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Resource Type: Regulations
State: New York
Jurisdiction Type: Municipal
Municipality: Town of Irondequoit
Year (adopted, written, etc.): 1986-1998
Community Type - applicable to: Suburban; Rural
Title: Town of Irondequoit Environmental Protection Overlay District
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Abstract

The purpose of Article XI of the Town Code is to protect the environment in Irondequoit through the establishment of overlay districts established in this article which provide special controls over land development located in sensitive environmental areas within the Town of Irondequoit.

Resource

Town of Irondequoit NY Environmental Protection Overlay Districts

Code of the Town of Irondequoit NY

General Code

[http://www.e-](http://www.e-codes.generalcode.com/codebook_frameset.asp?t=tc&p=0059%2D235%2Ehtm%23ArticleXI&cn=1021&n=[1][173][952])

[codes.generalcode.com/codebook_frameset.asp?t=tc&p=0059%2D235%2Ehtm%23ArticleXI&cn=1021&n=\[1\]\[173\]\[952\]](http://www.e-codes.generalcode.com/codebook_frameset.asp?t=tc&p=0059%2D235%2Ehtm%23ArticleXI&cn=1021&n=[1][173][952])

ARTICLE XI Environmental Protection Overlay Districts [Added 5-1-1986 by L.L. No. 4-1986]

§ 235-41. Purpose.

- A. The purpose of the environmental protection overlay districts established in this article is to provide special controls over land development located in sensitive environmental areas within the Town of Irondequoit. These districts and the regulations associated within them are designed to preserve and protect unique environmental features within the Town as much as possible, including, but not limited to, wetlands, steep slopes, floodplains and woodlots.
- B. The regulation contained in each environmental protection overlay district (EPOD) are

not intended to be substituted for other general zoning district provisions, but can be superimposed over such district provisions and should be considered as additional requirements to be met by the applicant or developer, prior to project approval. The purpose of the overlay districts is to provide the Town with an additional level of review and regulation that controls how land development permitted by the Town's primary zoning districts should occur in sensitive or unique environmental areas.

§ 235-42. Division of districts.

In order to address the specific goals listed in § 235-41A of this chapter, the Town of Irondequoit is hereby divided into the following environmental protection overlay districts:

EPOD1 - Wetland Protection District

EPOD2 - Steep Slopes Protection District

EPOD3 - Woodlot Protection District

EPOD4 - Floodplain Protection District

EPOD5 - Watercourse Protection District

EPOD6 - Coastal Erosion Area Protection District
[Amended 4-21-1988 by L.L. No. 4-1988]

§ 235-43. Maps.

The locations and boundaries of all environmental protection overlay districts shall be delineated on an official set of maps on file in the Town Clerk's office and Town Building Department. These maps shall be known and may be cited as the "Official Town of Irondequoit EPOD Maps" and shall include the environmental atlas maps for the Town [prepared by the Monroe County Environmental Management Council (MCEMC)], the Official Wetland Maps for the Town [prepared by the New York State Department of Environmental Conservation (NYSDEC)], the Official Flood Insurance Rate Maps (FIRM) for the Town [prepared by the Federal Emergency Management Agency (FEMA)], the Coastal Erosion Hazard Area maps (prepared by the NYSDEC) and the State Coastal Erosion Maps. The Official Town of Irondequoit EPOD Maps shall be used for reference purposes only and shall not be used to delineate specific or exact boundaries of the various overlay districts. Field investigations and/or other environmental analyses may be required in order to determine whether or not a particular piece of property is included within one or more of the overlay districts.

§ 235-44. Interpretation of district boundaries. [Amended 6-17-1997 by L.L. No. 4-1997; 12-15-1998 by L.L. No. 8-1998]

The Town Department of Planning and Zoning shall be responsible for interpreting environmental protection overlay district boundaries based on an interpretation of the Official Town of Irondequoit EPOD Maps, as well as the use of various criteria set forth in this article for determining such district boundaries. The Town Department of Planning and Zoning may request the assistance of the Town Engineer or other appropriate department or agency in making such a determination. Appeals from a determination of the Town Department of Planning and Zoning regarding boundaries of overlay districts shall be made to the Town Planning Board in accordance with the public hearing procedures of Article XV of this chapter.

§ 235-45. Development permit required.

An EPOD development permit shall be required subject to the provisions of this article and prior to the commencement of any regulated activity or the issuance of any building permit for regulated development in a designated environmental protection overlay district within the Town of Irondequoit. The following activities are exempt from the permit procedures of this article, subject to a determination by the Town Building Inspector that such activities involve necessary normal maintenance and upkeep of property and/or involve public health, safety or emergency situations:

- A. Lawn care and maintenance.
- B. Gardening activities.
- C. Tree and shrub care and maintenance.
- D. Removal of dead or deteriorating vegetation.
- E. Removal of structures.
- F. Repair and maintenance of structures.
- G. Repair and maintenance of faulty or deteriorating sewage facilities or utility lines.
- H. Reconstruction of structures damaged by a natural disaster.
- I. Agricultural activities, except structural activities.
- J. Public health activities, orders and regulations of the New York State Department of Health, Monroe County Department of Health or other agencies undertakes in

compliance with § 24-0701, Subdivision 5, of the New York State Environmental Conservation Law, as amended or changed.

- K. Activities subject to the review jurisdiction of the New York State Public Service Commission or the New York State Board on Electric Generation Siting and the Environment, under the provisions of Article 7 or Article 8 of the New York State Public Service Law, respectively.
- L. Any actual or ongoing emergency activity which is immediately necessary for the protection and preservation of life, property or natural resource values.

§ 235-46. Development permit application. [Amended 4-21-1988 by L.L. No. 4-1988; 2-4-1997 by L.L. No. 1-1997; 12-15-1998 by L.L. No. 8-1998]

- A. Application for EPOD development permits shall be made in writing to the Town Planning Board on forms available to the Town Department of Planning and Zoning. Such an application shall be made by the property owner or his/her agent and shall be accompanied by any materials or information deemed appropriate by the Town Department of Planning and Zoning or Town Engineer, including but not limited to a scaled site plan prepared and certified by a licensed engineer or land surveyor that contains the following minimum information:
 - (1) A location plan and boundary line survey of the property.
 - (2) The location of all environmental protection overlay district boundaries, designated Town open space, Town, county or state parkland or other similar areas within and/or adjacent to the property, as defined by this article.
 - (3) The location of all existing and proposed buildings, structures, utility lines, sewers, water and storm drains on the property or within 200 feet of the proposed work site.
 - (4) The location of all existing and proposed impervious surfaces, such as driveways, sidewalks, etc., on the property or within 200 feet of the proposed work site.
 - (5) Existing and proposed contour levels at intervals of five feet for the property, unless such property is located within a Steep Slope Protection District whereby contour levels shall be required at intervals of two feet.
 - (6) The location and types of all existing and proposed vegetation and shrub masses, as well as all trees with a diameter of four inches or more within and/or adjacent

to the property.

(7) The location of all existing and proposed drainage patterns, drainageways, swales, etc., within and/or adjacent to the property.

B. Each application for an EPOD development permit shall be accompanied by an application fee set in accordance with § 1-18. This fee shall be in addition to any other fee required for the development under this chapter.

§ 235-47. Application review; public hearing; issuance or denial of permit. [Amended 2-14-1995 by L.L. No. 6-1995; 6-17-1997 by L.L. No. 4-1997; 8-18-1998 by L.L. No. 1-1998; 12-15-1998 by L.L. No. 8-1998]

A. The Town Department of Planning and Zoning shall refer a completed permit application to the Town Planning Board for a public hearing in accordance with the provisions of Article XV of this chapter. The Town Department of Planning and Zoning shall also refer a completed permit application to the Town Conservation Board for its review and recommendations. The Town Conservation Board shall have 30 days from the date of its receipt of a completed application in which to review such application and report its recommendations to the Town Planning Board. Should the Town Conservation Board fail to report or make a recommendation to the Town Planning Board regarding the application within the thirty-day time period, the Town Planning Board may take action on the permit application without such report.

B. Following the required public hearing, the Town Planning Board shall have the authority to grant or deny an EPOD development permit, subject to the standards, criteria and other regulations contained in this article. The Town Planning Board shall consider the comments and recommendations of the Town Conservation Board and may also request a report from the Town Engineer or other appropriate department or agency in acting on such permit application.

C. In addition, the Town Planning Board, when deemed necessary by a majority vote of the Board, may refer any completed application for an EPOD development permit to the Town Board for its review, comments and recommendations. When such a referral is made, then the Town Planning Board may not take action on such an application until it has received the report of the Town Board concerning the development permit request.

D. Any development permit issued by the Planning Board in accordance with the provisions of this article may be issued with conditions. Such conditions may be attached as are deemed necessary by the Board to ensure the preservation and protection of environmentally sensitive areas and to ensure compliance with the policies and provisions of this article. Every permit issued pursuant to this article shall

contain the following conditions:

- (1) The Town Building Inspector, Town Engineer and/or other appropriate Town official shall have the right to inspect the project from time to time.
 - (2) The permit shall expire on a particular date, unless extended by the Planning Board upon good cause shown.
 - (3) The permit holder shall notify the Town Building Inspector or other appropriate Town official of the date on which project construction is to begin, at least five days in advance of such date.
 - (4) The EPOD development permit shall be prominently displayed at the project site during the undertaking of the activities authorized by the permit.
- E. Review of application for all permits. Any permit issued by the Commissioner of Public Works/Superintendent of Highways pursuant to this chapter or Chapter 98, Building Construction and Fire Prevention, which involves property subject to one or more environmental protection overlay districts must be reviewed by the Town Planning Board.
- F. Site capacity worksheet.
- (1) The applicant shall also submit a completed site capacity worksheet with any application for land subdivision to the Town of Irondequoit Planning Board. Said worksheet shall be made available at the Town of Irondequoit Director of Planning and Zoning's office. Said worksheet shall be in a form approved by the Town Board and shall include, as part of the calculation, base site areas, environmental protection overlay districts, net buildable site areas and maximum allowable dwelling units. Said site capacity worksheet is attached hereto and made a part hereof as Exhibit A, together with any further changes or amendments that may be approved by the Town Board.

EXHIBIT A
Site Capacity Worksheet

A. Base Site Area: = _____ Acres

B. Environmental Protection Overlay Districts:

(Area to be subtracted from the Base Site Area)

EPOD	Open Space Factor*	Acres In Resource	Required Resource Protection Land
Steep slopes 30% and over	0.95	x	=
Watercourse Corridor Protection	0.90	x	=
Woodlot	0.75	x	=
Steep slopes 20% to less than 30%	0.50	x	=
Floodplain	0.90	x	=
Wetlands:			
NYDEC	0.90	x	=
USCA	0.90	x	=
TOTAL EPOD = _____ Acres LAND			

C. Gross Buildable Site Area

(1) Base Site Area (A) = _____

(2) Total EPOD Protection Land (B) = _____

(3) Gross Buildable Site Area = C(1) - C(2) = _____

Acres

D. Total Area Within Right(s)-of-Way= _____
Acres

E. Net Buildable Site Area = C(3) - D = _____

Acres

F. Maximum Allowable Dwelling Units

- (1) Net Buildable Site Area (E) = _____
- (2) Minimum Lot Size = _____
- (3) Maximum Dwelling Units = F(1) divided by F(2) = _____ Units

NOTES:

1. The open space factors are not intended to be calculated on a cumulative basis. Where a property is encumbered with more than one overlapping Environmental Protection Overlay Districts (EPODs), the EPOD with the higher open space factor would be used in the subsequently overlapping EPOD area(s).

2. Floodplains, steep slopes, wetlands and watercourses can be effectively designed to act as buffers between existing and proposed developments, used as open space within subdivision or maintained privately as part of the subdivision lots and homesites.

A reasonable credit is, therefore, provided for the amenity these features provide in determining the maximum density of subdivisions.

- (2) No permit to undertake any regulated activity within an EPOD shall be issued by the Planning Board unless the net buildable site area and maximum allowable dwelling units are less than or equal to the calculated value under the site capacity calculation worksheet.

§ 235-48. Performance guaranty. [Amended 4-21-1988 by L.L. No. 4-1988; 2-14-1995 by L.L. No. 4-1995; 6-17-1997 by L.L. No. 4-1997; 12-15-1998 by L.L. No. 8-1998]

Following approval of an application for an EPOD development permit and prior to the commencement of any site activity, issuance of any building or other Town permit, the applicant shall furnish the Town Director of Development Services with an irrevocable

letter of credit in an amount to be reviewed by the Town Engineer and Town Attorney, which is sufficient to cover the costs of compliance with the various specifications and conditions of the development permit. The purpose of the letter of credit shall be to ensure that all items, activities or structures specified in the plans approved by the Town Planning Board are constructed or carried out in accordance with such plans and specifications and other appropriate requirements of the Town of Irondequoit. The irrevocable letter of credit shall continue in full force and effect until such time as the Commissioner of Public Works has certified, in writing, to the Town Planning Board that, based on a site inspection, all specifications, requirements and permit conditions have been completed and/or complied with, whereupon the letter of credit shall be released to the applicant. The Town Commissioner of Public Works/Superintendent of Highways, upon recommendation of the Town Engineer, Town Planning Board or other appropriate department or official, may deduct or withhold an amount from the letter of credit sufficient to cover the cost of noncompliance with any requirements, specifications or permit condition and/or release the Town from any liability resulting from such noncompliance.

§ 235-49. Suspension or revocation of permits. [Amended 2-4-1997 by L.L. No. 1-1997]

The Department of Development Services may suspend a permit (temporarily) until such time as the Planning Board reviews the suspension. The Town Planning Board, upon recommendation of the Town Building Inspector or other appropriate Town official and subject to a majority vote of the Board, may suspend or revoke a development permit issued in accordance with the provisions of this article where it has found evidence that the applicant has not complied with any or all terms or conditions of such permit, has exceeded the authority granted in the permit or has failed to undertake the project in the manner set forth in the application. The Town Planning Board shall set forth, in writing, its findings and reasons for revoking or suspending a permit issued pursuant to this article and shall forward a copy of said findings to the applicant.

§ 235-50. Citizen enforcement. [Added 2-14-1995 by L.L. No. 4-1995]

Citizens of the Town of Irondequoit shall have the power to enforce the EPOD regulations in the same manner as is permitted in Town Law § 268, as amended or changed.

§ 235-51. EPOD1 - Wetland Protection District. [Amended 4-21-1988 by L.L. No. 4-1988; 2-4-1997 by L.L. No. 1-1997; 6-17-1997 by L.L. No. 4-1997; 12-15-1998 by L.L. No. 8-1998]

A. Purpose. The purpose of the Wetland Protection District is to preserve and protect freshwater wetlands located within the Town of Irondequoit, pursuant to Article 24 of the New York State Environmental Conservation Law. Through this statement of purpose, it is declared to be the public policy of the Town of Irondequoit that these areas shall be protected as invaluable natural resources that provide for flood protection, wildlife habitats, recreational and open space, erosion and pollution control

and protection and recharging of groundwater supplies. The regulations contained in this district seek to prevent the despoilation and destruction of freshwater wetlands by controlling development in these areas and by requiring review and permit approval prior to project commencement.

- B. Delineation of district boundaries. The boundaries of the Wetland Protection District shall be delineated on the Official Town of Irondequoit EPOD Maps and shall include all wetland areas designated as Type I, Type II, Type III and Type IV by the New York State Department of Environmental Conservation. The provisions of this section shall be applicable to all wetland areas within the Town of Irondequoit and as shown on the Official Town Maps, other than those areas designated as Type I wetlands by the State Department of Environmental Conservation. Permit application for development within all Type I Environmental Conservation shall be reviewed and approved by the State Department of Environmental Conservation, subject to the provisions of Part 665 of the New York State Codes, Rules and Regulations (NYCRR). Upon application for a development permit within a Wetland Protection District, the Town Department of Planning and Zoning shall refer such application and site plan to the State Department of Environmental Conservation in order to determine the precise boundary of the wetland area. The boundary of a Wetland Protection District shall include a buffer zone that extends out from the edge of the wetland area for a distance of 100 feet or three hundred feet, as determined by the DEC.
- C. Regulated activities. No person shall conduct any of the following regulated activities within any Wetland Protection District in the Town of Irondequoit, unless such person has first applied for and obtained an EPOD development permit pursuant to the requirements of this article:
- (1) Any form of draining, dredging, excavation or removal of any natural materials, directly or indirectly, from a wetland.
 - (2) Any form of dumping, filling or depositing any material either directly or indirectly within a wetland.
 - (3) The erection or placement of any structures, roads or any man-made materials within the wetland.
 - (4) Any form of pollution, including but not limited to installing a septic tank, running a sewer outfall or discharging sewage treatment effluent or other liquid wastes into a wetland.
 - (5) Any activity which impairs the natural function of wetlands, whether located within the wetland or not.

- (6) Any activity regulated by § 24-0701 of the New York State Environmental Conservation Law, as amended or changed.

D. Development standards/permit conditions.

- (1) In granting, denying or conditioning any application for an EPOD Development permit, the Town Planning Board shall consider the effect that the proposed regulated activity will have on the public health, safety and welfare and the protection or enhancement of the several functions and benefits of freshwater wetland areas as stated in Subsection A of this section. No permit to undertake a regulated activity within a wetland protection district in the Town of Irondequoit shall be issued by the Town Planning Board, unless the applicant can adequately demonstrate to the Board that:
 - (a) The proposed regulated activity is consistent with the policy of this chapter to preserve, protect and conserve freshwater wetlands and the benefits derived therefrom.
 - (b) The proposed regulated activity is compatible with the public health, safety and welfare.
 - (c) The proposed regulated activity is reasonable and necessary.
 - (d) There is no reasonable alternative for the proposed regulated activity on a site which is not a freshwater wetland or adjacent area.
- (2) In addition, any applicant for a permit to undertake a regulated activity within a Wetland Protection District of the Town of Irondequoit shall be required to adequately demonstrate to the Town Planning Board that the proposed activity will in no way at present or at any time in the future adversely affect the following:
 - (a) Groundwater reservoir capacities.
 - (b) Watercourse flood-carrying capacities.
 - (c) Water quality.
 - (d) Water retention capabilities.
 - (e) Downstream siltation.

(f) The natural wildlife balance.

(g) Any natural function of the wetland.

(3) The applicant for a permit shall have the burden demonstrating that the proposed regulated activity will be conducted in accordance with the standards and requirements set forth above.

§ 235-52. EPOD2 - Steep Slopes Protection District. [Amended 4-21-1988 by L.L. No. 4-1988; 2-14-1995 by L.L. No. 5-1995; 6-17-1997 by L.L. No. 4-1997; 12-15-1998 by L.L. No. 8-1998]

- A. Purpose. The purpose of the Steep Slope Protection District is to minimize the impacts of development activities on steep slopes in the Town of Irondequoit by regulating activities in these areas and by requiring review and permit approval prior to project commencement. The developmental impacts include soil erosion and sedimentation, destruction of vegetation, increased runoff rates and slope failure. 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 to retain as much as possible the natural character of these areas.
- B. Delineation of district boundaries. The boundaries of the Steep Slope Protection District shall be delineated on the Official Town of Irondequoit EPOD Maps and shall include all areas in the Town of Irondequoit with a fifteen-percent slope or greater. The Town Department of Planning and Zoning and Town Engineer may consult other information, including but not limited to soil survey reports prepared by the Soil Conservation Service, topographic maps produced by the United States Geological Survey, field surveys and other appropriate sources in order to more accurately locate and delineate steep slope protection district boundaries within the Town. The following additional areas shall also be considered within the "steep slope" definition:
- (1) A transition zone at the top of the slope defined as that area containing soil classes (as defined in the Monroe County Soil Survey) with moderate to severe limitations for development and recreational uses as determined on a site-specific high-intensity soil survey.
 - (2) Natural protective features (beaches, bluffs and near-shore areas) around Irondequoit Bay, as defined in regulations in Part 505 of the NYCRR implementing the Coastal Erosion Hazard Act.

C. Regulated activities. No person shall conduct any of the following regulated activities within any Steep Slope Protection District in the Town of Irondequoit, unless such person has first applied for and obtained an EPOD development permit pursuant to the requirements of this article:

- (1) Clearing of or constructing on any land area within the district, including construction or clearing activities related to providing equipment access on the site, except for those activities exempted from the permit requirements of this article as indicated in § 235-45 of this chapter.
- (2) The construction or placement of any sewage disposal system, including individual sewage disposal systems, septic tanks, septic drainage or leach fields.
- (3) Filling, cutting or excavating operations.
- (4) Discharge of stormwater and/or construction and placement of stormwater runoff systems.
- (5) Construction of new buildings or structures or additions and modifications to existing buildings and structures in areas of slopes exceeding 15%.

D. Development standards/permit conditions.

- (1) In granting, denying or conditioning any application for an EPOD development permit, the Town Planning Board shall consider the effect that the proposed regulated activity will have on the public health, safety and welfare and the protection or enhancement of the fragile and environmentally sensitive steep slope areas within the Town. No permit to undertake a regulated activity within a Steep Slope Protection District in the Town of Irondequoit shall be issued by the Town Planning Board unless the applicant can adequately demonstrate to the Board that:
 - (a) The stable angle of repose of the soil classes as found on the site has been used to determine the proper placement of structures and other development-related facilities within the plateau area. Site specific calculations of the stable angle of repose for the site shall be determined by a professional soil scientist or engineer using the soil classes and nomenclature contained in the best management practices of the Irondequoit Bay Coordinating Committee, as defined and illustrated in Table 1, which is attached hereto and incorporated herein by reference, **Editor's Note: Said table and the accompanying diagram are on file in the Town Clerk's office.** and obtained for the site by borings, as well as high-density soil survey data

provided by the developer.

- (b) The stability of soil will be maintained or increased to adequately support any construction thereon or to support any landscaping, agricultural or similar activities. This shall be documented by soil bearing data provided by a qualified testing laboratory or engineer and paid for by the developer.
- (c) No proposed activity will cause uncontrolled erosion or slipping of soil or cause sediment to be discharged into Irondequoit Bay, Lake Ontario, the Genesee River and their wetlands or tributaries.
- (d) Plant life located on the slopes outside of the minimum area that need be disturbed for carrying on approved activities shall not be destroyed. Plants or other acceptable ground cover shall be reestablished in disturbed areas immediately upon completion of development activity so as to prevent any of the harmful effects set forth above to maintain the natural scenic characteristics of the Irondequoit Bay or other scenic areas.
- (e) Access down steep slopes shall be provided with ramp slopes no greater than 16% and side slopes no greater than 30% if not terraced or otherwise structurally stabilized. Disturbed nonroadway areas shall be stabilized with vegetation or other approved physical means. Completed roadways shall be stabilized and adequately drained. Disturbance to slopes of greater than 30% to provide access to subdivision sites shall be limited to 3% of such slope area.
- (f) Construction of erosion protection structures, particularly along the water side of eroding bluffs, shall be permitted to provide protection of bluff features according to the following standards:
 - [1] All erosion protection structures shall be designed and constructed according to generally accepted engineering principles which have demonstrated success or a likelihood of success in controlling long-term erosion. Such engineering principles can be found in publications of the United States Soil Conservation Service. The protective measure must have a reasonable probability of controlling erosion on the immediate site for a least 30 years.
 - [2] A long-term maintenance program shall be included in any application for construction, modification or restoration of an erosion protection structure. Such programs shall include specifications for normal maintenance of degradable materials and the periodic replacement of

removable materials.

- [3] All material used in such structures shall be durable and capable of withstanding inundation, wave impacts, weathering and other effects of storm conditions. Individual component materials may have a working life of less than 30 years only when a maintenance program ensures that they will be regularly maintained and replaced as necessary to attain the required 30 years of erosion protection.
 - [4] The construction, modification or restoration of erosion protection structures shall not be likely to cause any measurable increase in erosion at the development site or other locations and prevent adverse effects to natural protective features, existing erosion protection structures and natural resources such as significant fish and wildlife habitats.
- (g) Drainage of stormwater shall not cause erosion or siltation, contribute to slope failures, pollute groundwater or cause damage to or flooding of property. Drainage systems shall be designed and located to ensure slope stability.
 - (h) Any grading, excavating or other soil disturbance conducted on a steep slopes shall not direct surface water runoff over the receding edge during construction.
 - (i) There is no reasonable alternative for the proposed regulated activity on that portion of the site containing steep slopes.
 - (j) All applications for EPOD development permit shall be prepared and reviewed using the following guidelines:
 - [1] All structural foundations shall be placed on virgin, undisturbed soil. (The site plan shall have a note to this effect and depict a section through the proposed structure indicating the areas of slopes greater than 15% and areas of fill.)
 - [2] The finished grade for all cut or fill slopes shall not exceed 3 to 1, i.e., three horizontal to one vertical. The use of retaining structures may be required to eliminate slopes greater than 3 to 1. All such retaining walls must be approved by the Town Engineer. The site plan shall show proposed contours and indicate all proposed slopes greater than

3 to 1.

- [3] Surface runoff or downspout water will not be allowed to discharge on slopes greater than 15%. Said waters shall be discharged from a closed drainage system to the toe of the slope or into a recharge structure (i.e., dry well) or a dedicated stormwater system. Storm drainage methods shall be shown and noted on the site plan.
- [4] All disturbed steep slope areas shall be regraded and stabilized as soon as practical but in less than 30 days.
- [5] Disturbance of steep slopes areas shall be the minimum required to allow for the completion of the subject construction. Such areas shall be clearly marked and noted on the site plan.
- [6] Temporary erosion control (i.e., straw bales, siltation fences, hydroseeding, mulching, etc.) shall be provided for all disturbed areas, shall be installed before work starts and shall be maintained until restoration is complete. (The site plan shall show the location and method of erosion/siltation control.)
- [7] The selection of vegetation shall be appropriate for subject applications and the plant list and ground cover vegetation shall be shown on the site plan.
- [8] Steep slope areas which will not support vegetation (i.e., beneath a deck in full shade) shall receive an appropriate soil cover (i.e., stone pavers, etc.). The type and limit of nonvegetative cover shall be shown on the site plan.
- [9] Removal of existing mature trees from steep slope areas will only be permitted where absolutely necessary to allow the subject construction. All trees larger than three inches in diameter shall be shown on the site plan. Trees to be removed shall also be indicated on the site plan.
- [10] Deck support systems on steep slopes shall be designed by a licensed professional engineer. Details for deck supports on steep slopes shall be shown on the site plan.

[11] All steep slope EPOD permit plans shall bear the original seal and signature of a licensed professional engineer.

- (2) The applicant for a permit shall have the burden of demonstrating that the proposed regulated activity will be conducted in accordance with the standards and requirements set forth above.

§ 235-53. EPOD3 - Woodlot Protection District.

- A. Purpose. The purpose of the Woodlot Protection District is to preserve and protect woodlots located within the Town of Irondequoit by regulating or controlling development in those areas and by requiring review and permit approval prior to project commencement.
- B. The boundaries of the Woodlot Protection District shall be delineated on the Official Town of Irondequoit EPOD Maps and shall include all areas in the Town of five acres or more containing tree communities and trees six inches in diameter and greater in which the average basal area is at least 30 square feet per acre of trees six inches and larger as determined using a ten-factor prism. Tree communities are those which are established within 10 to 20 years after cultivation and maintenance of land ceases and shall include pioneer communities of ash, silver maple, cherry, hawthorn, willow and bass wood and mature woodlot communities of red maple, sugar maple, oak, hickory, beech, horse chestnut, willow and evergreens. **[Amended 2-14-1995 by L.L. No. 1-1995; 12-17-1996 by L.L. No. 12-1996; 6-17-1997 by L.L. No. 4-1997; 8-18-1998 by L.L. No. 1-1998]**
- (1) Basal areas determination methodology: A minimum of two nonoverlapping random samples shall be taken in determining whether a site is a woodlot, and the approximate locations of samples are to be marked on the site plan. The samples shall be taken entirely in the wooded area. For every sample location, the number of trees six inches in diameter and larger are counted 360° around the center of the sample. For trees to be counted when using the prism, the tree images (displaced versus real image) must be touching or overlapping. The basal area for each sample shall be calculated using the formula: Basal area = N (number of trees counted) x 10 (prism factor). All the samples shall be then averaged to obtain the average basal area of the site.
- (2) More than three samples shall be taken for sites of 20 acres and larger.
- C. Regulated activities. No person shall conduct any of the following regulated activities within any Woodlot Protection District in the Town of Irondequoit unless such person

has first applied for and obtained an EPOD development permit pursuant to the requirements of this article:

- (1) Clearing of or constructing on any land area within the district except for those activities exempted from the permit requirements of this article as indicated in § 235-45 of this chapter, as well as any watercourse maintenance activities.

D. Development standards/permit conditions.

- (1) In granting, denying or conditioning any application for an EPOD development permit, the Town Planning Board shall consider the effect that the proposed regulated activity will have on the public health, safety and welfare and the protection and enhancement of the woodland areas within the Town.
- (2) Any applicant for a permit to undertake a regulated activity within a Woodlot Protection District in the Town of Irondequoit shall be required to adequately demonstrate to the Town Planning Board that the proposed activity will in no way at present or at any time in the future adversely affect the following:
 - (a) Soil stability.
 - (b) Velocity of surface water runoff.
 - (c) Existing drainage systems.
 - (d) Natural characteristics of a watercourse.
- (3) The applicant for a permit shall have the burden of demonstrating that the proposed regulated activity will be conducted in accordance with the standards and requirements listed above.

E. Other standards/conditions.

- (1) Any activity within a woodlot area involving the cutting of trees with the intent to manage the woodlot or harvest timber for commercial use shall be subject to an EPOD development permit. Applications for woodlot management shall be submitted by the applicant to the New York State Department of Environmental Conservation for a review and advisory opinion. Applicants for such activity must submit a management plan prepared by a qualified consulting forester or a forest management recommendation prepared by a NYSDEC forester, which includes the following information:

- (a) A site plan with maps, tables and text showing boundaries and size of the woodlot;
 - (b) The kinds and sizes of trees present and the basal area (density of trees calculated per acre by trunk size) of the site before and after the proposed management activity;
 - (c) The actions proposed to produce and harvest the forest crop;
 - (d) The schedule for a commercial harvest;
 - (e) Any noncommercial thinning of the woodlot;
 - (f) Proposed road construction; and
 - (g) Proposed erosion and sedimentation control measures and including revegetation and timing designated in accordance with best management practices prepared by the Irondequoit Bay Coordinating Committee (IBCC).
[Amended 2-14-1995 by L.L. No. 1-1995]
- (2) Timber sale contracts shall be required and shall conform to the following:
- (a) The posting of a bond to pay for completion of remedial measures upon failure of the applicant to meet the specifications of the plan, in an amount necessary to complete the anticipated work.
 - (b) The recording of timber sale contracts with the Town Clerk of the municipality in which the work will be occurring.
- (3) The following specific practices shall be used to minimize soil erosion and sedimentation during woodlot management activities:
- (a) No skidding shall take place during wet months.
 - (b) Stream crossings shall be kept to a minimum.
 - (c) Stream banks shall be protected by controlling skidding and felling close to the stream.
 - (d) Slopes exceeding 15% shall require additional protection measures.

- (e) All roads and skid trails shall be reviewed for appropriate location, design and construction.
- (f) Landing locations that avoid erosion problems shall be selected.
- (g) Applications for woodlot management shall comply with all applicable New York State and local fire laws.
- (h) When woodlot management techniques are employed along major travel corridors or the bay shoreline in locations that are not screened by a hill, high bank or other topography, the applicant shall establish a buffer strip along the roadside or bay shore in which a basal area of 60 square feet of stems six inches in diameter at breast height and larger is maintained.
- (i) Whenever possible, landings shall be kept out of sight. Landings and access roads shall be restored after use.
- (j) In planning and development sites, applicants shall preserve as much mature vegetation as possible. Use of clustering of buildings to avoid mature wooded areas shall be encouraged wherever practical, as well as the planting of replacement vegetation to mitigate the unavoidable uses of woodlots.
- (k) No EPOD permit will be granted where the removal of vegetation from the woodlot or shrub community is likely to cause substantial erosion. **[Added 2-14-1995 by L.L. No. 1-1995]**

§ 235-54. Treed lots. [Added 3-21-1995 by L.L. No. 7-1995; amended 12-17-1996 by L.L. No. 12-1996]

- A. Purpose. The purpose of identifying wooded lots is to preserve and protect trees in excess of six inches caliper located within the Town of Irondequoit, controlling development in those areas and by requiring review and permit approval prior to project commencement.
- B. The treed lot shall include all areas in the Town of Irondequoit of one or more but less than five acres containing tree communities and trees six inches in diameter and greater in which the average basal area is at least 30 square feet per acre of trees six inches and greater as determined using a ten-factor prism.
 - (1) Basal areas determination methodology: A minimum of two nonoverlapping random samples shall be taken in determining whether a site is a woodlot, and the

approximate locations of samples are to be marked on the site plan. The samples shall be taken entirely in the wooded area. For every sample location, the number of trees six inches in diameter and larger are counted 360° around the center of the sample. For trees to be counted when using the prism, the tree images (displaced versus real image) must be touching or overlapping. The basal area for each sample shall be calculated using the formula: Basal area = N (number of trees counted) x 10 (prism factor). All the samples shall be then averaged to obtain the average basal area of the site. **[Amended 6-17-1997 by L.L. No. 4-1997]** **Editor's Note: Former Subsection B(2), regarding samples, which immediately followed this subsection, was repealed 8-18-1998 by L.L. No. 1-1998.**

C. Development standard/permit conditions.

- (1) In granting, denying or conditioning any application for an EPOD development permit, the Town Planning Board shall consider the effect that the proposed regulated activity will have on the public health, safety and welfare and the protection or the enhancement of the fragile and environmentally sensitive wooded lots within the Town.
- (2) No permit to undertake a regulated activity within a wooded lot in the Town of Irondequoit shall be issued by the Town Planning Board unless the applicant can adequately demonstrate to the Board that:
 - (a) The stability of soil will be maintained or increased to adequately support any construction thereon or to support any landscaping, agricultural or similar activities. This shall be documented by soil bearing data provided by a qualified testing laboratory or engineer and paid for by the developer;
 - (b) No proposed activity will cause uncontrolled erosion or slipping of soil or cause sediment to be discharged into Irondequoit Bay, Lake Ontario, the Genesee River or their wetlands or tributaries; and
 - (c) There is no reasonable alternative for the proposed regulated activity on that portion of the site containing wooded lots.

§ 235-55. EPOD4 - Floodplain Protection District. [Amended 4-21-1988 by L.L. No. 4-1988; 2-4-1997 by L.L. No. 1-1997; 12-15-1998 by L.L. No. 8-1998] **Editor's Note: See also Ch. 136, Flood Damage Prevention.**

- A. Purpose. Certain areas of the Town of Irondequoit are subject to periodic flooding which can result in loss of life, property damage, health and safety hazards, disruption of commercial and governmental services, extraordinary public expenditure for flood

protection and relief and impairment of the tax base, all of which adversely affect the public health, safety and general welfare of the residents of this Town. These flood losses are caused by the cumulative effect of obstructions in the floodplain causing increases in flood heights and velocities and by the occupancy in flood hazard areas by uses which are inadequately elevated, floodproofed or otherwise protected from flood damage. It is the purpose of the Floodplain Protection District to prevent public and private losses due to flood conditions in certain areas by provisions designed to:

- (1) Protect the health and welfare of the residents of this Town.
- (2) Minimize public expenditure for flood-control projects.
- (3) Minimize the need for relief and rescue efforts.
- (4) Minimize business interruptions.
- (5) Minimize damage to public facilities and utilities.
- (6) Help maintain a stable tax base by minimizing flood damage to private and commercial property.
- (7) Identify those structures and properties which are located in areas of special flood hazard and maintain such information for public inspection.

B. Delineation of district boundaries.

- (1) The boundaries of the Floodplain Protection District shall be delineated on the Official Town of Irondequoit EPOD Maps and shall include all areas of special flood hazard, as identified by the Federal Insurance Administration through a report entitled the "Flood Insurance Study for the Town of Irondequoit, New York" dated December 1977, with an accompanying Flood Insurance Rate Map and Flood Hazard Boundary Map. These maps and any revision thereto are hereby adopted by reference and declared to be a part of this section.
- (2) Where base flood elevation data has not been provided in the Flood Insurance Study for areas in the Town of Irondequoit as required above, the Town Planning Board, Town Department of Planning and Zoning or Town Engineer shall obtain, review and reasonably utilize any base flood elevation data available from a federal, state, Town or other source in order to administer the standards and requirements of this section.

- (3) For the purposes of this section, there is hereby established within the Town of Irondequoit three Floodplain Protection Districts to be known as "Floodplain Overlay District I (FPO-I)," "Floodplain Overlay District II (FPO-II)" and "Floodplain Overlay District III (FPO-III)." The boundaries of the Floodplain Overlay District shall include all areas within the floodways as delineated in the Flood Insurance Study for the Town of Irondequoit, and as shown on the National Flood Insurance Rate Map (FIRM) of the Town. The boundaries of the FPO-III Zone shall include all areas within the one-hundred-year floodplain as delineated in the Town Flood Insurance Study, but does not include any areas within Floodplain Overlay District I (FPO-I) and Floodplain Overlay District II (FPO-II).

C. Regulated activities.

- (1) Prohibited activities. The following activities are not permitted in a Floodplain Overlay District (FPO):
- (a) The temporary or permanent placement of a mobile home or similar structure.
 - (b) The construction or operation of an on-site sewage disposal system.
 - (c) Any other activity which, as demonstrated through a technical evaluation, will result in any increase in the flood level during the occurrence of the base discharge.
- (2) Regulated activities. No person shall conduct any of the following regulated activities within the FPO Zone unless such person has first applied for and obtained an EPOD development permit pursuant to the requirements of this section:
- (a) Additions or substantial improvements to structures.
 - (b) New structures (temporary or permanent).
 - (c) Subdivision of land.
 - (d) Any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, filling, grading, paving, excavation or drilling operations.

D. Development standards/permit conditions.

- (1) No EPOD development permit shall be issued by the Town Planning Board for any regulated activity within any Floodplain Overlay District unless the applicant for such a permit has submitted a plan that is certified by a registered professional engineer and shows evidence of the following:
 - (a) That the structure will be constructed with its lowest floor, including basement, elevated to at least one foot above the base flood level.
 - (b) That the structure will not affect the efficiency or the capacity of the floodway or increase flood heights.
 - (c) That the structure will not cause increased velocities or obstruct or otherwise catch or collect debris which will obstruct flow under flood conditions.
 - (d) That the structure shall be constructed and placed on the building site so as to offer the obstruction to the flow of waters.
 - (e) That the structure shall be firmly anchored to prevent flotation, collapse or lateral movement which may result in damage to other structures, restrictions of bridge openings and other narrowings of the watercourse.
 - (f) That all new and replacement water supply and sanitary sewer systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters.
 - (g) That service facilities, such as electrical and heating equipment, shall be constructed at or above the base flood level for the particular area or shall be floodproofed.
 - (h) That new construction and substantial improvements shall be constructed using materials, methods and practices that minimize flood damages.
 - (i) That base flood elevation data is provided for all subdivision proposals.
 - (j) Such other data or evidence as may be requested by the Town Planning Board, Conservation Board or Town Department of Planning and Zoning pertaining to flooding and site plan information.
 - (k) Information and/or a description regarding the extent to which any watercourse will be altered or relocated as a result of any proposed

development.

- (l) Plans indicating any walls to be used to enclose space located below the base flood level.
 - (m) That there is no reasonable alternative for the proposed regulated activity on a site which is not in a flood hazard area.
- (2) When taking action on an application for an EPOD development permit for a regulated action in any Floodplain Overlay District, the Town Planning Board shall consider all technical information available, all relevant factors and standards specified in this section, as well as the following:
- (a) The danger that materials may be swept onto other lands to the detriment of others;
 - (b) The danger to life and property due to flooding or erosion damage;
 - (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (d) The importance of the services provided by the proposed facility to the community;
 - (e) The necessity to the facility of a waterfront location;
 - (f) The availability of alternative locations not subject to flooding or erosion damage for the proposed use;
 - (g) The compatibility of the proposed use with existing and anticipated development;
 - (h) The relationship of the proposed use to the Town Comprehensive Plan and floodplain management program for that area;
 - (i) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (j) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at

the site; and

- (k) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems and streets and bridges.
- (3) The Town Planning Board may also require the applicant for an EPOD development permit in any Floodplain Overlay District to adequately demonstrate that one or more of the following conditions have been met before a permit is granted for any regulated activity:
- (a) Anchorage to resist flotation and lateral movement.
 - (b) Reinforcement of walls to resist water pressure.
 - (c) Installation of watertight doors, bulkheads and shutters.
 - (d) Use of paints, membranes or mortars to reduce seepage of water through walls.
 - (e) Addition of mass or weight to resist flotation.
 - (f) Installation of pumps to lower water levels in structures.
 - (g) Pumping facilities to relieve hydrostatic water pressure on external walls and basement floors.
 - (h) Elimination of gravity flow drains.
 - (i) Construction to resist rupture or collapse caused by water pressure or floating debris.
 - (j) Compliance with other applicable environmental regulations contained in the Code of the Town of Irondequoit.

E. Additional requirements/information.

- (1) In addition to the other duties and responsibilities specified in this section, the Town Department of Planning and Zoning is authorized to administer the following provisions of this chapter. The Town Department of Planning and Zoning

shall:

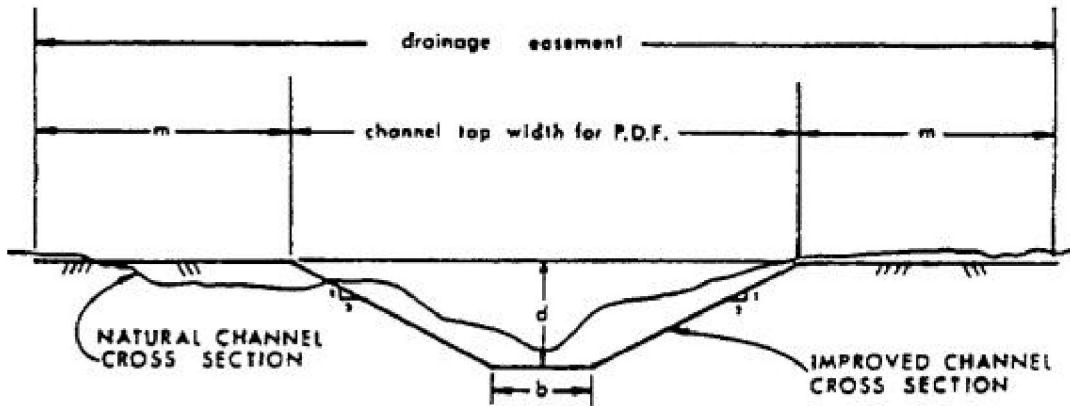
- (a) Secure from the applicant all information necessary for a complete review of the proposed development by the appropriate boards and officials. The information necessary for submission shall be the same as required for site plan approval as specified in Article XV of this chapter, plus any additional information that may be required by the Town Planning Board to adequately review a request for a permit.
 - (b) Review all applications to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
 - (c) Obtain and record the actual elevation (in relation to sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures and whether or not the structure contains a basement.
 - (d) For all new or substantially improved floodproofed structures:
 - [1] Verify and record the actual elevation (in relation to sea level).
 - [2] Maintain the floodproofing certifications required in this section.
 - (e) Maintain for public inspection all records pertaining to the provisions of this section.
 - (f) Notify adjacent communities and the New York State Department of Environmental Conservation prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Insurance Administration.
 - (g) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- (2) Where this section imposes greater restrictions than are imposed by the provision of any law, ordinance, regulation or private agreement, this section shall control. Where there are restrictions by any law, ordinance, regulation or private agreement greater than those imposed by this section, such greater restrictions shall control. All uses presently permitted in the zoning districts within the Town of Irondequoit which also fall within the FPO Zones shall continue to be permitted uses for these districts, except where otherwise restricted by this section.

- (3) Appeals for variances to the requirements of this section shall be based upon Section 80.6 (formerly Section 1910.6) of the National Flood Insurance Program Regulations. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- (4) No board or official of the Town of Irondequoit shall approve any construction or other activity within the Town not in compliance with the standards of Public Law No. 93-234, 93rd Congress, H.R. 8449, December 31, 1973, better known as the "Flood Disaster Protection Act of 1973," and the floodplain management requirements of Section 60.3(d) [formerly Section 1910.3(d)] and any amendments thereto.
- (5) The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the Town of Irondequoit, any officer or employee thereof or the Federal Insurance Administration for any flood damages that result from reliance on this section or any administrative decision lawfully made thereunder.

§ 235-56. EPOD5 - Watercourse Protection District.

- A Purpose. The purpose of the Watercourse Protection District is to preserve and protect watercourses located within the Town of Irondequoit by regulating or controlling development in those areas and by requiring review and permit approval prior to commencement of any activity.
- B Delineation of district boundaries. The boundaries of the Watercourse Protection District shall be delineated on the Official Town of Irondequoit EPOD Maps and shall include all areas in the Town of Irondequoit as follows:
 - (1 All those areas within 200 feet of the center line of a natural or man-made watercourse with an approximate channel top width which is 100 feet or greater (see diagram below). **[Amended 6-17-1997 by L.L. No. 4-1997]**

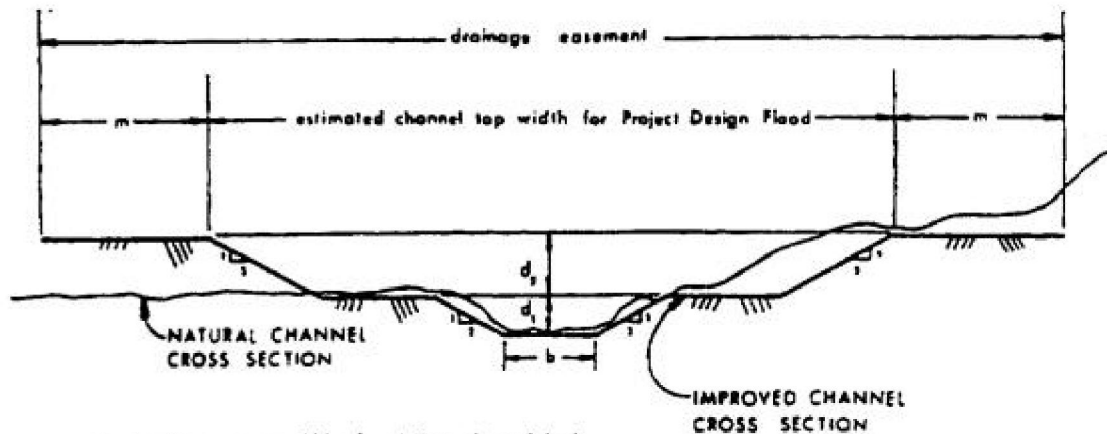
**TYPICAL CHANNEL CROSS SECTION
DRAINAGE AREA 0 – 10 SQ. MI.
MONROE COUNTY PLANNING COUNCIL**



- b is the average width of improved channel bed
- d is the average allowable depth of improved channel
- m is the continuous maintenance way width

F

**TYPICAL CHANNEL CROSS SECTION
DRAINAGE AREA ABOVE 10 SQ. MI.
MONROE COUNTY PLANNING COUNCIL**



- b is the average width of existing channel bed
- d₁ is the average depth of existing channel
- d₂ is the average allowable flood plain depth
- m is the continuous maintenance way width

F

(2 All those areas within 100 feet of the center line of a natural or man-made
) watercourse with an approximate channel top width which is 50 feet or greater but
less 100 feet. **[Amended 4-21-1988 by L.L. No. 4-1988]**

(3 All those areas within fifty feet of the center line of a natural or man-made
) watercourse with an approximate channel top width which is less than 50 feet.
[Added 2-14-1995 by L.L. No. 2-1995; amended 6-17-1997 by L.L. No. 4-1997]

C Regulated activities. **[Amended 5-1-1986 by L.L. No. 4-1986, 2-14-1995 by L.L. No. 2-1995]**

(1) No person shall conduct any of the following regulated activities within any Watercourse Protection District in the Town of Irondequoit unless such person has applied for and obtained an EPOD development permit pursuant to the requirements of this section:

(a) Clearing of or constructing on any lands or areas which lie within the Watercourse Protection District boundaries, except that the following activities shall be exempted from the clearing regulations of this part:

[1] Customary agricultural operations.

[2] Watercourse maintenance activities.

(b) The construction or placement of any septic tank or septic drainage field.

(c) Any activity which would alter the natural flow pattern of the watercourse.

(2) All of the above regulated activities shall be subject to the EPOD permit application procedures set forth in § 235-45.

(3) Notwithstanding the foregoing, no person shall build or grade within 50 feet of the center line of streams subject to stream corridor environmental protection overlay districts.

D Development standards/permit conditions.

(1) In granting, denying or conditioning any application for an EPOD development permit, the Town Planning Board shall consider the effect that the proposed regulated activity will have on the public health, safety and welfare and the protection and enhancement of watercourses within the Town.

- (2) Any applicant for a permit to undertake a regulated activity within a Watercourse Protection District in the Town of Irondequoit shall be required to adequately demonstrate to the Town Planning Board that the proposed activity will in no way at present or at any in the future adversely affect the following:
 - (a) Water quality.
 - (b) Watercourse flood-carrying capacities.
 - (c) Rate of sedimentation.
 - (d) Velocity of groundwater runoff.
 - (e) Natural characteristics of the watercourse.
- (3) When altering the natural flow pattern of a natural or man-made watercourse, the applicant shall prove that the alteration:
 - (a) Is necessary; and
 - (b) Will not impair the natural functions of the watercourse.
- (4) The applicant for a permit shall have the burden of demonstrating that the proposed regulated activity will be conducted in accordance with the standards and requirements listed above.

§ 235-57. EPOD6 - Coastal Erosion Area Protection District. [Amended 4-21-1988 by L.L. No. 4-1988; 6-17-1997 by L.L. No. 4-1997; 12-15-1998 by L.L. No. 8-1998]

- A. Purpose and statutory authority. The purpose of the Coastal Erosion Area Protection District is to protect man-made property, natural protective features and other natural resources along the shorelines of Lake Ontario and Irondequoit Bay and within the Town of Irondequoit from damage or destruction that results from severe wind and water erosion. The purpose of the Coastal Erosion Area Protection District is also to protect human life. The Coastal Erosion Area Protection District is designed to ensure that new construction or the placement of structures along the shoreline is located a safe distance away from areas of active erosion; that construction of new public facilities that might encourage private development in erosion hazard areas is restricted; and that publicly financed erosion protection structures are justified in terms of their overall public benefits and ability to prevent erosion damage.

B. Delineation of district boundaries. The boundaries of the Coastal Erosion Area Protection District shall be delineated on the Official Town of Irondequoit EPOD Maps and shall include all coastal erosion hazard areas designated on the final Coastal Erosion Hazard Area Map for the Town of Irondequoit, prepared and filed by the New York State Department of Environmental Conservation, in accordance with the provisions of Article 34 of the New York State Environmental Conservation Law. The Coastal Erosion Area Protection District shall include those structural hazard areas and natural protective feature areas within the Town as defined and identified by the New York State Department of Environmental Conservation on the final Coastal Erosion Hazard Area Map for the Town of Irondequoit. Upon application for a development permit within a Coastal Erosion Area Protection District, the Town Department of Planning and Zoning shall refer such application and site plan to the State Department of Environmental Conservation in order to determine the precise boundary of the protected area.

C. Regulated activities.

(1) No person shall conduct any of the following regulated activities within any Coastal Erosion Area Protection District in the Town of Irondequoit unless such person has first applied for and obtained an EPOD development permit pursuant to the requirements of this section:

(a) The construction or placement of any building or structure, including movable buildings or structures.

(b) The modification or restoration of any existing building or structure, including existing movable buildings or structures.

(c) The installation of public service distribution, transmission or collection systems for gas, electricity, water or wastewater.

(d) Any activity or use of land which, based on a determination by the Town Planning Board, materially alters the condition of land, including grading, excavating, dumping, mining, dredging, filling or other disturbance of soil.

(e) The construction, modification or restoration of erosion protection structures.

(2) Applicants for EPOD development permits within a designated Coastal Erosion Area Protection District should examine the development standards and permit conditions contained in this section in order to more precisely determine which activities may or may not require a permit in this district.

D. Exempt activities.

- (1) In addition to the exempt activities which are listed in § 235-45 of this article, beach grooming and cleanup operations and the implementation of practices recommended in a soil and waste conservation plan as defined in § 3, Subdivision (12), of the Soil and Water Conservation Districts Law, as amended or changed, shall also be exempt from the permit requirements of this article, provided that such practices do not involve the construction or placement of a building or structure.
- (2) The permit requirements of this district shall not apply to emergency activities that are necessary to protect the public health, safety or general welfare. However, whenever emergency activities are undertaken within a designated Coastal Erosion Area Protection District, damage to natural protective features and other natural resources shall be minimized, as much as possible. Within two working days after the commencement of any emergency activity within a Coastal Erosion Area Protection District, the person or agency responsible for such activity must:
 - (a) Notify the Town Building Inspector and describe the emergency and the reason(s) why the public health, safety and/or general welfare were in jeopardy.
 - (b) Describe the measure(s) which were taken to protect the public health, safety and/or general welfare and to minimize damage to natural resources along the shoreline.
- (3) If the Town Building Inspector determines that a regulated activity undertaken without an EPOD development permit within a Coastal Erosion Area Protection District does not meet the emergency activity criteria of this section, then the Inspector shall order the immediate cessation of such activity. The Town Building Inspector may also require the removal of any building or structure that was constructed or placed without an EPOD development permit and the return to former conditions of any natural protective features that were excavated, mined or otherwise disturbed without an EPOD development permit.

E. Prohibited activities.

- (1) The following activities shall generally be prohibited within any structural hazard area, as defined and identified by the New York State Department of Environmental Conservation on the final Coastal Erosion Hazard Area Map for the Town of Irondequoit:

(Reserved)

- (2) The following activities shall generally be prohibited within any natural protective feature area, as defined and identified by the New York State Department of Environmental Conservation on the final Coastal Erosion Hazard Area Map for the Town of Irondequoit:
 - (a) Excavation, mining or dredging which diminishes the erosion protection provided by existing natural protective features.
- (3) Applicants for EPOD development permits within a designated Coastal Erosion Area Protection District should examine the development standards and permit conditions contained in this section in order to more precisely determine which activities may or may not be prohibited in this district.

F. Development standards/permit conditions.

- (1) In granting, denying or conditioning any application for an EPOD development permit within a Coastal Erosion Area Protection District, the Town Planning Board shall consider the effect that the proposed regulated activity will have on the public health, safety and general welfare and on the protection of man-made property, natural protective features and other natural resources along the shorelines of Lake Ontario and Irondequoit Bay and within the Town of Irondequoit from damage or destruction due to severe wind and water erosion.
- (2) No permit to undertake a regulated activity within a Coastal Erosion Area Protection District in the Town of Irondequoit shall be issued by the Town Planning Board unless the applicant can adequately demonstrate to the Board that the proposed activity:
 - (a) Is reasonable and necessary when alternatives to the proposed activity and the extent to which the activity requires a shoreline location are considered.
 - (b) Will not be likely to cause a measurable increase in erosion at the proposed site or at other locations.
 - (c) Prevents or minimizes, to the extent possible, adverse impacts on existing natural protective features and their functions, existing erosion protection structures or other natural resources, including but not limited to significant fish and wildlife habitats and shellfish beds.

- (3) Applications for EPOD development permits for regulated activities within designated Coastal Erosion Area Protection Districts shall be reviewed, approved and/or conditioned on the following standards and criteria, where applicable:
- (a) Movable structures constructed or placed within structural hazard areas shall not contain any permanent foundations. Any temporary foundations shall be removed at the time the structure is moved. Below-grade footings shall be allowed if satisfactory provisions are made for their removal.
 - (b) No movable structure within structural hazard areas shall be placed closer than 25 feet to the landward limit of a bluff.
 - (c) Where there are no bluffs or dunes present, no movable structure within structural hazard areas shall be placed within 25 feet of the landward limit of a beach.
 - (d) No movable structure within structural hazard areas shall be placed or constructed so that its weight places an excessive ground loading on a bluff.
 - (e) Movable structures located within an erosion hazard area must be removed before the receding edge recedes to within 10 feet of the most seaward point of the movable structure.
 - (f) Any grading, excavating or other soil disturbance conducted within an erosion hazard area must not direct surface water runoff over the receding edge.
 - (g) Dredging within natural protective feature areas that is required to maintain or construct navigation channels or for artificial beach nourishment shall require an EPOD development permit.
 - (h) Clean sand and gravel is the only material which may be deposited within natural protective feature areas. Any deposition requires an EPOD development permit.
 - (i) An EPOD development permit shall not be required for the construction, modification or restoration, within natural protective feature areas, of docks, piers, wharves or other structures that are built on floats, columns, open timber, piles or similar openwork supports and that have a top surface area of 200 square feet or less or that are entirely removed from the water in the fall of each year.

- (j) Excavation of bluffs shall only be a permitted regulated activity where such activity is required as a part of the construction, modification or restoration of an erosion protection structure.
- (k) Excavation or mining of bluffs shall only be a permitted regulated activity where such activities involve bluff cuts made in a direction that is perpendicular to the shoreline and made in order to provide shoreline access. The ramp slope of such bluff cuts must not be steeper than 1 to 6 and the side slopes must not be steeper than 1 to 3, if not terraced or otherwise structurally stabilized. Side slopes and other disturbed on-roadway areas must be stabilized with vegetation or other approved physical means. Completed roadways must be stabilized and appropriate drainage provided.
- (l) Vehicular traffic shall be prohibited on all natural protective areas.
- (m) Elevated walkways or stairways constructed solely for the purpose of providing private pedestrian access to the beach for an individual property owner shall not require an EPOD development permit.
- (n) Excavation or mining of dunes shall be prohibited.
- (o) Pedestrian traffic across dunes must utilize elevated walkways and stairways or other similar structures.
- (p) New structures or major additions to existing structures constructed on dunes or beaches must be built on adequately anchored pilings that provide at least three feet of open space between the lowest horizontal structural member, e.g., floor joists, and the surface of the dune or beach area. This three-foot space must be left open and free of obstructions.
- (q) All erosion protection structures must be designed and constructed according to generally accepted engineering principles and design standards that have shown or will show a reasonable likelihood of success, in controlling long-term erosion on the immediate site for at least 30 years.
- (r) A long-term maintenance program must be included with every application for an EPOD development permit for the construction, modification or restoration of an erosion protection structure in a designated Coastal Erosion Area Protection District. This program must include specifications for normal maintenance of degradable materials and the periodic replacement of removable materials.

- (s) All materials used in erosion protection structures must be durable and capable of withstanding inundation, wave impacts, weathering and other effects of storm conditions. Individual component materials may have a working life of less than 30 years only when a maintenance program ensures that they will be regularly maintained and replaced as necessary to attain the required 30 years of erosion protection.
 - (t) The construction, modification or restoration of erosion protection structures must not be likely to cause any measurable increase in erosion at the development site or at other locations and must minimize or, if possible, prevent adverse impacts on natural protective features, existing erosion protection structures and natural resources including significant fish and wildlife habitats.
- (4) The applicant for an EPOD development permit within a designated Coastal Erosion Area Protection District shall have the burden of demonstrating that the proposed regulated activity will be conducted in accordance with the standards and requirements set forth in this section.