

Town of Webster

LWRP Monitoring Report

June 2014

Community Background:

The Town of Webster is located in the northeast corner Monroe County, approximately ten miles from the City of Rochester, the primary urban center of the region. The Town enjoys shorelines on two waterbodies - Lake Ontario and Irondequoit Bay. One of the largest coastal bays of Lake Ontario, Irondequoit Bay is approximately 1,680 acres in size and is bounded by three towns - Webster, Penfield, and Irondequoit. The Bay is surrounded by steep embankments along the east and west shores and large wetland areas at its shallower south end.



Town of Webster

Looking south from Lake Ontario to Irondequoit Bay¹

Residents and tourists use the Bay and Lake for various recreational activities including boating, fishing, water skiing, sailing and winter sports. Irondequoit Bay is also a very important ecological community – the entire bay, the large emergent wetland area at the south end of the bay, and approximately seven miles of the Irondequoit Creek, have been designated by NYS under the Waterfront Revitalization of Coastal Areas and Inland Waterways Act (NYS Executive Law Article 42) as a Significant Coastal Fish & Wildlife Habitat.

The Town's local waterfront revitalization area includes approximately fourteen miles of shoreline along Lake Ontario and Irondequoit Bay. Land use within the waterfront revitalization area is predominately residential. Public waterfront access is limited to two parks, which provide fishing access and passive recreation opportunities, the Town-owned Sandbar Park and the Monroe County-owned Webster Park. The 550 acre Webster Park also offers extensive hiking trails, athletic fields, tennis courts, and a campground.

Webster adopted its Local Waterfront Revitalization Program (LWRP) in 1997. The LWRP focuses on increasing public access, protecting natural resources, and encouraging appropriate development. Due to increased use of the Bay for recreation, the three surrounding towns subsequently collaborated to develop the Irondequoit Bay Harbor Management Plan (IBHMP) to govern surface water use and ensure

¹ Photo Credit: <http://warrior481.blogspot.com/2008/08/low-and-slow.html>

development occurs without impacting natural resources. In 2008, each town adopted identical Harbor Management Laws to implement the surface water use plan set forth in the IBHMP.

Collaborations with Department of State:

Since completion of its LWRP in 1997, the Town of Webster has worked to advance its implementation. The Department of State (DOS) has awarded two Environmental Protection Fund Local Waterfront Revitalization Program (EPF LWRP) grants to the Town of Webster. (See attached chart: Grants Awarded - Title 11 Environmental Protection Fund Local Waterfront Revitalization Program, Town of Webster).

Through these EPF LWRP awards, the Town prepared planning and design documents for a new waterfront Park, Sandbar Park, and has begun to prepare an update of its LWRP.

LWRP Monitoring Process:

The goal of the monitoring process is for DOS to assess a community's consistency with its approved LWRP, and to understand local implementation activities and decision-making procedures related to the LWRP. Additionally, this process provides a forum for the community to highlight successes and discuss technical and financial assistance for program implementation.

DOS began the monitoring process with a correspondence, which asked the Town to participate, outlined the monitoring process, and a list of survey questions. Subsequently, DOS held a site visit with Town staff to discuss the survey questions and the Town's responses. Finally, DOS prepared the written assessment of findings to identify areas of improvement, training, and the need for an LWRP update which has been started by the Town.

DOS Findings:

Overview

The Town of Webster LWRP has served the Town well, and was the impetus for adopting new zoning regulations and the waterfront consistency review law which together, help implement the Town's waterfront vision and protect environmental sensitive areas. As the Town's LWRP is now seventeen years old, it is in need of updating to reflect the current land and water use plan and adoption of new local laws, zoning amendments, and the Irondequoit Bay Harbor Management Law adopted in 2008. In the future, the Town may also wish to explore expanding its waterfront revitalization area to include acquired parkland, identify a new generation of waterfront revitalization projects, and create additions to its Environmental Protection Overlay Districts (EPOD) designations to provide additional protection to its watercourses, wetlands and vernal ponds.

In 2006, with EPF LWRP funding through DOS, the three towns surrounding Irondequoit Bay began preparing an LWRP update. While the Towns of Penfield and Irondequoit have been moving forward with the update, the Town of Webster has experienced difficulty in completing the update. Due to a lack of staff and resources, completion of the LWRP update may be postponed. However, the Town will

continue to adhere to the LWRP goals and policies and investigate additional opportunities to improve public access to the Bay and Lake.

LWRP Implementation

In order to implement the 1997 LWRP, Webster has made several additions and alterations to its zoning code, including the creation of Environmental Protection Overlay Districts (EPOD), a Waterfront Development District (WD), and dock regulations.

The EPODs were established to provide special controls over land development located in sensitive environmental areas. The Town established three EPODs which are intended to provide additional protections for floodplains, steep slopes and woodlots. The regulations contained in each EPOD are not intended to be a substitute for other general zoning district provisions, but can be superimposed over such district provisions and are considered as additional requirements to be met by the applicant or developer prior to project approval. An EPOD Development Permit is required prior to the commencement of any regulated activity, or the issuance of any building permit for regulated development, in a designated EPOD within the Town of Webster.

The purpose of the Steep Slopes EPOD is to minimize the impacts of development activities on steep slopes around Irondequoit Bay. The regulations contained in this district are designed to minimize the disturbance or removal of existing vegetation, prevent increased erosion and runoff, maintain established drainage systems, locate development where it is less likely to cause future slope failures, and retain as much as possible the natural character of these areas.

The purpose of the Woodlot EPOD is to preserve and protect woodlots located along Irondequoit Bay in by regulating or controlling development in those areas and by requiring review and permit approval prior to project commencement.

The Floodplain EPOD included specific regulations and review procedures for development within the 100-year floodplain. This Floodplain EPOD was repealed in 2008, when the Town created and adopted a new Flood Damage Prevention Law which regulates uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities; requires that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction; controls the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters; controls filling, grading, dredging and other development which may increase erosion or flood damages; and regulates the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

A Waterfront Development District (WD) was created to provide for the establishment and maintenance of water-dependent and/or water-enhanced uses and activities along the shorelines of Lake Ontario and Irondequoit Bay, and protect the unique and sensitive environmental features that exist along the Lake and Bay shorelines. The WD District permits low-density residential development as well as certain commercial, recreational and open space uses that serve the residents of this district as well as of the Town, and that generally benefit from and enhance the unique aesthetic and environmental qualities of

the Town's waterfront areas. Additional requirements in the WD District seek to ensure that there is adequate public access to the waterfront through the site plan review process.

The Town also established a local permitting process governing docking and mooring. The law sets forth the review procedure, dimensional standards for residential uses as well as marinas and yacht clubs, and performance standards for all dockage.

Sandbar Park

The Town's LWRP identified the lack of public waterfront access and the need to develop amenities and expand public recreational opportunities. With funding through EPF LWRP, the Town commissioned a site plan for a park on the Sandbar, a narrow strip of land extending approximately one mile across Irondequoit Bay from the Webster mainland and separating the Irondequoit Bay from Lake Ontario. The resulting plan called for acquisition of 5.92 acres for a municipal park, including a two lane boat launch and handicap accessible fishing pier on Irondequoit Bay. The park was also designed to include three acres of passive recreation areas and car-trailer parking. After many years, the Town was able to acquire land along the Lake Ontario shoreline, which has been opened to the public for passive recreation offering specular views of the lake. However, the Town was unable to complete plans for the boat launch on the Irondequoit Bay shoreline. The Town continues to investigate additional opportunities to gain additional public access to the Bay and Lake.



View of Lake Ontario at Sandbar Park²

Irondequoit Bay Coordinating Committee (IBCC)

The Irondequoit Bay Coordinating Committee (IBCC) was established in 1985 as an advisory committee through an inter-municipal agreement between the Towns of Irondequoit, Penfield and Webster, and the County of Monroe.

The IBCC's mission is to coordinate among various levels of government with an interest in the Irondequoit Bay, all levels of public and private use of the area, and to develop, recommend and monitor, related policies. The IBCC's goal is to promote recreational and economic opportunities on Irondequoit Bay while protecting and maintaining environmental quality.

Irondequoit Bay Technical Staff (IBTS)

The Irondequoit Bay Technical Staff (IBTS) is a subcommittee of the IBCC. Membership is made up of representatives from the Towns of Irondequoit, Penfield and Webster, Monroe County Planning and Development, Monroe County Health Department, New York State Department of Environmental Conservation, Monroe County Soil and Water Conservation District, New York State Department of State, Environmental Management Council, and the Monroe County Water Quality Coordinating

² Photo Credit: Brad Mandell, http://rocwiki.org/Sandbar_Park

Committee. The IBTS meets monthly to review proposed projects located around the Bay and offer comments and recommendations to the permit-issuing agency for their consideration. The Town of Webster Department of Public Works Commissioner represents Webster at these meetings.

Irondequoit Bay Harbor Management Plan

With increasing use of the Irondequoit Bay, the need to plan for surface water use became apparent. The three towns surrounding the Bay, with funding and technical assistance from the DOS, worked collaboratively to develop the Irondequoit Bay Harbor Management Plan (IBHMP) to aid in the planning and regulation of water use activity in intensely-used waterfront areas. The Harbor Management Plan was completed in 2003. In 2008, each town passed a Harbor Management Law to implement the IBHMP and establish standards, requirements and procedures for the environmental protection of the Bay's sensitive natural areas and resources; improve and protect its water quality for desired uses which emphasize a healthy aquatic ecosystem; ensure that development around the Bay occurs without impacting significant resources (e.g. environmental, historical, archeological, aesthetic features); regulate the operation of vessels and matters relevant to navigation and safety; minimize and resolve water surface use conflicts and conflicts among all users and stakeholders of the Bay; and, improve public access to diverse recreational opportunities on the Bay and make it an integral part of local and regional tourism development efforts.

LWRP Document Accessibility

Copies of the Town of Webster LWRP are on file at the Town Hall, at 1000 Ridge Road, and are accessible during normal business hours. An electronic copy of the LWRP is also available on the DOS website: <http://www.dos.ny.gov/opd/>.

Local Consistency Review

The Town of Webster LWRP Consistency Law was adopted in September 1997 to provide for the preservation, enhancement and utilization of the natural and man-made resources of the unique coastal area of the Town of Webster take place in a coordinated and comprehensive manner to ensure a proper balance between natural resources and the need to accommodate population growth and economic development. The law requires that actions classified as Type I or unlisted as defined in NYS Environmental Quality Review Act (Part 617 of Title 6 of NYCRR) and/or the Webster Environmental Quality Review to be undertaken, approved or funded by Town agencies be undertaken in a manner consistent with the policies and purposes of the Town of Webster LWRP.

As required by of the Town's local consistency process, whenever a proposed action is located in the Town's coastal area, an agency, prior to approving, funding or undertaking the action, makes a determination that the action is consistent with the LWRP policy standards and conditions. Whenever an agency receives an application for approval or funding of an action or as early as possible in the agency's formulation of a direct action to be located in the coastal area, the applicant or, in the case of a direct action, the agency prepares a coastal assessment form (CAF) to assist in the consistency review. The agency refers a copy of the completed CAF to the Town Planning Board within ten days of its submission and prior to making its determination considers the recommendation of the authorized official with reference to the consistency of the proposed action. After referral from an agency, the

Town Planning Board considers whether the proposed action is consistent with the LWRP policy standards and conditions. The authorized official requires the applicant to submit all completed applications, environmental assessment forms and any other information deemed to be necessary to its consistency recommendation. The Town Planning Board then renders its written recommendation to the agency within thirty days following referral to the CAF from the agency and including whether, in the opinion of the Town Planning Board, the proposed action is consistent with or inconsistent with one or more of the LWRP policy standards or conditions and elaborates in writing the basis of the opinion. The agency then makes the determination of consistency based on the CAF, the Town Planning Board's recommendation and such other information as is deemed to be necessary in its determination. The agency then issues its determination within seven days of the date for receipt of the Town Planning Board's recommendation or within the time necessary to adequately review the action. The agency has the authority, in its finding of consistency, to impose practicable and reasonable conditions on an action to ensure that it is carried out in accordance with the waterfront consistency review law.

The Town staff and Planning Board are familiar with the LWRP and associated waterfront consistency review requirements. On average, approximately six consistency applications are reviewed each year. Completed CAF and consistency determinations are kept on file along with other forms and documents pertaining to the proposed project. The Town feels the waterfront consistency review law has been an effective tool for protecting waterfront resources and ensuring proposed development will advance the Town's waterfront vision.

Grants Awarded			
Title 11 Environmental Protection Fund Local Waterfront Revitalization Program (EPF LWRP)			
Town of Webster			
Year	Amount of Grant	Project Description	Status
2006	\$60,000	The Town of Penfield, in collaboration with the Towns of Irondequoit and Webster and the Irondequoit Bay Coordinating Committee, will revise and update the Local Waterfront Revitalization Programs for these communities and their Irondequoit Bay waterfronts. This work will reflect the adoption of the towns' respective local laws, zoning amendments and the new multi-town Harbor Management Law, developed as part of intermunicipal harbor management planning.	Open
1995	\$26,000	This grant was awarded for the design of a public park on Lake Shore Road, a causeway separating Lake Ontario and Irondequoit Bay. Development of this facility will provide much needed public access to the Town's waterfront.	Closed