whether in their annual budget or through other funding options, such as bonds, opportunities to secure financing for project implementation.

The Village shall continue to monitor and evaluate funding opportunities on a regular basis to determine what resources and programs are available to assist in the implementation of program policies and projects.

In many instances a local match is required to secure and leverage funding from outside sources. Typically the local match is not required to be in actual matching funds, but can be the provision of materials, labor, or the monetary value of staff or volunteer time dedicated to the project.

Maintenance and Upkeep

The costs associated with maintaining improvements based on recommendations within the LWRP should also be built into the Village budget for the Department of Public Works.

Possible Sources of Implementation Funding

- New York State Clean Water / Clean Air Bond Act
- New York State Brownfield Opportunity Area Program
- New York State Department of State
- New York State Empire Development Corporation (ESDC)
- New York State Environmental Protection Fund
- New York State Council on the Arts
- New York State Department of Transportation
- United States Department of Commerce Economic Development Administration
- United States Department of Transportation
- Land and Water Conservation Fund
- Local Sponsorship of Programs
- Private Funding Sources

SECTION VI: STATE ACTIONS AND PROGRAMS LIKELY TO AFFECT IMPLEMENTATION

State actions will affect and be affected by implementation of a Local Waterfront Revitalization Program (LWRP). Under State law, certain State 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 agencies is also likely to be necessary to implement specific provisions of the LWRP.

Pursuant to the State Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Executive Law, Article 42), the Secretary of State notifies affected State agencies of those agency actions and programs which are to be undertaken in a manner consistent with approved LWRPs.

The following list of State actions and programs is that list. The Waterfront Revitalization of Coastal Areas and Inland

Waterways Act requires that a LWRP identify those elements of the program which can be implemented by the local government, unaided, and those that can only be implemented with the aid of other levels of government or other agencies. Such statement shall include those permit, license, certification, or approval programs; grant, loan, subsidy, or other funding assistance programs; facilities construction; and planning programs which may affect the achievement of the LWRP.

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

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
- 5.00 Farmland Protection Grants from the Environmental Protection Fund

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 SUBSTANCE ABUSE SERVICES

- 1.00 Facilities, construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
 - 2.01 Certificate of approval (Substance Abuse Services Program)
- 3.00 Permit and approval:
 - 3.01 Letter Approval for Certificate of Need
 - 3.02 Operating Certificate (Alcoholism Facility)
 - 3.03 Operating Certificate (Community Residence)
 - 3.04 Operating Certificate (Outpatient Facility)
 - 3.05 Operating Certificate (Sobering-Up Station)

COUNCIL ON THE ARTS

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

DEPARTMENT OF BANKING

- 1.00 Permit and approval programs:
 - 1.01 Authorization Certificate (Bank Branch)
 - 1.02 Authorization Certificate (Bank Change of Location)
 - 1.03 Authorization Certificate (Bank Charter)
 - 1.04 Authorization Certificate (Credit Union Change of Location)
 - 1.05 Authorization Certificate (Credit Union Charter)
 - 1.06 Authorization Certificate (Credit Union Station)
 - 1.07 Authorization Certificate (Foreign Banking Corporation Change of Location)
 - 1.08 Authorization Certificate (Foreign Banking Corporation Public Accommodations Office)
 - 1.09 Authorization Certificate (Investment Company Branch)
 - 1.10 Authorization Certificate (Investment Company Change of Location)
 - 1.11 Authorization Certificate (Investment Company Charter)
 - 1.12 Authorization Certificate (Licensed Lender Change of Location)
 - 1.13 Authorization Certificate (Mutual Trust Company Charter)

- 1.14 Authorization Certificate (Private Banker Charter)
- 1.15 Authorization Certificate (Public Accommodation Office - Banks)
- 1.16 Authorization Certificate (Safe Deposit Company Branch)
- 1.17 Authorization Certificate (Safe Deposit Company Change of Location)
- 1.18 Authorization Certificate (Safe Deposit Company Charter)
- 1.19 Authorization Certificate (Savings Bank Charter)
- 1.20 Authorization Certificate (Savings Bank De Novo Branch Office)
- 1.21 Authorization Certificate (Savings Bank Public Accommodations Office)
- 1.22 Authorization Certificate (Savings and Loan Association Branch)
- 1.23 Authorization Certificate (Savings and Loan Association Change of Location)
- 1.24 Authorization Certificate (Savings and Loan Association Charter)
- 1.25 Authorization Certificate (Subsidiary Trust Company Charter)
- 1.26 Authorization Certificate (Trust Company Branch)
- 1.27 Authorization Certificate (Trust Company-Change of Location)
- 1.28 Authorization Certificate (Trust Company Charter)
- 1.29 Authorization Certificate (Trust Company Public Accommodations Office)
- 1.30 Authorization to Establish a Life Insurance Agency
- 1.31 License as a Licensed Lender
- 1.32 License for a Foreign Banking Corporation Branch

OFFICE OF CHILDREN AND FAMILY SERVICES

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

DEPARTMENT OF CORRECTIONAL SERVICES

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

DORMITORY AUTHORITY OF THE STATE OF NEW YORK

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

EMPIRE STATE DEVELOPMENT/ EMPIRE STATE DEVELOPMENT CORPORATION

- 1.00 Preparation or revision of statewide or specific plans to address State economic development needs.
- 2.00 Allocation of the state tax-free bonding reserve.

EDUCATION DEPARTMENT

- 1.00 Facilities construction, rehabilitation, expansion, demolition or the funding of such activities.
- 2.00 Permit and approval programs:
 - 2.01 Certification of Incorporation (Regents Charter)
 - 2.02 Private Business School Registration
 - 2.03 Private School License
 - 2.04 Registered Manufacturer of Drugs and/or Devices
 - 2.05 Registered Pharmacy Certificate
 - 2.06 Registered Wholesale of Drugs and/or Devices
 - 2.07 Registered Wholesaler-Re-packer of Drugs and/or Devices
 - 2.08 Storekeeper's Certificate
- 3.00 Administration of Article 5, Section 233 of the Education Law regarding the removal of archaeological and paleontological objects under the waters of the State.

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 Planning, construction, rehabilitation, expansion, demolition, or the funding of such activities and/or projects funded through the Environmental Protection Fund (Environmental Protection Act of 1993) or Clean Water/Clean Air Bond Act of 1996.
- 6.00 Funding assistance for issuance of permits and other regulatory activities (New York City only).
- 7.00 Implementation of the Environmental Quality Bond Act of 1972, including:
 - (a) Water Quality Improvement Projects
 - (b) Land Preservation and Improvement Projects including Wetland Preservation and Restoration Projects, Unique Area Preservation Projects, Metropolitan Parks Projects, Open Space Preservation Projects and Waterways Projects.
- 8.00 Marine Finfish and Shellfish Programs.
- 9.00 New York Harbor Drift Removal Project.
- 10.00 Permit and approval programs.

Air Resources

- 10.01 Certificate of Approval for Air Pollution Episode Action Plan
- 10.02 Certificate of Compliance for Tax Relief - Air Pollution Control Facility
- 10.03 Certificate to Operate: Stationary Combustion Installation; Incinerator; Process, Exhaust or Ventilation System
- 10.04 Permit for Burial of Radioactive Material
- 10.05 Permit for Discharge of Radioactive Material to Sanitary Sewer
- 10.06 Permit for Restricted Burning
- 10.07 Permit to Construct: a Stationary Combustion Installation; Incinerator; Indirect Source of Air Contamination; Process, Exhaust or Ventilation System

Construction Management

- 10.08 Approval of Plans and Specifications for Wastewater Treatment Facilities

Fish and Wildlife

- 10.09 Certificate to Possess and Sell Hatchery Trout in New York State
- 10.10 Commercial Inland Fisheries Licenses
- 10.11 Fishing Preserve License
- 10.12 Fur Breeder's License
- 10.13 Game Dealer's License

- 10.14 Licenses to Breed Domestic Game Animals
- 10.15 License to Possess and Sell Live Game
- 10.16 Permit to Import, Transport and/or Export under Section 184.1 (11-0511)
- 10.17 Permit to Raise and Sell Trout
- 10.18 Private Bass Hatchery Permit
- 10.19 Shooting Preserve Licenses
- 10.20 Taxidermy License
- 10.21 Permit - Article 15, (Protection of Water) - Dredge or Deposit Material in a Waterway
- 10.22 Permit - Article 15, (Protection of Water) - Stream Bed or Bank Disturbances
- 10.23 Permit - Article 24, (Freshwater Wetlands)

Hazardous Substances

- 10.24 Permit to Use Chemicals for the Control or Elimination of Aquatic Insects
- 10.25 Permit to Use Chemicals for the Control or Elimination of Aquatic Vegetation
- 10.26 Permit to Use Chemicals for the Control or Extermination of Undesirable Fish

Lands and Forest

- 10.27 Certificate of Environmental Safety (Liquid Natural Gas and Liquid Petroleum Gas)
- 10.28 Floating Object Permit
- 10.29 Marine Regatta Permit
- 10.30 Navigation Aid Permit

Marine Resources

- 10.31 Digger's Permit (Shellfish)
- 10.32 License of Menhaden Fishing Vessel
- 10.33 License for Non-Resident Food Fishing Vessel
- 10.34 Non-Resident Lobster Permit
- 10.35 Marine Hatchery and/or Off-Bottom Culture Shellfish Permits
- 10.36 Permits to Take Blue-Claw Crabs
- 10.37 Permit to Use Pond or Trap Net
- 10.38 Resident Commercial Lobster Permit
- 10.39 Shellfish Bed Permit
- 10.40 Shellfish Shipper's Permits
- 10.41 Special Permit to Take Surf Clams from Waters other than the Atlantic Ocean
- 10.42 Permit - Article 25, (Tidal Wetlands)

Mineral Resources

- 10.43 Mining Permit
- 10.44 Permit to Plug and Abandon (a non-commercial, oil, gas or solution mining well)
- 10.45 Underground Storage Permit (Gas)
- 10.46 Well Drilling Permit (Oil, Gas, and Solution Salt Mining)

Solid Wastes

- 10.47 Permit to Construct and/or Operate a Solid Waste Management Facility
- 10.48 Septic Tank Cleaner and Industrial Waste Collector Permit

Water Resources

- 10.49 Approval of Plans for Wastewater Disposal Systems
- 10.50 Certificate of Approval of Realty Subdivision Plans
- 10.51 Certificate of Compliance (Industrial Wastewater Treatment Facility)
- 10.52 Letters of Certification for Major Onshore Petroleum Facility Oil Spill Prevention and Control Plan
- 10.53 Permit - Article 36, (Construction in Flood Hazard Areas)
- 10.54 Permit for State Agency Activities for Development in Coastal Erosion Hazards Areas
- 10.55 State Pollutant Discharge Elimination System (SPDES) Permit
- 10.56 Approval - Drainage Improvement District
- 10.57 Approval - Water (Diversion for) Power
- 10.58 Approval of Well System and Permit to Operate
- 10.59 Permit - Article 15, (Protection of Water) - Dam
- 10.60 Permit - Article 15, Title 15 (Water Supply)
- 10.61 River Improvement District Approvals
- 10.62 River Regulatory District Approvals
- 10.63 Well Drilling Certificate of Registration
- 10.64 401 Water Quality Certification
- 11.00 Preparation and revision of Air Pollution State Implementation Plan.
- 12.00 Preparation and revision of Continuous Executive Program Plan.
- 13.00 Preparation and revision of Statewide Environmental Plan.
- 14.00 Protection of Natural and Man-made Beauty Program.
- 15.00 Urban Fisheries Program.
- 16.00 Urban Forestry Program.
- 17.00 Urban Wildlife Program.

ENVIRONMENTAL FACILITIES CORPORATION

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

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, grants of easement and issuance of licenses for land underwater, including for residential docks over 5,000 square feet and all commercial docks, issuance of licenses for removal of materials from lands under water, and oil and gas leases for exploration and development.
- 2.00 Administration of Article 4-B, Public Buildings Law, in regard to the protection and management of State historic and cultural properties and State uses of buildings of historic, architectural or cultural significance.
- 3.00 Facilities construction, rehabilitation, expansion, or demolition.
- 4.00 Administration of Article 5, Section 233, sub. 5 of the Education Law on removal of archaeological and paleontological objects under the waters of the State.
- 5.00 Administration of Article 3, Section 32 of the Navigation Law regarding location of structures in or on navigable waters.
- 6.00 Section 334 of the State Real Estate Law regarding subdivision of waterfront properties on navigable waters to include the location of riparian lines.

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

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 PEOPLE WITH DEVELOPMENTAL DISABILITIES

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

2.00 Permit and approval programs:

2.01 Establishment and Construction Prior Approval

2.02 Operating Certificate Community Residence

2.03 Outpatient Facility Operating Certificate

DIVISION OF MILITARY AND NAVAL AFFAIRS

1.00 Preparation and implementation of the State Disaster Preparedness Plan.

2.00 Facilities construction, rehabilitation, expansion or demolition or funding of such

NATURAL HERITAGE TRUST

1.00 Funding program for natural heritage institutions.

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

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

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

3.00 Funding program for recreational boating, safety and enforcement.

4.00 Funding program for State and local historic preservation projects.

5.00 Land and Water Conservation Fund programs.

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

7.00 Permit and approval programs:

7.01 Floating Objects Permit

7.02 Marine Regatta Permit

7.03 Navigation Aide Permit

7.04 Posting of Signs Outside State Parks

8.00 Preparation and revision of the Statewide Comprehensive Outdoor Recreation Plan and the Statewide Comprehensive Historic Preservation Plan and other plans for public access, recreation, historic preservation or related purposes.

9.00 Recreation services program.

10.00 Urban Cultural Parks Program.

- 11.00 Planning, construction, rehabilitation, expansion, demolition, or the funding of such activities and/or projects funded through the Environmental Protection Fund (Environmental Protection Act of 1993) or Clean Water/Clean Air Bond Act of 1996.

POWER AUTHORITY OF THE STATE OF NEW YORK (NYPA)

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

NEW YORK STATE SCIENCE AND TECHNOLOGY FOUNDATION

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

DEPARTMENT OF STATE

- 1.00 Appalachian Regional Development Program.
- 2.00 Coastal Management Program.
 - 2.10 Planning, construction, rehabilitation, expansion, demolition, or the funding of such activities and/or projects funded through the Environmental Protection Fund (Environmental Protection Act of 1993) or Clean Water/Clean Air Bond Act of 1996.
- 3.00 Community Services Block Grant Program.
- 4.00 Permit and approval programs:
 - 4.01 Billiard Room License
 - 4.02 Cemetery Operator
 - 4.03 Uniform Fire Prevention and Building Code

STATE UNIVERSITY CONSTRUCTION FUND

- 1.00 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.

CANAL CORPORATION (under NYPA administration)

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land and other resources under the jurisdiction of the Thruway Authority and the Canal Corporation.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition.
- 3.00 Permit and approval programs:

- 3.01 Advertising Device Permit
- 3.02 Approval to Transport Radioactive Waste
- 3.03 Occupancy Permit
- 3.04 Permits for use of Canal System lands and waters.
- 4.00 Statewide Canal Recreationway Plan
- 5.00 Direct and financial assistance related to improvements and enhancements to the State Canal System.

DEPARTMENT OF TRANSPORTATION

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Department.
- 2.00 Construction, rehabilitation, expansion, or demolition of facilities, including, but not limited to:
 - (a) Highways and parkways
 - (b) Bridges on the State highways system
 - (c) Highway and parkway maintenance facilities
 - (d) Rail facilities
- 3.00 Financial assistance/grant programs:
 - 3.01 Funding programs for construction/reconstruction and reconditioning/preservation of municipal streets and highways (excluding routine maintenance and minor rehabilitation)
 - 3.02 Funding programs for development of the ports of Albany, Buffalo, Oswego, Ogdensburg, and New York
 - 3.03 Funding programs for rehabilitation and replacement of municipal bridges
 - 3.04 Subsidies program for marginal branchlines abandoned by Conrail
 - 3.05 Subsidies program for passenger rail service
 - 3.06 Financial assistance to local governments for transportation enhancement activities.
- 4.00 Permits and approval programs:
 - 4.01 Approval of applications for airport improvements (construction projects)
 - 4.02 Approval of municipal applications for Section 18 Rural and Small Urban Transit Assistance Grants (construction projects)
 - 4.03 Approval of municipal or regional transportation authority applications for funds for design, construction and rehabilitation of omnibus maintenance and storage facilities
 - 4.04 Approval of municipal or regional transportation authority applications for funds for design and construction of rapid transit facilities
 - 4.05 Certificate of Convenience and Necessity to Operate a Railroad

- 4.06 Highway Work Permits
- 4.07 License to Operate Major Petroleum Facilities
- 4.08 Outdoor Advertising Permit (for off-premises advertising signs adjacent to interstate and primary highway)
- 4.09 Real Property Division Permit for Use of State-Owned Property
- 5.00 Preparation or revision of the Statewide Master Plan for Transportation and sub-area or special plans and studies related to the transportation needs of the State.
- 6.00 Water Operation and Maintenance Program--Activities related to the containment of petroleum spills and development of an emergency oil-spill control network.

URBAN DEVELOPMENT CORPORATION AND ITS SUBSIDIARIES AND AFFILIATES

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

DIVISION OF YOUTH

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

State Actions and Programs Necessary to Further the LWRP

New York State can and should play a vital role in the implementation of the Macedon Local Waterfront Revitalization Program. State funding programs, technical assistance, and support are needed to help the Village achieve comprehensive waterfront development and practice sound waterfront management. The following points highlight the State programs and assistance necessary to further the LWRP.

COUNCIL ON THE ARTS

1. Assistance from the Architecture and Environmental arts program for waterfront development planning.

DEPARTMENT OF COMMERCE

1. Provision of funding and assistance for development and promotion of local tourism programs and activities.

DEPARTMENT OF ECONOMIC DEVELOPMENT

1. Provision of funding and assistance for development and promotion of local tourism programs and activities.

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

2. Planning, development, construction, major renovation, or expansion of facilities in waterfront, including recreational improvement projects.
3. Administration of permits and approvals.
4. Implementation of State Environmental Quality Review Act.

DEPARTMENT OF STATE

1. Provision of funding for the implementation of an approved LWRP.

DEPARTMENT OF TRANSPORTATION

1. Planning, design, funding and implementation of transportation improvement projects within the waterfront area.
2. Coordination of planned road improvements.

DEPARTMENT OF TREASURY, INTERNAL REVENUE SERVICE

1. Provision of investment tax credits for qualified building rehabilitation projects.

OFFICE OF GENERAL SERVICES

1. Prior to any development occurring in the water on the immediate waterfront, the Office of General Services should be contacted for a determination of the State's interest in underwater, or formerly underwater, lands and for authorization to use and occupy these lands.

OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION

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

CANAL CORPORATION (under NYPA administration)

1. Provision of approvals and permits for development activities, and the acquisition, disposition, lease, grant of easements or other activities on Canal Corporation lands.

SECTION VII: LOCAL COMMITMENT AND CONSULTATION

The Village of Macedon Local Waterfront Revitalization Program reflects the vision and recognized policies of the community, and incorporates recent and on-going planning and design efforts in the LWRP process.

Community Participation Plan (Appendix 3).

The long-term successful implementation of the LWRP will hinge on a continued high level of community engagement and buy-in developed during the planning process. The community members, landowners, stakeholders, officials, and regional organizations that participated in the planning process must become partners during implementation in order to ensure success of the plan. Community involvement in association with the LWRP was undertaken in tandem with outreach for the Brownfield Opportunity Area Program.

A Community Participation Plan was created at the onset of the LWRP to outline the methods and techniques for community engagement throughout the development of the revitalization strategy. A Steering Committee was assembled to meet regularly and key stakeholders were interviewed while the public was engaged through a series of meetings and online correspondences.

The Community Participation Plan included the following methods for engaging the community:

- Steering committee meetings
- Project website
- Community Survey (1)
- Public meetings (2)
- Public workshop (1)
- Stakeholder meetings (2)
- Village Board presentations (2)

Local Partners and Consultation

Project Oversight

The Village of Macedon is being represented throughout the LWRP process by the Village Planning Board. Under the direction of the Mayor, members of the Village Planning Board will be responsible for administering grant appropriations and leading much of the local implementation efforts, including policies for overseeing policies for public construction and private development projects.

Consultation Methods and Techniques

Community participation was solicited throughout the project during numerous meetings both open to the public and by invitation. The Village Board assembled a Steering Committee responsible for the overseeing the preparation of the LWRP.

In addition to regularly scheduled Steering Committee meetings, a series of Public Meetings provided opportunities for broad community input, while several Stakeholder Meetings permitted focused discussion on important issues facing the community.

STEERING COMMITTEE

The Steering Committee, comprised of members of the Village Planning Board and Village staff, was assembled to provide guidance and feedback during the master planning process and to share insight into planning in the Village of Macedon. A total of 10 bi-monthly Steering Committee meetings were held to discuss project progress, gather feedback and solicit input regarding project direction and visioning.

PUBLIC MEETINGS AND WORKSHOPS

Similar to previous planning and design efforts undertaken by the Village, a range of opportunities for public involvement were provided, ranging from general informational public meetings to small group working sessions. Three public meetings were held during key points in the planning process, each of which contributed to the master planning process.

At the initial public meeting -- a Public Information Meeting and Visioning Workshop held on February 28th 2013, community stakeholders were asked to identify both the Village's greatest obstacles to revitalization and the projects most likely to cause transformation. The three most prominent themes were Canal

Park enhancements, business attraction, and landscaping and beautification.

The second public meeting, the Public Design Workshop, was held on July 18th, 2013 to discuss programming and design options for the previously identified strategic revitalization sites within the Village – Main Street, Canal Park and the connection between the Canal and Downtown.

In October 2013, Bergmann Associates presented the plan to the Village Board, which was also open to the public. At this meeting, both the public and Village Board members had the opportunity to review and comment on a draft version of the Master Plan and targeted recommendations for the revitalization of the Village.

ONGOING PARTICIPATION

The public was able to remain engaged with the planning process through regular electronic and internet communications, which afforded all interested persons the opportunity to offer their perspectives. The website developed for the project (www.revitalizemacedon.com) allowed members of the public to be continually informed of the project's progress while also providing input on the vision for the revitalization strategy.

A community survey was made available online through the project's website, the Village of Macedon website, and a hard copy form at Village Hall. The survey provided the Steering Committee and project team with insight into the obstacles and opportunities facing the Village as perceived by the public. The

survey results provided further refinement into the vision for revitalization within the Village.

STAKEHOLDER MEETINGS

A series of Stakeholder Meetings were held in February and October of 2013 to further assist the Steering Committee and consultants in the analysis and preparation of the Village of Macedon LWRP. Various key stakeholders were engaged in order to better understand the relationships that make successful development of revitalization initiatives possible. Such stakeholders included residents of the Village of Macedon and surrounding communities and representatives of regional entities with a stake in the revitalization of the Village, including business owners, large landowners, Village officials, County officials, and representatives from neighboring municipalities and community organizations.

Regional Consultation

Regional organizations, including the Western Erie Canal Alliance, Macedon-Palmyra School District, Wayne County Department of Planning and the Wayne County Industrial Development Agency were involved in the planning process.

State Agency Consultation

The Project Steering Committee included State Agency staff from the Department of State. Village representatives also met with staff from the NYS Canal Corporation.

NYS Environmental Quality Review Act

The local adoption of an LWRP is a Type I Action pursuant to the New York State Environmental Quality Review Act (SEQRA). In accordance with Part 617 of the implementing regulations of Article 8 of the New York State Environmental Conservation Law, the Village of Macedon Board of Trustees was designated as the SEQRA Lead Agency. Consequently, the Village prepared an Environmental Assessment Form to identify and evaluate the potential impacts of adopting the LWRP and supporting local regulations. The Village of Macedon Board of Trustees, as SEQRA Lead Agency, also conducted a coordinated public review of the Draft LWRP and has appropriately acknowledged and addressed all received comments. The findings of the environmental review indicated that the adoption of the LWRP and proposed supporting regulations will not adversely affect the natural resources of the State and/or the health, safety and welfare of the public, and is consistent with all associated social and economic considerations.

The Village of Macedon Board of Trustees, based on the finding, conclusions and rationale relating to the probable environmental impacts of the action contained within the Environmental Assessment Form, determined that the adoptions of the Local Waterfront Revitalization Program, Waterfront Consistency Review Law, and the proposed zoning amendment is not

anticipated to result in any significant adverse impacts on the environment. To conclude the process the Village issued a Negative Declaration Notice of Determination of Non-Significance,

formally adopted the LWRP, and begun implementation of the Program's policies and recommendations.

**APPENDIX 1: LOCAL CONSISTENCY REVIEW LAW AND
WATERFRONT ASSESSMENT FORM**

VILLAGE OF MACEDON LOCAL WATERFRONT REVITALIZATION PROGRAM

Local Consistency Law

Local Law 1-2016 for the Village of Macedon.

ARTICLE XV - GENERAL PROVISIONS

I. Title.

This local law will be known and may be cited as the Village of Macedon Waterfront Consistency Review Law.

II. Purpose.

- A. The purpose of this local law is to provide a framework for agencies of the Village of Macedon to incorporate the policies and purposes contained in the Village of Macedon Local Waterfront Revitalization Program (LWRP) when reviewing applications for actions or direct agency actions within the waterfront area; and to assure that such actions and direct actions by Village agencies are consistent with the LWRP policies and purposes.

- B. It is the intention of the Village of Macedon to provide for the protection and beneficial use of the natural and man-made resources within the waterfront revitalization area of the Village of Macedon. The Village desires to find an appropriate balance between the protection of natural resources, enhancing waterfront lands, improving quality of life, promoting waterfront access, and general economic development. Accordingly, this local law is intended to achieve such a balance, permitting the beneficial use of waterfront resources while preventing loss and degradation of living waterfront resources and wildlife; diminution of open space areas or public access to the waterfront; disruption of natural processes; impairment of scenic, cultural or historical resources; losses due to flooding, erosion and sedimentation; impairment of water quality; or permanent adverse changes to ecological systems.

III. Authority.

- A. This local law is adopted under the authority of the Municipal Home Rule Law and the Waterfront Revitalization of Coastal Areas and Inland Waterways Act of the State of New York (Article 42 of the Executive Law).

- B. The substantive provisions of this local law shall only apply when there is in existence a Village of Macedon Local Waterfront Revitalization Program which has been adopted in accordance with Article 42 of the Executive Law of the State of New York.

IV. Applicability.

All agencies of the Village of Macedon must comply with this local law prior to directly undertaking, approving, or funding any action within the waterfront area.

This local law shall supersede and repeal any previous local regulations regarding Village of Macedon LWRP consistency law.

V. Severability.

The provisions of this local law are severable. If any part of this local law is found invalid, such findings will apply only to the particular provision and circumstances in question. The remainder of this local law, and the application of the disputed provision to other circumstances, will remain valid.

VI. Definitions.

- (a) "Actions" include all the following, except minor actions:
- (1) projects or physical activities, such as construction or any other activities that may affect natural, manmade or other resources in the waterfront revitalization area or the environment by changing the use, appearance or condition of any resource or structure, that:
 - (i) are directly undertaken by an agency; or
 - (ii) involve funding by an agency; or
 - (iii) require one or more new or modified approvals, permits, or review from an agency or agencies;
 - (2) agency planning and policy making activities that may affect the environment and commit the agency to a definite course of future decisions;
 - (3) adoption of agency rules, regulations and procedures, including local laws, codes, ordinances, executive orders and resolutions that may affect waterfront resources or the environment; and
 - (4) any combination of the above.
- (b) "Village" means the Village of Macedon.
- (c) "Agency" means any board, agency, department, office, other body, or officers of the Village of Macedon.
- (d) "Village Clerk's Office" means the Village of Macedon Clerk's Office.
- (e) "Consistent" means that the action will fully comply with the LWRP policy standards, conditions and objectives and, whenever practicable, will advance one or more of them.
- (f) "Direct Actions" mean actions planned and proposed for implementation by an agency, such as, but not limited to a capital project, rulemaking, procedure making and policy making.
- (g) "EIS" means Environmental Impact Statement as defined in 6 NYCRR 617.2 (m).
- (h) "Environment" means all conditions, circumstances and influences surrounding and affecting the development of living organisms or other resources in the waterfront area.
- (i) "Environmental Assessment Form" or "EAF" is a form used in determining the environmental significance or insignificance of actions in accordance with the State Environmental Quality Review Act (SEQRA).
- (j) "Local Waterfront Revitalization Program" or "LWRP" means the Local Waterfront Revitalization Program of the Village of Macedon, approved by the Village of Macedon Board of Trustees and Secretary of State pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Executive Law, Article 42), a copy of which is on file in the Office of the Village Clerk of the Village of Macedon.
- (k) "Minor Actions" include the following actions, which are not subject to review under this chapter:
- (1) maintenance or repair involving no substantial changes in an existing structure or facility;
 - (2) replacement, rehabilitation or reconstruction of a structure or facility, in-place and in-kind, on the same site, including upgrading buildings to meet building or fire codes;

- (3) street openings and right-of-way openings for the purpose of repair or maintenance of existing utility facilities;
- (4) maintenance of existing landscaping or natural growth, except where threatened or endangered species of plants or animals are affected;
- (5) minor temporary uses of land having negligible or no permanent impact on waterfront resources or the environment;
- (6) installation of traffic control devices on existing streets, roads and highways;
- (7) mapping of existing roads, streets, highways, natural resources, land uses and ownership patterns;
- (8) information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soils studies that do not commit the agency to undertake, fund or approve any action;
- (9) official acts of a ministerial nature involving no exercise of discretion, including building permits where issuance is predicated solely on the applicant's compliance or noncompliance with the relevant local building code;
- (10) routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment;
- (11) conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action;
- (12) collective bargaining activities;
- (13) investments by or on behalf of agencies or pension or retirement systems, or refinancing existing debt;
- (14) inspections and licensing activities relating to the qualifications of individuals or businesses to engage in their business or profession;
- (15) adoption of regulations, policies, procedures and local legislative decisions in furtherance of any action on this list;
- (16) engaging in review of any part of an application to determine compliance with technical requirements, provided that no such determination entitles or permits the project sponsor to commence the action unless and until all requirements of this Part have been fulfilled;
- (17) civil or criminal enforcement proceedings, whether administrative or judicial, including a particular course of action specifically required to be undertaken pursuant to a judgment or order, or the exercise of prosecutorial discretion;
- (18) adoption of a moratorium on land development or construction;
- (19) interpreting an existing code, rule or regulation;
- (20) designation of local landmarks or their inclusion within historic districts;
- (21) emergency actions that are immediately necessary on a limited and temporary basis for the protection or preservation of life, health, property or natural resources, provided that such actions are directly related to the emergency and are performed to cause the least change or disturbance, practicable under the circumstances, to waterfront resources or the environment. Any decision to fund, approve or directly undertake other activities after the emergency has expired is fully subject to the review procedures of this Part;

(22) local legislative decisions such as rezoning where the Village of Macedon determines the action will not be approved.

(l) "Planning Board" means the Village of Macedon Planning Board.

(m) "Waterfront Assessment Form (WAF)" means the form, a sample of which is appended to this local law, used by an agency to assist in determining the consistency of an action with the Local Waterfront Revitalization Program.

(n) "Waterfront Revitalization Area" that area located within the boundaries of the Village of Macedon delineated and described in the Village of Macedon Local Waterfront Revitalization Program (LWRP).

VII. Management and Coordination of the Review of Actions.

A. The Village of Macedon Planning Board shall be responsible for coordinating review of actions in the Village's waterfront revitalization area for consistency with the LWRP, and will advise, assist and make consistency recommendations to other Village agencies in the implementation of the LWRP, its policies and projects, including physical, legislative, regulatory, administrative and other actions included in the program.

B. The Village of Macedon Planning Board Chair shall coordinate with the New York State Department of State regarding consistency review of actions by Federal agencies and with State agencies regarding consistency review of their actions.

VIII. Certification of Consistency.

7.1 - Review of Actions.

A. Whenever a proposed action is located within the Village's waterfront revitalization area, each Village agency shall, prior to approving, funding or undertaking the action, make a determination that it is consistent with the LWRP policy standards summarized in Subparagraph I herein. No action in the waterfront revitalization area shall be approved, funded or undertaken by that agency without such a determination.

B. Whenever a Village agency receives an application for approval or funding of an action, or as early as possible in the agency's formulation of a direct action to be located in the waterfront area, the agency shall refer a copy of the completed WAF to the Planning Board within ten (10) days of its receipt and prior to making its determination, shall consider the recommendation of the Planning Board with reference to the consistency of the proposed action.

C. After referral from an agency, the Planning Board shall consider whether the proposed action is consistent with the LWRP policy standards set forth in Section H herein. The Planning Board shall require the applicant to submit all completed applications, WAFs, EAFs, and any other information deemed necessary to its consistency recommendation.

The Planning Board shall render its written recommendation to the agency within thirty (30) days following referral of the WAF from the agency, unless extended by mutual agreement of the Planning Board and the applicant or in the case of a direct action, the agency. The Planning Board's recommendation shall indicate whether the proposed action is consistent with or inconsistent with one or more of the LWRP policy standards and shall elaborate in writing the basis for its opinion. The Planning Board shall, along with a consistency recommendation, make any suggestions to the agency concerning modification of the proposed action, including the

imposition of conditions, to make it consistent with LWRP policy standards or to greater advance them.

In the event that the Planning Board's recommendation is not forthcoming within the specified time, the agency shall make its consistency decision without the benefit of the Planning Board's recommendation.

- D. If an action requires approval of more than one Village agency, decision making will be coordinated between the agencies to determine which agency will conduct the final consistency review, and that agency will thereafter act as designated consistency review agency. Only one WAF per action will be prepared. If the agencies cannot agree, the Village Board shall designate the consistency review agency.
- E. Upon receipt of the Planning Board's recommendation, the agency shall consider whether the proposed action is consistent with the LWRP policy standards in Section I herein. The agency shall consider the consistency recommendation of the Planning Board, the WAF and other relevant information in making its written determination of consistency. No approval or decision shall be rendered for an action in the waterfront area without a written determination of consistency having first been rendered by a Village agency.
- F. The Zoning Board of Appeals is the designated agency for the determination of consistency for variance applications subject to this law. The Zoning Board of Appeals shall consider the written consistency recommendation of the Planning Board in the event and at the time it makes a decision to grant such a variance and shall impose appropriate conditions on the variance to make the activity consistent with the objectives of this law.
- G. Where an EIS is being prepared or required, the draft EIS must identify applicable LWRP policies standards in Subparagraph I herein and include a thorough discussion of the effects of the proposed action on such policy standards.
- H. In the event the Planning Board's recommendation is that the action is inconsistent with the LWRP, and the agency makes a contrary determination of consistency, the agency shall elaborate in writing the basis for its disagreement with the recommendation and state the manner and extent to which the action is consistent with the LWRP policy standards.
- I. Actions to be undertaken within the waterfront revitalization area shall be evaluated for consistency in accordance with the following summary of LWRP policy standards, which are derived from and further explained and described in the Village of Macedon LWRP Section III, a copy of which is on file in the Village Clerk's office and available for inspection during normal business hours. Agencies which undertake direct actions must also consult with LWRP Section IV, in making their consistency determination.

Any proposed action must be consistent with the following established policies:

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

- Policy 2: Preserve historic resources of the waterfront area.
- Policy 3: Enhance visual quality and protect scenic resources throughout the waterfront area.
- Policy 4: Minimize loss of life, structure, and natural resources from flooding and erosion.
- Policy 5: Protect and improve water quality and supply in the waterfront area.
- Policy 6: Protect and restore the quality and function of the waterfront ecosystem.
- Policy 7: Protect and improve air quality in the waterfront area.
- Policy 8: Minimize environmental degradation in the waterfront area from solid waste and hazardous substances and wastes.
- Policy 9: Provide for public access to, and recreational use of, waterfront waters, public lands, and public resources of the waterfront area.
- Policy 10: Protect water-dependent uses and promote siting of new water-dependent uses in suitable locations.
- Policy 11: Promote sustainable use of living marine resources in the waterfront area.
- Policy 12: Protect agricultural lands.
- Policy 13: Promote appropriate use and development of energy and mineral resources.

- J. The Village shall maintain a file for each action made the subject of a consistency determination, including any recommendations received from the Planning Board. Such files shall be made available for public inspection upon request.

IX . Enforcement.

- A. No action within the Village of Macedon waterfront revitalization area which is subject to review under this Article shall proceed until a written determination has been issued from a Village agency that the action is consistent with the Village of Macedon’s LWRP policy standards.
- B. In the event that an activity is being performed in violation of this law or any conditions imposed thereunder, the Code Enforcement Officer or any other authorized official of the Village shall issue a stop work order and all work shall immediately cease. No further work or activity shall be undertaken on the project so long as a stop work order is in effect. The Code Enforcement Officer, Village Attorney, and Police Department shall be responsible for enforcing this Article.

X. Violations.

- A. A person who violates any of the provisions of, or who fails to comply with any condition imposed by, this local law shall have committed a violation, punishable by a fine not exceeding five hundred dollars (\$500.00) for a conviction of a first offense and punishable by a fine of one thousand dollars (\$1000.00) for a conviction of a second or subsequent offense. For the purpose of conferring jurisdiction upon courts and judicial officers, each week of continuing violation shall constitute a separate additional violation.
- B. The Village Attorney is authorized and directed to institute any and all actions and proceedings necessary to enforce this local law. Any civil penalty shall be in addition to and not in lieu of any criminal prosecution and penalty.

XI. Effective Date.

This local law shall take effect immediately upon its filing in in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

MOTION: The following motion was made by Deputy Mayor Kelly and seconded by Trustee Nelson:

BE IT RESOLVED by the Village Board of Trustee of the Village of Macedon that Local Law No. 1 of the year 2016, a local law entitled Waterfront Consistency Review law Local Law 2016-1, is hereby deemed adopted and approved, effective upon filing with the Department of State as required by the provisions with Section 27 of the Municipal Home Rule Law.

Motion carries:

4 votes in favor

1 absent

Village of Macedon
WATERFRONT ASSESSMENT FORM (WAF)

A. INSTRUCTIONS (Please print or type all answers)

1. Applicants, or in the case of direct actions, Village of Macedon agencies, shall complete this WAF for proposed actions which are subject to the waterfront consistency review law. This assessment is intended to supplement other information used by a Village of Macedon 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 Village of Macedon Local Waterfront Revitalization Program (LWRP), a copy of which is on file in the Village of Macedon Clerk's office. A proposed action should be evaluated as to its significant beneficial and adverse effects upon the waterfront revitalization 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 contained in the waterfront 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 with the LWRP policy standards. If an action cannot be certified as consistent with the LWRP policy standards, it shall not be undertaken.

B. DESCRIPTION OF SITE AND PROPOSED ACTION

1. Type of 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. steep slopes, 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?
(a) Name:
(b) Size (in acres):
10. If an application for the proposed action has been filed with the agency, the following information shall be provided:
(a) Name of applicant: _____
(b) Mailing address: _____
(c) Telephone number: _____
(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? NYS Department of State

C. WATERFRONT ASSESSMENT
(Check either "Yes" or "No" for each of the following questions)

- | | <u>YES</u> | <u>NO</u> |
|---|------------|-----------|
| 1. Will the proposed action be located in, or contiguous to, or have a potentially <u>adverse effect</u> upon any of the resource areas identified on the waterfront revitalization 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.

- | | <u>YES</u> | <u>NO</u> |
|--|------------|-----------|
| 2. Will the proposed action have a <u>significant effect</u> upon: | | |
| (a) Commercial or recreational use of fish and wildlife resources? | — | — |
| (b) Scenic quality of the waterfront environment? | — | — |
| (c) Development of future, or existing water dependent uses? | — | — |
| (d) Land or water uses within the harbor area? | — | — |
| (e) Stability of the shoreline? | — | — |
| (f) Surface or groundwater quality? | — | — |

	(g)	Existing or potential public recreation opportunities?	—	—
	(h)	Structures, sites or districts of historic, archeological or cultural significance to the Village of Macedon, State or nation?	—	—
3.		Will the proposed action <u>involve</u> or <u>result in</u> any of the following:	<u>YES</u>	<u>NO</u>
	(a)	Physical alteration of land along the shoreline, land under water or waters?	—	—
	(b)	Physical alteration of two (2) acres or more of land located elsewhere in the waterfront revitalization area?	—	—
	(c)	Expansion of existing public services or infrastructure in undeveloped or low density areas of the waterfront revitalization area?	—	—
	(d)	Energy facility not subject to Article VII or VIII of the Public Service Law?	—	—
	(e)	Mining, excavation, filling or dredging in waterways?	—	—
	(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.		<u>PROJECT</u>	<u>YES</u>	<u>NO</u>
	(a)	If a 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?	—	—
	(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 waterways?	—	—
(c)	Is the project site presently used by the community 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 waterways?	—	—
(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 waterways?	—	—
(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 waterways?	—	—
(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 to complete this form.)

If assistance or further information is needed to complete this form, please contact Village of Macedon Clerk at (315) 986-3976.

Preparer's Name: _____ Date: _____

Title: _____

Agency: _____

Telephone Number: _____

APPENDIX 2: ADOPTED ZONING AMENDMENT

Section 202 Definitions

As used in this Local Law, the following terms shall have the meanings indicated:

ACCESSORY – The term applied to a building, structure or use which:

- (1) is customarily incidental and subordinate to and serves a principal building or principal use;
- (2) is subordinate in area, extent or purpose to the principal building or principal use served;
- (3) contributes to the comfort, convenience or necessity of occupants of the principal building or principal use; and,
- (4) is located in the same parcel as the principal building or principal use.

ACCOMMODATIONS– Includes hotels, motels, inns and bed and breakfast establishments.

ACTION – Either Type I or unlisted actions as defined in New York State Environmental Quality Review Act regulations (Title 6, Part 617.2, of the New York Codes, Rules and Regulations) which include:

A. Projects or physical activities, such as construction or other activities that may affect the environment by changing the use, appearance or condition of any natural resource or structure, that:

- (1) Require a permit or approval from any board or official of the Village of Macedon; or
- (2) Are directly undertaken by an agency; or
- (3) Involve funding by an agency; or
- (4) Require one or more new or modified approvals from an agency or agencies.

B. Agency planning and policy-making activities that may affect the environment and commit the agency to a definite course of future decisions.

C. Adoption of agency rules, regulations and procedures, including local laws, codes, ordinances, executive orders and resolutions that may affect the environment.

D. Any combinations of the above.

ADULT BOOKSTORE AND ADULT RETAIL – A business, whether retail or wholesale, having more than five percent (5%) of its net floor space set aside for or more than five percent (5%) of the value of its stock-in-trade allocated to sexual related retail products, recordings, books, magazines, periodicals, films, videotapes/cassettes or other viewing materials for sale or viewing on or off the premises, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to sexual activities or specified anatomical areas.

ADULT ENTERTAINMENT USE – Generally, any business, including but not limited to those specifically enumerated in this Article which has more than five percent (5%) of its net floor space set aside or more than five percent (5%) of the volume of its stock-in-trade, devoted to the display, viewing or dissemination of material distinguished or characterized by an emphasis on matter depicting, describing or related to sexual activity or specified anatomical areas, including but not limited to any establishment that allows or promotes dancers, performers or employees, whether male or female, to display specified anatomical areas.

ADULT MOTION-PICTURE THEATER – An enclosed or unenclosed building, structure or portion thereof used for presenting materials distinguished or characterized by an emphasis on matters depicting, describing or relating to sexual activities or specified anatomical areas for observation by patrons.

AGENCY - Any board, agency, department, office, other body or officer of the Village of Macedon.

AGRICULTURAL ACTIVITY – The activity of an active farm including grazing and watering livestock, irrigating crops, harvesting crops, using land for growing agricultural products, and cutting timber for sale, but shall not include the operation of a dude ranch or similar operation, or the construction of new structures associated with agricultural activities.

AGRICULTURAL OR FARMING ACTIVITIES – The use of the land for agricultural purposes including: truck farms or nurseries, greenhouses, horticulture, viticulture and apiaries, and the raising or breeding of animals, swine, poultry, riding academies, livery or boarding stables, and the necessary accessory uses for storage; provided, however, that the operation of any such accessory use shall be incidental to that of the principal agricultural activities.

ALLEY- A narrow service street or passage less than 22 feet between properties or buildings.

ALTERATIONS – As applied to a building or structure, reconfiguration of any space, the addition or elimination of a window or door, reconfiguration or extension of any system, or installation of any additional equipment.

ANIMAL, LARGE- Large animals that are not pet or small animals and typically not residing within the principal residence. Large animals include but are not limited to any equine animal including, but not limited to; a horse, stallion, mare, gelding, filly, colt, mule, hinny, jack, jennet; any species of the bovine family; including but not limited to any cow, calf, steer or bull; and any large reptile, pig, hog, boar, llama, sheep, ram, ewe, lamb; any goat, billy, nanny, or kid; or an emu, ostrich, or rhea.

ANIMAL, PET- An animal with behavior, life cycle, or physiology systemically altered as a result of being under human control and companionship for many generations and that typically but not always resides in the principal residence. Domesticated animals include but are not limited to dogs, cats, ferret, birds, rabbits, guinea pigs, hamsters, mice, rats, reptiles, amphibians and fish.

ANIMAL, SMALL- Small animals that are not pet or small animals and typically do not reside within the principal residence. Small animals include but are not limited to squirrels, chipmunks, wild rodents, snakes and other small reptiles, frogs/toads and other small amphibians and non-domesticated birds.

APARTMENT- A dwelling unit designed for and used solely as a permanent residence in a building not used as a hotel, rooming or boarding house or for other transient occupancy. The terms "apartment" and "apartment building" shall not be deemed to include a hotel, motel, bed and breakfast, tourist home, furnished rooming house, dormitory, boarding home, convalescent home, rest home, nursing home or other accommodation used for transient occupancy.

APARTMENT BUILDING – A building containing more than three dwelling units where the occupants are primarily permanent in nature.

APARTMENT COMPLEX- More than one apartment building detached and grouped together on a single parcel which is designed and used solely for residential purposes.

APPLICANT – A property owner or agent of a property owner who has filed an application for a land development activity.

ARCHITECTURAL FEATURE- A prominent or significant part or element of a building, structure or site.

ASSEMBLY USE- A building or structure including but not limited to community centers, halls, granges or pavilions where groups or individuals voluntarily meet to pursue their common social, educational, religious, recreational, or other interests, but not including an association or group organized to render, purchase or otherwise make use of a service customarily carried on as a commercial enterprise. For the purposes of this definition, assembly uses do not include temporary festivals, animal shows and similar outdoor events, or conference centers/convention centers.

AREA OF SPECIAL FLOOD HAZARD – Land in the floodplain subject to a one (1) percent or greater chance of flooding in any given year.

AUTOMOTIVE USES- Automobile Service Fuel Station with the primary purpose of selling fuel. Automobile Service Stations with the primary purpose of repair to automobiles. These centers can, but are not limited to include retail of used automobiles. Auto Parts Sales Centers. New and Used Automotive Sales.

AWNING- A movable ornamental roof-like protective cover over a door, entrance, window or outdoor service area that projects from the face of a structure and is constructed of durable materials, including but not limited to fabrics and/or plastics.

BANNER- A piece of material, typically cloth, bearing a motto, legend or advertisement.

BAR- An establishment primarily engaged in the sale and service of alcoholic beverages for on-premises consumption during any period of the day as permitted by law. Such an establishment is subject to the regulatory authority of the New York State Liquor Authority. The incidental sale or provision of food, light fare or snacks shall not entitle such a use to be considered a restaurant under other provisions of this Code. Also, the periodic provision of musical, theatrical or other forms of live or pre-recorded entertainment shall not entitle such a use to be considered a theatre or cultural use facility under other provisions of this Code. Synonyms include PUB or TAVERN.

BARN- A building on a farm or farmette used for the storage of farm products, including feed, equipment, machinery, or vehicles, and/or the stabling and sheltering of animals. A Garage designed to look like a barn is still a garage.

BASE FLOOD – The flood having a one (1) percent chance of being equaled or exceeded in any one given year. For purposes of this Local Law, base flood shall have the same meaning as the 100-year flood.

BASEMENT – That portion of a building that is partly or completely below grade.

BED-AND-BREAKFAST- An owner-occupied building designed, used and occupied as a single-family residence having, as an accessory use therein, up to six public lodging sleeping units and facilities within the building serving food and drink prepared within the building to preregistered transient guests.

BERM- An earthen construct designed to provide visual interest, screen undesirable views and/or decrease noise.

BOAT LAUNCH- A designated location on a body of water that is for the purpose of launching or placing a boat in the water. Boat launches may be located at marinas, public access points, or at community and commercial docks and are subject to applicable regulations.

BOAT LAUNCHING FACILITY- A facility designed primarily for the launching and landing of watercraft, and which may include an access ramp, docks, boat slips and parking spaces for vehicles and trailers.

BOAT SLIP – A space or waterway alongside one or more docks intended to receive a boat or watercraft.

BREWERY- An establishment for the manufacturing of malt liquors, such as beer and ale as a larger scale distributor. *See Microbrewery for small scale brewing.

BUFFER AREA – A continuous strip of land area covered with grass, vegetation, trees, fencing, embankments or berms not less than ten (10) feet in depth and not less than six (6) feet in height densely planted and designed to provide a physical screen preventing visual and/or intrusion of litter, fumes, dust, noise, or other noxious or objectionable elements.

BUILDING – Any structure, either temporary or permanent, having a walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than 100 square feet of area.

BUILDING AREA – The aggregate of the total area of all enclosed and roofed spaces of the principal building and all accessory buildings on a common lot. Such areas shall be computed by using outside building dimensions measured on a horizontal plane at ground level.

BUILDING, MIXED-USE- Any building which includes multiple uses integrated in a compatible fashion either horizontally and/or vertically and in accordance with the New York State Building Code. Said structure must obtain all applicable permits and approvals required for each use which may or may not be accomplished via a single application and review process.

BUILDING, NON-CONFORMING- A lawfully pre-existing building which in its design or location does not conform to the regulations of this chapter for the district in which it is located.

BUILDING, OFFICE- A building that is divided into offices, either single or suites, for the transaction of business other than for mercantile or manufacturing purposes where merchandise is on display and offered for sale. Offices used for a professional business, in part or in whole will be classed as an office building.

BUILDING, PRINCIPAL- A building in which is conducted the main use of the lot on which said building is located.

BUILDING, PUBLIC- Any building or structure used for municipal, civic, ecclesiastical, recreational or other purposes not used for enterprise.

BUILDING FRONTAGE- The width of a building facing a street or public parking lot; in the case of a corner lot, it may be either frontage at the option of the applicant.

BUILDING HEIGHT – The vertical distance from the grade plane to the average height of the highest roof surface.

BUILDING LINE (also referred to as setback line) – A line formed by the intersection of a horizontal plan at an average grade level and vertical plane that coincides with the exterior surface of the building or a projected roof or porch, the vertical plane will coincide with the most projected surface, excluding steps and overhanging eaves less than two (2) feet in width. All yards and setback requirements are measured to the building lines.

BUILDING PERMIT- That permit issued by the building and zoning officer stating that the purpose for which a building or land is to be used is in conformity with the uses permitted and all other requirements under this chapter for the district in which it is located, and stating that all construction, relocation or extension of buildings are in compliance with applicable provisions the New York State Fire Code and Building Code and other regulations.

BUILDING, PRINCIPAL – A building in which is conducted the main or principal use of the lot on which said building is situated.

BUILDING SITE- That portion of the lot or parcel of land upon which a building and appurtenances are to be placed or are already existing, including adequate areas for sewage disposal, clearances, proper drainage, appropriate easements, and, if applicable, the requirements of other Ordinances of the Village of Macedon.

BUSINESS – Any person, firm, association, partnership, corporation or other for-profit entity.

CAMPING GROUND – A parcel of land used or intended to be used, let or rented for transient, vacation and recreational occupancy by travel trailers, campers, tents, recreational vehicles, motor homes and the motor vehicles propelling or carrying the same.

CANOPY- Any permanent structure with no support from the sidewalk which: projects from a building façade; extends along the building frontage; and offers partial protection from weather such as rain.

CAR WASH- See MOTOR VEHICLE SERVICE.

CEMETERY / CREMATORIUM- Land used or intended to be used for the incineration and/or internment of deceased human remains and dedicated for such purpose, including columbaria, crematories, mausoleums or mortuaries when operated within its boundaries.

CERTIFICATE OF COMPLIANCE - A certificate issued by the Building Inspector stating that the construction is in compliance with all requirements of the building permit for the subject project.

CERTIFICATE OF OCCUPANCY – A certificate issued by the Building Inspector upon completion of construction or alteration of a building for occupancy. Said Certificate shall acknowledge compliance with all of the requirements of the Uniform Code.

CHANNEL – A natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

CHARTER BOAT ESTABLISHMENT – A commercial establishment offering boating services to the public for a fee, typically to conduct sight-seeing, travel or recreational outings along the Erie Canal and adjacent watercourses.

CHURCH- Also referred to as a Place of Worship

CLEARING – Any activity that removes the vegetative surface cover.

CLINIC/ MEDICAL OR DENTAL- See Outpatient Health Center.

CLUB – An organization catering exclusively to its members and their guests, including premises and buildings for social, recreational or athletic purposes, which are not conducted primarily for gain, provided there are not conducted any vending stands, merchandising or commercial activities except as required generally for the membership and purposes of such club or as permitted by separate ordinance or local law.

CLUSTER DEVELOPMENT – A development of residential lots, each containing less area than the minimum lot area required for the zone within which such development occurs, while maintaining the density limitation imposed by said minimum lot area through the provision of open space as part of the site development plan.

COMMERCIAL USE, OFFICE - Commercial office uses include those establishments which provide for the administration, management, processing, or facilitation of business activities whereby the immediate end product does not include the manufacture, development, fabrication, storage, or sales of physical or durable goods. Professional offices which supply consultant, medical, dental, insurance, legal, financial, health care or similar-type services are considered commercial offices under this definition.

COMMERCIAL USE, RETAIL – See RETAIL BUSINESS ESTABLISHMENT. When referenced, this term shall include all forms of retail as described herein.

CONDOMINIUM– The form of housing tenure and other real property where specified portions of a parent piece of real estate including but not limited to individual dwelling units are individually owned, while use of and access to common facilities such as ingress/egress and circulation areas, parking areas, recreation and exterior spaces is executed under legal rights associated with the individual ownership and controlled by the association of owners that jointly represent ownership of the parent piece.

CONFORMITY/CONFORMING- Complying with the use, density, dimensional and other standards of this chapter.

CONVERSION- A change in use or occupancy of a building, generally by alteration or by other reorganization as to increase the number of families or dwelling units in a structure.

COURT- An open unoccupied space, other than a yard, on the same lot with a building or group of buildings and which is bounded on two or more sides by such building or buildings.

CUL-DE-SAC- A street, lane or alley with an intersection on one end and a closed turning area or roundabout on the other.

CULTURAL USE FACILITY OR MUSEUM- Any building, room or area designed or utilized primarily for the presentation to the general public of live theater, dance performances, musical concerts, cinema, lectures, exhibits of various art forms or exhibits of cultural, historic, academic or scientific material.

CURB LEVEL – The established elevation of the street grade at the point that is opposite the center of the wall nearest to and facing the street line. Where a building is on a corner lot, the curb level is the average of the mean levels of the curb on the two intersection streets. Where no such grade has been established, the Superintendent of Public Works shall establish the curb level for the purposes of this Local Law.

DAYCARE FACILITY- A licensed commercial establishment providing or designed to provide daycare for five or more persons on a regularly scheduled basis. Also see §390, 1(c) of the Social Services Law of the State of New York.

DAYCARE, FAMILY HOME- An occupied family residence providing licensed day care for three to six children for more than three hours per day. See §390, 1(e) of the Social Services Law of the State of New York.

DEAD-END STREET - A street or portion of a street with only one vehicular traffic outlet and no turning area or roundabout at the closed end of the street (see cul-de-sac).

DEDICATION – The deliberate appropriation of property by its owner for general public use.

DEED OR TRACT RESTRICTIONS- Legal language recorded in an instrument in the chain of title for a lot, which describes specifically limitations or restrictions on the use of the property.

DEMOLITION- The act or process of wrecking, completely destroying or removing an existing structure from a site.

DEPARTMENT – The New York State Department of Environmental Conservation.

DESIGN GUIDELINES- The Design Guidelines established and approved for the Main Street Downtown Overlay District as defined on the Zoning Map. A copy of these guidelines can be obtained in the municipal office.

DESIGN MANUAL FOR STORM WATER MANAGEMENT – The New York State Storm Water Management Design Manual, most recent version includes applicable updates that serve as the official guide for storm water management principles, methods and practices.

DEVELOPER – A person who undertakes land development activities.

DEVELOPMENT – Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations.

DIRECT ACTION - Actions planned and proposed for implementation by an agency within the Village of Macedon Local Waterfront Revitalization Area, such as, but not limited to a capital project, rule making, procedure making and policy making.

DISSEMINATION – The transfer of possession, custody, control or ownership of or the exhibition or presentation of any performance to a customer, member of the public or business invitee of any material distinguished or characterized by an emphasis on matter depicting, describing or relating to sexual activities or specified anatomical areas.

DISTILLERY/WINERY- A facility for the distillation of grains and fruits into alcohol. This includes the manufacturing, bottling, and sale to a wholesaler. The on-site sale of products produced on-site is permitted.

DOCK- A structure projecting from or along the shore into the water of a navigable body of water and including piers and wharfs used as a berthing place for boats to load or unload. Docks can be permanent, non-permanent or floating structures.

DRIVE-THROUGH FACILITY- A use or portion of a use which by design of physical facilities or by service or packaging procedures encourages or permits customers to receive a service or obtain a product via a motor vehicle which may be consumed or used on or off the premises. Such drive-through facilities include, but are not limited to banking teller windows, Automatic Teller Machines, restaurant order and pick-up windows, and other pick-up, delivery or transaction services deemed inclusive by the Planning Board. ‘Drive-up,’ shall be considered a synonymous term.

DRIVEWAY – A roadway providing a means of access from a street to a property or off-street parking area.

DRY-CLEANING FACILITY- An establishment used to clean articles or goods of fabric to be subjected to the process of dry cleaning, dyeing or stain removal. A dry-cleaning facility includes the cleaning of fabric on site using the dry-cleaning process.

DWELLING – Any building that contains one or more dwelling units used, intended or designed to be built, used, rented or leased that is occupied for living purposes.

DWELLING, CARE FACILITY/NURSING HOME- See Residential Care Facility

DWELLING, MANUFACTURED – A factory built residential dwelling unit, designed to be occupied as a dwelling, complete and ready for occupancy except for minor and incidental unpacking and assembly operations and placement on a permanent foundation and connections to utilities. Manufactured housing built after June 14, 1976 shall meet the National Manufactured Home Construction and Safety Standards as set forth by the U.S. Department of Housing and Urban Development. A travel trailer shall not be considered as a manufactured dwelling.

DWELLING MODULAR – Same as a manufactured dwelling, however built to New York State building codes and approved by New York State.

DWELLING, MULTIFAMILY- A dwelling containing separate living units for three or more families, but which may have joint services and facilities.

DWELLING, SEMI-DETACHED- A single-family dwelling separated by a party wall from only one adjacent single family dwelling. Semi-detached dwellings differ from two-family dwellings in that dwellings are located side-by-side with each having a primary ground floor entrance along a street. For the purposes of this Chapter, the point of attachment may include garages or other meaningful and significant portions

DWELLING, SINGLE FAMILY- A dwelling unit designed for or occupied exclusively by one or more persons living as a single, nonprofit housekeeping unit. The dwelling can consist of a modular home, or a lumber-constructed home on a permanent foundation, cellar, or basement.

DWELLING, TOWNHOUSE -- A dwelling accommodating or designed to accommodate a single family in a single dwelling unit, the walls on two sides of which may be in common with the walls on an adjoining dwelling and are party or lot line walls. The real property title and ownership of the townhouse dwelling and property are vested in an owner having an undivided interest with others in the common usage areas and facilities which serve the project such as drives, open space, meeting rooms and other spaces.

DWELLING, TOWNHOUSE (PARENT PARCEL) -- A lot which is subdivided into privately owned parcels to create a project of townhouse, townhome or condominium units, which may consist of one or more buildings, attached or detached.

DWELLING, TWO-FAMILY- A building containing two dwelling units and used or intended to be used exclusively for occupancy by two families living independently of each other. Two-family dwellings are commonly conversions from single family dwellings, and include upper and lower dwelling units rather than side-by-side units such as a semi-detached dwelling. Also commonly referred to as a DUPLEX.

DWELLING UNIT- One or more rooms constituting a separate, independent housekeeping unit for ownership or lease or rent, designed for occupancy by one family and physically independent of any other

group of rooms or dwelling units which may be in the same structure, and containing independent cooking, sanitary, and sleeping facilities.

DWELLING UNIT, ACCESSORY- A self-contained housing unit incorporated within or detached from an owner occupied single-family dwelling that is clearly a subordinate part of the single family dwelling and complies with the regulations.

DWELLING UNIT DENSITY – The ratio of dwelling units to lot area, commonly expressed as units per acre. For townhouse and condominium developments, the lot area shall be calculated from the parent parcel.

DUPLEX – See **DWELLING, TWO-FAMILY**.

EASEMENT- The authorization by property owner for use by another, for a specified purpose, of any designated part of such property by legally recorded instrument.

EASEMENT, CONSERVATION- A perpetual restriction on the use of land for the purposes of conserving open space, agricultural land and natural, cultural, historic, and scenic resources.

EMPLOYEES or NUMBER OF EMPLOYEES- For the purpose of determining off-street parking requirements, the greatest number of persons to be employed or capable of employment during any one work period during day or night.

ELEVATED BUILDING – A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), or shear walls.

EROSION CONTROL MANUAL – The most recent version of the “New York Standards and Specifications for Erosion and Sediment Control” manual, commonly known as the “Blue Book”.

ESSENTIAL SERVICES – The erection, construction, alteration or maintenance by public utilities or any governmental department or commission of underground or overhead gas, electrical, telecommunications or water transmission and/or distribution systems, including poles, wires, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishings of adequate service by such public utilities or municipal or other governmental agencies, or for the public health, safety or general facilities or sites for the disposal of waste materials associated with the provision of such services.

EXCAVATION – The process of the removal of sand, gravel, soil (including topsoil) or other natural deposits by stripping, digging or other means.

EXCAVATION SITE – A parcel of land used for the purpose of extracting stone, sand, gravel or topsoil for sale as an industrial or commercial operations.

EXTERIOR ENTRANCE- A direct entrance from a public way to a habitable or tenantable space.

FAMILY – One (1) or more persons, related by birth, marriage or other domestic bond, occupying a dwelling unit and living as a single non-profit housekeeping unit.

FARM- As defined by NY State Department of Agriculture and Markets, land used in agricultural production. To be considered a farm, the property must be eight or more acres with gross sales of \$10,000 or more in preceding two years or have less than eight acres and average gross sales of more than \$50,000 in the preceding two years. Farms shall be subject to the bulk and use regulations listed under “Agriculture”.

FARM STAND- A temporary structure no more than 150 square feet in size that’s use is accessory to the primary use of the property and is used to sell raw, unprocessed fruits, vegetables, nuts, honey, maple syrup, homemade goods and other agricultural produce in its raw or natural state. Cider, jams/jellies and baked goods may also be sold.

FENCE – A structure of wood, masonry, wire mesh or other material, including landscaping, which prohibits or inhibits unrestricted travel or view between properties or portions of properties or between the street or public right-of-way and a property.

FINISHED GRADE LEVEL – The level where the finished grade of the ground intersects the foundation walls, height measurements shall be based from the finished grade level.

FLAG-Any fabric, banner or bunting containing distinctive colors, patterns or symbols, used as a symbol of a government, political subdivision or other entity, or for decorative purposes.

FLOOD OR FLOODING – A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD BOUNDARY AND FLOODWAY MAP (FBFM) – An official map published by the Federal Emergency Management Agency as part of a Flood Insurance Study. The FBFM delineates a Regulatory Floodway along watercourses studied in detail in the Flood Insurance Study.

FLOOD HAZARD BOUNDARY MAP (FHBM) – An official map issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined but no water surface elevation is provided.

FLOOD INSURANCE RATE MAP (FIRM) – The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the Village.

FLOOD INSURANCE STUDY – The official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Hazard Boundary –Floodway Map and the water surface elevation of the base flood.

FLOOD PROOFING – Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY – The channel of a river or other watercourses and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation of the base flood.

FLOOR AREA, GROSS – The sum of the gross horizontal areas of several floors of a building or buildings, measured from the inside faces of exterior walls or from the centerline of walls separating two uses. For the purpose of applying the requirement for off-street parking and loading in the case of offices, merchandising or service types of uses, gross floor area shall not include areas used principally for non-public purposes such as storage, restrooms, fitting or alteration rooms or general maintenance, or enclosed pedestrian malls or corridors.

FLOOR AREA, HABITABLE – The horizontal area of any floor of a building designed and intended for living purposes, which includes working, sleeping, eating, cooking or recreation or combination thereof. A floor used only for storage purposes is not a “habitable floor”. All dimensions shall be measured from the interior faces of exterior walls or from the centerline of the base of walls separating two dwelling units.

FRONTAGE- That side of a lot abutting on a street or right-of-way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side line of a corner lot.

FUNERAL HOME- A building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

GARAGE, ATTACHED RESIDENTIAL- A building or indoor space in which to park or keep a motor vehicle which is connected to the primary structure.

GARAGE, DETACHED RESIDENTIAL- A building or indoor space in which to park or keep a motor vehicle which is disconnected from the primary structure and surrounded completely or partially by open space. See also shed.

GARAGE, MOTOR VEHICLE- Any garage other than a private residential garage, available to the public, operated for gain, and which is used for storage, repair, rental, greasing, washing, servicing, adjusting, or equipping of automobiles or other motor vehicles.

GARAGE SALE- The sale of personal property conducted in or near a residence, under cover or partially under cover or completely outside of any building, in the open. The term shall include garage sales, lawn sales, porch sales, patio sales, rummage sales or other similar sales which are advertised by a sign or other means, for the public to attend.

GASOLINE SERVICE STATION- See Motor Vehicle Service Station

GRADING – Excavation or fill of material, including the resulting conditions thereof.

HABITABLE STRUCTURE – A structure possessing a valid certificate of occupancy from the Code Enforcement Officer.

HISTORIC SITE- A site or structure which may not be included in an historic district, but which has an important historic, architectural or cultural significance to the village, region, state, or nation. An historic site may be locally designated or listed or eligible for listing on the State and/or National Registers of Historic Places.

HISTORIC STRUCTURE- Any structure that is individually listed or eligible for listing on the State or National Registers of Historic Places or has been determined to meet the requirements for listing on the National Register as defined by the Secretary of the Interior. Or, any structure individually listed on a local inventory of historic sites.

HISTORICAL AREA- An area containing buildings or places in which notable historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the area, of such significance as to warrant conservation and preservation.

HOME OCCUPATION – Any occupation or profession customarily conducted entirely within a dwelling or a building accessory to the dwelling by the inhabitants thereof, which is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. A home occupation shall not be interpreted to include the following: commercial stables and kennels, restaurants, day care services, musical and dancing instruction to groups exceeding four (4) pupils, convalescent homes, mortuary establishment, garages or shops for the repair of motor vehicles, retail businesses and trades, barber and beauty shops and other personal service establishments.

HOTEL- A building or group of buildings with greater than 15 lodging units other than a boardinghouse or tourist home in which there are rental lodging units, and which may also include dining rooms, kitchen serving rooms, ballrooms and other facilities and services intended primarily for the accommodation of patrons. Hotels provide enclosed and shared access facilities from a central location within the structure. Each sleeping unit shall contain not less than two hundred forty (240) square feet of gross floor area.

IMPERVIOUS SURFACE- Any roofed or other solid structure or material covering the ground through which water does not readily infiltrate, including but not limited to structures, concrete, oil and stone, tar or asphalt pavement, or compacted gravel. Regardless of the construction materials, any area which is used for driveway or parking purposes, including disturbed grass, ground cover or dirt shall be considered impermeable.

IMPERVIOUS SURFACE COVERAGE- The ratio between impervious surface and total land area of a lot expressed as the percentage of land covered by impervious surfaces.

INDUSTRY- The storage, repair, assembly, manufacture, preparation or treatment of any article, substance or commodity whatsoever, including the operation of commercial garages.

INDUSTRY, LIGHT- A facility which manufactures, designs, assembles, or processes a product for wholesale or retail from previously prepared materials, parts, or finished products. Such operations are characterized as lower in intensity, cleaner, and generally more compatible when located adjacent to commercial and residential areas than Heavy Industrial operations. Light manufacturing operations have limited external effects of the manufacturing or assembly process, such as odors, vibrations, emissions, or other nuisance characteristics through prevention or mitigation devices and conduct of operations within the confines of buildings. Typical items for processing, fabricating, assembly, or disassembly under this

use include but are not limited to apparel, food, drapes, clothing accessories, bedspreads, decorations, artificial plants, jewelry, instruments, computers, and electronic devices. Also includes machine shops, which are buildings used for the purpose of fabricating metal parts for various applications.

INDUSTRY, HEAVY- Any factory, shop, yard warehouse, mill or other nonresidential premises utilized in whole or in part for the processing, preparation, production, containerizing, storage or distribution of goods, wares, commodities, parts, materials, electricity and the like. The processing, preparation and production activities customarily deal with man-made or raw materials and other manufactured items which are altered, restored or improved by the utilization of biological, chemical or physical actions, tools, instruments, machines or other such similar natural, scientific or technological means. Heavy Industry shall also include the handling of any waste products and materials. These uses are likely to generate significant levels of truck traffic, noise, pollution, vibration, dust, fumes, odors, radiation, radioactivity, poisons, pesticides, herbicides, or other hazardous materials, fire or explosion hazards, or other undesirable conditions.. Heavy industrial processes and treatments include but are not limited to such operations as mixing, crushing, cutting, grinding and polishing; casting, molding and stamping; alloying and refining; assaying, cleaning, coating and printing; and assembling and finishing.

INN- A commercial facility for the housing and feeding of transients, containing between five (5) and fifteen (15) lodging units. Access to each room is provided internal to the building. The facility may have an ancillary use such as a restaurant or bar.

INDUSTRIAL STORMWATER PERMIT – A State Pollutant Discharge Elimination System permit issued to a commercial industry or group of industries, which regulates the pollutant levels, associated with industrial storm water discharges or specifies on-site pollution control strategies.

INFILTRATION – The process of percolating storm water into the subsoil.

JUNK YARD – A lot, land or structure, or part thereof, where junk, waste, discarded or salvaged materials are bought, sold, exchanged, sorted, baled, packed, disassembled, handled or abandoned, including: motor vehicle or other vehicle or machinery, wrecking or dismantling yards; house wrecking yards; used lumber yards; places or yards for storage of salvaged house wrecking and structural steel materials and equipment; or where any unregistered motor vehicle is held outside of a completely enclosed building, whether for the purpose of resale or sale of used parts therefrom, for the purpose of reclaiming for use some or all the materials therein, or for the purpose of storage or disposing of the same for any other purpose. The term junkyard shall not include pawnshops and establishments for the sale, purchase or storage of used furniture, household equipment and clothing, or for processing of used, discarded or salvaged materials as part of manufacturing operations.

Exceptions:

- (1) New, and/or used motor vehicles, which are operable, qualify for a current New York State Motor Vehicle inspection sticker under Article 5 of the New York Motor Vehicle and Traffic Law, and are offered for sale to the public, may be stored on premises on which new or used car sales may be conducted in accordance with the provisions of these regulations.

- (2) The storage of vehicles subject to seasonal use such as travel trailers and snowmobiles even though such vehicles may be unlicensed during the part of the year they are not in use.

JURISDICTIONAL WETLAND – An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

KENNEL – Any premises on which four (4) or more dogs, six (6) months old or older are kept, bred and/or boarded.

LAND DEVELOPMENT ACTIVITY – Construction activity including clearing, grading excavating, soil disturbance or placement of fill that results in land disturbance of equal to or greater than one acre (see 5note), or activities disturbing less than one acre of total land area that is part of a larger common plan of development or sale, even though multiple separate and distinct land development activities may take place at different times on different schedules.

LANDOWNER – The legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

LANDSCAPED AREA- That area of a site plan not consisting of structures or pavement. Landscaped area shall consist of those areas on a site plan that are planted, seeded or provide similar vegetative or landscaped cover, including ponds.

LANDSCAPING- Materials, including without limitation grass, ground cover, shrubs, vines, hedges or trees and nonliving natural materials commonly used in landscaped development.

LAND SURVEYOR- A person licensed as a land surveyor by the State of New York.

LARGE-SCALE DEVELOPMENT- Any permitted land use which can be expected to generate more than 300 vehicular trips per day.

LAUNDROMAT/LAUNDRY, SELF-SERVE- A business that cleans clothing or which is equipped with individual clothes washing and drying and/or cleaning machines for the principal use of retail customers. Use may or may not include a Dry Cleaning Outlet.

LOADING SPACE, OFF-STREET – Space logically and conveniently located for public pickups and deliveries, scaled to delivery vehicles expected to be used and accessible to such vehicles. Required off-street loading space is not to be included as off-street parking space in the computation of required off-street parking area.

LOCAL WATERFRONT REVITALIZATION PROGRAM- The Local Waterfront Revitalization Program of the Village of Macedon, 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 Village of Macedon.

LODGING UNIT – A room or suite of rooms within a hotel, motel, inn, bed and breakfast or other accommodation that must contain independent sanitation facilities, may contain cooking facilities and is intended for transient occupants.

LOT – A parcel of land considered as a unit, devoted to a certain use and occupied, or capable of being occupied, by a building or group of buildings that are united by a common interest or use, and the customary accessory uses and open space belonging to same.

LOT AREA – The area of a lot contained within the boundaries of the lot lines in units of square feet, acreage or other units.

LOT, CORNER – A parcel of land at the junction of, and fronting on, two or more intersecting streets. All corner lots shall be deemed to have two (2) front yards, two (2) side yards and no rear yard.

LOT COVERAGE - The percentage of the lot covered by the aggregate area of all buildings or structures on the lot. Impervious surfaces such as driveways and parking lots are not included in this calculation.

LOT DEPTH – The minimum horizontal distance from the front lot line of a lot to its opposite rear line, measured in the general direction of the sidelines of the lot.

LOT FRONTAGE – The front of a lot shall be construed to the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered front yards.

LOT LINES – The property lines bounding the lot:

- A. **FRONT:** The line separating the lot from a street right-of-way.
- B. **REAR:** The lot line opposite and most distant from the front lot line.
- C. **SIDE:** Any lot line other than a front or rear lot line.

LOT OF RECORD – A lot which is part of an approved subdivision recorded in the Office of the County Clerk or a lot described by metes and bounds, the description of which has been so recorded.

LOT, THROUGH – A lot which is not a corner lot and which has frontage on two (2) streets.

LOT WIDTH – The distance between the side lot lines measured parallel to the street line at the front setback line.

LOWEST FLOOR – The lowest level including basement or cellar of the lowest enclosed area. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Local Law.

MACHINE SHOP- A place of business that engages in the repair or fabrication of machinery, equipment, or parts thereof. For the purposes of uses permitted by district, such a use shall be considered Industry, Light.

MACHINERY AND TRANSPORTATION EQUIPMENT, SALES, SERVICES AND REPAIR- A building or collection of buildings used for the purposes of selling, servicing and repairing machinery and transportation equipment. For the purposes of uses permitted by district, such a use shall be considered Industry, Heavy.

MAINTENANCE AGREEMENT – A legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of storm water management practices.

MAJOR STREET- A street that serves or is designed to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic-generating areas.

MARINA- Any arrangement that includes but is not limited to piers, docks, slips, mooring piles, wharves or buoys emplaced in the water and on abutting land and which is intended to be used for the berthing, storing, mooring, securing, servicing, repairing, selling or trading, or renting of vessels. Such an establishment may include dining or other facilities and services associated with water-dependent activities and leisure/entertainment. Marinas may also allow customers to stay overnight on their vessels.

MASSAGE – A method of treating the external parts of the human body by rubbing, stroking, kneading, tapping or vibrating with the hand or any instrument.

MASSAGE ESTABLISHMENT – Any establishment having a fixed place of business where massages are administered. This definition shall not be construed to include a hospital, nursing home, medical clinic or the office of any health care practitioner duly licensed by the State of New York, nor barbershops or beauty salons in which massages are administered only to the scalp, the face, the neck or the shoulders. The definition shall not include a volunteer fire department, a volunteer rescue squad or a nonprofit organization operating a community center, swimming pool, tennis court or other educational, cultural, recreational or athletic facility.

MEAN SEA LEVEL – For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

MICROBREWERY- A brewery that produces no more than 60,000 barrels of beer or other malt beverages per calendar year as regulated under the New York State Alcoholic Beverage Control Law and who may sell to licensees but may not sell to the general public without a brewer's retail permit. A microbrewery may also possess an on- premises liquor license for the sale, tasting and/or consumption of product.

MICRODISTILLERY- A distillery producing less than 35,000 proof-gallons of liquor per calendar year as regulated under New York State Alcoholic Beverage Control Law.

MIXED USE BUILDING- See BUILDING, MIXED USE.

MIXED-USE DEVELOPMENT- A development or redevelopment that allows for the vertical and horizontal integration of a diverse range of complementary uses within a single structure or contained on a single lot, including, but not limited to residential and commercial uses. A mixed-use development may contain one or more mixed use buildings.

MOBILE HOME – Any portable vehicle which is designed to be transported on its own wheels, or those of another vehicle, which is used, designed to be used, and capable of being used as a detached single-family residence and which is intended to be occupied as permanent living quarters containing sleeping accommodations, a flush toilet, a tub or shower, kitchen facilities, and plumbing and electrical connections for attachment to outside systems. The definition of mobile home includes all additions made subsequent to installation. All mobile homes built after June 15, 1976 shall meet the National Mobile Home Construction and Safety Standards as set forth by the U.S. Department of Housing and Urban Development. This definition does not include manufactured housing placed on a permanent foundation or a travel trailer.

MOBILE HOME PARK – A parcel of land under single ownership on which two (2) or more mobile homes are occupied as residences or which is planned and improved for the placement of two (2) or more mobile homes for non-transient residential use, or for the sale or rental of two (2) or more mobile home lots.

MODULAR HOME- Any home constructed of pre-made parts and unit modules that are transported on a flatbed truck from the factory to the building site where they are permanently anchored onto a foundation. Modular homes shall be approved by the New York State Department of Homes and Community Renewal. Modular homes are subject to the local building codes where they are constructed. Modular homes are subject to the regulations of whichever style of home they are designed to be, i.e. single-family home, multi-family home, etc.

MOTEL – A building or group of buildings with greater than 15 lodging units other than a boardinghouse or tourist home in which there are rental sleeping rooms, and which may also include dining rooms, kitchen serving rooms, ballrooms and other facilities and services intended primarily for the accommodation of patrons. Motels have individual unit entrances accessible from exterior parking or corridor areas. The term motel includes: motor vehicle courts, motor lodges and similar terms. Each lodging unit shall contain not less than two hundred forty (240) square feet of gross floor area. Motels differ from condominium buildings in that they do not contain dwelling units.

MOTOR VEHICLE – Self-propelled wheeled vehicle approved for use on public roads by the NYS Department of Motor Vehicles that does not operate on rails. Vehicle propulsion is provided by an engine or motor, typically an internal combustion engine, or an electric motor, or a combination of the two.

MOTOR VEHICLE SALES AND/OR RENTAL- A commercial establishment of which the principal use is the sale and/or rental of automobiles, light-duty trucks and/or vans, and motorcycles, with repair and maintenance services as an accessory use. Also includes facilities which provide for the storage and rental of vehicles on a regular basis by the general public, including automobiles, vans and motorcycles. Typical uses include automotive dealerships and auto rental agencies. No fuel sales shall be part of such an establishment.

MOTOR VEHICLE SERVICE

- A. General definition: uses that provide direct services to motor vehicles where the driver or passengers generally wait in the car or nearby while the service is performed. Incidental uses may include auto repair and tire sales. See **CONVENIENCE RETAIL** for uses supplying vehicular fuels.

B. Examples: This classification includes the following types of specific uses:

- (1) Car wash: any building, land or other premises, the principal use and primary revenue generating activity of which is the washing, waxing or cleaning (detailing) of automobiles or similar light vehicles. The retail dispensing or sales of vehicular fuels and convenience retail are permitted as accessory uses.
- (2) Quick lubrication services: any building used for minor servicing and repair of automobiles and light trucks, with an emphasis on the sale and installation of lubricants. Body and fender work or repair of heavy trucks or vehicles and retail dispensing or sales of vehicular fuels are excluded from this use classification.
- (3) Service station: any building, land area or other premises whereby the principal use is the minor towing, servicing and repair of automobiles and light trucks; and including as an accessory use the sale and installation of lubricants, tires, batteries and similar vehicle accessories.

MOTOR VEHICLE WRECKING- The dismantling or disassembling of motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

MOVIE THEATER- A building containing one or more screens on which motion pictures are projected for recreation purposes. A “movie theater” does not include theaters that show pornographic or other adult-oriented motion pictures.

MURAL- Artwork painted directly on an exterior wall, ceiling or other large permanent surface that is external to the structure.

NATIONAL GEODETIC VERTICAL DATUM (NGVD) – A vertical control as corrected in 1929, used as a reference for establishing varying elevations within the floodplain.

NEIGHBORHOOD CHARACTER – The atmosphere or physical environment, which is created by the combination of land use and buildings within an area. Neighborhood character is established and influenced by land use types and intensity, traffic generation and also by the location, size and design of structures as well as the interrelationship of all these features.

NET FLOOR AREA – That portion of the building devoted to display, whether for viewing or dissemination, of a business’ stock-in-trade. This shall not include entry areas, stockrooms, closets, storage areas, cash register areas or any area from which the public is excluded or restrooms whether public or private.

NIGHTCLUB- Any room, space, or premises operated as a commercial establishment in which eating and/or drinking takes place, where alcoholic beverages are served subject to the regulatory authority of the New York State Liquor Authority, and where the provision of entertainment is the primary activity. Background music shall not be considered as a form of entertainment. Synonyms include: club; nightclub; disco; social establishment; cabaret; dinner theater.

NON-CONFORMING BUILDING OR STRUCTURE – Any lawful building or structure existing at the date of enactment of this Local Law which in its design or location upon a lot does not conform to the regulations of this Local Law for the district in which it is located.

NON-CONFORMING LOT – A lot of record existing at the date of the enactment of this Local Law where the owner(s) of said lot does not own any adjoining property, the re-subdivision of which would create one (1) or more non-conforming lots, which does not have the minimum width, depth or area for the district in which it is located.

NON-CONFORMING USE – Any use of land, buildings or structures lawfully existing on the date of enactment of the Local Law which does not conform to the use regulations of the district in which it is situated.

NONPOINT SOURCE POLLUTION – Pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, mining, construction, subsurface disposal and urban runoff sources.

NURSERY SCHOOL – A place providing or designed to provide daytime care or instruction for three (3) or more children from two (2) to five (5) year of age away from their home for up to three (3) hours per day.

OPEN SPACE – Any unoccupied space open to the sky on the same lot with a building.

OUTPATIENT HEALTH CENTER- A small private or public health facility that is devoted to the care of outpatients that is not used for substantial emergency treatment, significant surgery or extended inpatient care.

OVERLAY ZONING DISTRICT- An overlay district is an additional zoning requirement that is placed on a geographic area. Overlay Zoning supersedes underlying zoning. In the event that Overlay Zoning does not address a subject it reverts to the underlying zoning. Any question of zoning should go for review to the Zoning Board of Appeals for clarification.

PAD- A building site prepared by artificial means, including grading, excavation or filling or any combination thereof.

PARKS AND OPEN SPACE- A parcel or tract of land dedicated, designated, or reserved for public or private use. Parks and open space may include unimproved lands as well as active recreational facilities such as swimming pools, play equipment, ball fields, court games, and picnic areas.

PARKING SPACE, OFF STREET – A space adequate for parking an motor vehicle and having an area of not less than two hundred (200) square feet per vehicle, exclusive of passageways and driveways appurtenant thereto. Such space shall be located on the lot it is accessory to and shall have direct access to a street or public way with minimum dimensions of 10' wide and 20' long.

PERFORMING ARTS VENUE- A building or part of a building devoted to presenting live entertainment, where an admission fee may or may not be charged.

PERMITTED USE- A specific use, to which land, lots, buildings or structures may be used, occupied or maintained under this Local Law as a matter of right.

PERSONAL SERVICE ESTABLISHMENT - Establishments that provide personal services such as laundry, beauty and similar-type activities, as well as business and professional offices, such as, but not limited to real estate, insurance, financial and medical and legal services.

PIER – A permanent structure raised above the water’s surface on pillars or piles driven into the bed of the watercourse.

PHASING – Clearing a parcel of land in distinct pieces or parts, with the stabilization of each piece completed before the clearing of the next.

PLACE OF WORSHIP- A building and, where applicable, its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings, lands and uses, is maintained and controlled by a religious body organized to sustain public worship.

PLANNED UNIT DEVELOPMENT- A development in accordance with a single plan for compatible land uses, subject to the rules and regulations of this chapter.

PLAT - A map, drawing, or rendering of a subdivision that usually contains narrative elements.

PLAT OR PLAN, FINAL- A drawing, in final form, containing all information or details required by law and by these regulations to be presented to the Planning Board for approval and which, if approved, may be duly filed or recorded by the applicant in the office of the County Clerk, with a signed copy provided to the office of the Village Clerk.

PLAT or PLAN, PRELIMINARY- A drawing or drawings, clearly marked ‘preliminary plat’ or ‘preliminary plan’ showing the significant features of a proposed subdivision, submitted to the Planning Board for the purposes of consideration prior to submission of the plat in final form and of sufficient detail to apprise the Planning Board of the layout of the proposed subdivision.

PLATS, UNDEVELOPED- Those plats existing at the time of the enactment of this chapter that have been filed in the office of the County Clerk, where 20 percent or more of the lots within the plat are unimproved.

POLLUTANT OF CONCERN – Sediment or a water quality measurement that addresses sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the land development activity.

POLLUTION, NOISE- Excessive, displeasing human, animal or machine-created environmental noise that disrupts the activity or balance of human or animal life.

PRESERVATION- The act or process of applying measures to sustain the existing form, integrity, and material of a site, structure, or landmark and their existing form and vegetative cover. Preservation may include initial stabilization work, where necessary, as well as ongoing maintenance of these elements.

PROHIBITED USE- Any use which is not listed as a permitted

POND – A pond is any artificially confined body of water.

PRINCIPAL BUILDING - A building in which is conducted the main or principal use of the lot on which said building is located.

PRINCIPALLY ABOVE GROUND – At least 51 percent of the actual cash value of the structure, excluding land value, is above ground.

PRINCIPAL USE – The main or primary purpose for which a building, structure or lot is to be used.

PROJECT – Land development activity.

PUB – See BAR.

PUBLIC AND SEMI-PUBLIC BUILDINGS AND USES – Any one or more of the following uses, including grounds and accessory buildings necessary for their use:

- A. Churches, places of worship, parish houses and convents.
- B. Public parks: including golf courses, playgrounds, restroom and bathing facilities and recreational areas when authorized or operated by a governmental authority.
- C. Nursery schools, elementary schools, secondary schools, colleges or universities having a curriculum approved by the Board of Regents of the State of New York.
- D. Public libraries and museums.
- E. Administrative office buildings and related facilities operated by public agencies.
- F. Fire, ambulance, public safety and public works buildings.
- G. Hospitals for the care of human beings, nursing homes, convalescent home, homes for the adults, homes for the aged or residences for adults as the same are defined under the Public Health Law of the Social Services Law of the State of New York, provided that they are duly licensed by the State of New York.
- H. Membership corporations established for cultural social or recreational purposes.
- I. Day care centers approved by the New York State Department of Social Services.

PUBLIC UTILITIES- The erection, construction, alteration or maintenance by public utilities or municipalities or other governmental agencies of underground or overhead gas, electrical or water transmission or distribution systems, including poles, wires, mains, drain sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings or communications towers.

PUBLIC WAY- All areas legally open to public use, such as public streets, sidewalks, roadways, highways, parkways, alleys, and parks, as well as the interior and areas surrounding public buildings

RECHARGE – The replenishment of underground water reserves.

RECREATION, INDOOR COMMERCIAL- Business primarily devoted to the amusement of the general public such as bowling alleys, indoor amusement arcades, community centers and health clubs. Incidental food service is also included.

RECREATIONAL AREA- A space designed and used for active and passive participatory athletic and general recreation activities.

RECREATIONAL VEHICLE – A vehicle type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are:

- A. Travel Trailer: A vehicular portable unit, mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a motorized vehicle, and of a body width of no more than eight (8) feet and a body length of no more than thirty-eight (38) feet when factory equipped for the road.
- B. Camp Trailer: A portable unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle.
- C. Truck Camper: A portable unit, designed to be loaded onto, or affixed to, the bed or chassis of a truck. Truck campers are of two basic types:
 - 1) Slide-in camper – A portable unit designed to be loaded onto and unloaded from the bed of a pickup truck.
 - 2) Chassis-mount camper – A portable unit designed to be affixed to a truck chassis.
- D. Motorhome: A vehicular unit built on a self-propelled motor vehicle chassis.

REGISTER OF HISTORIC PLACES, NATIONAL- The official list, maintained by the National Park Service of the United States Department of the Interior, of historic resources considered by that agency to be worthy of preservation

REGISTER OF HISTORIC PLACES, STATE- The official list, maintained by the New York State Office of Parks, Recreation and Historic Preservation, of historic resources considered by that agency to be worthy of preservation.

RELIGIOUS INSTITUTION- See Place of Worship.

RESEARCH AND DEVELOPMENT- Facilities used primarily for research, development and/or testing of innovative information, concepts, methods, processes, materials or products. This can include the design, development and testing of biological, chemical, electrical, magnetic, mechanical and/or optical components in advance of product manufacturing. The accessory development, fabrication and light manufacturing of prototypes or specialized machinery and devices integral to research or testing may be associated with these uses.

RESERVOIR SPACE – Any temporary storage space for a vehicle waiting for admission to a commercial use for service. Such space shall be in addition to drives, aisles or parking spaces required by this Local Law. One (1) reservoir space shall be twenty (20) feet long and eight (10) feet wide.

RESIDENTIAL USES- Residential uses shall include dwellings, condominiums, apartments and apartment buildings as defined herein. Hotels, motels, beds and breakfast and inns are not residential uses.

RESIDENTIAL CARE FACILITY - A building or portion thereof wherein the owner and/or proprietor is compensated for furnishing lodging and varying amounts of custodial care to three or more persons by reason of them being elderly, handicapped, bedfast, chronically ill, impaired, convalescing and/or needing

such care, but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of disease or injury and/or providing surgical and obstetrical services or asylums for the insane. This term includes boarding and rooming houses for aged people, nursing homes, homes for adults (rest homes), homes for the aged and handicapped, convalescent homes for children, homes for the elderly, homes for prenatal care and the like.

RESTAURANT— As defined by the New York State Liquor Authority under New York State Alcoholic Beverage Control Law §3. In addition, locally defined to include any establishment, however designed, at which food and beverages are sold for consumption on the premises to patrons seated within a structure or otherwise enclosed within a building or elsewhere on the premises. A snack bar or refreshment stand at a public, semipublic or community swimming pool, playground, playfield or park, or an approved vendor operating the recreational facilities for the convenience of the patrons of the facility, shall not be deemed to be a restaurant.

RESTAURANT, EATERY – A small restaurant characterized by its casual atmosphere, limited menu, lack of table service and a maximum interior seating capacity of 25 persons. Food is typically cooked, prepared or assembled to order for consumption both on and off premise. Eateries include pizza, sandwich, ice cream and coffee shops and restaurants of a similar scale and intensity. Eateries do not have drive-through facilities.

RESTAURANT , FULL-SERVICE - A restaurant that must include table service, and where there is no drive-through ordering or drive-through pickup.

RESTAURANT, FAST FOOD -- A specific type of restaurant characterized both by its cuisine and lack of table service. Food may be offered from a limited menu; may be cooked in bulk in advance and kept hot; may be finished and packaged to order; and may be available ready to take away. Often, these establishments include a **DRIVE-THROUGH FACILITY**, however, the terms are not synonymous.

RETAIL BUSINESS ESTABLISHMENTS— Uses characterized by the direct on-premises sale of goods and services to the ultimate consumer, including on-premises fabrication, processing, servicing and preparation. When referenced, this term shall include all forms of retail as described herein.

RETAIL, CONVENIENCE -- Small commercial establishments, less than three-thousand square feet in gross building area, catering primarily to residents of nearby areas, providing frequently needed retail goods and personal services, which may include ready-to-order and prepared foods such as but not limited to sandwiches, pizza, and beverages. The sale or dispensing of petroleum-based fuels and lubricants for motor vehicles shall be limited to four (4) fuel pump dispensers. May include the sale of pre-filled propane fuel tanks 40 pounds and smaller, yet does not include the refilling of any sized propane tank.

RETAIL, LARGE-PRODUCT — A commercial establishment focused on the sale of large and/or bulk goods, materials and resources. Such uses involve large outdoor storage yards, with ancillary buildings and structures utilized on site for the storage and display of products. Typical uses include building supply and farm equipment stores, retail tree and landscape nurseries, retail stone and quarry yards, garden shops, lumber yards and petroleum product sales.

RETAIL, SHOPPING CENTER -- Any building or structure larger than eight thousand square feet in gross building area in which one or more articles of merchandise, commerce or services are provided,

including, but not limited to department stores, furniture stores, appliance sales, home goods, food markets, clothing and accessory stores, and pharmacies. Such uses may include an individual business, a building with multiple businesses, or a parcel with multiple retail buildings.

RETAIL, SMALL -- Any Retail Business Establishment less than eight thousand square feet in gross building area in which a limited range of merchandise or services are provided for sale, including, but not limited to salons, clothing and accessory stores, banks, insurance sales, small-scale grocery or nutritional goods stores, or proprietary goods manufactured or assembled on-site.

RESUBDIVISION- Revision of all or part of an existing filed plat.

RIGHT-OF-WAY- A strip of land, either public or private, occupied or intended to be occupied by a street, sidewalk, trail, railroad, electrical transmission line, oil or gas pipeline, water main, sanitary or storm sewer, television cable, telephone line, fiber optic cable or other similar use.

RIGHT-OF-WAY, DRAINAGE- The lands required for the installation of stormwater sewers or drainage ditches or field tiles are required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

ROOMING HOUSE – A dwelling other than a hotel, motel, or tourist home, where more than two (2) persons are housed or lodged for hire with or without meals. A rooming house is distinguished from a tourist home in that it is designed to be occupied by longer-term residents as opposed to overnight or weekly guests.

SCHOOL, PRIVATE- A school established by a non-governmental organization supported by private funds for the purposes of providing education.

SCHOOL, PUBLIC- Any elementary or secondary school supported by public funds and providing free education for children of a community or district.

SCRAP METAL PROCESSING- The treatment or storage of fragments of metal discarded as waste in manufacturing operations, or machines, tools or equipment, or other metal parts.

SEDIMENT CONTROL – Measures that prevent eroded sediment from leaving the site.

SERVICE STATION – See MOTOR VEHICLE SERVICE.

SENSITIVE AREAS – Cold water fisheries, shellfish beds, swimming beaches, groundwater recharge area, water supply reservoirs, and habitats for threatened, endangered or special concern species.

SETBACK - The distance from the street line to the part of the structure nearest the street, measured at right angles to the street line, not including cornices or open entrance hoods anchored to the building without posts, which do not project more than three feet from the building wall, nor retaining walls and fences, nor open entrance steps, nor open terraces not more than two feet in height above the finished grade and which do not project more than six feet from the building wall. Setback requirements, as listed in the Bulk and Use Tables, apply to the location of buildings, not driveways, parking areas, or other landscaping treatments.

- A. FRONT YARD- The least required horizontal distance between the front lot line, or in instances where sidewalks are present or required from the interior sidewalk edge, and the principal building measured at the shortest point. On waterfront lots which border water on one or more lot lines, the lot line on the road front is considered the principal front lot line.
- B. REAR YARD- The least required horizontal distance between the rear lot line and the principal building measured at the closest point.
- C. SIDE YARD- The least required horizontal distance between the side lot line and the principal building measured at the closest point.

SEXUAL ACTIVITIES – Any act of masturbation, fellatio, sadomasochism, sexual intercourse or physical contact with a person’s clothed or unclothed genitals, pubic area or buttocks.

SHED- Any enclosed building, 200 square feet or less, and not intended for habitation. For purposes of this Code, a shed is permitted as a Building, Accessory.

SIGN – Any material, structure or part thereof, or any device attached to a building or structure or painted or represented thereon, composed of lettered or pictorial matter, or upon which lettered or pictorial matter is placed and is intended for display of an advertisement, notice, directional matter or name, and includes sign frames, billboards, sign boards, illuminated signs, pennants, fluttering devices, projecting signs, or ground signs.

SIGN AREA – The area of a sign consisting of the entire surface of any regular geometric form or combinations of regular geometric forms, comprising all of the display area of the sign and including all of the elements of the matter displayed, but excluding supporting or structural members not bearing advertising matter.

SIGN, BUILDING FRONT OR FACE – The outer surface of a building which is visible from any private or public street, highway or driveway, including window display areas.

SIGN, AWNING – Any visual message incorporated into an awning attached to a building.

SIGN, COPY CHANGE – A sign on which the visual message may be periodically changed.

SIGN, PORTABLE OR MOBILE – A sign that is designed and intended to be transported from place to place and is not permanently affixed to the ground or to a building or structure.

SIGN, BUSINESS – A sign which directs attention to a business, profession or industry conducted upon the premises or to a commodity or service sold or offered by such business, profession or industry upon the premises where such sign is located.

SIGN, DIRECTIONAL – A sign that directs attention to the location of a local service or place of business.

SIGN, ERECTION – The construction, alteration, repair, display, location or relocation, attachment, placement, suspension, affixing or maintenance of any sign, including the painting of exterior wall signs and the use of any vehicle or other substitute for a sign.

SIGN, FREESTANDING – A sign or sign support structure that is not attached to, or part of a building or structure.

SIGN, GROUND – A sign supported by a pole, uprights or braces which are placed in or on the ground.

SIGN ILLUMINATED – A sign lighted by electricity, gas, or other artificial light, including reflective or phosphorescent light, paint, or tape.

SIGN, LIGHTING DEVICE – Any light, string, or groups of lights located or arranged so as to cast illumination on or from a sign.

SIGN, NONCONFORMING – A sign which exists at the time of enactment of this Local Law and which does not conform to the regulations and restrictions imposed herein.

SIGN, OUTDOOR ADVERTISING – A sign which directs attention to a business, profession or industry conducted or a commodity or service sold or offered on a site other than upon the premises where such sign is located.

SIGN PORTABLE OR MOBILE – A sign that is designed and intended to be transported from place to place and is not permanently affixed to the ground or to a building or structure. Portable signs may or may not have wheels.

SIGN, PROJECTING – A sign which is attached to the exterior of a building or a structure beyond the surface of that portion of the building or structure to which the sign is attached and not parallel to the face of the building.

SIGN, ROOF – Any sign constructed on or supported by the roof of any building or structure.

SIGN, TEMPORARY – A sign which is intended to advertise community or civic projects, real estate for sale or lease, or other special events on a temporary basis.

SITE PLAN – A plan, to scale, showing uses and structures proposed for a parcel of land, including lot lines, street, existing and proposed buildings and structures, topography, rights-of-way, parking areas, open space, and any other information deemed necessary by the Planning Board.

SITE PLAN REVIEW- The process by which the Planning Board reviews site plans for development to ensure compliance with the Comprehensive Plan, zoning code and other land development regulations.

SLEEPING UNIT – A room or suite of rooms within a hotel, motel, inn, bed and breakfast, boarding house or other accommodation that does not meet the definition of a dwelling unit and is intended for transient occupants.

SMALL-SCALE ACCOMMODATIONS - A facility containing ten (10) or fewer lodging units for the temporary housing of transients for a fee. Small-Scale Accommodations must be a secondary use within a mixed used building. Hotels, motels, bed & breakfasts and inns are not considered Small-Scale Accommodations.

SPECIAL USE- A use which, because of its unique characteristics, requires individual consideration in each case by the Planning Board before it may be permitted in the district enumerated in this chapter.

SPECIAL USE PERMIT- A permit provided by the Planning Board for a use requiring review, for uses that are not permitted expressly in a district but are listed as requiring a special use permit, subject to the requirements of 503(D).

SPECIFIED ANATOMICAL AREAS – Human male or female genitals, pubic areas or buttocks with less than a full opaque covering.

SPDES GENERAL PERMIT FOR CONSTRUCTION ACTIVITIES GP-02-01 – A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of one or more acres of land.

SPDES GENERAL PERMIT FOR STORM WATER DISCHARGES FROM MUNICIPAL SEPARATE STORM WATER SEWER SYSTEMS GP-02-02 – A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to municipalities to regulate discharges from municipal separate storm sewers for compliance with EPA established water quality standards and/or to specify storm water control standards.

STABILIZATION – The use of practices that prevent exposed soil from eroding.

STOP WORK ORDER – An order issued which requires that all construction activity on a site be stopped.

STORAGE FACILITY (Self Storage)- Any real property designed and used for the purpose of renting or leasing individual storage space to occupants who are to have access to such facility for the purpose of storing and removing personal property. Such properties can have indoor and outdoor storage capabilities.

STORM WATER – Rain water, surface runoff, snowmelt and drainage.

STORM WATER HOTSPOT – A land use or activity that generates higher concentrations of hydrocarbons, trace metals or toxicants than are found in typical storm water runoff, based on monitoring studies

STORM WATER MANAGEMENT – The use of structural or non-structural practices that are designed to reduce storm water runoff and mitigate its adverse impacts on property, natural resources and the environment.

STORM WATER MANAGEMENT FACILITY – One or a series of storm water management practices installed, stabilized and operating for the purpose of controlling storm water runoff.

STORM WATER MANAGEMENT OFFICER – An employee or officer designated by the municipality to accept and review storm water pollution prevention plans, forward the plans to the applicable municipal board and inspect storm water management practices.

STORM WATER MANAGEMENT PRACTICES (SMPs) – Measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing flood

damage and preventing or reducing point source or nonpoint source pollution inputs to storm water runoff and water bodies.

STORM WATER POLLUTION PREVENTION PLAN (SWPPP) – A plan for controlling storm water runoff and pollutants from a site during and after construction activities.

STORM WATER RUNOFF – Flow on the surface of the ground, resulting from precipitation.

STREET – A public or private thoroughfare which affords the principal means of access to abutting properties.

STREET GRADE – The officially established grade of the street upon which a lot fronts. If there is no officially established grade, the existing grade of the street shall be taken as the “street grade.”

STREET LINE- The established boundary lines of the right-of-way of a street, alley or public thoroughfare.

STREET PAVEMENT- The wearing or exposed surface of the roadway used by vehicular traffic.

STREET WIDTH- The width of the right-of-way, measured at right angles to the centerline of the street.

STRUCTURE – Anything constructed or erected which requires temporary or permanent support or attachment to the ground, beneath the ground or to something having permanent location on the ground, including gasoline and oil tanks, buildings, mobile homes, fences, signs, billboards, towers, antennae and satellite TV dishes.

SUBDIVISION – The legal division of any parcel of land into two (2) or more lots, plots, sites, or other division of land, for the purpose, whether immediate or future, of transfer of ownership of building development, and shall include re-subdivision.

SUBDIVISION, MAJOR- Any subdivision not classified as a minor subdivision, including but not limited to subdivisions of five or more lots or any sized subdivision requiring any new street or extension of municipal facilities.

SUBDIVISION, MINOR- Any subdivision which contains not more than four lots fronting on an existing street; does not include any new street or road; does not require the extension of municipal facilities; does not adversely affect adjacent properties; and is not in conflict with any provision of the Comprehensive Plan and Official Zoning Map of the Village of Macedon, or these regulations.

SUBDIVISION, SIMPLE/ LOT-LINE ADJUSTMENT- Any subdivision involving a revision in a previously recorded plan approved by the Village of Macedon which has minimal site and traffic impact, does not create any increase in the number of lots, does not involve any new streets or easements of access, does not adversely affect the development of the remainder of the parcel or adjoining property, and which is not in conflict with any provisions of this Chapter.

SUBSTANTIAL IMPROVEMENT – Any repair, reconstruction, alteration, modification of a building, the cost of which equals or exceeds 50 percent of the market value of the building

either: (a) before the improvement or repair is started; or, (b) if the building has been damaged and is being restored before the damage occurred. The Building Inspector shall determine the value of the improvements to be made based upon the square footage of building area added or improved. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include either:

- (1) any project for improvement of a building to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or,
- (2) any alteration of a building listed on the National Register of Historic Places or a State Inventory of Historic Places.

SURFACE WATERS OF THE STATE OF NEW YORK – Lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic Ocean within the territorial seas of the State of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction. Storm sewers and waste treatment systems, including treatment systems, including treatment ponds or lagoons, which also meet the criteria of this definition, are not waters of the state. This exclusion applies only to manmade bodies of water, which neither were originally created in water of the state (such as disposal area in wetlands) nor resulted from impoundment of waters of the state.

SWIMMING POOL – Any body of water or receptacle for water, which has a capability of a depth of more than two (2) feet at any point, used or intended to be used for swimming, bathing or wading and installed or constructed above or below ground. This includes both private and public swimming pools.

TAVERN – See BAR.

TEMPORARY USE – An activity conducted for a specific limited period of time which may not otherwise be permitted by the provisions of this Local Law. Examples of such uses are structures incidental to new construction, which shall be removed after the completion of this construction work.

TOURIST HOME – A dwelling in which overnight accommodation are provided or offered for transient guests for compensation. For purposes of this Local Law, tourist home shall include bed and breakfast establishments.

TOWER – Includes any structure, including dish antennae, whether attached to a building or free-standing and whether guyed or self-supporting, designed to be used as or for the support of devices to be used for the transmission and/or reception of radio frequency signals, such as, but

not limited to broadcast, short-wave, citizens band, FM or television signals or wind-driven devices such as energy converters and windspeed and/or direction indicators.

TOWNHOUSE CLUSTERS – A building, or group of buildings, with each building containing not more than eight (8) townhouse dwelling units connected by common party walls.

TOWNHOUSE DEVELOPMENTS – A tract of land adequately sized to accommodate the construction of townhouse dwelling units in accordance with the density standards contained elsewhere in these regulations.

UNIFORM CODE – The Building Code of the State of New York State, as may be modified from time to time.

USE- The specific purpose or activity, for which land or building is designed, arranged, intended, or for which it is or may be occupied or maintained.

USE, ACCESSORY- A use or structure subordinate to the principal use of a building on the same lot and serving a purpose customarily incidental to the use of the principal building.

USE, NON-CONFORMING- A use of a building or of land that does not conform to the use regulations of the district in which it is situated, which use existed and was lawful at the time of the adoption of this chapter. The term "non-conforming use" shall include uses previously permitted as a matter of right and subsequently permitted only by special use permit.

USE, PRINCIPAL- The main use for which a building or lot is used or intended to be used.

USE, TEMPORARY- Any activity conducted for a specific limited period of time which may not otherwise be permitted by the provisions of this chapter. Examples of such uses are buildings incidental to new construction which are removed after the completion of the construction work.

USE, SPECIAL PERMIT – A use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relating to the neighborhood, would promote the public health, safety, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in a zoning district as a special permit use only if specific provision for such special permit use is made in this Local Law.

VARIANCE – A relaxation of the terms of the zoning ordinance which, in the determination of the Board of Appeals, would not be contrary to the public interest and which satisfied the conditions spelled out in State Law relative to the issuance of variances.

VARIANCE, AREA- A variance from the area and bulk requirements or supplementary regulations of a related character (such as amount, size, location or design of access, off-street parking, landscaping, signs) to authorize on a specific lot a permitted use which could not feasibly be established without relief from one or more of the dimensional requirements pertaining to the district.

VARIANCE, USE- A variance from the use regulations to allow the establishment on a specific lot of a use otherwise prohibited in the district.

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

WATER ENHANCED USES- NYS defines “water enhanced uses” as uses that do not require a location adjacent to or over water, but whose location on land adjacent to the shore adds to the public use and enjoyment of the water’s edge. Examples of water enhanced uses might include: restaurants and hotels that may have a water view or water access, retail shops for boaters and trail walkers, residential developments on the water, yacht club houses and bait shops are to name a few.

WATERFRONT ASSESSMENT FORM (CAF) - The form used by an agency to assist it in determining the consistency of an action with the Local Waterfront Revitalization Program.

WATERFRONT REVITALIZATION AREA – The area located within the boundaries of the Village of Macedon, as delineated and described in the Village of Macedon Local Waterfront Revitalization Program.

WATERCOURSE – A permanent or intermittent stream or other body of water, either natural or manmade, which gathers or carries surface water. This includes the historic Erie Canal and Ganargua Creek.

WATERCOURSE BANK – The lateral confines or channel margins of a stream not in flood stage.

WATERCOURSE BED – The channel bottom of a stream, river or creek which physically confine the normal water flow.

WATERWAY – A channel that directs surface runoff to a watercourse or to a public storm drain.

WIND GENERATOR – An alternate energy device, which converts wind energy by means of a rotor to mechanical or electrical energy. A wind generator may also be deemed a windmill.

WINERY/WINE TASTING- A building or property where wine is produced, can be sampled and can be sold as well.

YACHT CLUB- Land, buildings, structures, and the surface of water for use by an incorporated club, for the purpose of boating, sailing, or yachting and in which the affairs of the organization are actually conducted and carried on by the members thereof.

YARD – A required open space unoccupied and unobstructed by any structure, except as may be provided by this Local Law and situated between the principal building or group of buildings and the nearest lot line.

- A. **FRONT –** A yard extending between the side lot lines across the front of a lot adjoining a street; situated between the street line and the front building line.
- B. **REAR –** A yard extending between the side lot lines situated between the rear line of the building and the rear lot line. In the case of through lots there will be no rear yards, but only front and side yards.

- C. SIDE – A yard extending between the side building line and the nearest side lot line; situated between the front and rear yards. Side Lots can be determined as front lots when it is a corner lot with no real rear yard.

ZONING BOARD OF APPEALS- The officially established Zoning Board of Appeals of the Village of Macedon.

ZONING DISTRICT- The classification of lands as established in this chapter and by the zoning map.

ZONING MAP- The map delineating the boundaries of the zoning districts which, along with the zoning text, comprises this Local Law.

Section 302 Preservation of Natural Features

- A. No habitable structure shall be built within fifty (50) feet of bank of a Watercourse carrying water on an average of six (6) months of the year, except for:
- 1) Public bridges, public water works and other municipal or public utility facilities.
 - 2) Such private bridges, fords, drainage conduits, embankments and similar structures as are necessary to permit access to a lot or portion thereof or as are incidental to a lawful use of a lot, provided that such structure will not have a material adverse effect on the stream, nor alter the flow of water therein, nor substantially increase the likelihood of flood or overflow in the area.

Section 303 Regulations Applicable to All Zones

- A. R1 District Only- No lot shall have erected upon it more than one (1) principal building. No yard or other open space provided about any building for the purpose of complying with the provisions of this Local Law shall be considered to provide a yard or open space for any other building.

Section 703 Expansion of Non-Conforming Uses and/or Structures

A non-conforming use and/or structure shall not be expanded except in conformance with the procedures and regulations specified in this section. In no case shall such expansion extend beyond the lot occupied by such non-conforming use or structure. The expansion of a non-conforming use or structure hereunder shall be subject to approval by the Village Board and each case shall be considered on an individual basis. Application forms for the expansion of a non-conforming use and/or structure shall be obtained from the Zoning Officer. The Zoning Officer shall issue a permit to allow the expansion of a pre-existing non-conforming use and/or structure only upon written authorization of the Village Board. The Village Board in considering such special requests shall, at a minimum, address the following potential concerns:

- A. Standards applicable to authorizing the expansion of a non-conforming use and/or structure:
- 1) The location and size of the non-conforming use, and/or structure, the nature and intensity of the operations involved in or conducted in connection with it, the size and site in relation to it, the location of the site in relation to it, the location of the site with respect to streets giving access thereto. Conditions shall be in place such that the expansion will not be inconsistent with the orderly development of the district in which the use is located.
 - 2) Screening or other protective measures shall be adequate to protect any adjacent properties from objectionable aspects of any such expansion of the non-conforming use.
 - 3) Off-street parking areas shall be of adequate size for the particular use, and access drives shall be laid out so as to achieve maximum safety and minimum inconvenience to adjacent properties.

- 4) The Village Board may prescribe any condition that it deems necessary or desirable to aid it in making a determination on the application and to protect the interests of the community and adjacent properties

B. Public Hearing

- 1) Before authorizing the expansion of a non-conforming use and/or structure, the Village Board shall give public notice and hold a public hearing on the application in the same manner as required by law for amendments to the Local Law.
- 2) Prior to such public hearing, the application shall be referred to the Village Planning Board for report and recommendation. The Planning Board shall have thirty (30) days after said referral to state its position relative to the proposed application. The Village Board shall hold such public hearing at the earliest possible date following the thirty (30) day referral period and may take action on the proposal as it deems appropriate.

C. Limitations:

An authorization to permit the expansion of a non-conforming use and/or structure shall be deemed to authorize only the particular use or structure specified in the application and shall apply only to the area specified in the permit. A permit authorizing an expansion under this section shall expire within six (6) months from the date of issuance if the non-conforming use and/or structure is not expanded or enlarged.

Section 705 Restoration

- A. Any building damaged by fire or other unintentional causes to the extent of more than fifty-five (55) percent of its true value shall not be repaired or rebuilt except in conformance with this Local Law. In the case of a permitted restoration of a non-conforming use, such restoration shall not increase the degree of non-conformance.

Section 908 WMU – Waterfront Mixed Use District

- A. Purpose and Intent: The Village of Macedon seeks to establish areas appropriate for mixed use development along the Erie Canal that preserves natural and scenic amenities and enhances public access and recreational opportunities. Development within the WMU Waterfront Mixed Use District shall be consistent with the Village's adopted Local Waterfront Revitalization Program, and at a minimum shall accomplish the following:
 - 1) Promote and accommodate a balanced mix of compatible uses that recognize the unique and irreplaceable character of the Erie Canal. Uses should be designed to promote public access and use of the waterways while protecting and utilizing the unique features and vistas throughout the district.
 - 2) Provide for appropriate development sensitive to adjacent properties designated for use as parkland or public space. Development should be complementary in size and scale and considerate of environmental conditions that may limit the amount of activity the site can accommodate.

- 3) Allow and encourage small commercial uses that complement the area's recreational, tourism, and parkland facilities while being sensitive to the physical and environmental limitations, such as limited space, floodplains and wetlands which characterize much of the land within the WMU district.
 - 4) Structures should be designed to highlight the Erie Canal and Village's heritage through the use of architectural styles, details, finishes and materials of valued historic forms while avoiding large, suburban-style development.
- B. Permitted Principal Uses: The WMU Waterfront Mixed Use District is intended to promote an appropriate mix of uses along the canal. Therefore, development activity on all lots within the WMU District must include a variety of compatible uses consistent with Mixed Use Development as defined in this Chapter.

- 1) The following shall be permitted as stand-alone uses only as part of a comprehensive Mixed Use Development application:

- a) Assembly use
- b) Camping ground
- c) Boat launching facilities
- d) Building, mixed use
- e) Building, public or semi-public
- f) Charter boat establishment
- g) Cultural use facility or museum
- h) Docks
- i) Inn
- j) Marina
- k) Mixed use development
- l) Parks and open space

- 2) The following uses shall be permitted only as part of an approved Mixed Use Building:

- a) Apartments
- b) Building, office
- c) Dwelling, multifamily
- d) Personal service establishment
- e) Restaurant, Eatery
- f) Restaurant, Full-Service
- g) Small-scale accommodations
- h) Small retail

- 3) Commercial and/or retail uses shall not comprise greater than fifty (50) percent of the gross floor area of a mixed use building and/or mixed use development.
- 4) Residential uses shall not comprise greater than seventy (70) percent of the gross floor area of a mixed use building and/or mixed use development and shall not occupy the ground floor level.
- 5) Accommodations uses shall not comprise greater than seventy-five (75) percent of the gross floor area of a mixed use building and/or mixed use development.

C. Permitted Accessory Uses:

- 1) Private garages and storage buildings which are necessary to store any vehicles, equipment or materials on the premises and which are used in conjunction with a permitted business use.
- 2) Off-street parking, loading and unloading facilities, signs, fences and landscaping subject to the provisions of Article XI of this Local Law.
- 3) Satellite TV dish antennae subject to the provisions of Section 901.
- 4) Other accessory uses which, in the opinion of the Planning Board are similar in nature and scale to those permitted above.

D. Dimensional Requirements:

- 1) The dimensional requirements for this district are specified in the Zoning Schedule, which is a part of this Local Law.
- 2) Standards and provisions based on the regulations outlined in Sections 1005 and 1006.
- 3) Minimum land area, maximum density, minimum gross habitable floor area, and unit distribution shall comply with the regulations outlined in Section 1005.
- 4) Set-backs to the canal are established from the Normal Pool Elevation during navigation season as established by the New York State Canal Corporation, and comply with the regulations outlined in Section 1005.
- 5) Maximum building and other structure heights.
 - a) Maximum building heights for any permitted principal uses shall not exceed five (5) stories. Total building height, including architectural details, may not exceed seventy (70) feet unless specified otherwise in the Zoning Schedule.
 - b) The Planning Board shall have the authority to establish maximum principal structure heights of less than seventy (70) feet in such cases where a visual analysis of the site prepared and submitted by the applicant and reviewed by the Planning Board indicates that such height limitation is required to protect the scenic view or vistas or to maintain the overall aesthetic quality of the waterfront area.
- 6) Accessory structures shall not exceed a maximum height of sixteen (16) feet unless otherwise specified or regulated in this chapter. These structures may be limited in their height dependent on a visual analysis as discussed above.
- 7) Maximum impervious coverage. The total overall coverage of all principal and accessory buildings and structures, parking areas and other impervious surfaces on any lot shall not exceed seventy (70) percent of the total lot area. The remainder shall be open green space and/or landscaped areas.

E. Other Provisions and Requirements for Uses in the WMU District:

- 1) Ground floor uses should be reserved for water-dependent or water-enhanced uses that encourage ground level vibrancy such as restaurants, services and retail.
- 2) Office, residential and small-scale accommodations uses shall be limited to upper stories of Mixed Use Buildings.
- 3) Except as otherwise provided herein, all permitted uses whether principal or accessory, including all storage, shall be carried on in a fully enclosed building. Such provisions shall not apply to marinas, parking of registered vehicles, outdoor loading or other service activities.
- 4) Minimum lot size.
 - a) The required minimum lot size shall be determined by the Bulk and Use Schedule outlined in each zoning District.
 - b) The required minimum lot size shall also be based on the relative intensity of the proposed use, the need to protect or buffer the proposed use and the need to protect or buffer the use from scenic views or vistas.
- 5) Setback requirements.
 - c) Setbacks shall be established in accordance with the Bulk Use Schedule outlined in each zoning district.

F. Additional design standards and requirements:

The following additional design standards and requirements shall apply throughout the district.

- 1) Landscaping, screening and buffering. See standards and provisions outlined in Section 1005 and 1006 of this Chapter.
- 2) Fencing:
 - a) The use of fencing is discouraged within this district.
 - b) Unless otherwise noted, fencing shall be limited to four (4) feet in height and shall be designed as to not visually screen views of the water.
 - c) Chain link fencing shall not be permitted.
 - d) For purposes of outside storage of materials directly associated with the commercial enterprise on said lot, opaque fencing of eight (8) feet in height shall be permitted to a limited area.
- 3) View protection:
 - a) The site shall be developed to maximize view opportunities at the water's edge and view corridors throughout the development.
 - b) Site layout and design shall consider view corridors from the water and any adjacent public open space.
 - c) The Village Planning Board may require the applicant to provide information which will allow an adequate review of the potential impact of the development on the scenic resources of the area. Information that may be requested may include:

- i. Elevations or perspective sketches showing the proposed development and its impact on views to the water from surrounding public open space and/or public rights-of-way.
 - d) Based on the findings of the visual assessment, the Planning Board may limit the height or length of any proposed structure and may recommend changes in the arrangements of buildings if in its determination the proposed limitations or changes will protect or enhance the visual character.
- 4) Parking:
 - a) All permitted uses shall comply with the regulations outlined in Article XI of this local law.
- 5) Utilities and communication facilities.
 - a) Unless extenuating circumstances are found, it is the strong intent that all utility and communication facilities shall be installed underground where feasible.
 - b) Installation shall be in the manner prescribed by the regulations of the government agency or utility company having jurisdiction. However, it is the responsibility of the applicant to coordinate the appropriate location of utility services in advance of construction and communicate changes to the Planning Board in advance of installation.
 - c) Where facilities are provided, they shall be planned to anticipate future utility needs and shall be sited to reduce future capital costs.
- 6) Signage shall comply with the regulations outlined in Article XII of this local law.
- 7) Docking facility and marina design standards shall be governed by all applicable federal and state standards and regulations.

G. Storage of materials:

- 1) Required service areas, required loading areas and outdoor storage areas shall be located so as to not be visible from public streets, public pedestrian ways or public open space.
- 2) Service, loading and storage facilities should be architecturally incorporated into the building or architecturally treated with walks, fencing and landscaping.
- 3) Where these facilities are visible from public or private pedestrian areas or public open space, they shall be completely screened with opaque materials.

H. Lighting:

- 1) All lighting shall be located and designed as an integral part of the entire project and shall consider the architectural and landscape context of the site.
- 2) Lighting shall be provided for visibility, security and as an accent to architectural and/or landscape features.
- 3) Pedestrian-scale lighting shall be provided along major pedestrian paths and along the water's edge.

4) All wiring for lighting shall be installed underground.

I. Circulation:

- 1) On-site circulation shall be designed to minimize conflicts between vehicles and pedestrians. See standards and provisions outlined in Section 1006.
- 2) Common driveways and interconnection of parking areas should be provided where practical in order to efficiently serve adjacent related or complementary uses, to minimize the number of road cuts and to concentrate and control turning movements onto feeder roads and trail crossings.
- 3) All bike and walking paths shall be clearly identified with striping and/or signage as necessary within parking areas, driveway crossings and public roadway crossings.
- 4) Sidewalks or paths shall be placed parallel to all major roadways or driveways or shall form an interconnected network within a property or group of properties. Whenever practicable, pathways shall be connected to the existing local or regional pathway system.

Section 909 R-3 High Density Residential Use District

A. Purpose and Intent:

The purpose and intent of the High Density Residential District is to provide for the development of a variety of housing options while maintaining the community's traditional Village character. In addition, the High Density Residential District is intended to take advantage of the proximity of the Erie Canal, while maximizing the development potential of lands in northern sections of the Village.

B. Permitted Principal Uses:

In an R-3 Residential District, no building or premises shall be used, and no building or part of a building shall be erected, or altered, which is arranged, intended or designed to be used, in whole or in part for any use except the following:

- 1) Dwelling, Multifamily, subject to the provisions of Section 1005 of this Chapter.
- 2) Dwelling, Townhouse, subject to the provisions of Section 1006 of this Chapter.
- 3) Dwelling, Semi-detached.
- 4) Essential Services.
- 5) Public and Semi-Public Uses and Buildings.
- 6) Townhouse Cluster.
- 7) Townhouse Development.

- C. Permitted Accessory Uses:
- 1) One (1) private garage or carport per dwelling unit with a maximum capacity of six hundred (600) square feet.
 - 2) Customary accessory structures serving residential uses including but not limited to fences, storage buildings, greenhouses, pet shelters, fireplaces and free standing towers, all subject to the provisions of Article III of this Chapter.
 - 3) Private swimming pools subject to the provisions of Article XI of this Chapter.
 - 4) Off-street parking subject to the provisions of Article XI of this Chapter.
 - 5) Signs subject to the provisions of Article XII of this Chapter.
- D. Dimensional Requirements: The dimensional requirements for this district are specified in the Zoning Schedule.
- E. Special Uses: The following uses may be permitted consistent with the provisions of Article X, provided that a Special Use Permit is approved by the Planning Board.
- 1) Includes all uses, provisions and regulations specified for the R-1 Residential District except for multi-family dwelling units and townhouse clusters which are permitted uses in the R-3 Residential District.

Section 1005 Multiple Family Developments

The Planning Board may approve a special use permit for multiple family developments in the R-2, R-3, and WMU Districts provided that the following standards and provisions are maintained:

- A. No site preparation or construction shall commence nor shall existing structures be occupied until final site plan approval has been granted by the Planning board and permits have been issued by all governmental agencies involved.
- B. The minimum land area required for such use shall be the following:
 - 1) R-2 District: three (3) acres.
 - 2) R-3 District: two (2) acres.
 - 3) WMU District: one (1) acre.
- C. The maximum density of residential development per gross acre of land (including roadways, pedestrian walkways common recreation and off-street parking areas, open areas and all non-residential areas) shall not exceed the following:
 - o R-2: ten (10) dwelling units per acre.
 - o R-3: fifteen (15) dwelling units per acre.
 - o WMU: fifteen (15) dwelling units per acre.
- D. The minimum gross habitable floor area for dwelling units in multiple family developments shall be:

- 1) Efficiency Unit: four hundred fifty (450) square feet.
- 2) One (1) bedroom unit: five hundred fifty (550) square feet.
- 3) Two (2) bedroom unit: seven hundred (700) square feet.
- 4) Three (3) bedroom unit: eight hundred (800) square feet.
- 5) Four (4) bedroom unit: nine hundred (900) square feet.

E. Unit Distribution:

- 1) No more than thirty (30) percent of the total units within a multiple family dwelling development shall be efficiency units.

F. Setback Requirements. Minimum area and yard requirements for each multiple family structure within a multiple family development shall be as follows:

- 1) Setback: No building shall be closer than forty (40) feet to any street or public right-of-way or twenty (20) feet to any other property line. The Planning Board may require a greater setback when the proposed development site abuts a C-Commercial or I-Industrial District.
- 2) Minimum distance between buildings: twenty-five (25) feet.
- 3) Direct line of sight visibility from one building to another shall not be less than fifty (50) feet.
- 4) Every building shall have a minimum setback of twenty (20) feet from all interior roads, driveways and parking areas.
- 5) A strip of land at least six (6) feet in width surrounding each building shall be kept completely open except for foundation plantings of less than six (6) feet in height.
- 6) Courts bounded on three sides by the wings of a single building or by the walls of separate buildings shall have a minimum width of two (2) feet for each one (1) foot in height of the tallest adjacent building.

G. No exterior wall shall exceed one hundred (100) feet in length unless there is a lateral offset of at least eight (8) feet in its alignment not less frequently than along each one hundred (100) feet of length of such exterior wall.

H. All stairways to the second floor or higher shall be located inside the building.

I. Access to public road:

- 1) All multiple family dwelling developments shall have direct access to a public road.
- 2) If there are more than fifty (50) dwelling units in a multiple family dwelling development, direct access must be provided to a public road by a private driveway or a road dedicated to the Village by the developer.
- 3) If there are more than fifty (50) dwelling units in a multiple family development, or if in the opinion of the Planning Board the location or topography of the site

indicates the need for additional access, the Planning board may require such additional access as a condition of site plan approval.

- J. Requirements for off-street parking as provided in Article XI of this Local Law shall be met, except that the location of off-street parking lots may be modified to conform with the approved site plan, provided that off-street parking shall not be located within the front yard or the required side yard setback. Paved pedestrian walkways, with appropriate lighting, shall be provided from off-street parking areas to all living units each parking area is intended to serve.
- K. The aggregate lot coverage of multiple family dwelling developments shall not exceed thirty (30) percent of the total lot area.
- L. No structure in a multiple family development shall exceed thirty-five (35) feet in height in R-2 Districts or seventy (70) feet in R-3 and WMU districts.
- M. Services:
 - 1) Each dwelling unit shall contain complete kitchen facilities, toilet, bathing and sleeping facilities.
 - 2) There shall be a minimum common storage area in each building for bicycles, perambulators and similar type of equipment, of forty (40) square feet in area, a minimum of five (5) feet in height and not less than four (4) feet in width per dwelling unit.
 - 3) Sufficient laundry, drying, garbage pick-up and other utility areas shall be provided and shall be located with a view both to convenience and to minimizing the detrimental effect on the aesthetic character of the building(s) and shall be enclosed and shielded from view by fencing, walls or shrubbery of at least six (6) feet in height around the perimeter. Fencing and walls shall be not more than fifty (50) percent open on the vertical surface.
- N. Recreation, open space, maintenance:
 - 1) Multiple family dwelling developments shall be designed to create usable private open space. A minimum of ten (10) percent of the total tract area, exclusive of the required setback areas, buffer strip and parking areas shall be designated for common recreational purposes.
 - 2) No recreational area shall be less than ten thousand (10,000) square feet in area nor less than one hundred (100) feet in width. Areas designated for recreation purposes shall be approved by the Planning Board.
 - 3) Multiple family dwelling developments shall be attractively landscaped and properly maintained. Open space adjacent to, around, or between driveways, parking areas, structures or other required improvements shall be graded and seeded to provide a thick stand of grass or other plant material.

- 4) Multiple family developments shall be constructed in accord with the site plan approved by the Village and shall be designed to insure adequate provisions for drainage and storm water run-off.

O. Utilities:

- 1) All public utility, electric, gas, cable television and telephone lines shall be installed underground.
- 2) Multiple family developments shall be served exclusively by public water and sanitary sewer services. Connections to existing supply and disposal systems shall be approved by the New York State Department of Health or other authorities having jurisdiction thereof.

Section 1006 Townhouse Clusters and Developments

The Planning Board may approve a special use permit for townhouse clusters or developments in the R-2, R-3, and WMU Residential districts provided that the following standards and provisions are maintained:

A. General Requirements:

No site preparation or construction shall commence nor shall existing structures be occupied until final site plan approval has been granted by the Planning Board and permits have been issued by all governmental agencies involved. The following general requirements and standards shall govern the review and approval of site plans for townhouse clusters or developments:

- 1) Each townhouse dwelling unit shall be located, constructed and served by public facilities and services and utilities in such fashion that each dwelling unit may be sold individually.
- 2) Each individual dwelling unit in a townhouse cluster shall be separated from other such dwelling units by a fire wall. Such firewall shall be of masonry construction, shall extend from the foundation to the roof and shall be unpierced.
- 3) Natural features, including streams drainageways and existing trees, shall be preserved and incorporated in the landscaping of the development.
- 4) All utility lines which provide electric, gas, telephone, television or other similar services shall be installed underground. Surface mounted equipment shall be located in a manner so as to minimize potential conflict with other uses and activities.
- 5) Plans submitted for townhouse developments shall identify areas proposed for dedication to the Village, areas to be held in common ownership and property to be owned by individuals.
- 6) Common property shall, except when accepted by the Village Board for dedication, be privately owned. Where property is to remain in common ownership, the developer shall provide for and establish an organization for the

ownership and maintenance of such common property. Rules and regulations proposed to govern the operation and maintenance of all common property shall be submitted for review and approval by the Village Board. Common property shall not be changed from its status or use as common property without specific authorization of the Village Board. In reviewing proposals for the establishment of organizations to govern the ownership and maintenance of any common property, the Village Board shall consider and determine the adequacy of:

- a) The timetable for the creation of the organization.
- b) The requirements for membership in the organization by residents.
- c) The safeguards to ensure the continuance of the common property as common property.
- d) The liability of the organization for insurance, taxes and maintenance of all facilities.
- e) The provision for pro rata sharing of costs and assessments.
- f) The financial capacity of the organization to maintain and administer common facilities.
- g) The proposed relationship between the developer and the organization and the plan to turn over the responsibility for the maintenance and administration of common facilities to the organization.

B. Minimum Standards for Townhouse Clusters or Developments:

- 1) Area. The minimum land area for townhouse clusters or developments shall be the following:
 - a) R-2 District: three (3) acres.
 - b) R-3 District: two (2) acres.
 - c) WMU District: one (1) acre.
- 2) Densities. The maximum density of residential development per gross acre of land (including roadways, pedestrian walkways, common recreation and off-street parking areas, open areas and all non-residential areas) for townhouse clusters and developments shall not exceed the following:
 - o R-2: ten (10) dwelling units per acre.
 - o R-3: fifteen (15) dwelling units per acre.
 - o WMU: fifteen (15) dwelling units per acre.
- 3) Open Space. Not less than twenty-five (25) percent of the land area within a townhouse cluster or development, excluding parking areas and vehicle access facilities, shall be developed and maintained as open space for the use and enjoyment of residents of said cluster or development and their guests.

- 4) Lot coverage. The coverage of all buildings and structures within a townhouse cluster or development shall not exceed twenty-five (25) percent of the area of the tract.
- 5) Building Height. No townhouse building shall exceed thirty-two (32) feet in height.
- 6) Distance between Buildings. The minimum distance between a townhouse dwelling building and any other structure, including a swimming pool, shall not be less than twenty-five (25) feet.
- 7) Setbacks. No minimum front, side or rear setbacks shall be required within a townhouse cluster or development except when dwelling units are positioned relative to a public street. Where a structure faces, or abuts a public street, no part of the structure shall be located closer than forty (40) feet to the public right-of-way. No structure shall be setback less than twenty (20) feet from any common parking area or a property line, which serves as a boundary between the townhouse cluster or development and adjacent residential uses.
- 8) Setbacks from other Districts. No structure within a townhouse cluster or development shall be located closer than twenty (20) feet to any Residential District boundary line. This setback shall be increased to fifty (50) feet where the zone district boundary line abuts a C- Commercial or I-Industrial District.

C. Building Standards:

- 1) No more than eight (8) townhouse dwelling units shall be included in a single dwelling building.
- 2) No building shall exceed a maximum length of two hundred forty (240) feet on any exterior façade.
- 3) Townhouse dwelling buildings shall be related to one another in design, building mass, materials and placement to provide a visually and physically integrated development.
- 4) The treatment of the sides and rear facades of all buildings in a development shall be comparable in amenity and appearance to the treatment of any building façade, which faces a public street, and complimentary and architectural design to adjacent residential structures.
- 5) Building walls shall be oriented so as to ensure adequate exposure of light and air to each dwelling unit and to the rooms within.
- 6) Buildings shall be arranged so as to preserve visual and audible privacy between each townhouse dwelling unit and adjacent townhouse buildings.
- 7) Building entranceways of adjacent dwelling units in the same structure shall be designed to ensure the privacy of occupants. This may be accomplished by varying the setbacks of entranceways or by providing screening or landscaped plantings, as appropriate.

- 8) Building entranceways shall be provided with appropriate illumination for the convenience and safety of residents. Such lighting shall be shielded to avoid glare disturbing other properties.
- 9) All townhouse dwelling units shall include ground floor living space. The location of an enclosed garage shall not qualify as meeting this requirement.

D. Townhouse Parking Standards:

- 1) No less than two (2) off-street parking spaces shall be provided for each townhouse dwelling unit.
- 2) The developer may meet the requirements for off-street parking by providing parking spaces in an enclosed garage plus any combination of spaces on private driveways and/or in a common parking lot.
- 3) No common off-street parking lot or outdoor storage area shall be located closer than twenty-five (25) feet to any adjacent property.
- 4) All off-street parking areas shall be privately owned and maintained.
- 5) Common off-street parking facilities shall be landscaped and screened from public view to the extent necessary to eliminate unsightliness and the monotony of parked cars.
- 6) Common off-street parking areas shall be designed with careful regard to orderly arrangement, topography, landscaping, ease of access and shall be developed as an integral part of the overall site plan.
- 7) Common off-street parking areas shall be provided with suitable lighting for the convenience and security of residents, but positioned and shielded to minimize glare and potential inconvenience to residents of the townhouse cluster or development and adjacent properties.

E. Size of Townhouse Dwelling Units: The gross habitable floor area for all townhouse dwelling units shall conform to the minimum requirements specified in Schedule I.

- 1) Setbacks from other Districts. No structure within a townhouse cluster or development shall be located closer than twenty (20) feet to any Residential District boundary line. This setback shall be increased to fifty (50) feet where the zone district boundary line abuts a C-Commercial or I-Industrial District.

F. Landscape Site Design Standards:

- 1) Landscaping shall be provided along and adjacent to all streets, common driveway areas and common off-street parking areas. Landscaping treatments shall be designed, coordinated and installed in accordance with the site plan approved by the Planning Board.
- 2) Landscape treatment shall consist of shrubs, ground cover and street trees and shall be designed and installed to provide an attractive development pattern.

Landscape materials selected should be appropriate to the growing conditions of the local environment.

- 3) Whenever possible, existing trees shall be conserved and integrated into the landscape design plan.
- 4) All landscaping except for trees, shrubs and grasses either existing or to be installed within the public right-of-way, shall be privately owned and maintained.

G. Site Circulation System Design Standards:

- 1) An adequate, safe and convenient circulation system shall be provided.
- 2) The arrangement of streets and common parking areas shall be designed as integral parts of an overall site plan. These features shall be properly related to existing and proposed buildings and appropriately landscaped.

H. Miscellaneous Townhouse Regulations.

- 1) No signs shall be permitted in a townhouse cluster or development except for a single illuminated non-flashing nameplate sign not more than two (2) square feet in area attached to the townhouse dwelling unit and bearing only the street number of the dwelling.
- 2) One temporary advertising ground type sign pertaining only to the sale of a townhouse dwelling unit provided that such sign shall not exceed six (6) square feet in area. Such signs shall be located not more than ten (10) feet from the front entrance to the townhouse dwelling unit which is for sale and shall be removed within seven (7) days after the execution of any agreement for the sale of the premises.
- 3) All fencing of common areas shall be shown on the site plan approved by the Planning Board.
- 4) Individual owners may erect privacy fences to enclose outdoor areas of individual dwelling units. Such fences may be up to six (6) feet above ground level provided that such fencing is located not less than fifteen (15) feet from a public street, common off-street parking or storage area, or vehicular accessway thereto. Fencing which is closer than fifteen (15) feet to a public street, or common off-street parking or storage area or vehicular accessway thereto, shall not exceed three (3) feet above ground level
- 5) Except for land, which is owned in common, no property owner shall erect or place an accessory building or structure on the premises.
- 6) The storage of any unregistered vehicles or other similar equipment out of doors overnight shall be prohibited, except in a common parking area.

I. Special accessory uses. The following special accessory uses may be established for the common and exclusive use of owners of townhouse residences and their guests.

Such special accessory uses shall be operated on a not-for-profit basis and subject to the approval of the Planning Board.

- 1) Recreational facilities such as open or enclosed tennis courts, exercise facilities, picnic area, gazebos, or swimming pools as regulated therein.
- 2) One (1) structure to house maintenance shops and vehicles to be used exclusively for the maintenance and management of the townhouse development.
- 3) Common space for the exclusive use and convenience of residents of the townhouse cluster or development and their guests to park vehicles. Such common space shall be adequately landscaped and buffered so as to screen the site from adjacent areas and uses.

Section 1007 Cluster Residential Developments

The Planning Board may approve a special use permit for cluster residential developments of one-family detached dwellings in the R-1, R-2, and R-3 Residential Districts provided that the following standards and provisions are maintained:

- A. A site development plan shall be submitted in conformance with the requirements of Section 505 of this Local Law.
- B. The minimum tract size shall be fifteen (15) acres.
- C. The lot size, yard, area and height requirements shall be established on an individual case basis which reflects the unique conditions of each site proposed for development, the potential impact on adjacent properties and to insure consistency with the Village Master Plan.
- D. The number of lots or units (density of development) in a cluster plan shall not exceed that which could be created under a conventional development plan for the same tract of land.
- E. The developers shall set aside an area of not less than twenty (20) percent of the gross acreage of the tract to be devoted exclusively to permanent recreation areas or open space.
- F. All recreation or open space areas shall, in the opinion of the Planning Board, be suitable for such use. The ownership and future maintenance of such recreation areas shall be subject to the approval of the Village Board or offered for dedication to the Village.

Section 1009 Home Occupations

The Planning Board may approve a home occupation in the R-1, R-2, R-3 Residential and WMU – Waterfront Mixed Use Districts provided that the following standards and provisions are maintained:

No additional changes to this section.

Wage of Houston Zoning Bulk and Use Table
Zoning Update June 2014

R-1 RESIDENTIAL	PERMITTED USES (PERMITTED-SPECIAL USE PERMIT ONLY)	MINIMUM LOT SIZE			Minimum setbacks						Max Building Height	Max Lot Coverage
		AREA S.F./AC (FEET)	WIDTH (FEET)	DEPTH (FEET)	Principal Building		Side		Accessory Building			
					Front	Rear	One	Both	Front	Side		
	SINGLE FAMILY DWELLINGS (1)	20,000	100	150	40	40	30	40	15	10	30	30
	SINGLE FAMILY DWELLINGS	15,000	90	125	40	30	15	30	15	10	30	30
	TWO-FAMILY DWELLINGS INCLUDING DUPLEXES	30,000	150	175	40	40	30	40	15	10	30	30
	ESSENTIAL SERVICES				50	50	30	50	50	30	30	10
	*PUBLIC & SEMI-PUBLIC USES & BLDGS.	40,000	175	200	50	50	30	60	35	15	30	35
	*CLUSTER RESIDENTIAL DEVELOPMENTS	15 ACRES (2)	DETAILED DESIGN STANDARDS SPECIFIED IN SECTION 1307									
	*MULTIPLE FAMILY DEVELOPMENTS	3 ACRES	DETAILED DESIGN STANDARDS SPECIFIED IN SECTION 1308									
	TOWNHOUSE CLUSTERS & DEVELOPMENTS	3 ACRES	DETAILED DESIGN STANDARDS SPECIFIED IN SECTION 1308									

R-2 RESIDENTIAL	PERMITTED USES (PERMITTED-SPECIAL USE PERMIT ONLY)	MINIMUM LOT SIZE			Minimum setbacks						Max Building Height	Max Lot Coverage
		AREA S.F./AC (FEET)	WIDTH (FEET)	DEPTH (FEET)	Principal Building		Side		Accessory Building			
					Front	Rear	One	Both	Front	Side		
	SINGLE FAMILY DWELLINGS	10,000	75	100	30	35	10	35	10	10	30	40
	TWO FAMILY DWELLINGS INCLUDING DUPLEXES	20,000	100	150	30	35	30	40	15	10	30	30
	ESSENTIAL SERVICES				30	30	30	40	30	15	30	10
	*BUILDING, PUBLIC OR SEMI-PUBLIC	30,000	175	200	50	50	30	60	35	15	30	30
	*CLUSTER RESIDENTIAL DEVELOPMENTS	15 ACRES (2)	DETAILED DESIGN STANDARDS SPECIFIED IN SECTION 1307									
	*MULTIPLE FAMILY DEVELOPMENTS	3 ACRES	DETAILED DESIGN STANDARDS SPECIFIED IN SECTION 1308									
	TOWNHOUSE CLUSTERS & DEVELOPMENTS	3 ACRES	DETAILED DESIGN STANDARDS SPECIFIED IN SECTION 1308									

R-3 RESIDENTIAL	PERMITTED USES (PERMITTED-SPECIAL USE PERMIT ONLY)	MINIMUM LOT SIZE			Minimum setbacks						Max Building Height	Max Lot Coverage
		AREA S.F./AC (FEET)	WIDTH (FEET)	DEPTH (FEET)	Principal Building		Side		Accessory Building			
					Front	Rear	One	Both	Front	Side		
	*CLUSTER RESIDENTIAL DEVELOPMENT	15 ACRES (2)	DETAILED DESIGN STANDARDS SPECIFIED IN SECTION 1307									
	DWELLING, MULTIFAMILY	2 ACRES	DETAILED DESIGN STANDARDS SPECIFIED IN SECTION 1308									
	DWELLING, TOWNHOUSE	2 ACRES	DETAILED DESIGN STANDARDS SPECIFIED IN SECTION 1308									
	DWELLING, SEMI-DETACHED	20,000	100	150	30	35	30	40	15	10	30	30
	ESSENTIAL SERVICES				30	30	30	40	30	15	30	10
	*BUILDING, PUBLIC OR SEMI-PUBLIC	30,000	175	200	50	50	30	60	35	15	30	30
	TOWNHOUSE CLUSTER	2 ACRES	DETAILED DESIGN STANDARDS SPECIFIED IN SECTION 1308									
	TOWNHOUSE DEVELOPMENT	2 ACRES	DETAILED DESIGN STANDARDS SPECIFIED IN SECTION 1308									

MMU WATERFRONT MIXED USE	PERMITTED USES	MINIMUM LOT SIZE			Minimum setbacks						Max Building Height	Max Lot Coverage
		AREA S.F./AC (FEET)	WIDTH (FEET)	DEPTH (FEET)	Principal Building		Side		Accessory Building			
					Front	Rear	One	Both	Front	Side		
	APARTMENTS	PERMITTED ONLY AS PART OF AN APPROVED MIXED USE BUILDING										
	ASSEMBLY USE	2 AC	200	200	40	40	30	60	35	15	30	40
	BOAT LAUNCHING FACILITY	20,000	150	175	40	40	30	40	15	10	30	30
	BUILDING, MIXED USE	1 AC	150	150	30	30	10	30	15	10	30	60
	BUILDING, PUBLIC OR SEMI-PUBLIC	30,000	175	200	50	50	30	60	35	15	30	30
	BUILDING, OFFICE	PERMITTED ONLY AS PART OF AN APPROVED MIXED USE BUILDING										
	CAMPING GROUND	2 AC	300	300	30	30	10	30	15	10	30	10
	CHARTER BOAT ESTABLISHMENT	20,000	150	175	40	40	30	40	15	10	30	30
	CULTURAL USE FACILITY OR MUSEUM	2 AC	200	200	40	40	30	60	35	15	30	40
	DWELLING, MULTIFAMILY	PERMITTED ONLY AS PART OF AN APPROVED MIXED USE BUILDING										
	DOCK	10,000	100	100	-	-	-	5	15	10	10	10
	INP	30,000	150	175	40	40	30	40	15	10	30	30
	MARINA	20,000	150	175	30	30	30	40	15	10	30	30
	MIXED USE DEVELOPMENT	2 AC	300	300				AS PROSCRIBED BY EACH USE			30	60
	PERSONAL SERVICE ESTABLISHMENT	PERMITTED ONLY AS PART OF AN APPROVED MIXED USE BUILDING										
	RESTAURANT, BATTERY	PERMITTED ONLY AS PART OF AN APPROVED MIXED USE BUILDING										
	RESTAURANT, FULL SERVICE	PERMITTED ONLY AS PART OF AN APPROVED MIXED USE BUILDING										
	SMALL-SCALE ACCOMMODATIONS	PERMITTED ONLY AS PART OF AN APPROVED MIXED USE BUILDING										
	SMALL RETAIL	PERMITTED ONLY AS PART OF AN APPROVED MIXED USE BUILDING										

*For all uses in the MMU District on lots abutting the Ship Canal, the Site Canal Storage shall be considered the Front Yard

C-COMMERCIAL	PERMITTED USES	MINIMUM LOT SIZE			Minimum setbacks						Max Building Height	Max Lot Coverage
		AREA S.F./AC (FEET)	WIDTH (FEET)	DEPTH (FEET)	Principal Building		Side		Accessory Building			
					Front	Rear	One	Both	Front	Side		
	RETAIL AND SERVICE USES (1)				0	0	8	12	0	8	40	70
	ESSENTIAL SERVICES				0	0	8	12	0	8	30	50
	*MOTOR VEHICLE SERVICE STATIONS (2)	12,000	80	125	40	30	15	30	30	15	30	30
	*AUTO REPAIR SHOPS (3)	12,000	80	80	0	0	15	30	30	15	30	30
	*CAR WASH ESTABLISHMENTS (7)	20,000	100	80	50	40	25	50	40	25	30	30

I-INDUSTRIAL	PERMITTED USES	MINIMUM LOT SIZE			Minimum setbacks						Max Building Height	Max Lot Coverage
		AREA S.F./AC (FEET)	WIDTH (FEET)	DEPTH (FEET)	Principal Building		Side		Accessory Building			
					Front	Rear	One	Both	Front	Side		
	LIGHT INDUSTRIAL RESEARCH OFFICE (5)				50 (6)	50	25	50	50	25	40	60
	ESSENTIAL SERVICES				50	50	25	50	50	25	30	50
	*MOTOR VEHICLE SERVICE STATIONS (2)	12,000	80	125	40	30	15	30	30	15	30	30
	*REPAIR SHOPS (3)	12,000	80	125	40	30	15	30	30	15	30	30
	*CAR WASH ESTABLISHMENTS (7)	20,000	100	150	50	40	25	50	40	25	30	30

Motion: The following motion was made on March 9, 2016 by Trustee Nelson and seconded by Deputy Mayor Kelly:

BE IT RESOLVED that the Village of Macedon Board of Trustees approve that Local Law No. 2 of the year 2016, a local law entitled Zoning Amendments establishing R3 High Density Residential and Waterfront Mixed Use Districts in order to be consistent with the Local Waterfront Revitalization Program, is hereby deemed adopted and approved, effective upon filing with the Department of State as required by the provisions with Section 27 of the Municipal Home Rule Law.

Motion carries:

4 votes in favor

1 absent

**APPENDIX 3: COMMUNITY ENGAGEMENT EFFORTS
AND LWRP ADOPTION MEETING**

STEERING COMMITTEE CONTACT LIST

<p>Marie Cramer Mayor, Village of Macedon 81 Main Street Macedon NY 14502 315-986-3976 mcramer@villageofmacedon.com</p>	<p>Gil Magee Planning Board Member, Village of Macedon 81 Main Street Macedon NY 14502 315-986-3976 gmagee@villageofmacedon.com</p>
<p>Marcy Frey BOA/LWRP Project Coordinator, Village of Macedon 81 Main Street Macedon NY 14502 315-986-3976 mfrey@villageofmacedon.com mj1frey@gmail.com</p>	<p>Julie Sweet NYSDOS BOA Program Coordinator NYS Department of State - Division of Communities & Waterfronts 1605 State Office Building 44 Hawley Street Binghamton, NY 13901 607-721-8752 julie.sweet@dos.state.ny.us</p>
<p>Kathy Reilly Deputy Clerk/Treasurer, Village of Macedon 81 Main Street Macedon NY 14502 315-986-3976 kreilly@villageofmacedon.com</p>	<p>Kimberly Baptiste, AICP Bergmann Associates 28 East Main Street - 200 First Federal Plaza Rochester, NY 14614 585-232-5137, x323 kbaptiste@bergmannpc.com</p>
<p>Linda Braun Village Board Liaison 81 Main Street Macedon NY 14502 315-986-3976 lbraun@villageofmacedon.com</p>	<p>David Plante, AICP Bergmann Associates 28 East Main Street - 200 First Federal Plaza Rochester, NY 14614 585-232-5137, x703 dplante@bergmannpc.com</p>
<p>Beverly Bassage Planning Board Member, Village of Macedon 81 Main Street Macedon NY 14502 315-986-3976 bbassage@villageofmacedon.com</p>	<p>Donna Stebbins Planning Board Chair 81 Main Street Macedon NY 14502 315-986-3976 dstebbins@villageofmacedon.com</p>
<p>Laurie Leenhouts Planning Board Member, Village of Macedon 81 Main Street Macedon NY 14502 315-986-3976 lleenhouts@villageofmacedon.com</p>	
<p>David Nelson Planning Board Member, Village of Macedon 81 Main Street Macedon NY 14502 315-986-3976 dnelson@villageofmacedon.com</p>	

PUBLIC MEETING SUMMARIES

Public Visioning Workshop | February 28, 2013

Welcome and Introductions

Marie Cramer, Mayor of the Village of Macedon, opened the meeting with welcoming remarks. Mayor Cramer thanked people for coming and noted that a second meeting for the public in association with Village revitalization would be held on Wednesday, March 6th at 6:00 PM at the Fire Hall. This meeting includes an educational session and walking tour with a focus on “Complete Streets” concepts. Marie then introduced members of the consultant team from Bergmann Associates, including Kimberly Baptiste, Dave Plante and Matt Chatfield.

Project Background & Team

Kimberly Baptiste, Project Manager with Bergmann Associates, reviewed the meeting agenda, noting a brief presentation would be followed by a discussion session where attendees would have the opportunity to share their ideas about the future of the Village.

Kimberly reviewed the project team, noting the Revitalization Strategy is being paid for by grants from the New York State Department of State Brownfield Opportunity Area (BOA) program and Local Waterfront Revitalization Program (LWRP).

The Revitalization Strategy Framework

Kimberly provided an overview of planning initiatives undertaken in the Village since 2008, describing how they helped position the Village to take advantage of the BOA and LWRP grant opportunities. Kimberly then provided an overview of each program, highlighting the benefits of both.

Kimberly noted the key elements of the Revitalization Strategy will include the identification of a vision for the future of the Village, an assessment of existing conditions – including market trends, a branding strategy to help position the Village to capitalize on its assets, a series of recommendations for a wide range of projects and a phased implementation strategy for revitalization.

What We’ve Learned

Kimberly reviewed highlights of key findings from the existing conditions analysis, including demographics, market and land based findings. Opportunities and constraints associated with future revitalization initiatives were noted.

Please refer to public meeting presentation for further detail on the information presented at the meeting.

Community Participation

Kimberly stressed the importance of community engagement and participation in the planning process, noting that a variety of mechanisms to get community feedback would be employed for the revitalization strategy.

Community engagement activities that will be incorporated include:

- Regular Steering Committee meetings
- Three public meetings / workshops
- Stakeholder interviews
- Project website
- Community survey
- Use of the Village's website and Facebook page

Kimberly noted that the steering committee is comprised of members of the Planning Board, two representatives from the Village Board and Marcy Frey (serving as chair).

It was noted that this was the first of three public meetings that would be held in 2013 in support of the Revitalization Strategy. Upcoming meeting information will be posted on the project and Village websites.

Kimberly noted that a full day of stakeholder meetings was held on February 11th 2013 at the American Legion on Main Street. Over 25 business owners, property owners, agency representatives, community volunteers and local economic development advocates were interviewed over the course of the day.

Kimberly urged all attendees to visit the project website (www.revitalizemacedon.com) for additional information, to access the online community survey, to review and download project materials and to stay informed about project updates.

Kimberly noted the online survey (available at meeting in hard copy) would remain open for community members until March 28th 2013. The results of the survey will inform master planning, policy development and recommendations.

Next Steps

Next steps in the planning process were noted, with community engagement encouraged. Upcoming activities include:

- Complete Streets Workshop on March 6th at 6:00 PM.
- Public design Workshop in June 2013.
-

Consultant activities:

- Draft Vision and Goals based on community feedback.
- Completion and submittal of draft existing conditions.

WORKSHOP:

Following the presentation, meeting attendees were divided into three groups, each facilitated by a member of the consulting team. Attendees were asked to identify:

- Obstacles to redevelopment in the Village of Macedon;
- Key assets that should be capitalized on: and
- One project they would like to see implemented, assuming there are no obstacles, such as financial constraints, land acquisition, etc.
-

The narrative below summarizes the discussion at each of the breakout groups.

Group #1 – Facilitated by K. Baptiste

Obstacles

- Communication between Town and Village
- Better communication between Village Hall and residents
- No Village newsletter – we need one
- More direct route from Canal to downtown
- Main Street lacks bike racks
- No restrooms or amenities at Canal Park
- Camping at Canal park not well known
- Existing boat launch / flow issues
- We don't charge for water access – missed opportunity – small fee for out of towners
- Vehicular traffic on Main Street – it's hard for pedestrians to cross sometimes
- No reason to stop in Village (lack of shops and services)
- More publicity needed
- Empty lots downtown
- Parking on Main Street

Assets

- Pancake breakfasts
- Concerts in park
- Books, Etc.
- Parks
- Creek
- Schools
- Churches
- Library
- Berry Plastics
- Antique stores
- Village Hall
- 7 Center Street (music)
- Bickford Park
- Downtown murals
- Street vendor

- Butterfly Trail
- We have all 3 stages of Canal

Vision – What We’d Like to See in Future

- Canal Park restrooms and showers
- Grocery store
- Bed and breakfast or Inn
- Ice cream
- Fishing in creek
- Fishing stores
- Fishing derby and related attractions
- Food establishments
- Bike repair and rental
- Hot dog stand
- Scrolling billboard with special events
- Banners across street
- Signage along Canal directing people to downtown
- Signage/wayfinding throughout Village

Top Projects

- Hire Wayside to plant flowers throughout the Village
- Install amenities along the Canal – bike shops, restrooms, ice cream, etc.
- Better signage from Canal to Main Street
- Range of desirable, inviting businesses on Main Street with good parking
- Restrooms and showers at Canal Park
- Become a destination that has to turn new businesses away....while retaining businesses that are here today

Group #2 – Facilitated by D. Plante

Obstacles

- Lots of traffic
- No crosswalks (Main Street/Route 31 unsafe for pedestrians to cross)
- Little commercial building stock
- Lack of sidewalks connecting Pal-Mac Intermediate School with resources like the Canal/Butterfly Trail
- Aesthetic character of buildings and streetscape along Main Street
- Limited tax base
- Limited parking
- Lack of amenities (landscaping, docking, etc.) at Canal Park
- Old equipment at Gravino Park
- Vacant lots next to Gravino are undevelopable
- No creek access at Gravino Park
- Need better connectivity

Assets

- Creek
- Canal
- Developable land adjacent to Canal Park
- Butterfly Trail
- Boater accommodations

Vision – What We’d Like to See in Future

- Crosswalks
- Better visual appeal
- Sidewalks off of Main Street
- Sidewalk along Erie Street to south
- Transform Erie Street into a “pedestrian-only” crossing over the old Erie Canal bed
- Develop Creek for recreation
- Expansion of Gravino Park onto vacant properties, if not contaminated
- Sidewalks along 350 between Main Street and Canal Park
- Better landscaping / gateways
- Signage for Canal Trail with wayfinding on Route 350 to canal trail parking

Top Projects

- Restaurant (general food, ethnic German food, etc.)
- Paved Canal Trail
- Retail (Target)
- Hotel
- Main Street improvement program (storefronts, landscaping)
- Pal-Mac flags up on street posts (drawn by students)
- Townhouses on Canal
- Establish a Macedon Train Station near the historic train station site, within the BOA

Group #3 – Facilitated by M. Chatfield

Obstacles

- Empty commercial buildings adjacent/outside Village
- Older commercial vacant
- Not unique to Macedon
- Berry Plastics aesthetics
- Odors from sewer plant
- Canal a relative unknown
- Perception of 315 area code
- Lack of foot traffic
- Traffic speeds and volumes
- Lack of mid-block crossings
- No places for boats to dock
- Wayfinding from Canal to Main Street
- Lack of historic resources

- Canalway Trail is on other side – lack of informational signage

Assets

- Proximity to Rochester
- Canal – all 3 prisms – an attraction
- Butterfly Trail
- Programs at Canal Park
- Old locks (renovate them)
- Designated camping area in park
- Erie Canalway Trail – attract users to downtown
- Ganargua Creek – kayaking / access from Erie Street
- High visibility of Route 31

Top Projects

- Make the Canal a destination!
 - Revitalize with signage
 - Amenities – bathrooms, food, equipment rentals
 - Experience the Canal as it was
 - 3 prisms (highlight)
 - Year round destination – ice sports on Canal in winter

Public Design Workshop | July 18, 2013

Walking Tour & Open House

Kimberly Baptiste of Bergmann Associates led a walking tour of the Study Area for interested attendees. The tour highlighted the previously identified strategic sites of the Waterfront and Downtown Revitalization Strategy and the Village's opportunities and challenges in revitalization efforts. After the tour, attendees were given the opportunity to view renderings of Canal Park and Gravino Park based on earlier community feedback. A Strategic Sites maps, demographic information, and a Vision Statement were also on display.

Welcome and Introductions

Marie Cramer, Mayor of the Village of Macedon, opened the meeting with welcoming remarks. Mayor Cramer thanked people for coming and introduced members of the consultant team from Bergmann Associates, including Kimberly Baptiste, Andy Raus, Matt Chatfield, Mark Johns, Laura Fox and Meagan Aaron.

Project Background & Team

Kimberly Baptiste, Project Manager with Bergmann Associates, reviewed the meeting agenda, noting a brief presentation would be followed by two small group design sessions where attendees would have the opportunity to share their thoughts on community needs and ideas for specific revitalization opportunities along Main Street, Canal Park and the connections between the two.

Kimberly briefly reviewed the project team, the role of the BOA and LWRP in the Village's revitalization efforts and the purpose of the Public Design Workshop.

The Revitalization Strategy Framework

Kimberly provided an overview of planning initiatives undertaken in the Village since 2008, describing how they helped position the Village to take advantage of the BOA and LWRP grant opportunities. The culmination of past planning efforts in conjunction with the BOA and LWRP will result in a comprehensive revitalization strategy for the downtown and waterfront areas that provide the Village a solid foundation for future implementation activities and funding resources.

Kimberly reviewed the completed elements of the Revitalization Strategy including the drafting of the Vision Statement and an assessment of the Study Area's existing conditions including market analysis and economic trends. Elements of the Revitalization Strategy currently underway include a branding strategy to help position the Village to capitalize on its assets, a series of recommendations for capital projects and a phased implementation strategy for revitalization.

Community Engagement

Kimberly reviewed highlights of various community engagement efforts. Common themes have emerged through the community engagement process, which have been translated into a vision statement and goals for the project.

Goal Areas:

- Leverage the Erie Canal
- Enhance Natural Resources and Recreational Assets
- Diversify Businesses and Services in the Downtown
- Create Welcoming Gateways and Streetscapes that Contribute to a Pedestrian Friendly Environment
- Establish a Strong, Credible Brand Identity
- Improve Communications, Foster Cooperation and Forge Partnerships
- Celebrate and Share the History of the Community

Please refer to Public Design Workshop presentation for further detail on the information presented at the meeting including opportunities for revitalization and urban design considerations.

Next Steps

Next steps in the planning process were noted, with continued community engagement encouraged. Upcoming activities include:

- Public Meeting #3 in Fall 2013: Presentation of recommendations and implementation strategy

Consultant activities:

- Compile comments from Public Design Workshop and on-going Survey
- Draft Master Plan
- Identification of projects
- Implementation and funding strategy
- Application for project advancement

SMALL GROUP DESIGN SESSIONS:

Following the presentation, meeting attendees were divided into two groups, each facilitated by two members of the consulting team. The two groups spent 40 minutes discussing the Main Street corridor, including the “East End”, and 40 minutes discussing the Erie Canal Corridor – the role of connectivity, wayfinding and gateways was emphasized at both stations. The facilitators had large maps of the topic areas laid out on the table to encourage attendees to identify key assets and obstacles to revitalization and share their ideas on desirable enhancements and development projects.

The narrative below summarizes the discussion at each of the breakout groups.

Main Street Corridor and East End – Facilitated by K. Baptiste and M. Johns

OBSTACLES

West Main Street:

- Commercial vacancy on West Main Street
- Low-quality rental properties
- Main Street lacks a cohesive look/character
- Lack of destinations Downtown – no reason to stop
- Vacant lots
- Lack of off-street parking

East End:

- Berry Plastics is an aesthetic detraction when entering the Village from the east
- Lack of a commercial anchor on East Main Street to encourage commuters to stop
- Lack of safe parking for Gravino Park
- Water Treatment Plant smells and is an eyesore

Connectivity:

- Route 350 is a treacherous route to the Canal from Downtown – people don't know there are safer routes, ie Center Street
- No direct, safe way for pedestrians and cyclists to travel from the Canal to Gravino Park
- Lack of accessibility to Ganargua Creek
- Crosswalks on West Main Street are ineffective
- Drivers go too fast down Main Street – no reason to stop

VISION – WHAT WE'D LIKE TO SEE IN FUTURE

West Main Street:

- Specialty food shops – butcher shop, bakery, cafe
- Ice cream shop on West Main – attract Canal users
- Strictly commercial uses on 1st floor on Main Street – amend zoning code
- Higher quality residential rental properties
- Bumpouts and crosswalks on Main Street to slow down traffic and make pedestrian access safer
- Signage/wayfinding throughout Village
- Façade Improvement Programs

East End:

- Landscape buffer around Berry Plastics and Water Treatment Plant
- Convert lawn in front of Water Treatment Plant into a parking lot for Gravino Park
- Landscape East Main Street in front of Berry Plastics and Gravino Park – discourage on-street parking and improve visual buffering

- Update Gravino Park to be a baseball destination – must also update amenities for non-baseball use including restrooms and playground
- Convert two vacant parcels west of Gravino Park into commercial use or community use -- a community center for year-round youth programming or rentable chalets
- Make Gravino Park more of a multi-use space by connecting to the Creek for kayaking/canoeing and creating a walking trail

Connectivity:

- Create a trail to connect the Erie Canal Trail on the east side of the Study Area to Gravino Park and Downtown, thereby creating a loop for recreational use and drawing Canal users to Main Street

Erie Canal Corridor – Facilitated by A. Raus and M. Chatfield

OBSTACLES

- Unsafe for pedestrians and cyclists to travel between Canal and Downtown on Route 350
- Lack of signage/wayfinding between the Canal and Downtown
- Berry Plastics is a visual detraction along Route 350
- Lack of family-friendly amenities (restrooms, playground, docking, etc.) at Canal Park
- Need better connectivity between Canal, Macedon Canal Park, Gravino Park and Downtown
- Need to understand ownership, lease agreement and development options for Berry Plastics vacant parking lot
- Unsafe conditions around the Canal, especially the locks
- Camping area within Canal Park is not well-known
- Lack of boater and visitor services at Canal Park
- Old Erie Canal debris collection behind Fire Hall is a constant problem
- Swift flow of water in Old Erie Canal may challenge novice kayak users
- Deteriorating wall conditions west of Lock 30 inhibit transient dockage
- Lack of appropriate gateways from 350 and Railroad Avenue into Macedon Canal park
- Property north of Erie Canal is low and wet, deterring development
- Canal Park has significant drainage issues, with areas of prolonged ponding that inhibit use and development
- Berry Plastics adverse aesthetic impacts on the underutilized parking lot, need for buffering

VISION – WHAT WE'D LIKE TO SEE IN FUTURE

- Promote History of the Canal
 - Bob's Body Shop as a Canal Museum & Utilize Old Locks
- Promote Park as a family-oriented getaway
- Create a prominent gateway to the Canal from Route 350 including lighting, wayfinding and signage for the Canal Trail, Canal Park and parking
- Transform Railroad Street into a gateway between the Canal and Downtown by adding sidewalks, and converting Bickford and Erie Streets into one-ways – create the feeling of a small, New England town

- Make better use of the Gazebo by adding picnic tables and more events, consider enclosing it for year-round use
- Utilize Clinton's Ditch and the Old Barge Canal to create gateway from the Downtown into Canal Park
- Add restrooms and showers near the pavilion to promote camping in Canal Park, especially for boaters
- Enhance connection from Canal Park to Canal Trail by making Route 350 a safer route with sidewalks and better wayfinding
- Provide a space for local artists to exhibit within Canal Park
- Addition of paddle launches
- Promote winter sports in the park – ice rink and hockey on Old Canal with access from boat launch
- Convert vacant Berry Plastics parking lot into a hotel, village-owned lodge for community events, retail/mixed use, restaurant with boat access
- Enhance Canal Park with family-friendly amenities including a playground, splash pad, fountain, and a dog run
- Add a visual buffer to Berry Plastics site along Route 350
- Create a trail loop for cyclists and pedestrians around the Canal by connecting through Downtown and Gravino Park
- Promote the locks as a destination – must first make them safer

PROJECT TIMELINE

Village of Macedon Waterfront & Downtown BOA – Nomination Study

Proposed Project Schedule*

TASKS	2012	2013											
	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
Component 1: Project Start-Up													
Component 3: Community Participation													
<i>Steering Committee Meetings</i>	1		2		3		4		5		6		7
<i>Stakeholder Interviews</i>													
<i>Resident Survey</i>													
<i>Project Website</i>													
<i>Public Meetings</i>			1				2				3		
Component 4: Draft Nomination													
<i>Boundary Refinement & Justification</i>													
<i>Community Participation Plan</i>													
<i>Analysis of the Proposed BOA</i>													
<i>Strategic Brownfield Sites</i>													
Component 5: Draft Nomination													
Component 6: Final Nomination													
Component 7: SEQRA													
Component 8: Project Reporting													

*Meeting schedule is tentative

Summary of Committee Meetings

- #1 – December 5, 2012 | Kick-Off, Boundary and Visioning
- #2 – February 6, 2013 | Vision, Goals & Objectives
- #3 – April 3, 2013 | Existing Conditions
- #4 – June 5, 2013 | Master Planning & Strategic Sites
- #5 – August 7, 2013 | Draft Nomination Study & Application for Project Advancement
- #6 – October 2, 2013 | SEQR & Implementation Strategy
- #7 – December 4, 2013 | Final Nomination Study & Next Steps

Summary of Public Meetings

- #1 – February 2013 | Public Kick-Off
- #2 – June 2013 | Public Design Workshop
- #3 – October 2013 | Final Plan Presentation & Public Hearing



WILLIAM MURRAY - MAYOR
DAVID NELSON - DEPUTY MAYOR
DAVID KELLY - TRUSTEE
DONALD LOHSE - TRUSTEE
MARY MILLER - TRUSTEE
81 MAIN STREET
MACEDON, NY 14502
PHONE: 315-986-3976
FAX: 315-986-3444

March 8, 2017

Valeria Ivan
New York State Dept. of State
Office of Planning and Development
99 Washington Avenue
Suite 1010
Albany, NY 12231

Ms. Ivan:

Please accept this letter, and accompanying copy of minutes from The Village of Macedon.

I, William Brock, Clerk/Treasurer for the Village of Macedon, in Wayne County New York, hereby certify the accompanying Village Board Meeting minutes from March 9, 2016 as true and accurate.

Thank you.

William Brock
Clerk/Treasurer

Received

MAR 13 2017
NYS DOS
Planning & Development

**VILLAGE OF MACEDON
81 MAIN STREET
MACEDON, NEW YORK 14502
March 9, 2016
7:00 P.M.**

ORDER The meeting was called to order at 7:05 PM with Mayor Cramer leading the Pledge of Allegiance to the Flag. The following persons were in attendance: Deputy Mayor Kelly, Trustees Lohse, and Nelson and Village Attorney Art Williams. Trustee Sliney was absent.

VISITORS: David Allen, Jim Byron, Tony Rosati, William Murray, Steve Hanrahan, Harry Miller, Dennis Trovato, Linda Shepard, Connie Trovato, Jerry Locey, Adam Weinstein, Gary Katvis, Ronald Nearing, Shawn Contant, Craig Bouwens, Richard Goodness, Chris Graham, Theodore Bielowiz, Mark Howell, and Wayne Irwin.

WATER MAIN PROJECT:

Charles Prior-GHD

Received 6 bids for the water main project. Recommends Tarolli.

Once bid is awarded, notice of award to contractor, formal contract signed. Notice to start contract.

Dan Cornwall, Village Engineer gave approval for awarding contractor and updated board on water project and all three parties have been sent easement documents by Village attorney to sign and return.

Motion made by Deputy Mayor Kelly to award bid to Tarolli no second

Jason Schwartz- Bernard P. Donegan, Inc.

Spoke about the financing for the water main project and gave each board member a 25, 30, 40 year maturity schedule along with a project budget sheet.

Bid must be awarded by April 11, 2016.

MINUTES

RESOLVED that the Village of Macedon Board of Trustees approves regular meeting minutes dated January 13, 2016.

No Motion

The following motion was made by Trustees Lohse and seconded by Trustee Nelson:

RESOLVED that the Village of Macedon Board of Trustees approves regular meeting minutes dated February 24, 2016.

Motion carried

3 votes in favor, 1 vote abstain, Deputy Mayor Kelly.

PUBLIC HEARING: Opened at 7:30

Mayor Cramer explained the tentative 2016-2017 budget and stated small changes to the sewer will occur once Village gets information from WCWSA. Explained \$.02% decrease in taxes from \$5.64 to \$5.62, which included staying within the .12% NYS tax cap.

Budget – Trustee Nelson asked for clarification on the budget.

Art Williams - If the budget is not adopted by April 30, 2016 the tentative budget becomes budget.

Harrison Miller

Questioned cost of paving Bickford Street, and village hall utilities, and DPW payroll increasing.

William Murray

Questioned why Code Officer and Fire Hall utilities costs are increasing.

Jim Byron

Questioned why cemetery payroll increasing.

Public Hearing closed at 7:56pm.

SEWER MEETING:

The Town will not discuss the agreement until after the election on March 15, 2016.

WCWSA Executive Director, Village Engineer and two GHD representatives attending sewer lease meeting and explained the process of the Significant Industrial User (SIU), explained the severe sewer deficit because of loss of income from the SIU and the three line items that need to be placed in the sewer budget by both Town/Village since all income will go to WCWSA so, where does it come from?. The Village engineer explained that there was still a lot to be worked out and the importance of the Town cooperating to move this forward and until everything is in place the agreement is not ready to sign.

MOTION: The following motion was made by Trustee Nelson and seconded by Trustee Lohse:

RESOLVED that the Village of Macedon Board of Trustees to sign the WCWSA lease agreement.

Motion carried
3 yes, 1 no-Mayor Cramer

ABSTRACTS:

The following motion was made by Trustee Nelson and seconded by Deputy Mayor Kelly:

Resolved, that the Clerk/Treasurer be authorized to pay the monthly abstract, dated March 9, 2016 in the following amount:

Total \$6,248.82

Motion carried
4 votes in favor.

The following motion was made by Trustee Nelson and seconded by Deputy Mayor Kelly:

Resolved, that the Clerk/Treasurer be authorized to pay the monthly abstract, dated March 9, 2016 in the following amount:

Total \$27,377.57

Motion carried
4 votes in favor

The following motion was made by Trustee Nelson and seconded by Trustee Lohse:

Resolved, that the Clerk/Treasurer be authorized to pay the monthly abstract, dated March 9, 2016 in the following amount:

Total \$8,462.98

Motion carried
4 votes in favor

INFORMATIONAL:

The March elections for Mayor and two Board seats, and the Referendum on the Proposed Plan for Dissolution, and the Proposal to move future elections to November, will be held at the Community Room of the Library of the Town of Macedon, 32 Main Street, Macedon, NY 14502, on Tuesday, March 15, 2016, from Noon until 9:00 PM.

There will be a Village Officials Meeting in Clyde, NY, March 30, 2016. Mayor

Cramer and Deputy Mayor Kelly will be attending.

The Macedon Town Supervisor has made it clear with the WCWSA and EFC that the Town will not participate in any meetings until the March 15th elections.

The S. Erie Sidewalk project as planned will begin spring 2016, meeting with owner for temporary easement next week.

The Village has received approval from EFC the 2014 Village of Macedon WWTP engineering report. Report has been filed.

The Village of Macedon has received confirmation that they have been awarded \$500.00 from the Erie Canalway National Heritage Corridor for their concerts that Mayor Cramer submitted with board approval.

Jesse Moon, DPW laborer is received his Certification Examination for Wastewater Treatment Operator-Grade 2. Mayor Cramer will give a recognition award for his great accomplishment.

Mayor Cramer informed the board that the Fire inventory list was reviewed by Planning board chair, Mark Howell, DPW, Mayor Cramer, Deputy Mayor Kelly and help from the former Village firefighter members. We verified everything on the trucks and spare inventory list. Confirm all are accounted for and now ready for auction. Will clean up list, sign off on it and then have copy for the office.

Mayor Cramer also informed based on the Insurance apparatus schedule list that items are accounted for and verified Village has Titles or Certificate of Origin except for the following: 1992 Ford F350 Club Van-M27 (confirmed declared surplus and used for training), 1985 Shoreliner Trailer (confirmed came with boat, has no registration and bought by the Benevolent Association), 1985 Smoke Craft Pontoon boat with 25 HP mercury cruise engine (confirmed Benevolent Association bought and thought transferred to Village. Village has no paperwork) and John Deere ATV (confirmed no title needed, no certificate of origin needed, being used by Ambulance, received by a grant, no paperwork on file at Village hall).

Mayor Cramer stated Turnout gear goes for 20 for \$200.00, recd to sell to each of the former firefighters. Will get confirmation for next meeting.

MOTION: The following motion was made by Trustee Lohse and seconded by Trustee Nelson:

Resolved, that the Village Board of Trustees approve the mayor to sign the RTI Auction contract as long confirmation is given that the Village can put a reserve amount on major fire equipment.

Motion passed.
4 votes in favor.

FIRE BID AWARDS:

MOTION: The following motion was made by Trustee Lohse and seconded by Trustee Nelson:

Resolved, that the Village Board of Trustees approve Williamson Fire Department the 2009 Sutphen SL75 Truck – Truck 8 (as is) in the amount of \$345,333.33.

Motion passed.
4 votes in favor.

MOTION: The following motion was made by Trustee Nelson and seconded by Trustee Lohse:

Resolved, that the Village Board of Trustees approve Wallington Fire Department 1 Rescue Jacks-4pc. Kit \$1,801.00, 1 Bullard T3 Camera \$2,011.00, 1 Auto Crib Stabilization Device \$1,012.00, 1 Air Bag Set w/related items \$2,612.00, 1 Electric Vent Fan \$300.00, 1 Gas Vent Fan \$511.00, 1 Portable Radios and Chargers \$1,504.00, 1 Rescue Training Doll \$150.00 for total \$9,901.00.

Motion passed.
4 votes in favor.

MOTION: The following motion was made by Trustee Lohse and seconded by Trustee Nelson:

Resolved, that the Village Board of Trustees approve Lincoln Vol. Fire Department 1 Crash Kit \$52.00, 2 Stearns Ice Rescue Suits \$202.00, 1 Honda Generator \$202.00 for total \$456.00.

Motion passed.
4 votes in favor.

MOTION: The following motion was made by Trustee Nelson and seconded by Trustee Lohse:

Resolved, that the Village Board of Trustees approve Beaver River Fire Barn 1-50 Foot Rope Bag \$10.00, 1-150 Foot Rope Reel \$20.00, 1-300 Foot Rope Reel \$30.00, 1 Misc Ice Rescue Board \$100.00 for total \$160.00.

Motion passed.
4 votes in favor.

MOTION: The following motion was made by Trustee Nelson and seconded by Trustee Lohse:

Resolved, that the Village Board of Trustees approve Macedon Center Fire Department 1-k12 Rescue Saw \$100.00, 2-300 Foot Rope reel \$50.00 for total \$150.00.

Motion passed.
4 votes in favor

LOCAL WATERFRONT REVITALIZATION PROGRAM:

MOTION: The following motion was made by Deputy Mayor Kelly and seconded by Trustee Nelson:

RESOLVED, Resolution SEQRA review of the Draft Local Waterfront Revitalization Program that the Village of Macedon Board of Trustees, acting as the Lead Agency for this action, adopts the finding, conclusions and rationale relating to the probable environmental impacts of the action contained within the Environmental Assessment Form and has determined that the adoption of the Local Waterfront Revitalization Program, Waterfront Consistency Review Law, and the creation of the proposed Waterfront Mixed Use District and R-3 High Density Residential District is not anticipated to result in any significant adverse impacts on the environment, and that a Negative Declaration is hereby issues based on the finding set forth in the Negative Declaration Notice of Determination of Non-Significance.

Motion passed.
4 votes in favor
1 absent

MOTION: The following motion was made by Deputy Mayor and seconded by Trustee Nelson:

RESOLVED, by the Village Board of Trustee of the Village of Macedon that Local Law No. 1 of the year 2016, a local law entitled Waterfront Consistency Review law Local Law 2016-1, is hereby deemed adopted and approved, effective upon filing with the Department of State as required by the provisions with Section 27 of the Municipal Home Rule Law.

Motion passed.
4 votes in favor
1 absent

MOTION: The following motion was made by Trustee Nelson and seconded by Deputy Mayor Kelly:

RESOLVED, BE IT RESOLVED that the Village of Macedon Board of Trustees approve that Local Law No. 2 of the year 2016, a local law entitled Zoning Amendments establishing R3 High Density Residential and Waterfront Mixed Use Districts in order to be consistent with the Local Waterfront Revitalization Program, is hereby deemed adopted and approved, effective upon filing with the Department of State as required by the provisions with Section 27 of the Municipal Home Rule Law.

Motion passed.
4 votes in favor
1 absent

MOTION: The following motion was made by Trustee Nelson and seconded by Trustee Lohse:

RESOLVED, Resolution Adopting the Village of Macedon Local Waterfront Revitalization Program that the Village of Macedon Local Waterfront Revitalization Program is hereby adopted, and that the Mayor is authorized to submit the LWRP to the New York State Secretary of State for approval, pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act.

Motion passed.
4 votes in favor
1 absent

MOTION: The following motion was made by Trustee Nelson and seconded by Trustee Lohse:

Resolved, that the Village Board of Trustees adjourn the Village Board Meeting at 10:24 PM.

Motion passed.
4 votes in favor

Respectfully submitted,

*Marie Cramer
Mayor
and
William Brock
Clerk/Treasurer*

**APPENDIX 4: PROCEDURAL GUIDELINES FOR CONSISTENCY
REVIEW OF STATE ACTIONS**

I. PURPOSES OF GUIDELINES

- A. The Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Article 42 of the Executive Law) and the Department of State's regulations (19 NYCRR Part 600) require certain state agency actions identified by the Secretary of State to be consistent to the maximum extent practicable with the policies and purposes of approved Local Waterfront Revitalization Programs (LWRP). These guidelines are intended to assist state agencies in meeting that statutory consistency obligation.
- B. The Act also requires that state agencies provide timely notice to the local government whenever an identified action will occur within an area covered by an approved LWRP. These guidelines describe a process for complying with this notification requirement. They also provide procedures to assist local governments in carrying out their review responsibilities in a timely manner.
- C. The Secretary of State is required by the Act to confer with state agencies and local governments when notified by a local government that a proposed state agency action may conflict with the policies and purposes of its approved LWRP. These guidelines establish a procedure for resolving such conflicts.

II. DEFINITIONS

- A. Action means:
 - 1. A "Type 1" or "Unlisted" action as defined by the State Environmental Quality Review Act (SEQRA);
 - 2. Occurring within the boundaries of an approved LWRP; and
 - 3. Being taken pursuant to a state agency program or activity which has been identified by the Secretary of State as likely to affect the policies and purposes of the LWRP.
- B. Consistent to the maximum extent practicable means that an action will not substantially hinder the achievement of any of the policies and purposes of an approved LWRP and, whenever practicable, will advance one or more of such policies. If an action will substantially hinder any of the policies or purposes of an approved LWRP, then the action must be one:
 - 1. For which no reasonable alternatives exist that would avoid or overcome any substantial hindrance;
 - 2. That will minimize all adverse effects on the policies or purposes of the LWRP to the maximum extent practicable; and
 - 3. That will result in an overriding regional or statewide public benefit.
- C. Local Waterfront Revitalization Program or LWRP means a program prepared and adopted by a local government and approved by the Secretary of State pursuant to Executive Law, Article 42; which program contains policies on the management of land, water and man-made resources, proposed land uses and specific projects that are essential to program implementation.

III. NOTIFICATION PROCEDURE

- A. When a state agency is considering an action as described in II above, the state agency shall notify the affected local government.
- B. Notification of a proposed action by a state agency:
 - 1. Shall fully describe the nature and location of the action;
 - 2. Shall be accomplished by use of either the State Clearinghouse, other existing state agency notification procedures, or through an alternative procedure agreed upon by the state agency and local government;
 - 3. Should be provided to the local official identified in the LWRP of the local government as early in the planning stages of the action as possible, but in any event at least 30 days prior to the agency's decision on the action. (The timely filing of a copy of a completed Waterfront Assessment Form with the local LWRP official should be considered adequate notification of a proposed action.)
- C. If the proposed action will require the preparation of a draft environmental impact statement, the filing of this draft document with the chief executive officer can serve as the state agency's notification to the local government.

IV. LOCAL GOVERNMENT REVIEW PROCEDURE

- A. Upon receipt of notification from a state agency, the local government will be responsible for evaluating a proposed action against the policies and purposes of its approved LWRP. Upon request of the local official identified in the LWRP, the state agency should promptly provide the local government with whatever additional information is available which will assist the local government to evaluate the proposed action.
- B. If the local government cannot identify any conflicts between the proposed action and the applicable policies and purposes of its approved LWRP, it should inform the state agency in writing of its finding. Upon receipt of the local government's finding, the state agency may proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600.
- C. If the local government does not notify the state agency in writing of its finding within the established review period, the state agency may then presume that the proposed action does not conflict with the policies and purposes of the municipality's approved LWRP.
- D. If the local government notifies the state agency in writing that the proposed action does conflict with the policies and/or purposes of its approved LWRP, the state agency shall not proceed with its consideration of, or decision on, the proposed action as long as the Resolution of Conflicts procedure established in V below shall apply. The local government shall forward a copy of the identified conflicts to the Secretary of State at the time when the state agency is notified. In notifying the state agency, the local government shall identify the specific policies and purposes of the LWRP with which the proposed action conflicts.

V. RESOLUTION OF CONFLICTS

- A. The following procedure applies whenever a local government has notified the Secretary of State and state agency that a proposed action conflicts with the policies and purposes of its approved LWRP:
1. Upon receipt of notification from a local government that a proposed action conflicts with its approved LWRP, the state agency should contact the local LWRP official to discuss the content of the identified conflicts and the means for resolving them. A meeting of state agency and local government representatives may be necessary to discuss and resolve the identified conflicts. This discussion should take place within 30 days of the receipt of a conflict notification from the local government.
 2. If the discussion between the local government and the state agency results in the resolution of the identified conflicts, then, within seven days of the discussion, the local government shall notify the state agency in writing, with a copy forwarded to the Secretary of State, that all of the identified conflicts have been resolved. The state agency can then proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600.
 3. If the consultation between the local government and the state agency does not lead to the resolution of the identified conflicts, either party may request, in writing, the assistance of the Secretary of State to resolve any or all of the identified conflicts. This request must be received by the Secretary within 15 days following the discussion between the local government and the state agency. The party requesting the assistance of the Secretary of State shall forward a copy of their request to the other party.
 4. Within 30 days following the receipt of a request for assistance, the Secretary or a Department of State official or employee designated by the Secretary, will discuss the identified conflicts and circumstances preventing their resolution with appropriate representatives from the state agency and local government.
 5. If agreement among all parties cannot be reached during this discussion, the Secretary shall, within 15 days, notify both parties of his/her findings and recommendations.
 6. The state agency shall not proceed with its consideration of, or decision on, the proposed action as long as the foregoing Resolution of Conflicts procedures shall apply.

APPENDIX 5: VILLAGE OF MACEDON BOA NOMINATION STUDY EXECUTIVE SUMMARY



VILLAGE OF MACEDON

Waterfront & Downtown Revitalization Plan

A BROWNFIELD OPPORTUNITY AREA
NOMINATION STUDY

Executive Summary July 2014

Executive Summary

The Village of Macedon Waterfront & Downtown Revitalization Plan provides Village leadership, residents, investors and local businesses with the necessary guidance to rejuvenate the Village's distinct downtown and the untapped potential of its waterfront.

The strategy and recommendations for the Village of Macedon are the culmination of years of planning and revitalization efforts within one of the Finger Lakes Region's historic canal communities. Since the early 2000s, the Village has studied the revitalization of its downtown and waterfront areas. This included the identification of recommendations for improvements to pedestrian and vehicular circulation, park improvements and the development of design guidelines and regulatory standards to strengthen the historic character of Main Street.

Village leadership recognized the economic and community development potential of the NYS DOS Brownfield Opportunity Areas (BOA) Program, which was created to assist in the revitalization of communities adversely impacted by industrial and manufacturing activity. The three-step BOA program begins with a general evaluation of revitalization potential, and culminates in

the identification of recommended investment projects and the formation of near-term and long-term implementation strategies.

The Village's downtown and waterfront areas were targeted specifically based on the inherent opportunities for revitalization and their historical uses. The Erie Canal waterfront provides the greatest source of opportunity and functions as the primary community-defining characteristic. Through an extensive public participation and community involvement process a future vision of Macedon's waterfront and downtown areas was identified and goals and objectives for its achievement were established.

The Waterfront and Downtown Revitalization Plan is the culmination of these efforts and will be utilized by the Village leadership to guide public and private investment within the Study Area for the next 10-15 years, including the rehabilitation of vacant, underutilized and/or contaminated sites, the enhancement of parkland, the revitalization of the Main Street corridor and leveraging the Village's Erie Canal waterfront.



Project Description and Redevelopment Potential

The Village of Macedon Waterfront & Downtown Revitalization Plan Study Area covers 480 acres located almost entirely between Ganargua Creek and the Erie Canal. The Study Area includes a variety of industrial, commercial, recreational and residential land uses, and has a rich historical and cultural legacy.

The Village of Macedon has benefited from significant development and investment booms in each of the previous centuries. During the 19th century, the construction of the Erie Canal led to the growth of Macedon as an important canal port and a significant destination within Wayne County. In the mid-20th century, construction of the Mobil Chemical Corporation facility brought significant employment and economic spillover effects and was a boon to the Village. However, by 2000 the Village continued to struggle with the effects of growing competition with development in outlying areas along the Route 31 corridor.

The 21st century brings the hope of renewed investment and development within the Village. In particular, the Main Street corridor and Erie Canal waterfront offer significant opportunities for new development and/or the adaptive reuse of historic structures. Ganargua Creek also has an important role as a tourist and quality of life feature in the community, offering an opportunity for the Village to capitalize on the use of the watercourse for kayaking and canoeing.

Together, Main Street, the Erie Canal and Ganargua Creek are viewed as elements critical to the successful revitalization of the Village of Macedon, positioning the community to become a premiere destination for recreational, ecological and heritage tourism in Western New York.



Community Involvement

The Waterfront & Downtown Revitalization Plan was conducted in parallel with the development of a Local Waterfront Revitalization Plan. The two initiatives provided joint public participation opportunities to ensure collaboration and consistency in identifying needs and goals for revitalization. During the community involvement process three topic areas emerged as being priorities for the revitalization of the Village of Macedon:

Community Defined Priorities

Revitalize Main Street

Become an Erie Canal destination community

Improve access to and enjoyment of the Erie Canal

Community Consultation Methods and Techniques

Project Oversight: A Project Advisory Committee comprised of public officials, government representatives, not-for-profit members, and private citizens met seven times to provide input, guidance and feedback throughout the planning process.

Public Meetings, Neighborhood Meetings and Workshops: A series of meetings and workshops were held to collect stakeholder, property owner and resident insight and brainstorm innovative solutions to the challenges faced by the Study Area. These meetings were used to help shape the analysis and develop a vision for the Study Area based on community priorities. Meetings were held in February 2013, July 2013 and October 2013, and included informational sessions and pencil-to-paper design roundtables with residents to identify future opportunities for revitalization.

Main Street Revitalization

Community Vision, Goals & Objectives

Throughout the planning process many unique ideas were shared amongst stakeholders, with notable overlap where people thought the focus of change should occur. These consistent themes formed the basis for the community vision statement, goals and objectives which provide the framework for the Nomination Study.

In 2030, the Village of Macedon will be described as...an idyllic small town community along the Erie Canal. A destination for visitors from near and far, the Village is also an ideal place to live, raise a family and grow old. The downtown offers an appealing variety of goods and services that reside in buildings that have been restored to their original architecture, intermixed with new developments that help to define the character of this historic mill community. The streets are bustling with activity as pedestrians enjoy the comprehensive and safe sidewalk system against a backdrop of streetscape amenities that are uniquely Macedon. The center of activity is focused between the two waterfronts, both offering a range of active and passive recreation opportunities, which have been interpreted to highlight the Village's impressive history.



Residents participating in a Community Visioning Workshop

BOA Goals and Strategic Objectives

The following revitalization goals and recommendations form the foundation of the overall Macedon Downtown and Waterfront Revitalization Plan. These goals are directly correlated to capital and other implementation recommendations identified in Sections 5 and 6 of the full Nomination Study.

Goal 1: Leverage the Erie Canal

The Village should enhance dockage and public access opportunities along the Erie Canal, and also improve amenities at Canal Park for day visitors, boaters and trail users. The redevelopment of vacant sites adjacent to Canal Park should be encouraged, and the Village should establish signage cues and incentives to draw visitors downtown from the Canal. The Village should also coordinate marketing and promotions with regional entities to ensure Macedon is recognized as a Canal community.

Goal 2: Enhance Natural Resources and Recreational Assets

The Village should increase Ganargua Creek public access and establish appropriate recreational uses along the creek corridor. Amenities at Gravino Park should be upgraded and expanded amenities to strengthen the overall open space network. The Village should also seek to implement conservation and habitat projects along Ganargua Creek to protect the waterway from development impacts.

Goal 3: Diversify Businesses and Services in the Downtown

The Village should support the retention of existing businesses and allow appropriate opportunities for growth, while seeking to attract new businesses by promoting the adaptive reuse of existing buildings. The significant asset of traffic volume along Main Street should be capitalized upon to facilitate the presence of a range of retail, restaurant and service uses in the downtown.

Goal 4: Create Welcoming Gateways and Streetscapes that Contribute to a Pedestrian Friendly Environment

The Village should beautify the public realm to create a sense of place unique to Macedon through landscape improvements and the installation of gateway treatments and signage at key entry points and intersections. The incorporation of Complete Streets practices into all future roadway projects will help implement traffic calming techniques along Route 31 to slow traffic and improve safety for pedestrians and bicyclists. The provision of safe, ADA-compliant connections between Village attractions and residential neighborhoods should be accompanied by on-road and off-road connections between the Erie Canal Heritage Trail, Canal Park, Gravino Park and Main Street.

Goal 5: Establish a Strong, Credible Brand Identity to Build a Unique Market Position

The Village of Macedon should seek to differentiate itself from surrounding communities and competing attractions by leveraging a unified and consistent brand approach to attract desired tourists, consumers, homeowners and businesses. By forging stronger relationships and building common ground among stakeholders, a greater sense of ownership and pride should promote advocacy for among residents, business owners and tourists.

Goal 6: Improve Communications, Foster Cooperation and Forge Partnerships

Village government should actively engage in partnership building and collaborative efforts with the Town of Macedon, Palmyra Macedon School District and Wayne County. A local organization focused on improving and growing the Village should be identified and/or created to leverage the BOA program. These efforts should include coordination with the Western Erie Canal Alliance to explore Main Street education and promotion opportunities.

Inventory and Analysis of the BOA

The BOA Nomination Study Process involves a rigorous inventory and analysis of existing socio-economic and environmental conditions within the Study Area, including a review of land use regulations and an analysis of market conditions. The following provides a brief summary of key findings from the inventory and analysis which were utilized during the development of recommendations for capital projects and policy and administrative initiatives.

Key Findings: Land Use & Zoning

The large amount of vacant land (by acreage) within the Study Area is skewed by a single large parcel being developed as a single family property. There are few vacant, developable parcels along Main Street that represent quality opportunities for the Village to capitalize upon. Canal Corporation lands on the island east of Route 350 and privately held, underutilized lands North of the Canal represent key investment opportunities along the waterfront. These sites would require zoning changes to facilitate desired development.

Key Findings: Brownfield Sites

Several former auto-related uses have significant opportunities for redevelopment and will require further environmental screening prior to development activities can commence. To expedite the redevelopment process, Phase I Environmental Site Assessments (ESA) are recommended for the following sites:

- The former Berry Plastics parking lot;
- Former Bob's Body Shop site;
- Parking lot at 95 Main Street;
- Municipal Parking Lots site at 109 Main Street; and
- Sites along the west side of Hoteling Way.

Key Findings: Vacant & Underutilized Sites

The 54-acre underutilized site east of Route 350 controlled by the Canal Corporation, including the 14-acre parking lot formerly leased by Berry

Plastics, represents a significant opportunity for waterfront development. The undeveloped 13-acre woodlot north of the Canal and east of 350 could be a sizable development parcel for water-enhanced uses, yet the site is currently landlocked and inaccessible. A 15-acre parcel north of the Canal could potentially transition from agricultural use to a high-value residential use. On the south side of Main Street adjacent to Gravino Park there is a 2-acre site comprised of two vacant parcels that have high potential for commercial redevelopment.

Key Findings: Ownership

Nearly one-third of the Study Area is under public control, though the development opportunities for much of this land are limited due to environmental constraints. The publicly-controlled Macedon Cemetery could provide additional lands for public use along Erie Street, as well as a through connection for a multi-use trail between southern neighborhoods and Main Street.

Key Findings: Parks & Open Space

Every Study Area household is within a 5-minute walk to recreational and open space resources. A 7-acre portion of the Macedon Cemetery property fronting along Erie Street could potentially be utilized for enhanced public access between Main Street and adjacent neighborhoods. Gravino Park is a significant active recreational asset that would benefit from expanded programming and parking. Macedon Canal Park is the Village's primary gateway for waterside visitors and should offer expanded comfort, wayfinding and service amenities for boaters and residents.

Key Findings: Historic Resources

The Village should capitalize upon its location within the Erie Canalway National Heritage Corridor through local and regional tourism promotion and economic development. The Village's wealth of historic Main Street buildings create a pleasant, pedestrian friendly environment

to attract tourists and function as a destination for goods and services. The historic race at the southern end of Poplar Street may provide opportunities for historical interpretation. The Village's recently adopted Design Guidelines provide advanced regulatory protections and requirements to ensure development along Main Street is high quality and of an appropriate scale and character for Macedon.

Key Finding: Infrastructure

The existing sewage treatment plant has sufficient capacity for additional development within the Study Area. There is currently sufficient parking available within the Main Street corridor to support a total of 74,000 square feet of commercial/retail space, or approximately double the current level of development. However, the perception of a lack of parking remains, and the Village should improve wayfinding and public awareness of parking available for public use. The Study Area has adequate electricity and natural gas to meet the needs of projected future development.

Key Findings: Transportation

High traffic volumes along Route 31 west of Route 350 provide good visibility for retail businesses within the Village. Streetscape enhancements and traffic calming measures would make a significant improvement to the perception of pedestrian and bicyclist safety along Main Street. Lock 30 is located less than 1/3 mile, or a 6 minute walk, from downtown Macedon, providing a convenient opportunity for canal users to access services.

Key Finding: Natural Resources

Future redevelopment initiatives within the Village's downtown will need to include considerations for highly permeable soils to prevent groundwater contamination. A depth to bedrock in excess of 80 inches in most locations and a general lack of wetlands within the Study Area indicate few impediments to construction and development. The expansive floodplain associated with Ganargua Creek, however, makes many adjacent properties, including some along

Hoteling Way, undevelopable. The undevelopable properties within the Creek's floodplain are located within the Village Zoning Ordinance's Floodplain Overlay District.



Former First National Bank, now Village Hall.



Main Street (NYS Route 31) through the Village of Macedon.

Market and Economic Conditions

A major component of the BOA Nomination Study is an analysis of the Study Area's market and economic conditions. These conditions informed the master planning process and resulted in the recommendation of feasible projects within the Study Area. Three major themes emerged in support of the Village's local economic development objectives.

Themes

Quality of Life

The Village of Macedon offers an affordable option to families seeking quality schools in a small town within a reasonable commute to major employment centers in the region. This, coupled with growth throughout the greater Rochester region, presents an opportunity for Macedon to attract new residents.

The Village should work to increase its appeal to young families through enhanced outdoor recreation options, promotion of the quality school district, maintenance of affordable homes, and building a family friendly environment with desired services. To the extent practicable, the Village should offer assistance to residents and property owners to maintain their houses to ensure that the Village's housing stock is well preserved.

Business Development Support

The Village should consider applying for grant funding from the State Office of Community Renewal or the United States Department of Agriculture to start a micro-enterprise program or pooling other resources to be able to offer micro-loans to new businesses looking to locate in the Village. The area should be marketed as a good place for startup businesses seeking relatively inexpensive office/commercial space. Focus should be paid to the attraction of businesses with a regular daily/weekly clientele and that promote the family-friendly atmosphere of the Village.

The Village should prepare a unified marketing campaign focusing on positive aspects of the

Village to improve community perception and make the BOA more attractive to perspective businesses and residents.

Retail and Tourism

Improve connections and wayfinding between downtown and the Canalway Trail to capture and attract trail users who may be looking to explore a unique Village. Invest in facilities that serve campers who are staying at the Canal Park, such as a shower and bathroom, to attract more users into the Village.

Encourage a Village-wide focus on customer service and experience to compete with big box stores. Murals, street trees, public art, more visible crosswalks, and other improvements will make the downtown more appealing to visitors and entice people that are passing through to stop or return.

Follow the lead of other regional villages that are using their heritage and resources to build a tourism base to support local retailers. Consider opportunities to partner with neighboring villages and townships to sponsor "linear" events such as road, bike, and/or boat races.



An artistic interpretation of the adaptive reuse of an historic barn as part of the Village's growing tourism economy.

Waterfront & Downtown Master Plan

The vision for the Macedon Downtown and Waterfront Revitalization Plan is to create an idyllic destination community with authentic small-town character along the Erie Canal. The Village is envisioned to be anchored by a vibrant and attractive Main Street corridor that is well-connected with the community's comfortable residential neighborhoods. As the beacon of the community, Macedon's Erie Canal waterfront will offer high quality recreational and tourism amenities that engage residents and encourage visitors to explore the Village's eclectic tourism opportunities.

The achievement of the preferred Master Plan will require the implementation of a series of actions and strategies, including phased capital projects, land use and regulatory changes, administrative recommendations, and short-term activities to better position the study area for investment. The following five primary components make up the Downtown and Waterfront Master Plan:

1. Capital Projects
2. Branding and Marketing
3. Administration and Oversight
4. Policy and Regulatory Changes
5. Funding

Capital Projects

The Revitalization Plan proposes 21 capital projects, including targeted and rational investments in neighborhood resources and infrastructure over the course of the next 15-plus years (see Maps 16 and 17).

Capital projects have been organized into the following four primary categories:

- Main Street Revitalization;
- Waterfront Revitalization;
- Parks, Open Space and Trails; and
- Connectivity, Wayfinding and Gateways.



The quality of the public realm can have a direct influence upon the success of neighborhood businesses.

Main Street Revitalization

The revitalization of Main Street includes three primary elements:

- Public realm improvements to enhance corridor user friendliness;
- Identification of targeted investment and redevelopment opportunities;
- Transportation gateway enhancements to improve the community perception.

These projects take place within the state right-of-way, and therefore will require significant coordination efforts with the New York State Department of Transportation. Additional coordination with the Genesee Transportation Council will be required in the pursuit of funding options.

The Master Plan recommends streetscape improvements to enhance the safety of crossing the corridor and enhance the appearance of the public realm. The adaptive reuse and/or redevelopment of key structures, as well as the construction of new mixed use buildings, is proposed to increase the number of people living, working and shopping along the Main Street corridor.

Main Street Projects

The following Master Plan projects are proposed to revitalize the Main Street corridor. Project numbers correlate with Master Plan Maps 16 and 17.

2. Route 31 Streetscape Enhancements

4. Adaptive Reuse and Development

7. Commercial Development

14. Creekside Restaurant/Boutique Hotel

16. Mixed Use Development



Proposed Façade Improvements to Reflect Main Street’s History



Proposed streetscape enhancements would soften the visual impacts of the Berry Plastics facility along the East Main Street

Waterfront Revitalization

The Village of Macedon has yet to fully realize the benefits of its location along the Erie Canal. Several opportunities exist for water enhanced and water dependent development that can expand the tax base, improve the local economy and improve the quality of life for residents.

Recommendations include the creation of a mixed use development and public park on the site of the former Berry Plastics parking lot, and several high density residential development opportunities on the northern shore of the canal corridor. These projects will usher in a new era of investment within the Village while potentially expanding its population by 10 percent or more.

Development along the Village’s waterfront may offer the greatest potential to increase the tax base while enhancing the vitality of the community. New destinations, housing and recreational opportunities will also increase notoriety of Macedon among canal users, while adding to the Village’s unique waterfront experience.

Waterfront Projects

The following Master Plan projects are proposed to revitalize the Erie Canal waterfront. Project numbers correlate with Master Plan Maps 16 and 17.

- 19. Waterfront Mixed Use Development
- 20. Townhouse Development
- 21. Patio Home Development



The Master Plan proposes several transformational waterfront development projects along the Erie Canal.



Proposed Mixed Use Development

Parks, Open Space and Trails

Macedon is one of a handful of canal communities in New York State with an active Erie Barge Canal Lock and a public park with a boat launch. Macedon Canal Park is a major destination within the community for recreation, and presents significant opportunities for enhanced landside and waterside amenities for use by residents and visitors.

Master Plan projects expand the availability of family- and visitor-friendly amenities at Macedon Canal Park and additional opportunities to access the waterfront and experience the Erie Canal. A series of trail connections between major community destinations and adjacent neighborhoods are proposed to enhance the pedestrian and bicyclist experience while also improving connectivity with the Erie Canalway Trail.

Parks, Open Space & Trail Projects

The following Master Plan projects are proposed to revitalize and improve parks, trails and open spaces within the Study Area. Project numbers correlate with Master Plan Maps 16 and 17.

- 3. Trailhead and Connector Trail**
- 8. Gravino Park Enhancements – Phase 1**
- 9. Improvements to Treatment Plant Site**
- 10. Multi-Use Trail**
- 11. Canalway Trail Connection**
- 12. Macedon Canal Park Enhancements**
- 13. Expanded Canal Front Open Space**
- 15. Creekside Trail**
- 17. Gravino Park Enhancements – Phase 2**



Proposed Canal Park comfort station and picnic pavilion improvements seek to improve visitor experience and make Macedon a canal destination.

Connectivity, Wayfinding and Gateways

How residents and visitors perceive the Village plays a significant role in their attitudes and willingness to further explore the community. Gateways denoting arrival to both the Village and the business district are proposed to improve the sense of place along the Route 31 corridor. Connectivity improvements between Main Street and the Erie Canal are proposed in conjunction with wayfinding investments to promote pedestrian and bicycle traffic off the Canalway Trail into the business district.

Additional improvements along Route 350 are also proposed to increase the safety and experience of visitors. Other projects recommend connectivity enhancements between Main Street and adjacent trails and parks. A significant goal of these projects is the recognition of accessibility, proximity and walkability of the Village.

Connectivity, Wayfinding and Gateway Projects

The following Master Plan projects are proposed to revitalize and improve parks, trails and open spaces within the Study Area. Project numbers correlate with Master Plan Maps 16 and 17.

- 1. Village Gateway Enhancements
- 5. Business District Gateway Enhancements
- 6. Route 350 Improvements
- 18. Enhanced Pedestrian Connections



Enhancements at significant community gateways will positively shape the future identity of Macedon as a distinct, progressive community in Wayne County.



- KEY**
1. Village Gateway Enhancements
 2. Rt. 31 Streetscape Enhancements
 3. Trailhead and Connector Trail
 4. Adaptive Reuse and Business Development
 5. Business District Gateway Enhancements
 6. Rt. 350 Roadway Improvements and Buffer
 7. Commercial Development
 8. Gravino Park Enhancements - Phase 1
 9. Improvements to Treatment Plant Site
 10. Multi-Use Trail
 11. Canalway Trail Connection
 12. Macedon Canal Park Enhancements
 13. Expanded Canalfront Open Space
 14. Creekside Restaurant
 15. Creekside Trail
 16. Main Street Mixed Use Development
 17. Gravino Park Enhancements - Phase 2
 18. Enhanced Pedestrian Connection with Destination Developments
 19. Waterfront Development
 20. Townhouse Development
 21. Patio Home Development

Administration and Oversight

The implementation of recommendations contained within the Downtown and Waterfront Revitalization Plan will require a high level of coordination and consistent, continuous effort by an organization specifically charged with community and economic development. Regardless of the initial or final organizational format, successful implementation of the Plan will include the following key themes:

- Identification and hiring of an implementation coordinator (part-time);
- Establishment and maintenance of local, county and regional partnerships;
- Coordination with businesses and merchants; and
- Dedicated roles, responsibilities and commitment on behalf of Village government.

Policy and Regulatory Changes

Modest land use and zoning changes are recommended as part of the Downtown and Waterfront Revitalization Plan. The establishment of two new zoning districts is encouraged to support future investment along the Erie Canal corridor and adjacent lands. In addition, the Village should seek to codify and adopt the Main Street Downtown District Design Guidelines within the Village zoning code.



The Village of Macedon will need to maintain, strengthen and forge relationships with regional entities to successfully implement the revitalization strategy.

Funding

Funding for Downtown and Waterfront Revitalization Plan initiatives will come from a host of public and private resources. Timing and levels of public investment will be predicated on numerous issues including the disposition of State and Federal budgets and the regional, State and national economic outlook. However, the overwhelming majority of investment within the BOA will be provided by the private sector. In advance of private sector funding, a consistent level of public dollars will be required to provide appropriate infrastructure, reduce private sector risk and lure investment.

Maintaining momentum developed during the Planning process is critical to ensuring that revitalization efforts take hold. Therefore, the Village should identify 'low-hanging fruit' - short-term projects and initiatives that can be accomplished with limited funding to provide maximum impact. The implementation of a few highly visible quick-wins, such as the expansion of the parking lot for Gravino Park and the installation of buffer trees along Route 350 near Berry Plastics will signal commitment, activity and momentum that should translate into continued public and private investment.



Gravino Park or Canal Park improvements are examples of highly visible quick-wins that can building momentum for implementation.

Next Steps

The following three next steps will be critical to the successful implementation of the Revitalization Plan:

1. A key next step will be the establishment of an implementation coordinator that is charged with moving forward on recommendations made in the Plan. Village leaders should meet with the Western Erie Canal Alliance and representatives of the NYS DOS Local Waterfront Revitalization and Brownfield Opportunity Area programs to identify a preferred mechanism to provide initial funding for a Main Street Coordinator position.
2. The Village should apply for funding via the LWRP and/or BOA programs to conduct a comprehensive zoning update. During the application waiting period, the Village should establish and regularly convene a zoning update advisory committee (ZUAC), to include the Planning Board and other local stakeholders, to take the lead on the revision of the zoning code. This committee should be charged with outlining the elements of the code they would like to see addressed during an update, as well as identify the traits and characteristics of the preferred consultant to be hired to support the endeavor.
3. Additionally, the Village should begin to utilize the Downtown and Waterfront Revitalization Plan as a marketing and public relations piece with residents, area investors, and other federal, regional and state agencies, such as the Regional Economic Development Council. Such an effort will help carry momentum forward into implementation projects, and may also provide additional opportunities for financial, technical and public support.

Conclusion

The recommendations provided in the Downtown and Waterfront Revitalization Plan should be considered the first of many steps towards the revitalization of Macedon. Moving forward, the Village, its businesses and its residents will need to take ownership and responsibility for the rebirth of this classic American community. No individual group can tackle the myriad issues independently or singularly. However, by working together towards the goals and recommendations set forth in this and future plans, downtown Macedon can become an area of opportunity, growth, and prosperity.

APPENDIX 6: REGULATIONS & STANDARDS FOR DOCKS ON THE CANAL SYSTEM

Part 150: GENERAL PROVISIONS

§150.1: Definitions

§150.2: Canals Free

§150.3: The Navigation Season

§150.4: Unauthorized Operation of Locks

§150.5: Propelling Float Against Gate

§150.6: Prohibited Activities

§150.7: Canal Officials Not to be Freight Agents

§150.8: Misconduct; Taking of Gratuities

§150.9: Prohibiting Movement of Explosives

§150.10: Seizure of Obstruction

§150.11: Swimming, Diving, Fishing, and Hunting at Canal Structures

§150.12: Hunting and Fishing Permits Not Authorized

§150.13: Aircraft on canal Waters

Part 151: NAVIGATIONAL RULES

§151.1: Equipment

§151.2: Floats in Bad Condition

§151.3: [Reserved]

§151.4: Canal Officers May Examine Floats

§151.5: Dimensions and Design of Floats

§151.6: Draft Marks on Commercial Floats

§151.7: Number of Unites in Tow

§151.8: Formation of Tows

§151.9: Propulsion of Barge by Pushing

§151.10: Mooring

§151.11: Obstruction of Navigation

§151.12: When Canal Levels are Drawn

§151.13: Buoys and Lights

- §151.14: Assistance to Floats
- §151.15: Speed on Canals
- §151.16: Speed When Passing
- §151.17: When Passing Stationary or Slow-Moving Floats, etc.
- §151.18: Preference of Floats in Passing
- §151.19: Locks
- §151.20: Signaling Lift Bridges
- §151.21: Warning Signal Approaching Bends
- §151.22: When Traffic is Congested
- §151.23: Pilot Rules
- §151.24: Aids to Navigation
- §151.25: Clearance
- §151.26: Non-Navigation Season Storage of Floats

Part 152: RULES FOR PLEASURE BOATS

- §152.1: Regulations for Pleasure Boats

Part 153: TERMINAL USE

- §153.1: Points for Float Receipt and Discharge of Cargoes
- §153.2: Payment of Charges
- §153.3: Dockage and Wharfage for Canal Floats
- §153.4: Storage Charges for Canal Freight at all Canal Terminals
- §153.5: Storage Rates for Canal Freight
- §153.6: Special Storage Provisions at all Terminals
- §153.7: Stevedoring
- §153.8: Abandoned Property
- §153.9: Mooring Facilities During Closed Season
- §153.10: Refusal to Obey Directions

Part 154: FEES AND CHARGES FOR SALVAG WORK AND FOR USE OF DRY DOCKS

§154.1: Salvage Work

§154.2: Use of Dry Docks

Part 155: DIMENSION REQUIREMENTS AND MILEAGE DATA

§155.1: Floats

§155.2: Channel

§155.3: Bridges

§155.4: Locks

§155.5: Mileage

§155.6: Distance between Certain Points on Canals and Connecting Waters

Part 156: REVOCABLE PERMITS

§156.1: Granting Revocable Permits

§156.2: Occupancy and Use of Canal Lands or Waters

§156.3: Permits for Aircraft on Canal Waters

§156.4: Schedule of Fees for Revocable Permits for the Temporary Use or Occupancy of Canal Lands or Facilities and for the Diversion or Use of Canal Waters

Part 157: PUBLIC ACCESS TO CANAL CORPORATION RECORDS

§157.1: Records Available for Inspection and Copying; Fees

§157.2: Rights of Party Denied Access to Records

PART 150: GENERAL PROVISIONS

Historical Note: Part (§§150.1-150.5) repealed, new (§§150.1-150.2) filed Oct. 2, 1972, renum. Part 181, Title 17, filed Nov. 5, 1979; new (§§150.1-150.13) added by renum. Part 50, Title 17, Jan. 1997.

§ 150.1 Definitions

The following terms when used in this Chapter, unless otherwise expressly stated or unless the context or subject matter requires otherwise, shall have the following meanings:

(a) The New York State Canal Corporation (the Canal Corporation) shall mean the corporate subsidiary of the New York State Thruway Authority, created by section 382 of the Public Authorities Law. The New York State Thruway Authority (the Authority) shall mean the public corporation created by title 9 of article 2 of the Public Authorities Law.

(b) Canal Recreationway Commission shall mean the advisory body created pursuant to article 13-A of the Canal Law, consisting of state, local and private citizens representative of diverse canal interests and geographic areas of the canal system.

(c) The Canal Recreationway Plan shall mean the comprehensive plan for development of the New York State Canal System formulated pursuant to article 13-A of the Canal Law.

(d) Division director shall mean the administrative head of a designated area constituting a division of the Canal Corporation.

(e) The New York State canal or the canal system shall each mean all the canals, canal lands, feeder canals, reservoirs, canal terminals and canal terminal lands of the State transferred to the jurisdiction of the authority and operated by the Canal Corporation pursuant to Chapter 766 of the Laws of 1992, as hereinafter defined.

(f) Canals or canal shall mean the channel and adjacent State-owned banks of the inland waterways of the State constructed, improved, or designated by authority of the Legislature as canals and shall include canalized rivers and lakes, canal water supply reservoirs, canal water supply feeder channels and all appertaining structures including locks, dams, bridges, etc., necessary for the proper maintenance and operation of the canals.

(g) Canal terminal shall mean the facilities which have been constructed or acquired under authority of the Legislature in connection with the canal system for loading, unloading, and/or temporarily storing commodities transported upon the canals and shall include docks, dock walls, bulkheads, wharves, piers, slips, basins, harbors, buildings, equipment, tracks and roadways together with the lands now owned or as may hereafter be acquired by the State or the Canal Corporation for the proper maintenance and operation of the canal terminals.

(h) Erie Canal shall mean the portion of the canal system connecting the Hudson River at Waterford with the Niagara River at Tonawanda.

(i) Oswego Canal shall mean the portion of the canal system connecting the Erie Canal at Three Rivers with Lake Ontario at Oswego.

(j) Champlain Canal shall mean the portion of the canal system connecting the easterly end of the Erie Canal at Waterford with Lake Champlain at Whitehall.

(k) Cayuga and Seneca Canals shall mean the portions of the canal system connecting the Erie Canal at a point near Montezuma with Cayuga and Seneca Lakes and through Cayuga Lake and Cayuga inlet to the southerly side of State Street in the city of Ithaca and through Seneca Lake with Montour Falls.

(l) Canal lands shall mean all lands and waters forming a part of the canal system, title to which was originally vested in the State, acquired by the State or which may in the future be acquired by the State or the Canal Corporation for canal purposes.

(m) Permit shall mean a revocable agreement granting temporary occupancy or use of lands, facilities, or structures of the canal system.

(n) Float shall mean every boat, vessel, raft or floating thing navigated on the canals or moved thereupon under the direction of some person having the charge thereof.

(o) Master shall mean every person having for the time, the charge, control or direction of any float.

(p) Person shall mean an individual, partnership, corporation or association.

(q) Mooring shall mean the making fast of a float to a structure. This may be by direct attachment to the structure or through other floats.

(r) Dockage shall mean the charges which are established for the mooring of a vessel at a terminal.

(s) Wharfage shall mean the charges which are established for the privilege of moving commodities from or into floats while moored at a terminal.

(t) Storage shall mean the temporary occupancy, by commodities, of space on a canal terminal. Storage carries no responsibility by the State, the authority or the Canal Corporation for damage or loss of commodities.

(u) Canal freight shall mean commodities moved or to be moved via the New York State canals.

(v) Day shall mean a period of 24 hours or fraction thereof.

(w) Area occupied shall mean driveways, passageways, etc., which are monopolized by the commodity to the exclusion of other shippers.

(x) Outgoing canal freight shall mean freight delivered on a canal terminal for transportation on the canal system.

(y) Incoming canal freight shall mean freight delivered on a canal terminal after transportation on the canal system.

(z) Owner of a vessel, operating on the canals, shall mean the person so declared and filed with the United States Treasury Department (Bureau of Customs), and who is also required to file proper certificate of registry with the Canal Corporation.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; amd. filed Dec. 26, 1972; renum. 181.1, Title 17, filed Nov. 5, 1979; new added by renum. 50.1, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999 eff. June 23, 1999.

§ 150.2 Canals free

Navigation on the State canals is free except for mooring, dockage, wharfage, storage, or use of canal equipment or facilities for which a permit or pass is required and charges are established in this Subchapter. The acceptance of fees or gratuities of any kind by lock officials or other canal employees is forbidden. Vessels propelled in whole or part by mechanical power shall be charged a toll for use of locks and lift bridges. Tolls shall be collected through sale of lock and lift bridge passes obtainable on an annual basis for the navigation season, as defined in section 150.3 of this Part. In the case of recreational vessels, two-day passes and 10-day passes (consecutive days) for unlimited lockage/lift bridge passage shall also be obtainable. Charges for lock and lift bridge passes are established as follows:

(a) Recreational vessels.

(1) Annual pass for the navigation season:

Vessel Size	Rate
less than 16'	\$ 25.00
16' - under 26'	\$ 50.00
26' - 39'	\$ 75.00
greater than 39'	\$ 100.00

(2) Unlimited two-day lockage/lift bridge passage:

Vessel Size	Rate
less than 16'	\$ 5.00
16' - under 26'	\$ 10.00
26' - 39'	\$ 15.00
greater than 39'	\$ 20.00

(3) Unlimited 10-day lockage/lift bridge passage:

Vessel Size	Rate
less than 16'	\$ 12.50
16' - under 26'	\$ 25.00
26' - 39'	\$ 37.50
greater than 39'	\$ 50.00

(b) Commercial cargo-carrying vessels. Annual pass for the navigation season: \$ 750 per commercial operator.

(c) Crewed, passenger-carrying tour boats. (1) Non-sleeper. Annual pass for the navigation season: \$ 10 per passenger capacity.

(2) Sleep-aboard. Annual pass for the navigation season: \$ 30 per passenger capacity.

(d) Non-crewed hire boats. Annual pass for the navigation season: \$ 300 per vessel. The Canal Corporation may provide for sale of lock and lift bridge passes by the Canal Corporation or by any other entity pursuant to such procedures as the chairman may prescribe.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; renum. 181.2, Title 17, filed Nov. 5, 1979; new added by renum. 50.2, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999; April 26, 2002 as emergency measure; July 2, 2002. Amended opening para., added (a)(3).

§ 150.3 The navigation season

The opening of the navigation season depends upon natural conditions. Notice of official opening and closing dates will be announced by the Canal Corporation annually.

Historical Note: Sec. repealed, filed Oct. 2, 1972; new added by renum. 50.3, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999 eff. June 23, 1999.

§ 150.4 Unauthorized operation of locks

Neither the lock gates, valves, paddles, capstans, nor any part of the machinery on or connected with a lock shall be operated by any person other than the duly appointed lock officials; nor shall any mechanical part of any lock be handled or interfered with by any other person. Any person violating this section shall be subject to a penalty of not to exceed \$ 100 for each offense.

Historical Note: Sec. repealed, filed Oct. 2, 1972; new added by renum. 50.4, Title 17, Jan. 1997.

§ 150.5 Propelling float against gate

Any person who propels a float to or against any lock gate, or, being in control of such float, permits it to be propelled against any lock gate, buffer beam or other structure, for the purposes of opening, closing or otherwise operating the same, shall be deemed guilty of violating the foregoing section and shall be subject to the penalty therefor.

Historical Note: Sec. repealed, filed Oct. 2, 1972; new added by renum. 50.5, Title 17, Jan. 1997.

§ 150.6 Prohibited activities

The activities and uses enumerated in this section shall be absolutely prohibited on any canal system land.

(a) Alms. No person shall solicit alms or contributions.

(b) Pollution of waters. No person shall in any manner cause to be placed in waters or into any storm sewer, drain or stream flowing into such waters any sewage, garbage, trash, litter, debris, waste material or any nauseous or offensive matter.

(c) Littering. No person shall in any manner cause any rubbish, garbage, refuse, organic or inorganic waste, diseased or dead animal, or other offensive matter or any abandoned property or material to be placed or left in or on any property, except in receptacles provided for that purpose.

(d) Injury to property. No person shall make an excavation on or injure, destroy, deface, remove, fill in, tamper with or cut any real or personal property, tree or other plant life.

(e) Disorderly conduct. No person shall do any of the following:

(1) disobey a lawful order of any officer or employee of the Canal Corporation or any sign erected by or at the direction of the Canal Corporation;

(2) throw stones or other objects or missiles which may inflict bodily injury or damage to property;

(3) obstruct vehicular or pedestrian traffic;

(4) climb upon any wall, fence, structure or monument;

(5) throw away or discard any lighted match, cigar, cigarette, charcoal or other burning object other than in a receptacle provided for that purpose;

(6) operate any vehicle or equipment in such a manner as to endanger other persons or property or in such a manner so as to create an unreasonable noise or disturbance;

(7) commit an act which may result in injury to any person or damage to real or personal property or create a hazardous or offensive condition by any act which serves no legitimate purpose;

(8) operate a snowmobile, motorbike or any other motorized vehicle, provided however, the Canal Corporation may, in its discretion, issue a revocable permit to a snowmobile club that is a member of the New York State Snowmobile Association for snowmobile use after each municipal governing board located within the permit area has passed a Resolution approving of such snowmobile use; such permit shall require liability insurance through a blanket insurance policy administered by the New York State Snowmobile Association and funded by the Office of Parks, Recreation and Historic Preservation. The permit shall also require that signing be placed in accordance with the New York State Snowmobile Trail Signing Handbook and that all operations be consistent with laws, rules and regulations governing the use and operation of snowmobiles. Minimum snow cover for snowmobile operations, trail opening and closing times and dates, and a maximum speed limit shall be specified;

(9) dumping of garbage or refuse;

(10) horseback riding; and

(11) carrying of firearms.

(f) Property closed to public. No person shall enter or remain upon any property or within any structure during such hours, seasonal or indefinite periods that such property or structure has been designated as closed by a sign or by an employee of the Canal Corporation.

(g) Use of established ways. No person shall use other than trails, overlooks, roads and other ways established and provided for public use by the Canal Corporation. No liability shall attach to the State, the authority or the Canal Corporation, or any officer, employee or agent of said State, authority or Canal Corporation, for injuries to persons resulting from the use of other than such established trails, overlooks, roads or ways.

(h) Any person violating this section shall be subject to a penalty not to exceed \$ 100 for each offense.

Historical Note: Sec. added by renum. 50.6, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999 eff. June 23, 1999. Amended (e)-(g).

§ 150.7 Canal officials not to be freight agents

No Canal Corporation official or employee shall act as agent for shippers, boat owners, or freighting firms engaged in canal commerce, or receive directly or indirectly any compensation from any shipper, boat owner, firm, or any person for procuring freight on freight boats. Such information as may be available as to freight to be shipped or as to freight boats will be furnished by the Canal Corporation to all applicants without charge of any kind.

Historical Note: Sec. added by renum. 50.7, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999 eff. June 23, 1999.

§ 150.8 Misconduct; taking of gratuities

Any person employed on the canal locks or any other post on the canal who shall report for duty in an intoxicated condition, or who becomes intoxicated while on duty, or who is absent from duty during working hours without permission, or who shall demand or receive, under any pretense or any form or manner whatsoever, any gratuity, valuable thing or what is commonly known as "scale money" from boatmen or others, or who unlawfully takes or receives any merchandise or other articles from floats navigated on the canals, shall be subject to dismissal.

Historical Note: Sec. added by renum. 50.8, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999 eff. June 23, 1999.

§ 150.9 Prohibiting movement of explosives

The movement of explosives through the New York State canals is prohibited. The term explosives as used in this Subchapter includes liquid nitroglycerine, dynamite, nitrocellulose fireworks, black powder, smokeless powder, fulminate, ammunition, bombs, fuses, squibs and other articles of like nature.

Historical Note: Sec. added by renum. 50.9, Title 17, Jan. 1997.

§ 150.10 Seizure of obstruction

The Canal Corporation may cause to be seized and removed any object, article, float or sunken thing found within the limits of the canal system not under the care or charge of any person. The Canal Corporation shall sell, or offer for sale all seized objects, articles, floats or sunken things either before or after their removal, as the Canal Corporation deems essential for maintenance of the canal system. The sale shall be at public auction after giving 10 days' notice of such proposed sale conspicuously posted at two public places in the city or town where such object, article, float or sunken thing is found unless before the time of such sale the owner thereof appears and claims same and pays to the Canal Corporation the cost and expense which it has incurred in connection with the seizure, removal and proposed sale. The owner thereof shall be liable for the cost and expense of such seizure, removal and sale of the said object, article, float or sunken thing, which cost and expense may be recovered by the Canal Corporation in an appropriate action or proceeding brought in the name of the Canal Corporation in any court of competent jurisdiction. The avails of such sale shall be accounted for by the Canal Corporation which may, on the application of the owner and upon due proof of ownership, pay over such proceeds to the owner after deducting all costs, expenses and reasonable charges of the seizure, removal and sale thereof. Whenever, in the opinion of the Canal Corporation, the navigation or operation of any part of the canal system is interrupted or endangered, the Canal Corporation may cause to be cut up, destroyed or otherwise removed, any object, article, float or sunken thing in or partly in the waters of the canal system which may, in its judgment, be causing such interruption or damage. The Canal Corporation may enter into an agreement with the owner or owners of any property so cut up, destroyed or otherwise removed, covering the amount of damage sustained. Such agreement shall become an obligation of the Canal Corporation and paid from moneys available therefor. In case no agreement is consummated, the amount of damages sustained may be determined as provided in section 120 of the Canal Law.

Historical Note: Sec. added by renum. 50.10, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999 eff. June 23, 1999.

§ 150.11 Swimming, diving, fishing and hunting at canal structures

Swimming, diving or fishing in the lock chambers or from the lock walls or any other canal structure is prohibited. Hunting on, at or near canal locks or any other canal structure is prohibited. Any person violating this section shall be subject to a penalty of not to exceed \$ 25 for each offense.

Historical Note: Sec. added by renum. 50.11, Title 17, Jan. 1997.

§ 150.12 Hunting and fishing permits not authorized

No Canal Corporation employee has any authority or shall be allowed to grant any person, hunting permits or permits to fish in any of the canals of the State or in the State reservoirs. (See section 150.11 of this Part.)

Historical Note: Sec. added by renum. 50.12, Title 17, Jan 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999 eff. June 23, 1999.

§ 150.13 Aircraft on canal waters

The taking off from or landing upon the surface of waters of the canal system by aircraft is prohibited, except under conditions specified in a revocable permit or when a landing and subsequent take-off is necessary under actual distress conditions. Any person violating this section shall be subject to a penalty of not to exceed \$ 100 for each offense. (See section 156.3 of this Title.)

Historical Note: Sec. added by renum. 50.13, Title 17, Jan. 1997.

PART 151. NAVIGATIONAL RULES

Historical Note: Part (§§151.1-151.34) repealed, new (§§151.1-151.41) filed Oct. 2, 1972; renum. Part 182, Title 17, filed Nov. 5, 1979; new Part (§§151.1-§§151.30) added by renum. Part 51, Title 17, Jan. 1997.

§ 151.1 Equipment

Every float navigated on the canal shall be properly staffed and equipped and shall comply with all applicable provisions of the New York State Navigation Law. Additionally, each float shall have bow and stern lines, and fenders securely fastened to the float to prevent the float from breaking concrete or damage to the lock and approach walls. Tires, hay bales, or other devices which in the opinion of the lock operator pose a risk to canal equipment, are forbidden for use as fenders. Vinyl ball or cylindrical style fenders are acceptable.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; amd. filed Dec. 26, 1972; renum. 182.1, Title 17, filed Nov. 5, 1979; new added by renum. 51.1, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999; Feb. 15, 2005 eff. March 2, 2005.

§ 151.2 Floats in bad condition

The Canal Corporation may prohibit from entering the canals any float which, in the opinion of the Canal Corporation or its representative, is in such condition that it may jeopardize canal structures, or is likely to become a source of damage or delay to navigation. If such a float is already in the canal, it shall be prohibited from proceeding. If the operator of the float refuses or fails to obey such prohibition, such operator and the owner shall be subject to a penalty not to exceed \$ 100 and may have privileges to utilize the canal system suspended.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; renum. 182.2, filed Nov. 5, 1979; new added by renum. 51.2, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999; Feb. 15, 2005 eff. March 2, 2005.

§ 151.4 Canal officers may examine floats

The Canal Corporation or its representative officers shall, at all times, have full authority to stop any float at any point on the canals, and to board and remain on such float as long as deemed necessary for the purpose of examining the same. Every effort shall be made to provide any information as is requested. Any person obstructing such officer in the execution of the officer's duty shall be subject to a penalty not to exceed \$ 100 for each offense.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; renum. 182.4, filed Nov. 5, 1979; new added by renum. 51.4, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999; Feb. 15, 2005 eff. March 2, 2005.

§ 151.5 Dimensions and design of floats

(a) The maximum dimensions of a float which may enter the locks of the canal system are 300 feet long and 43 1/2 feet wide.

(b) The maximum height above water of floats navigated on the canal system shall not exceed the vertical overhead clearance of canal structures.

(c) All floats passing through the locks shall be free from projections or sharp corners that may damage the lock walls or other lock structures.

(d) Any float not conforming to the provisions of this section may be refused passage through the locks.

(e) The owner or operator of any float navigating the canal in violation of the provisions of this section shall be subject to a penalty not to exceed \$ 100.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; amd. filed Aug. 31, 1976; renum. 182.5, Title 17, filed Nov. 5, 1979; new added by renum. 51.5, Title 17, Jan. 1997; amd. filed Feb. 15, 2005 eff. March 2, 2005. Amended (a), (c), (e).

§ 151.6 Draft marks on commercial floats

All commercial floats operating on the canal shall have legible, properly sized, and properly spaced draft marks that comply with Section 97.40-10 of Title 46 of the United States Code of Federal Regulations.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; renum. 182.6, Title 17, filed Nov. 5, 1979; new added by renum. 51.6, Title 17, Jan. 1997; repealed, new filed Feb. 15, 2005 eff. March 2, 2005.

§ 151.7 Number of units in tow

Without special permission of the Canal Corporation, no fleet shall consist of more units than may be passed through a lock in two lockings.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; renum. 182.7, Title 17, filed Nov. 5, 1979; new added by renum. 51.7, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999 eff. June 23, 1999.

§ 151.8 Formation of tows

Fleet formation of two loaded barges abreast is permitted in the canalized river and lake sections of the canal. Such formation shall not be used in other sections of the canal without the written permission of the Canal Corporation. Where difficulty is experienced in holding light fleets within the buoyed channels, the Canal Corporation or its representative may order such formation and devices for control as in its judgment will best protect the buoys. Failure to comply with such orders will subject the operator of the towing tug to a penalty not to exceed \$ 100.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; renum. 182.8, Title 17, filed Nov. 5, 1979; new added by renum. 51.8, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999; Feb. 15, 2005 eff. March 2, 2005.

§ 151.9 Propulsion of barge by pushing

(a) No barge may be pushed in canal waters, unless:

(1) The construction and make-up of the fleet is such that the steersman has an unobstructed view of the full outline of the deck at the bow of the forward barge and of the water surface 400 feet in advance of such bow.

(2) When under way, there is at all times on the deck of the first pushed barge a deckhand to signal directions to the steersman.

(3) When entering or leaving a lock, deckhands shall be stationed at the forward end of the first pushed barge to signal directions to the steersman and to handle fenders as required.

(b) All floats navigating the canals shall comply with the provisions of the Inland Navigation Rules,* as published and amended by the United States Coast Guard, relative to lights to be carried on floats, except as otherwise provided herein.

*NB Not filed with the Department of State.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; renum. 182.9, Title 17, filed Nov. 5, 1979; new added by renum. 51.9, Title 17, Jan. 1997; amd. filed Feb. 15, 2005 eff. March 2, 2005.

§ 151.10 Mooring

(a) Each float moored in the canal shall be made fast to secure moorings, at bow and stern, with good and sufficient lines so as to prevent such float from breaking away under the ordinary strain caused by passing floats, current, etc.

(b) No float shall be moored or anchored in the canal channel at any point where its presence will interfere with navigation, and no float shall be moored or anchored at any point in the canal for a period in excess of 24 hours without the authorization of the Canal Corporation or its representative.

(c) No float shall be moored at any Canal Corporation owned dock or terminal in excess of 48 hours in any calendar month, without first obtaining an official permit.

(d) No mooring is allowed in the "Waterford Flight" between the foot of Lock E-2 and Guard Gate No. 2, without authorization from the Canal Corporation.

(e) No float shall tie by or be moored at the head or foot of any lock except with the consent of the lock operator.

(f) The operator of a float shall comply with all directions given by the lock operator.

(g) Except as directed by the lock operator, the use of ladders in the lock chambers for mooring purposes is prohibited and no float shall be tied or fastened to the same. In no event shall any line be tied or made fast to any ladder or mooring device within the lock chamber.

(h) No float shall moor to or attach a line to any buoy, light or channel marker in the canals. Floats moored within or along the edge of the canal channel at night shall comply with the Inland Navigation Rules*, as published and amended by the United States Coast Guard.

(i) A violation of this section shall subject the owner or operator of the offending float to a penalty not to exceed \$ 100.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; renum. 182.10, Title 17, filed Nov. 5, 1979; new added by renum. 51.10, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999; Feb. 15, 2005 eff. March 2, 2005.

§ 151.11 Obstruction of navigation

The operator of any float who obstructs navigation of the canal by improper mooring, management or conduct of a float, or any person who obstructs navigation of the canal by placing any object in the waters of the canal or by placing any obstruction upon the bank thereof, shall be subject to a penalty not to exceed \$ 100 for each such obstruction.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; renum. 182.11; Title 17, filed Nov. 5, 1979; new added by renum. 51.11, Title 17, Jan. 1997; repealed, new added by renum. and amd. 151.12, filed Feb. 15, 2005 eff. March 2, 2005.

§ 151.12 When canal levels are drawn

In the event the Canal Corporation, in its discretion, determines it is necessary to draw down water from any canal level, all floats which may be upon such level shall be moved to such points as the Canal Corporation or its representative shall direct. The operator of a float who fails or refuses to comply with such direction from the Canal Corporation or its representative shall be subject to a penalty not to exceed \$ 100.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; renum. 182.12, Title 17, filed Nov. 5, 1979; new added by renum. 51.12, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999; renum. 151.11, new added by renum. and amd. 151.14, filed Feb. 15, 2005 eff. March 2, 2005.

§ 151.13 Buoys and lights

No person in the canal shall move, alter or destroy any buoy or other aid to navigation; nor shall a float operator moor a float to any buoy or other aid to navigation or set out navigation markers, except in accordance with a duly authorized permit. Whenever a float operator strikes a buoy or light, notices that a buoy or light is out of position, its light is out or is otherwise in bad order, or encounters or observes some other hazardous physical condition, such float operator shall report the matter to the lock operator at the next lock through which the float passes with a written statement as to the location of the displaced buoy, extinguished light or other improper condition as appropriate, the time when the accident occurred, or the time when condition reported was noticed. Forms for such report may be obtained from the lock operator.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; renum. 182.13, Title 17, filed Nov. 5, 1979; new added by renum. 51.13, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999; repealed, new added by renum. and amd. 151.15, filed Feb. 15, 2005 eff. March 2, 2005.

§ 151.14 Assistance to floats

(a) In case any float grounds, sinks or otherwise obstructs navigation on the canal, the Canal Corporation may cause the same to be salvaged, destroyed or removed, subject to the provisions of section 83 of the Canal Law.

(b) The Canal Corporation will provide equipment and personnel to assist floats meeting with mishap on the canal as follows:

(1) Where a float is in the channel and in danger of obstructing navigation, or there is danger of loss of life or serious property damage, the Canal Corporation assistance will be as prompt and thorough as possible.

(2) Where a float is sunk entirely outside of the channel and there is no immediate prospect of such float coming into the channel or otherwise interfering with navigation, Canal Corporation equipment will ordinarily not be used in such salvage work. However, the division canal engineer may grant a request for such assistance when the division canal engineer determines that the equipment is available. In such cases, the fee established by this Chapter will be charged. Before the Canal Corporation will start work of this character, the owner, master or representative must deliver to the division canal engineer a guarantee in the form of a certified check for the estimated cost of the work.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; renum. 182.14, Title 17, filed Nov. 5, 1979; new added by renum. 51.14, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999; renum. 151.12, new added by renum. and amd. 151.16, filed Feb. 15, 2005 eff. March 2, 2005.

§ 151.15 Speed on canals

Every operator of a float is responsible for the wake of that float. In dug sections of the canal system, float speed shall not exceed ten miles per hour, except within 100' of a dock, pier, raft, float, anchored or moored, float speed shall not exceed five miles per hour .

In canalized rivers of the canal system, float speed shall not exceed the posted speed, or, if there is no posted speed, shall depend on the conditions of traffic but shall not exceed forty-five miles per hour, except within 100' of a dock, pier, raft, anchored or moored float, speed shall not exceed five miles per hour, unless such float is being operated near such dock, pier, raft, anchored or moored float for the purpose of enabling a person engaged in water skiing to take off or land.

In lakes of the canal system, float speed shall depend on the conditions of traffic, except within 100' of the shoreline, a dock, pier, raft, anchored or moored float, speed shall not exceed five miles per hour, unless such float is being operated near such dock, pier, raft, anchored or moored float for the purpose of enabling a person engaged in water skiing to take off or land.

So far as may be practicable, the rates of speed will be indicated for the various sections at each lock and in no event shall such rates of speed be exceeded. Any operator of a float violating this section shall be subject to a penalty not exceeding \$ 100 for each offense and the lock or bridge at which the float first appears following such violation, may refuse such float passage for a period of not more than 6 hours.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; renum. 182.15, Title 17, filed Nov. 5, 1979; new added by renum. 51.15, Title 17, Jan. 1997; renum. 151.13, new added by renum. and amd. 151.17, filed Feb. 15, 2005; amd. filed April 9, 2009 eff. April 29, 2009.

§ 151.16 Speed when passing

Every float, when passing any float underway or while passing a moored float, shall slow down to a speed and exercise proper control so as to prevent damage to such other floats. Any person violating this section shall be subject to a penalty not to exceed \$ 100 for each offense.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; renum. 182.16, Title 17, filed Nov. 5, 1979; new added by renum. 51.16, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999; renum. 151.14, new added by renum. and amd. 151.18, filed Feb. 15, 2005 eff. March 2, 2005.

§ 151.17 When passing stationary or slow-moving floats, etc

When two floats, going in opposite directions approach each other in the vicinity of a float which is stationary or moving at a slow rate of speed, in such manner that they would, if both should continue their headway, meet by the side of such third float, the float which shall be going in the same direction as the third float is going, or is headed, shall stop until the float going in the opposite direction has passed. In canalized rivers where a current exists, however, the float which is proceeding with the current shall have the right of way past the stationary or slow-moving float and the float which is proceeding against the current shall wait until the float proceeding with the current has passed. The float proceeding with the current shall indicate to the approaching float its intention to proceed. Any operator of a float violating this section shall be subject to a penalty not to exceed \$ 100 for each offense.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; renum. 182.17, Title 17, filed Nov. 5, 1979; new added by renum. 51.17, Title 17, Jan. 1997; renum. 151.15, new added by renum. 151.19, filed Feb. 15, 2005 eff. March 2, 2005.

§ 151.18 Preference of floats in passing

- (a) Floats in passing shall be governed by the whistle signals as prescribed in the Inland Navigation Rules,* as published and amended by the United States Coast Guard.
- (b) When in a navigable channel, every float shall, when it is safe and practicable, keep to that side of the channel which lies on the starboard side of such float.
- (c) When approaching or exiting a lock, no float within 1,000 feet of the lock shall pass another float.
- (d) Any operator of a float violating this section shall be subject to a penalty not to exceed \$ 100 for each offense.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; renum. 182.18, Title 17, filed Nov. 5, 1979; new added by renum. 51.18, Title 17, Jan. 1997; renum. 151.16, new added by renum. and amd. 151.20, filed Feb. 15, 2005 eff. March 2, 2005.

§ 151.19 Locks

- (a) Passage. (1) When approaching a lock, float operators must stop at a safe distance and follow specified signals provided by the lock operator. Operators of floats intending to enter a lock can contact the lock operator via marine band radio channel 13, or by three distinct blasts or soundings of a horn, whistle, or other signaling device. Lock operators will reply with navigation lights. Green indicates that the lock is ready and the float may advance. Red indicates that the float must wait.
- (2) A float approaching a lock which is not ready to receive it shall come to a full stop at a safe distance from the lock and await the signal of the lock operator to approach. If the lock is ready to receive the float, the float shall slow down at a proper distance from the lock to avoid damaging the lock structure or equipment.
- (3) If no light is shown, the float shall stop, stay in place or tie up immediately to the approach wall, and await further instructions from the lock operator.
- (4) A float which arrives at a lock and does not employ the first opportunity of passing through same, shall lose its preference if there is any other float ready to pass through the lock.
- (5) No owner or operator of a float shall unnecessarily or unreasonably delay, hinder or detain its entry into, passage through, or exit from a lock or the passage through a lock of any other float awaiting locking. The lock operator may order any float engaging in such delay removed from the lock and the owner thereof shall pay all expenses involved in such towing or removal.
- (6) Fenders shall be used as required to prevent damage to the lock structure. Floats leaving the lock shall navigate at a reduced speed until the stern of such float has reached a point of at least 150 feet beyond the lock chamber.

(7) Every float operator shall comply strictly with directions or orders of the lock operator as to management of the float while awaiting locking, during locking or on entering or leaving a lock.

(8) (i) At Lockport operators of double-locking tows: eastbound, are required to have the power unit remain on the upper level until the first locking is complete; when westbound, the power unit shall enter the lock with the first locking of its double-locking tow, so as to provide power on the upper level for the floats comprising the first locking.

(ii) At the Waterford flight of locks double-locking tows are not allowed in either direction without special permission of the Canal Corporation or its representative.

(9) (i) No operator of a float shall allow the float to leave an approach wall, enter a lock, or leave a lock until the lock gates are fully open, and no red light is shown by the traffic control device on the lock, or operator of a float is directed by a lock operator to proceed.

(ii) Every operator of a float waiting to enter a lock shall give way to floats leaving the lock.

(iii) No operator of a float shall allow the float to pass through a lock unless the float is equipped with good and sufficient mooring lines and securely attached fenders; the float and any goods or equipment on the float are in a condition that permits passage through the lock in a safe and controlled manner; and the float is of a dimension, configuration or draft that permits safe passage.

(10) No person shall, while on a float that is passing through a lock of the canal, smoke or have or maintain an open flame, including a pilot light.

(11) The lock operator may require the removal of persons or perishable property from canoes, rowboats or personal watercraft during locking. The lock operator may prohibit the passage of such float through the lock if, in the discretion of the lock operator, such passage would create a hazardous condition or obstruction to navigation.

(b) Floats under control. To prevent any damage to the lock structure or its equipment, floats shall, at all times, enter each lock squarely and under proper control, at a speed that is consistent with navigation safety under the weather and water conditions prevailing in the vicinity of the lock at that time. Float personnel shall execute all specified and required navigation and safety measures to bring the float safely into the lock and to insure a full stop in the lock chamber without touching, hitting or damaging lock gates or any other vulnerable part of the lock structure or equipment. Lines shall be put out from the float to slow its final drift speed, bring it to a stop and hold it safely in the lock during locking operation.

(c) Penalties. Any operator of a float violating this section shall be subject to a penalty not to exceed \$ 100 for each offense and the lock operator may refuse the float passage through the lock for a period of not more than 6 hours.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; amd. filed Oct. 31, 1976; renum. 182.19, Title 17, filed Nov. 5, 1979; new added by renum. 51.19, Title 17, Jan. 1997; renum. 151.17, new added by renum. and amd. 151.21, filed Feb. 15, 2005 eff. March 2, 2005.

§ 151.20 Signaling lift bridges

(a) When approaching a lift bridge, float operators intending to pass under the bridge can contact the bridge operator via marine band radio 13, or by three distinct blasts or soundings of a horn, whistle, or other signaling device. Such contact or signal must be given at least 1,000 feet from the bridge. Bridge operators will reply with navigation lights, horn or whistle. Green lights indicate that the bridge is raised and ready and the float may advance. Red lights indicate that the float must wait. Where the bridge operator responds by horn or whistle, three distinct blasts indicate the float may advance. Six rapid blasts mean that the float shall come to an immediate stop and await further instructions.

(b) No float operator shall proceed under a movable bridge until the bridge is fully raised and the bridge operator has given the signal to proceed.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; renum. 182.20, Title 17, filed Nov. 5, 1979; new added by renum. 51.20, Title 17, Jan. 1997; renum. 151.18, new added by renum. and amd. 151.22, filed Feb. 15, 2005 eff. March 2, 2005.

§ 151.21 Warning signal approaching bends

Every float nearing a short bend in the channel where, from the height of the banks or other cause, a float approaching from the opposite direction cannot be seen, shall sound a long distinct signal at least one-half mile from such point. Any float that may be approaching in the opposite direction shall answer with a similar signal. Any person violating this section shall be subject to a penalty not to exceed \$ 100 for each offense.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; renum. 182.21, Title 17, filed Nov. 5, 1979; new added by renum. 51.21, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999; renum. 151.19, new added by renum. and amd. 151.23 filed Feb. 15, 2005 eff. March 2, 2005.

§ 151.22 When traffic is congested

In case of a delay to navigation causing a congestion of floats at any point, the floats shall take such places as shall be assigned to them by the Canal Corporation or its representative and they shall be passed through the lock or allowed to proceed along the canal in such order as in the judgment of the Canal Corporation, or its authorized representative, shall be deemed best for the interests of general navigation. In all such cases, floats must comply strictly with the directions of the Canal Corporation or its representative. Failure or refusal to comply with such directions will subject the operator of the float to a penalty not to exceed \$ 100.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; renum. 182.22, Title 17, filed Nov. 5, 1979; new added by renum. 51.22, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999; renum. 151.20, new added by renum. and amd. 151.24, filed Feb. 15, 2005 eff. March 2, 2005.

§ 151.23 Pilot rules

All floats navigating the canals shall comply with the provisions of the Inland Navigation Rules,* as published and amended by the United States Coast Guard, relative to the rules for floats passing each other, lights on floats and other matters consistent with the proper use of the canal, except as otherwise provided in this Chapter. Any person violating this section shall be subject to a penalty not to exceed \$ 100 for each offense.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; renum. 182.23, Title 17, filed Nov. 5, 1979; new added by renum. 51.23, Title 17, Jan. 1997; renum. 151.21, new added by renum. and amd. 151.25, filed Feb. 15, 2005 eff. March 2, 2005.

* As authorized by Public Laws 96-591; 33 U.S.C. 2001-2038, 2071-2073; 33 CFR 84, et. seq. See Appendix B attached hereto. (Editor's note: Appendix B was not filed with the Department of State.)

§ 151.24 Aids to navigation

When entering canals at the Waterford entrance and traveling away therefrom, red buoys and red lights are located on the starboard side of the canal channel, while green buoys and green lights are located on the port side of the canal channel. When entering from any other location and traveling toward Waterford, red is on port and green is on starboard.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; renum. 182.24, Title 17, filed Nov. 5, 1979; new added by renum. 51.24, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999; renum. 151.22, new added by renum. and amd. 151.26, filed Feb. 15, 2005 eff. March 2, 2005.

§ 151.25 Clearance

(a) Every commercial float shall have a clearance. Clearances may be obtained from the operator of the first lock through which the float passes after taking cargo aboard. No float may proceed beyond the place for which it has clearance or unload any article before its arrival there. Float operators must obtain a new clearance whenever property is transferred from one float to another.

(b) A float operator shall display the clearance upon the request of any Canal Corporation employee. Unless the clearance has on it the signature of the issuing lock operator, the lock operators shall not permit the float to pass.

(c) A float whose clearance is lost may be detained until it is recleared or until the operator of the float has procured a duplicate clearance from the lock where clearance is claimed to have been issued.

(d) The Canal Corporation, or its representative, may refuse clearance for a float against whose owner there is an unpaid penalty involving such float assessed under this Chapter, or against whose owner there is an unpaid bill rendered by the Canal Corporation for assistance to such float, or for repairing damage to Canal Corporation property caused by such float.

(e) The Canal Corporation may refuse clearance for any float, or further passage of any float already in the canal when, in the opinion of a Canal Corporation employee, its condition or equipment does not comply with this Chapter or its crew has navigated the float in a careless, reckless or inefficient manner.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; renum. 182.25, Title 17, filed Nov. 5, 1979; new added by renum. 51.25, Title 17, Jan. 1997; renum. 151.23, new added by renum. and amd. 151.28, filed Feb. 15, 2005 eff. March 2, 2005.

§ 151.26 Non-navigation season storage of floats

The owner or operator of a float shall not leave such float in the canal system during the closed or winter season without first obtaining a permit from the Canal Corporation or its representative.

Applications for such permits shall include a description of the proposed place of storage and must be submitted before the close of the navigation season.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; renum. 182.26, Title 17, filed Nov. 5, 1979; new added by renum. 51.26, Title 17, Jan. 1997; renum. 151.24, new added by renum. and amd. 151.30, filed Feb. 15, 2005 eff. March 2, 2005.

PART 152. SPECIAL RULES FOR PLEASURE BOATS

Historical Note: Part (§§152.1-152.23) repealed, new (§§152.1-152.3) filed Oct. 2, 1972; renum. Part 183, Title 17, filed Nov. 5, 1979; new (§§152.1-152.3) added by renum. Part 52, Title 17, Jan. 1997; amd. filed Feb. 15, 2005 eff. March 2, 2005. Amended Part title.

§ 152.1 Regulations for pleasure boats

In addition to the regulations governing general traffic on the canals, the following regulations shall apply to pleasure boats:

(a) Pleasure boats will not be permitted to enter or navigate any of the canals when, in the judgment of the Canal Corporation or its representative, they may become a source of danger or of delay to navigation.

(b) Pleasure boats shall be operated in such a manner on the canal as not to interfere with the use of such waters by commercial floats.

(c) During any period of low water, the locks will be operated for pleasure boats at such hours and at such intervals as will, in the judgment of the Canal Corporation or its representative, conserve the water supply for the locking of freight carriers.

(d) The Canal Corporation may, from time to time, establish definite time schedules for the operation of locks and lift bridges.

(e) Pleasure boats are required to come to a stop at each lift or swing bridge. The Canal Corporation will operate such bridges with due regard to street traffic and public convenience.

(f) Any float operator violating any of these rules and regulations shall be subject to a penalty not to exceed \$ 100 for each offense and the lock or bridge operator at which the float first appears following such violation may refuse the float passage for a period of not more than 6 hours.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; renum. 183.1, Title 17, filed Nov. 5, 1979; new added by renum. 52.1, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999; Feb. 15, 2005 eff. March 2, 2005.

PART 153. TERMINAL USE

Historical Note: Part (§§153.1-153.3) repealed, new (§§153.1-153.4) filed Oct. 2, 1972; renum. Part 184, Title 17, filed Nov. 5, 1979; new (§§153.1-153.11) added by renum. Part 53, Title 17, Jan. 1997.

§ 153.1 Points for float receipt and discharge of cargoes

Terminals are provided for the receipt and discharge of canal freight at the principal points of shipment. The loading, unloading or storage of commodities at points on the canal system other than these terminals shall not be allowed without first obtaining a permit therefor from the Canal Corporation.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; renum. 184.1, Title 17, filed Nov. 5, 1979; new added by renum. 53.1, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999; Feb. 15, 2005 eff. March 2, 2005.

§ 153.2 Payment of charges

A float owner or operator shall promptly pay to the Canal Corporation all charges, fees and penalties in connection with the use of a canal terminal or terminal facilities. In case of delay in payment of any charge, fee or penalty, the Canal Corporation may withhold clearance for a float or floats registered under the name of the defaulting person.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; amd. filed Dec. 27, 1976; renum. 184.2, Title 17, filed Nov. 5, 1979; new added by renum. 53.2, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999; Feb. 15, 2005 eff. March 2, 2005.

§ 153.3 Dockage and wharfage for canal floats

(a) There are no docking or wharfage charges for canal floats while receiving or discharging canal freight.

(b) Charges will be imposed for the use of cranes or derricks, including operators, fuel and oil. For canal freight only, the charge for a crane or derrick shall be \$ 150 per hour. There will be an additional charge if the crane requires transportation to the point of operation. Cranes ordinarily operate on an eight-hour per day basis. Special arrangements will be necessary for service beyond the eight-hour period.

Historical Note: Sec. repealed, new filed Oct. 2, 1972; renum. 184.3, Title 17, filed Nov. 5, 1979; new added by renum. 53.3, Title 17, Jan. 1997; amd. filed Feb. 15, 2005 eff. March 2, 2005. Amended (b).

§ 153.4 Storage charges for canal freight at all canal terminals

(a) Outgoing canal freight delivered at any canal terminal during the non-navigation season will be allowed a free storage period from February 15th to 15 days after the official opening of the canal. Regular storage rates will be charged for each 10-day period, or fraction thereof, elapsing before and after such free period, during which such freight remains at the terminal.

(b) Outgoing canal freight delivered at any canal terminal during the navigation season will be allowed a free storage period of 20 days. Regular storage rates will be charged for each 10-day period, or fraction thereof, elapsing after such free period.

(c) (1) Incoming canal freight delivered at any canal terminal during the navigation season will not be charged a storage fee if such freight is entirely removed from the canal terminal within 20 days from delivery.

(2) If any part of such freight remains at the canal terminal longer than 20 days, the regular storage rate for one 10-day period will be charged against the entire cargo. This charge will cover the first 20 days of occupancy of the canal terminal. Thereafter the regular storage rates will be charged for each 10-day period, or fraction thereof, with such rates applied to the amount of freight as remains at the terminal

at the commencement of each 10-day period. All of the terminals shall be cleared of such storage by February 1st, unless the Canal Corporation grants a permit to extend such storage period.

(d) Any freight delivered to and placed at a canal terminal for shipment via the canal system which is, after such delivery, diverted to shipment by means other than the canal, will be charged twice the regular storage rates for each 10-day period, or fraction thereof, elapsed from date of delivery at the terminal to time of removal therefrom.

Historical Note: Sec. filed Oct. 1972; renum. 184.4, Title 17, filed Nov. 5, 1979; new added by renum. 53.4, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999; Feb. 15, 2005 eff. March 5, 2005. Amended (a)-(d).

§ 153.5 Storage rates for canal freight

(a) The Canal Corporation shall determine the basis of storage charges, which shall be by weight, as far as practicable. The Canal Corporation shall also determine the manner of storing all such commodities.

(b) Outdoor storage charges shall be at the rate of one-quarter cent per hundredweight for each 10-day period, or fraction thereof, that freight remains at the canal terminal, in accordance with section 153.4 of this Part.

(c) Any materials, supplies or equipment maintained or stored at a canal terminal will be subject to a storage charge for each 10-day period of occupancy at the rate specified under subdivision (b) of this section.

(d) When, in the opinion of the Canal Corporation, it is not feasible to determine the weight of any commodity subject to storage charges under this Part, the charge shall be based on the area occupied with one square foot of such area to be considered as representing 200 pounds.

Historical Note: Sec. added by renum. 53.5, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999; Feb. 15, 2005 eff. March 2, 2005.

§ 153.6 Special storage provisions at all terminals

The Canal Corporation may issue special storage permits when, in its opinion, the circumstances are such that it is impractical to apply the general regulations. Such permits will be issued pursuant to section 156 of this Title.

Historical Note: Sec. added by renum. 53.6, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999; repealed, new added by renum. and amd. 153.7, filed Feb. 15, 2005 eff. March 2, 2005.

§ 153.7 Stevedoring

The Canal Corporation will not provide stevedoring or handling service, or insurance. All freight storage is at the owner's risk and expense.

Historical Note: Sec. added by renum. 53.7, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999; renum. 153.6, new added by renum. and amd. 153.8, filed Feb. 15, 2005 eff. March 2, 2005.

§ 153.8 Abandoned property

In the event that any property of any name or nature is left at any canal terminal or in any storehouse connected therewith beyond the period authorized, or in the event the owner of property abandons same at a canal terminal, the Canal Corporation may notify the owner of such left or abandoned property, if the name and address of such owner be known, and direct that it be removed. But if the name and address of such owner be not known or if the owner fails to comply promptly with the notice of removal, the Canal Corporation may cause such property to be removed from the canal terminal site. If the name of the owner is known, such removal shall be at the owner's risk, cost and expense.

Historical Note: Sec. added by renum. 53.8, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999; renum. 153.7, new added by renum. and amd. 153.9, filed Feb. 15, 2005 eff. March 2, 2005.

§ 153.9 Mooring facilities during closed season

(a) Floats which have actually transported freight on the canal system at some time during the immediately preceding navigation season, including tugs which have supplied motive power to such floats, will be afforded free mooring facilities at the canal terminals for a period not to exceed one year insofar as space is available. The Canal Corporation shall assign such mooring space by issuance of a revocable permit pursuant to section 156 of this Title.

(b) Preference will be given to loaded floats over light floats, and the operator of any float or floats may be called upon to shift such float or floats from time to time to a different berth, or to another terminal, when in the opinion of the Canal Corporation, such change of berth is desirable. When adequate space for loaded floats is not available, the light floats may be required to vacate the terminal. If such order for change of berth or to vacate a berth is not accomplished promptly, the shift may be made by the Canal Corporation and the cost of such shift will become a charge against the float and its owner.

(c) Floats which have not transported freight on the canals during the immediately preceding navigation season, may be allowed to moor at the canal terminals under a revocable permit and at a mooring rate to be determined by the Canal Corporation.

(d) Floats used in the repair of the active canal floats described in the above subdivisions may be assigned mooring facilities at a mooring rate to be determined by the Canal Corporation when, in the discretion of the Canal Corporation, space is available.

Historical Note: Sec. added by renum. 53.9, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999; renum. 153.8, new added by renum. and amd. 153.10, filed Feb. 15, 2005 eff. March 2, 2005.

§ 153.10 Refusal to obey directions

(a) In case the operator of a float moored at any terminal fails or refuses to obey this Part, or in case the Canal Corporation is unable, after reasonable inquiry and effort, to communicate with the master of such float, the Canal Corporation may cause the float to be moved away from said terminal, or from place to place at the said terminal, as may in the Canal Corporation's discretion be necessary. The cost

and expense incurred in moving the offending or obstructing float shall be chargeable to the owner of said float or the operator.

(b) The owner of a float or the operator who fails or refuses to obey any of this Part, including any directions given by the Canal Corporation or its representative pursuant to this Part, shall be subject to a penalty not to exceed \$ 100 per day for each and every day's failure, or refusal to comply therewith.

Historical Note: Sec. added by renum. 53.10, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999; renum. 153.9, new added by renum. and amd. 153.11, filed Feb. 15, 2005 eff. March 2, 2005.

PART 154. FEES AND CHARGES FOR SALVAGE WORK AND FOR USE OF DRY DOCKS

Historical Note: Part (§§154.1-154.12) repealed, filed Oct. 2, 1972; new (§§154.1-154.2) added by renum. Part 54, Title 17, Jan. 1997.

§ 154.1 Salvage work

(a) The following rates will be charged for the use of Canal Corporation equipment:

- (1) Tug \$ 35 per hour
- (2) Tender tug..... \$ 20 per hour
- (3) Buoy boat (with operator and supplies) \$ 9 per hour
- (4) Derrick boat (without propulsion)..... \$ 35 per hour
- (5) Derrick boat (self-propelled)..... \$ 50 per hour
- (6) Self-propelled scow..... \$ 15 per hour
(with personnel or equipment)
- (7) Steel flat scow (150-ton)..... \$ 35 per day or
(without personnel or equipment) fraction thereof
- (8) Steel flat scow (450-ton)..... \$ 45 per day or
(without personnel or equipment) fraction thereof
- (9) Dump scow..... \$ 50 per day or
(without personnel or equipment) fraction thereof
- (10) Dipper-dredge..... \$ 55 per hour
- (11) Hydraulic dredge..... \$ 60 per
hour
- (12) Gasoline pump..... \$ 8 per hour

(with operator and accessories, but gasoline and oil to be furnished by the user)

(b) The basis for applying daily rates will include the entire period from the time when such equipment is taken from its headquarters or its normal station location to the time that such equipment is returned thereto. The basis for applying hourly rates will be the actual hours that the equipment is worked or operated, including transit time for movement of such equipment from its normal station location and its return thereto.

(c) Use of equipment and personnel will be limited to salvage work on floats sunk in the canal channel or those in danger of obstructing navigation.

(1) Division director will determine with the Director of Canal Maintenance and operations as to necessity for use of Canal Corporation equipment.

(2) Division director will determine what personnel and equipment will be needed and probable length of service.

(i) Division director will bill owner or person responsible for estimated cost of assistance at established rates and make request for immediate payment.

(ii) Copies to the Director of Canal Maintenance and Operations and the Authority's Office of Investments and Asset Management.

(3) Canal Corporation equipment will be operated as directed by the person in charge of salvage operations but the Canal Corporation shall assume no responsibility therefor.

(4) On completion of work and return to Canal Corporation location, Division director will prepare revised invoice in quadruplicate, and disperse all copies as follows:

(i) Owner.

(ii) Director of Canal Maintenance and Operations.

(iii) Authority's Office of Investments and Asset Management. This copy to show payroll and voucher reference on detail sheet.

(iv) Division director.

(d) Reimbursement for damages to canal structures. (1) Division director estimates the cost of the work and submits original estimate invoice as follows:

(i) Owner -- with request for payment of 75 percent.

(ii) Director of Canal Maintenance and Operations.

(iii) Authority's Office of Investments and Asset Management.

(iv) Division director retains copy.

(2) Division director prepares revised invoice when work is completed. If final invoice exceeds the 75 percent, request is made by the division director for the difference; if it is less than 75 percent, refund is

made by the Authority's Office of Investments and Asset Management. The division director disperses invoices as follows:

- (i) Owner.
- (ii) Director of Canal Maintenance and Operations.
- (iii) Authority's Office of Investments and Asset Management.
- (iv) Division director retains copy.

Historical Note: Sec. repealed, filed Oct. 2, 1972; new added by renum. 54.1, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999 eff. June 23, 1999.

§ 154.2 Use of dry docks

- (a) The following rates will be charged for the use of Canal Corporation owned dry docks:
 - (1) Minimum charge for docking for any type of float will be \$ 100 for 24 hours or portion thereof.
 - (2) Charge for lay docking for any type of float will be \$ 50 for 24 hours or portion thereof.
- (b) Invoices. To be submitted by the division director.
 - (1) Credit may be extended to regular operators on canal.
 - (2) Other transactions shall be on a cash basis.
- (c) Canal Corporation's services. Shall consist of labor required for receiving and discharging float from dock. No labor shall be available for repair work.
- (d) Payrolls. Time will be submitted on regular payrolls at approved rates. Distribution shall show time and amount in receiving or discharging float and reference to invoice number.

Historical Note: Sec. repealed, filed Oct. 2, 1972; new added by renum. 54.2, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999 eff. June 23, 1999. Amended (a)-(c).

PART 155. DIMENSION REQUIREMENTS AND MILEAGE DATA

Historical Note: Part (§§155.1-155.10) filed Aug. 31, 1976; renum. Part 185, Title 17, filed Nov. 5, 1979; new (§§155.1-155.6) added by renum. Part 55, Title 17, Jan. 1997.

§ 155.1 Floats

The maximum dimensions of a float which may enter the locks of the canal system are 300 feet long and 43-1/2 feet wide.

Historical Note: Sec. filed Aug. 31, 1976; renum. 185.1, Title 17, filed Nov. 5, 1979; new added by renum. 55.1, Title 17, Jan. 1997; amd. filed Feb. 15, 2005 eff. March 2, 2005.

§ 155.2 Channel

- (a) Waterford to Oswego route. Minimum bottom width, land line, earth section 104 feet
Width of channel, water surface, land line, earth section..... 160 feet

Minimum bottom width, land line, rock section..... 120 feet
 Bottom width of channel in canalized rivers, generally..... 200 feet
 Design depth..... 14 feet

(b) All other routes. Minimum bottom width, land line, earth section..... 75 feet
 Width of channel, water surface, land line, earth section..... 123 feet
 Minimum bottom width, land line, rock section.....94 feet
 Bottom width of channel in canalized rivers, generally.....200 feet
 Design depth..... 12 feet

(c) Change of depth notices are published by the Canal Corporation and can be obtained from the Canal Corporation, P. O. Box 189, Albany, New York, 12201 or by accessing the Notices to Mariners posted on the Canal Corporation's website. Historical Note: Sec. filed Aug. 31, 1976; renum. 185.2, Title 17, filed Nov. 5, 1979;

new added by renum. 55.2, Title 17, Jan. 1997; amd. filed Feb. 15, 2005 eff. March 2, 2005. Amended (a)-(b), added (c).

§ 155.3 Bridges

Limiting clearances under bridges: Erie Canal, Waterford to Three Rivers Point, and the Oswego Canal..... 20 feet

Erie Canal, Three Rivers Point to Tonawanda, Cayuga and Seneca Canal, and the Champlain Canal..... 15 1/2 feet

Historical Note: Sec. filed Aug. 31, 1976; renum. 185.3, Title 17, filed Nov. 5, 1979; new added by renum. 55.3, Title 17, Jan. 1997.

§ 155.4 Locks

Built of concrete, operated by electricity:

Average time of locking..... 20 minutes

Length between lock gates..... 328 feet

Available length inside lock chambers..... 300 feet

Width of lock chambers 45 feet

Available width of lock chambers..... 43 1/2 feet

Depth of water on lock sills: Waterford to Oswego route..... 13 feet

All other routes..... 12 feet

Total Number of Locks..... 57

Historical Note: Sec. filed Aug. 31, 1976; renum. 185.4, Title 17, filed Nov. 5, 1979; new added by renum. 55.4, Title 17, Jan. 1997; amd. filed Feb. 15, 2005 eff. March 2, 2005.

§ 155.5 Mileage

Erie Canal, Waterford to Tonawanda	338 miles
Oswego Canal, Three Rivers Point to Oswego	24 miles
Cayuga and Seneca Canal, junction with the Erie Canal to Ithaca and Watkins Glen, including Cayuga and Seneca Lakes and the spur to Montour Falls	92 miles
Champlain Canal, Waterford to Whitehall	60 miles
Canal harbors at Utica, Syracuse and Rochester	10 miles
Total canal mileage	524 miles

Historical Note: Sec. filed Aug. 31, 1976; renum. 185.5, Title 17, filed Nov. 5, 1979; new added by renum. 55.5, Title 17, Jan. 1997.

§ 155.6 Distance between certain points on canals and connecting waters

New York City, Pier 6, East River to Waterford	154 miles
Tonawanda to Buffalo	12 miles
Lockport to Tonawanda	18 miles
Waterford to Three Rivers Point	160 miles
Junction, Erie and Cayuga and Seneca Canals, to Lock 1, C. and S.	4 miles
Junction, Lock 1, Cayuga and Seneca Canal, to Lock 4, C. and S.	8 miles
Whitehall to Rouses Point	110 miles
Albany to Whitehall	70 miles
Waterford to Oswego	184 miles

Historical Note: Sec. filed Aug. 31, 1976; renum. 185.6, Title 17, filed Nov. 5, 1979; new added by renum. 55.6, Title 17, Jan. 1997.

PART 156. REVOCABLE PERMITS

Historical Note: Part (§§156.1-156.4) added by renum. Part 56, Title 17, Jan. 1997.

§ 156.1 Granting revocable permits

The Canal Corporation or its representative may, in its discretion, issue revocable permits granting certain limited privileges whenever the same can be done without detriment to canal navigation or damage to the canal banks or other structures thereof. The Canal Corporation shall prescribe the terms and conditions by which such revocable permits may be issued for the temporary use of canal lands or facilities and for the diversion of canal waters for sanitary, farm purposes or industrial use. An application for a revocable permit may be obtained from the New York State Canal Corporation, P.O. Box 189, Albany, NY 12201, or any division office.

Historical Note: Sec. added by renum. 56.1, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999 eff. June 23, 1999.

§ 156.2 Occupancy and use of canal lands or waters

(a) Canal lands or waters may not be occupied or used except under the terms and conditions prescribed in a revocable permit issued by the Canal Corporation or its representative.

(b) Any person violating this section shall be subject to a penalty of not to exceed \$ 100 for each offense.

Historical Note: Sec. added by renum. 56.2, Title 17, Jan. 1997; amd. filed: March 30, 1999 as emergency measure; June 2, 1999 eff. June 23, 1999.

§ 156.3 Permits for aircraft on canal waters

The Canal Corporation may, under certain limited and special conditions, issue revocable permits granting the taking off from or landing upon the surface waters of the canal system by aircraft whenever, in its judgment, the same can be done without detriment to canal navigation or without endangering the life or property of others. (See section 150.13 of this Title.)

Historical Note: Sec. added by renum. 56.3, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999 eff. June 23, 1999.

§ 156.4 Schedule of fees for revocable permits for the temporary use or occupancy of canal lands or facilities and for the diversion or use of canal waters

The following fees shall be payable for canal work permits, for permits for the use and occupancy of canal lands or facilities and for permits for the diversion or use of canal waters:

(a) Canal work permits. Any party who plans to perform any work on the canal system must apply for and obtain a revocable canal work permit. Application, review and issuance of the permit will be administered by the Office of Canal Maintenance and Operations through the Division Office of Canals. Canal work permit applicants must pay the following fees:

(1) Application fee: \$ 25 (nonrefundable).

(2) Spoil removal: \$ 0.50 per cubic yard.

(i) Fee waived when removal is determined by the Canal Corporation to be advantageous to the Canal Corporation.

(3) Snow dumping: \$ 25.

(i) Fee waived for municipalities.

(4) An additional charge of \$ 250 per day will be imposed for any approved work on the canal system requiring an onsite inspection by Canal Corporation staff of one-half day or more.

(5) Insurance requirements for canal work permits:

(i) Insurance coverage must be provided to cover the People of the State of New York, the Authority and Canal Corporation, and all employees of the Authority and the Canal Corporation for all operations of the permittee. A permittee may provide insurance coverage as stated in either clause (a) or (b) of this subparagraph:

(a) Filing of a certificate of insurance which indicates canal work permit coverage, submitted to the Canal Corporation by permittee's insurance company or agent to insure the Authority and the Canal Corporation for all operations of the permittee under the permit.

(b) Payment under the departmental blanket policy of \$ 7.50 for insurance coverage.

(c) Utility companies and municipalities may furnish an undertaking in lieu of clause (a) or (b) of this subparagraph. An undertaking is a written agreement signed by a utility company or a municipality in which it agrees to faithfully perform the work under all canal work permits issued to them, comply with all the terms and conditions of such canal work permits, restore the Canal Corporation property to a satisfactory condition, and pay all damages, costs and judgments which may be recovered against the Authority and/or Canal Corporation by reason of damages arising out of work done under such canal work permits. Undertakings must include the wording required by the Canal Corporation and must be executed through an insurance/bonding company. In some cases a private corporation may furnish an undertaking; however, each request must be reviewed independently.

(d) An applicant for a canal work permit shall obtain workers' compensation insurance and/or workers' disability benefits coverage in accordance with the Workers' Compensation Board requirements.

(b) Permit for use of Canal Corporation property. Any party who plans to use and/or occupy canal lands or facilities must apply for and obtain a revocable permit for use of Canal Corporation property. The application and issuance of this permit is administered by the Division Office of Canals for a fee as determined in accordance with this subdivision.

(1) Fees for use of canal lands and facilities.

(i) Permit fees for use of canal lands and facilities will be based on the property's fair market rental value as established by the Canal Corporation by an analysis, comparison and use of the most comparable rentals and sales found in the market, with the exception of permits described in subparagraph (ii) of this paragraph. The fee will be based upon a consideration of the use made of the permitted area, including placement of, but not limited to docks, ramps, slips and floats.

(ii) Permit fees for canal land used in conjunction with adjoining residences or camps for access to the canal waters or maintained as part of the permittee's property shall be \$ 50 per year. This type of permit is restricted to upland owners and includes only lands between an upland residence or campsite and the canal waters; the permitted area cannot exceed one acre of land and cannot contain any building improvements. The permit gives the permittee the right of exclusive access across the canal lands to the canal waters. An additional charge of \$ 50 will be imposed if the permittee elects to erect and/or maintain a dock, ramp, slip or float within the canal waters.

(2) Powerline, telephone and other communication crossings.

(i) Aboveground crossings. The annual permit fees for aboveground powerline, telephone and other communication crossings will be based on 50 percent of the occupied property's fair market rental value as determined by the Canal Corporation. The area necessary to accommodate the crossings will be computed by multiplying the required width of the corridor by the length of the corridor as measured along its centerline. The required corridor widths will vary based on the size and type of the bearing structure and the capacity of the transmission line. The minimum prescribed corridor widths are as follows:

<i>Powerline voltage</i>	<i>Minimum prescribed corridor width</i>
765kv	250 feet
500kv	175 feet

230 to 345kv	150 feet
115 to 138kv	100 feet
34.5 to 69kv	50 feet
23kv or less (includes telephone or other communication crossings)	25 feet

The corridor width of a multilane crossing will be determined by taking one-half the prescribed corridor width for each outside line and adding it to the distance between them. In no case shall the total corridor width be less than the required width for the powerline having the greatest voltage capacity. If more than one transmission line is attached to the same bearing structure, the corridor width will be that required for the transmission line with the greatest voltage capacity. The annual permit fee will be computed by multiplying the corridor area by 50 percent of the property's fair market rental value. If the area within the corridor is over water, it will be appraised using the value of adjoining canal upland.

(ii) Underground crossings. The annual permit fee for underground powerline, telephone and other communication crossings will be computed in the same manner as aboveground, except the corridor width will be a minimum 25 feet regardless of the line's voltage capacity.

(3) Pipeline crossings. (i) Aboveground (at grade). The annual permit fees for all aboveground pipelines will be based on 100 percent of the occupied property's fair market rental value as determined by the Canal Corporation. The area which is required to accommodate an aboveground pipeline crossing will be computed by multiplying the length of the pipeline by a 25-foot minimum corridor width.

(ii) Underground. The annual permit fee for an underground pipeline crossing will be based on 50 percent of the occupied property's fair market rental value as determined by the Canal Corporation. The area which is required to accommodate the underground crossing will be computed by multiplying the prescribed corridor width times the length of the pipeline. The minimum prescribed corridor widths for underground pipelines are as follows:

<i>Pipeline-diameter</i>	<i>Minimum prescribed corridor width</i>
Under 6 inches	15 feet
6 inches or more	25 feet

(4) Vendors. For temporary or periodic occupancy, \$ 5 per day, \$ 50 minimum or \$ 250 per year.

(5) Water usage. The fee will be based on a review of comparable prices of water available in the geographic area but will not exceed two percent of the cost per gallon charged by the nearest potable municipal water supplier.

(6) For uses not specified in this subdivision, the fee will be based on all relevant factors, such as nature and extent of use of canal property.

(7) Minimum fee. The minimum fee for a permit for use of Canal Corporation property will be \$ 50.

(8) Late charge. If the permit fee has not been paid in full by the 15th day after it has become due, an additional charge of two percent per month will be due and owing to the Canal Corporation.

(9) Canal identification plates. The Canal Corporation will issue canal identification plates to all approved holders of a permit for use of Canal Corporation property. These plates must be conspicuously posted

on the property while the permit is in force and must be removed and returned to the Canal Corporation when the permit is no longer in force.

(10) Periodic review of permit fees. The Canal Corporation may revise fees for a permit for use of Canal Corporation property periodically to reflect fair market rental value. Written notice will be given to the permittee.

(11) Procedure for contesting determination of permit fees. (i) The permit applicant or permittee may dispute a permit fee determination within one month of being informed thereof by delivering or mailing, by certified mail, a request for a conference to the Division Office of Canals having jurisdiction. This request must specify and document reasons for disagreement with the fee. Such conference shall be scheduled and conducted in the Division Office of Canals. The permit applicant or permittee may have representation at the conference. After all relevant information has been presented and analyzed, the Division director shall within 14 days notify the permit applicant or permittee of the decision in writing.

(ii) The Division director's decision may be appealed by the permit applicant or permittee within 30 days of the receipt of the decision, in writing, to the New York State Canal Corporation, P.O. Box 189, Albany, NY 12201, by certified mail. The Director of Canals shall conduct an independent review of all the available information, and may also schedule a conference to allow the permit applicant or permittee, or a representative, to rebut the Division director's permit fee determination. Based on a full review of all the available data and within 14 days of receipt of a request for review, or of a conference, whichever is later, the Director of Canals shall decide the final fee determination. This determination shall be the final determination and shall be communicated to the permit applicant or permittee in writing.

(iii) Fees due the Canal Corporation are not waived either in total or in part during the appeal process outlined in subparagraph (ii) of this paragraph. Any overpayment which may result from a successful appeal will be refunded.

(12) Insurance requirements.

(i) Permit holders must provide the Canal Corporation with proof of general liability coverage issued by an insurance carrier licensed to do business in the State of New York naming the People of the State of New York, the Authority and the Canal Corporation as additional insureds.

(ii) The coverage must be single limit per occurrence for combined property damage and/or bodily injury, including death.

(iii) Minimum limits:

(a) Residential/Recreational \$ 300,000

(b) Agricultural \$ 300,000

(c) Vendors \$ 500,000

(d) Industrial \$ 2,000,000

(e) Commercial \$ 2,000,000

(f) Utility corporations or private corporations transmitting natural gas, electricity or fluids of a hazardous nature \$ 3,000,000

(g) Special events involving public participation \$ 2,000,000

(h) For uses not specified in this subparagraph, the limits will be established by considering the limits listed in this subparagraph as well as the individual characteristics of the proposed use.

(iv) The Canal Corporation reserves the right to periodically adjust the minimum limits of coverage as set forth in this section and to individually adjust the insurance coverage of a permit holder if, in the opinion of the Canal Corporation, such terms are beneficial to the People of the State of New York, the Authority and the Canal Corporation.

Historical Note: Sec. added by renum. 56.4, Title 17, Jan. 1997; amds. filed: March 30, 1999 as emergency measure; June 2, 1999 eff. June 23, 1999.

Part 157: Public Access to Canal Corporation Records

§157.1 Records available for inspection and copying; fees

1. Subject Matter List

The Canal Corporation will keep a reasonably detailed current list, by subject matter, of all records in the possession of the Canal Corporation, whether or not available under the Freedom of Information Law.

2. Availability of records.

The Canal Corporation shall produce its records for inspection by appointment during those days and hours that it is regularly open for business, as follows: Monday through Friday, between the hours of 8:30 a.m. and 4:30 p.m.(excluding observed holidays). Written requests for copies of records should be directed to the Canal Corporation's Records Access Officer at 200 Southern Boulevard, Albany, New York 12209.

3. Fees.

a. The fee for copies of records not exceeding 9 x 14 inches in size shall be 25 cents per page.

b. The fees for searching the records of the Canal Corporation for an accident report, for furnishing a copy of an accident report, and for furnishing a copy of an accident reconstruction report shall not exceed the fees charged by the division of state police pursuant to section sixty-six-a of the public officers law and/or by the department of motor vehicles pursuant to section two hundred two of the vehicle and traffic law; provided, however, that no fee shall be charged to any public officer, board or body, or volunteer fire company, for searches or copies of accident reports to be used for a public purpose.

c. Except when a different fee is otherwise prescribed by statute, the fee for a copy of any other record shall be the actual cost of reproducing such record, as determined by the Records Access Officer in accordance with Public Officers Law section 87.

d. The Canal Corporation Executive Director, or his or her designee may, at his or her discretion, waive all or any portion of the fees authorized by this subdivision.

§157.2 Rights of party denied access to records.

If access to a record is denied, such denial may be appealed to the Canal Corporation Executive Director, or his or her designee.

NEW YORK STATE THRUWAY AUTHORITY

NEW YORK STATE CANAL CORPORATION

STANDARDS FOR DOCKS ON THE CANAL SYSTEM

MAY 2001

BUREAU OF MANAGEMENT ANALYSIS AND PLANNING

TAP-915 (05/01)

I. INTRODUCTION

Section 100 of the Canal Law authorizes the Canal Corporation to "issue revocable permits granting certain limited privileges therein, whenever the same can be done without detriment to Canal navigation or damage to the banks or other structures thereof." The purpose of this document (the "Standards") is to provide specific standards for docks on the Canal System.

II. APPLICATION

The Standards shall apply to residential/non-commercial docks, which can accommodate four or fewer boats, each of which shall not exceed 40 feet in length, with a maximum dock length of 100 feet.

Commercial docks, as well as docks larger than the size standard established above, will be analyzed on a case-by-case basis.

The Standards apply to the Erie, Champlain, Oswego and Cayuga/Seneca Canals (i.e., the areas under Canal Corporation jurisdiction). Docks on reservoirs and feeder canals will be considered by the Canal Corporation on a case-by-case basis.

Any new dock installations or extensions to current docks will require a work permit.

III. STANDARDS

A. NAVIGATION

No dock shall interfere with Canal navigation, by either physically impeding navigation or obstructing the vision of boaters traveling on the Canal System.

1. Minimum offset from edge of navigation channel (bottom angle):

a. River section: 50 feet minimum offset.

b. Land cut section: 24 feet minimum offset (16 feet clear area plus 8 feet nominal boat width). Where a 24 feet offset is physically impossible, a dock with 4 feet maximum projection from the shoreline is allowable.

c. On curved sections of the Canal, the Canal Corporation may require greater offsets than the offsets set forth in a. and b., to account for sight distance or vessel maneuverability considerations. The Division Canal Engineer may designate certain limited areas where docks are prohibited for navigation reasons.

2. Docks shall be parallel to shore in land cut areas.
3. Docks shall be at least 50 feet from Canal Corporation navigations aids.
4. Docks and moored boats shall not hinder boaters' views of navigation aids or structure son the Canal System.
5. Protection of the dock and moored boats from passing boat wakes in the permittee's responsibility. Boats shall not be moored on the outer (Canal) side of wake protection devices.
6. Docks and slips shall have their design approved by the Division Canal Engineer. A standard approved dock design is attached as Appendix A.
7. Excavated slips are not permitted where:
 - a. The Canal is in an embankment section;
 - b. An unstable or unsafe condition would be created; or
 - c. The Division Canal Engineer determines that there is insufficient Canal Right-of-Way, or a future trail would be impeded.
8. No dock installation will be permitted which may impair the integrity of an embankment.
9. Slips, cuts, etc., must be lined with stone bank protection, riprap, or other method for protection against erosion and wave action as approved by the Canal Corporation.

B. GENERAL .

1. One dock per property owner (residential) is permitted. More than one dock shall be treated as a commercial dock installation.
2. Docks and decks shall not restrict access (e.g., for trails, maintenance or operations) across Canal lands.
3. Docks shall be set back at least 10 feet from property lines of adjacent upland owners. Extensions of property lines across Canal Corporation property to the water shall be as determined by the Canal Corporation.
4. No new boathouses will be permitted.
5. Covered slips may have a roof only — no sides are permitted.
6. Excavated slips, where permitted, shall be no larger than 1,000 sq. feet.
7. All electrical and plumbing services to docks, slips and decks shall meet all applicable local, state and federal codes.

8. No enclosed storage shall be permitted on docks or decks.

9. Flotation devices for docks shall be foam blocks, pontoons or other material manufactured specifically for flotation. Metal barrels, drums, or other containers that are not specifically made for flotation are prohibited.

10. Retaining walls, when a part of a dock request, shall be constructed of stone, concrete blocks, poured concrete or other materials acceptable to the Canal Corporation. Railroad ties, vehicle tires, creosote timbers, guide railing, and asphalt are not permitted.

C. ENVIRONMENTAL

1. Any dock with more than four boat moorings or 100 linear feet of dockage will require an independent environmental review under the State Environmental Quality Review Act (SEQRA).

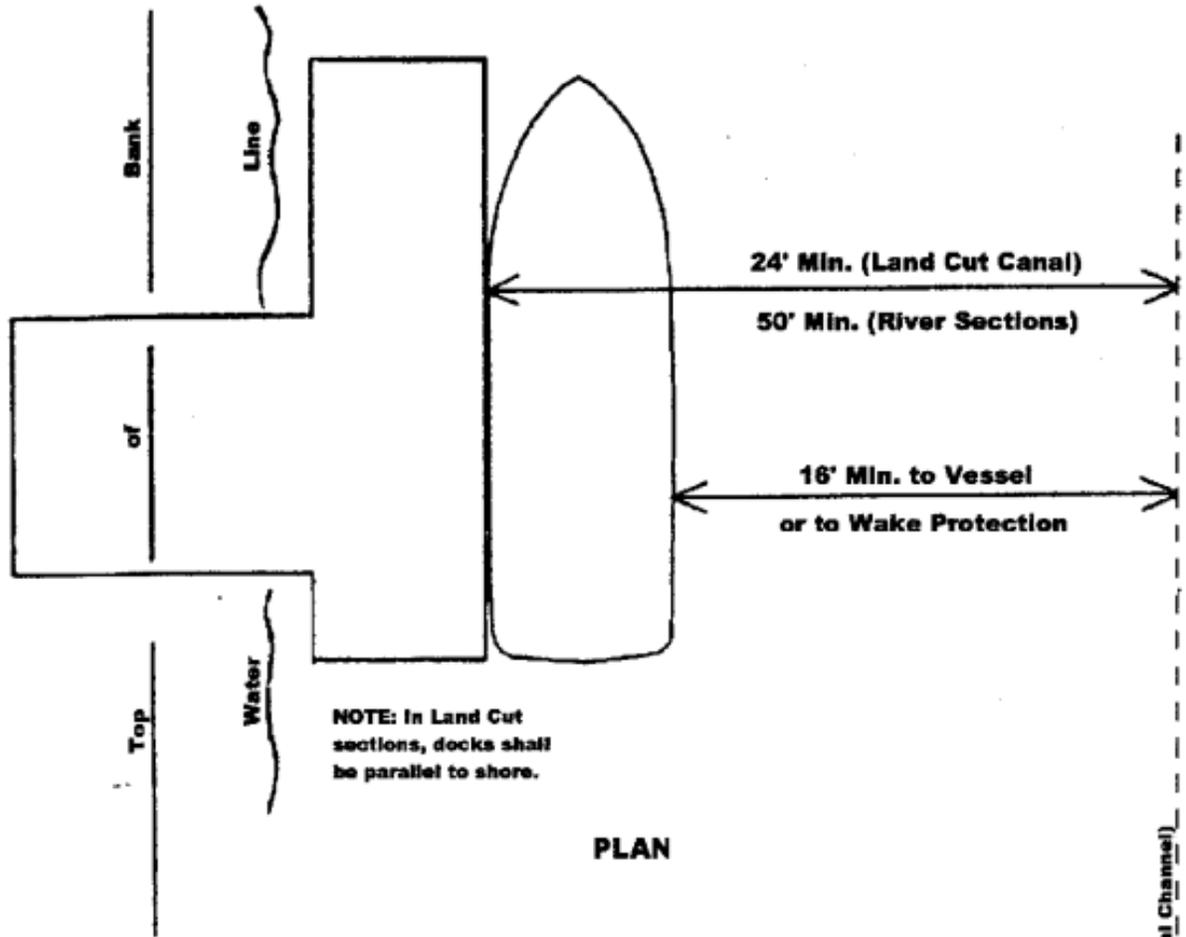
2. No creosote or pentachlorophenol shall be allowed.

3. Slips or other excavations shall require a letter of no effect from the State Historic Preservation Office before permit issuance.

4. Slips or other excavations will require appropriate sampling and disposal of materials as directed by the Canal Corporation.

5. Fills are prohibited within the limits of an established floodway, flowage easement or flood plain, unless mitigation measures approved by the Canal Corporation and all other appropriate state and federal agencies are included.

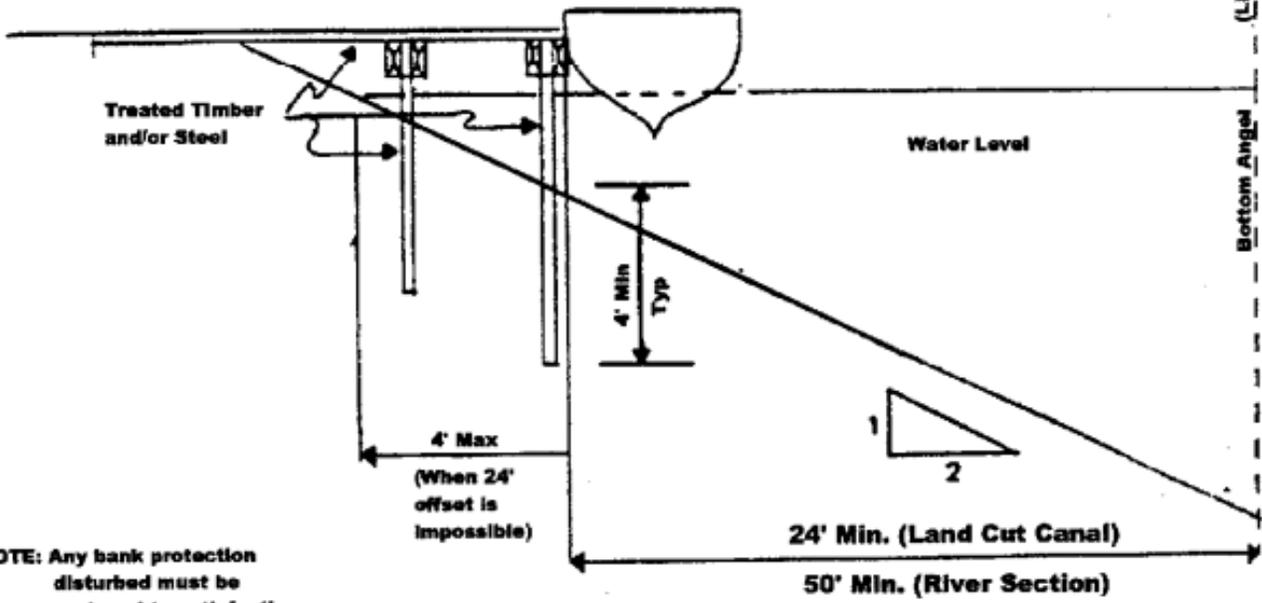
IV. APPENDIX



NOTE: In Land Cut sections, docks shall be parallel to shore.

PLAN

-- Canal --



NOTE: Any bank protection disturbed must be replaced to satisfaction of the Corporation.

V. DISTRIBUTION

Executive Director

Deputy Executive Director

Department Heads

Deputy General Counsel

Chief Assistant Counsel, Legal Services

Assistant Counsels, Legal Services (4)

Director of Human Resource Management

Director of Labor Relations

Director of Investments and Asset Management

Supervisor of the Bureau of Real Property Management

Director of Design

Director of Canal Design

Director of Canals Maintenance and Operations

Canals Administrative Officer

Supervisor, Canal Engineering and Capital Program

Director of the Bureau of Environmental Management and Historic Preservation

Director of Canal Development

Director of Canal Marketing

Director of Canal Policy Implementation

Division Directors

Division Canal Engineers

Division Canal Section Superintendents

Division Canal Permit Coordinators

Division Canal Right-of-Way Agents