PENFIELD TOWN BOARD AGENDA

Wednesday, February 19, 2014 7:30 PM

Supervisor R. Anthony LaFountain, presiding

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>Call to Order - Pledge of Allegiance - Roll Call</td>
</tr>
<tr>
<td>II</td>
<td>Communications and Announcements</td>
</tr>
<tr>
<td>III</td>
<td>Public Participation</td>
</tr>
<tr>
<td>IV</td>
<td>Additions and Deletions to Agenda</td>
</tr>
<tr>
<td>V</td>
<td>Approval of Minutes – January 22, 2014</td>
</tr>
<tr>
<td>VI</td>
<td>Petitions</td>
</tr>
<tr>
<td>VII</td>
<td>Resolutions by Function</td>
</tr>
<tr>
<td></td>
<td>Law and Finance</td>
</tr>
<tr>
<td></td>
<td>14T-063 Setting a Public Comment Period on the Drafting Scope Outline for the Proposed Expansion of the Southpoint Marina at 1384 and 1420 Empire Blvd.</td>
</tr>
<tr>
<td></td>
<td>Public Works</td>
</tr>
<tr>
<td></td>
<td>14T-064 Authorization to sign a Contract with the Greater Rochester Chapter of the American Red Cross to store one Disaster Trailer at 1607 Jackson Road</td>
</tr>
<tr>
<td></td>
<td>14T-065 Authorization to Auction Surplus Equipment</td>
</tr>
<tr>
<td></td>
<td>Public Safety - None</td>
</tr>
<tr>
<td></td>
<td>Community Services</td>
</tr>
<tr>
<td></td>
<td>14T-066 Authorization for Supervisor to Sign Recreation Contracts</td>
</tr>
<tr>
<td>VIII</td>
<td>Old Business</td>
</tr>
<tr>
<td>IX</td>
<td>New Business</td>
</tr>
<tr>
<td>X</td>
<td>Public Participation</td>
</tr>
<tr>
<td>XI</td>
<td>Adjournment</td>
</tr>
</tbody>
</table>
The Regular meeting of the Penfield Town Board was held on Wednesday, February 19, 2014 at 7:30 PM at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York.

Present:  R. Anthony LaFountain  Supervisor  
           Linda Kohl  Councilwoman  
           Paula Metzler  Councilwoman  
           Andrew Moore  Councilman  
           Robert Quinn  Councilman  

Also Present:  Amy Steklof  Town Clerk  
               Richard Horwitz  Town Attorney  

Supervisor LaFountain called the meeting to order – The Pledge of Allegiance was led by Town Attorney Richard Horwitz.

Communications and Announcements

1. Town Clerk, Amy Steklof and Deputy Clerk, Lisa Grosser had the opportunity to make a site visit to NanoArk Corporation a couple of weeks ago to take a tour of the corporate offices and its fabrication plant. The Town uses NanoArk for its record archival services. For the last couple of years NanoArk has been converting the Town’s historical records onto a product called Waferfiche: Waferfiche are environmentally friendly silicon discs used for records preservation. To date over 120,000 Town record images have been placed on 84 wafers. It is an ongoing project for the Town.

   Supervisor LaFountain stated that Town Clerk Steklof has utilized the assistance of a student intern to help manage the costs of the project.

   Town Clerk Steklof stated that instead of sending Town records out for scanning services, a summer/winter student will come in during school breaks and scan Town documents in house which saves the Town substantial amounts of money.

2. AARP will be offering free income tax preparation for low and middle income taxpayers at the Penfield Community Center, 1985 Baird Road on Wednesday mornings from February 5 to April 9, 2014. The service is available by appointment only. To make an appointment or for more information please call Penfield Recreation at 340-8655, option 6.

3. As of February 12, 2014, all Town Board Work Sessions are live and recorded and can be seen at www.penfield.org. This is a new initiative to expand communications and increase transparency of your local government. You may tune in from the comfort of your home on the first and third Wednesday each month for Legislative Board meetings and the second and forth Wednesdays each month to view Work Sessions.

4. This spring will mark the beginning of Penfield neighborhood’s new Mobile Office hours. There will be more information to come.

5. Councilman Quinn thanked Penfield residents for pitching in and shoveling around fire hydrants during the past winter months.

6. Reminder that winter parking rules are still in effect through April 15, 2014.

7. Penfield Recreation and Monroe County Sheriff’s office will offer a nine (9) week Senior Citizen Academy this spring. This program will be held on nine consecutive Thursdays (March through May) from 9:00 AM to Noon. For more information contact the Penfield Recreation department at 340-8655. The program is for adults 55+ and enrollment is $6.00.
8. The Penfield Trails Committee will sponsor a free public hike at Sherwood Fields on Saturday, March 8, 2014 from 10:00 AM to Noon. For more information and to register, please contact the Penfield Recreation office at 340-8655.

9. The Penfield Rotary Spring Euchre Tournament will be held on Sunday, March 16, 2014 at the Legacy at 40 Willow Pond Way, off Route 441 in Penfield. For more information contact tournament Co-Chairs Chris Kausch at 944-0688 or Iveth Reynolds at 820-6513. All proceeds will benefit Camp Haccoho and other Penfield Rotary programs.

10. Councilwoman Kohl’s next Community Chat will be held on Tuesday, March 18, 2014 from 5:30 PM to 7:00 PM at the Penfield Library, 1985 Baird Road.

Public Participation - None

Additions and Deletions to Agenda

Councilman Moore moved to add Resolution #14T-067 to tonight’s agenda, Councilwoman Kohl seconded.

Approval of Minutes

Councilwoman Kohl moved to approve the Minutes of January 22, 2014 Councilman Moore seconded and all voted “Aye.”

Petitions - None

Resolutions by Function

Law and Finance

#14T-063 Setting a Public Comment Period on the Drafting Scope Outline for the Proposed Expansion of the Southpoint Marina at 1384 and 1420 Empire Boulevard by Moore

WHEREAS, the Penfield Town Board, by Resolution #13T-228 of 2013 issued a Positive Declaration of Environmental Significance and elected to require the preparation of a Draft Environmental Impact Statement (DEIS) to address issues identified in the Scoping process as set forth in Sections 617.8 and 617.10 of the State Environmental Quality Review Act; and

WHEREAS, the Town Board acting as Lead Agency pursuant to State Environmental Quality Review Act has required the preparation of a Draft Scoping Outline for the proposed expansion of the Southpoint Marina at 1384 and 1420 Empire Blvd.; and

WHEREAS, the proposed expansion includes the construction of a 2,700 square foot two (2) story structure to support a clubhouse for the marina, a seasonal tiki bar and an ice cream parlor, a swimming pool and the installation of 176 boat slips;

NOW, THEREFORE, BE IT RESOLVED, that the Penfield Town Board, acting as Lead Agency, has set the Public Comment Period on the Draft Scoping Outline from 9:00 AM February 20, 2014 to 5:00 PM March 21, 2014, during which comments on the Draft Scoping Outline are requested and may be submitted via mail, hand delivery, fax, and e-mail to the Town of Penfield, Attn: Developmental Services Department, 3100 Atlantic Avenue, Penfield, NY 14526, Fax: (585) 340-8754, E-mail: costello@penfield.org, and following which time the Penfield Town Board will consider all comments received towards the establishment of a Final Scoping Outline; and
Penfield Town Board, February 19, 2014

(Resolution #14T-063 – Continued)

BE IT FURTHER RESOLVED that the Town Clerk is hereby directed to advertise and file said notice as required by law.

Moved: Moore
Seconded: Kohl

Vote: Kohl Aye LaFountain Aye
      Metzler Aye Moore Aye
      Quinn Aye

Adopted

See Attachment at End of Minutes

Public Works

#14T-064 Authorization to sign a Contract with the Greater Rochester Chapter of the American Red Cross to store one Disaster Trailer at 1607 Jackson Road by Metzler

WHEREAS, the Town of Penfield and the Greater Rochester Chapter of the American Red Cross enter into a one-year agreement to store one disaster trailer designated to support the residents of Penfield and northeast side of Monroe County area, thereby increasing disaster preparedness and response for residents in the Town of Penfield.

NOW, THEREFORE BE IT RESOLVED, that the Director of Public Works is authorized to sign a one-year contract with the Greater Rochester Chapter of the American Red Cross, located at 50 Prince Street, Rochester, New York.

Moved: Metzler
Seconded: Moore

Vote: Kohl Aye LaFountain Aye
      Metzler Aye Moore Aye
      Quinn Aye

Adopted

#14T-065 Authorization to Auction Surplus Equipment by Metzler

BE IT RESOLVED, that the Town Supervisor and Director of Public Works, be granted the authority to authorize the attached listing of surplus equipment for public auction and

BE IT RESOLVED, that the Town Supervisor be granted the authority to amend attached listing prior to final designation as surplus equipment and

BE IT FURTHER RESOLVED, that the following list of equipment be declared surplus and that the Director of Public Works be authorized to enter into agreement with Roy Teitsworth, Inc. to auction said equipment and

Miscellaneous Equipment (See Attached Listing)

- Sewer Vacuum/Flusher Truck
- Street Sweeper

BE IT FURTHER RESOLVED, that the proceeds resulting from the auction and sale of this equipment be credited to the appropriate fund.
(Resolution #14T-065 – Continued)

Moved: Metzler  
Seconded: Kohl

Vote: Kohl Aye  LaFountain Aye  
Metzler Aye  Moore Aye  
Quinn Aye

Adopted

Public Safety - None

Community Services

#14T-066 Authorization for Supervisor to Sign Recreation Contracts  
by Kohl

BE IT RESOLVED, that the Town Board authorizes the Town Supervisor to sign the following Recreation Contracts:

Webster Marching Band Boosters, 875 Ridge Road, Webster, NY 14580, Independence Day Parade, 7/4/14, for a fee of $950 to perform in parade (if inclement weather and parade is cancelled for a fee of $150.) Voucher to be submitted 6/4/14.

Moved: Kohl  
Seconded: Quinn

Vote: Kohl Aye  LaFountain Aye  
Metzler Aye  Moore Aye  
Quinn Aye

Adopted

Old Business - None

New Business

#14T-067 Setting a Public Hearing for a Conditional Use Permit and Preliminary and Final Resubdivision and Site Plan Approval to Allow a 4,300 +/- square foot Panera Bread Restaurant at 2152 Fairport Nine Mile Point Road – SBL #140.01-2-70.12 – Maple Development Group LLC. by Moore

WHEREAS, an application has been received by the Penfield Town Board, under Local Law No. 2 of 2003, known as the Town of Penfield Incentive Zoning Law, to consider the application for Incentive Zoning and Preliminary and Final Resubdivision and Site Plan approval under Article XI-9-2 and a Conditional Use Permit under Article X-10-4-E of the Code to allow a 4,300 +/- square foot Panera Bread restaurant on 3.53 acres in the Business Non-Retail (BN-R) zoning district at 2152 Fairport Nine Mile Point Road;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Penfield will hold a Public Hearing at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York 14526 on March 19, 2014 at 7:30 PM on said date, to consider said application and to hear all persons on the question of consideration of said application; and be it further

RESOLVED, that the Penfield Town Board acted as “lead agency” within the meaning of the State Environmental Quality Review Act (SEQRA) and did designate itself as “lead agency” pursuant to SEQRA during the Incentive Zoning approval process which was granted by the Town Board at which time the requirements for SEQRA for the overall development concept for the site were met and satisfied in a Findings Statement adopted in Resolution No. 159 dated June 21, 2006; and
BE IT FURTHER RESOLVED, that a copy of this Resolution, certified by the Town Clerk, shall be published at least once in the official newspaper of the Town, the first publication thereof not to be less than ten (10) nor more than twenty (20) days before the date set for said Hearing as aforesaid. A copy of this Resolution shall be posted on the official signboard of the Town as prescribed by law.

Moved: Moore
Seconded: Kohl

Vote:  
Kohl          Aye
Metzler       Aye
Quinn         Aye
LaFountain    Aye
Moore         Aye

Adopted

Public Participation

Adjournment

Supervisor LaFountain adjourned the meeting at 7:48 PM.

Amy Steklof, RMC
Town Clerk
DRAFT SCOPING OUTLINE
DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS)
February 19, 2014

Name of Action: Southpoint Marina Expansion

Classification of Action: Type 1

Lead Agency: Town of Penfield Town Board

Location: Monroe County, Town of Penfield. 1384 and 1420 Empire Blvd. (NYS Route 404) (Refer to Monroe County Tax Map Nos. 108.06-1-1 and 108.06-1-008.1).

GENERAL GUIDELINES

- The DEIS will cover all items in this Scoping Outline. The DEIS will also conform to the format outlined in the Scope and applicable requirements of SEQR, Part 617. If appropriate, topics listed separately in this outline may be combined in the DEIS, as long as all topics described in this Scoping Outline are addressed, consistent with the level of detail outlined.

- Reference to the request for approval of the addition of the 176 boat slips and the 2,700 square foot marina clubhouse and seasonal dining area, with swimming pool shall be referenced as the “Project”.

- The document will be written in the third person. The terms “we” and “our” will not be used. The Applicants’ conclusions and opinions will be identified as those of “the Applicants” or “the Developers.”

- Narrative discussions will be accompanied by appropriate charts, graphs, maps and diagrams whenever possible. If a particular subject matter can be most effectively described in graphic format, the narrative discussion will merely summarize and highlight the information presented graphically. All plans and maps showing the site will identify adjacent parcels, other neighboring uses, roads, water bodies and a legend. Aerial photography may be used to show existing relationships of adjacent uses.

- The entire document will be checked carefully to ensure consistency with respect to the information presented in the various sections.

- Environmental impacts will be described in terms which the layperson can readily understand (e.g., truck-loads of fill and cubic yards rather than just cubic yards).

- Technical data will be provided in the appendices.

- “Full-build” scenario analysis will be provided along with discussion of expected scenario assessment where relevant.

- All discussions of mitigation measures will consider at least those measures mentioned in the Scoping Outline. Where reasonable and necessary, mitigation measures will be incorporated into the Project.

- The DEIS will identify, where appropriate, when the environmental assessment is based on conceptual Project information or more specific Project information.

- The DEIS should establish the development potential for the Project site based on thorough analysis of alternatives, acceptable levels of change/impact and the availability and appropriateness of mitigation. The limits identified in the DEIS, FEIS and resulting Findings Statement, through studies and evaluation will be expressed as thresholds for future development. Projects that meet these thresholds will be considered in compliance with the EIS. Projects that exceed the thresholds (one or more) must undergo further SEQRA review to identify the significance of the impact(s).
• The DEIS will analyze and address the potential significant adverse environmental impacts (hereinafter the “Environmental Impacts”) relating to the potential for additional future development on the identified tax parcels.

• A variety of potential permits and approvals are required for this Project, as shown in Table 1.

• This Scope is prepared in accordance with 6 NYCRR §617.8 and has been made available for public review. Copies of this scope have been submitted to all Involved Agencies and any Interested Agency/individual requesting a copy. This Scope is also available on the Town of Penfield website, www.penfield.org.

• Issues raised during scoping, including those determined by the Town Board to be not relevant or not environmentally significant or that have been adequately addressed in a prior environmental review, if any, will be set forth by the Town Board.

PROPOSED ACTION

Rochester Waterfront Properties LLC has requested the issuance of a Special Use Permit, Preliminary and Final Resubdivision and Site Plan Approval and an Environmental Protection Overlay Permit pursuant to Articles III–3-10, III-3-94, IV-4-25 and IX-9-2 of the Code to allow a 176 boat slip expansion to the Southpoint Marina and an accessory 2,700 square foot clubhouse and swimming pool, on 13.28 acres.

SCOPE OF DEIS COVER SHEET

The Cover Sheet will identify:

1. The name of the proposed action and identify the document as a DRAFT EIS;

2. The location of the proposed action;

3. The name, address, and telephone number of the Lead Agency and its contact person, and the same for the primary preparer of the DEIS, including all consultants and parties involved in the preparation of the DEIS will be included;

4. The date of the DEIS submission, revision date(s), acceptance date (to be inserted later), Public Hearing date, time and place (to be inserted later) and the DEIS comment period (to be inserted later); and

5. The web site location where the document will appear for public review: www.penfield.org

I. TABLE OF CONTENTS

The DEIS will include a table of contents indicating the chapters of the DEIS and page numbers as well as lists of all figures, tables, and appendices of the DEIS.

The text of the DEIS will include the following:

II: EXECUTIVE SUMMARY

The summary will describe the proposed Project. This chapter will re-state the potentially adverse impacts identified by the Lead Agency’s review and Positive Declaration. The summary shall also address significant beneficial and adverse impacts; mitigation measures proposed; alternatives considered; issues of controversy, and lastly, matters to be decided, including a list of all potentially required reviews and approvals from the Town, County, State, and Federal agencies.

III: PROJECT DESCRIPTION

Project Description shall address the following:

A. PURPOSE AND GOALS OF THE PROJECT
B. LOCATION AND EXISTING SITE DESCRIPTION

Provide a description of the project location, maps and physical dimensions of the project site and dimensions involved. Aerial photography may be used to enhance the description.

C. BACKGROUND

Provide current uses of the subject parcels and a history of land use of the properties.

D. PUBLIC NEED AND BENEFIT, SOCIAL AND ECONOMIC CONSIDERATIONS

Identify and document the public need for the project, the benefits which will result to area property residents, merchants and the surrounding community. Identify social and economic conditions which may need to be taken into consideration by involved agencies when reviewing the document or having to balance these issues as part of their approval process.

E. PROJECT DESCRIPTION

1. DESIGN, LAYOUT AND COST

This section must describe, in both graphic and narrative form, the overall site development plan. In plan views, show both existing conditions and proposed conditions. Describe areas to be left in a natural state, as well as landscaping and trees to be removed. Include locations of proposed buildings, parking areas, outdoor recreational areas, dockage facilities, and other facilities to support the operation.

Parking facilities to accommodate the existing restaurant, the proposed structure housing the marina clubhouse, seasonal restaurant and ice cream parlor, existing and proposed boat slips, including vehicles with boat trailers and the general public for use of the proposed trails and overlook must be clearly identified and justified based on general accepted standards for multi-use waterfront facilities.

2. FACILITY OPERATIONS, ACTIVITIES AND EVENTS

Provide a comprehensive listing of the types of commercial operations, activities and events which will be conducted at the facility or on the subject property for all seasons. Also identify those activities which could be conducted at this type of facility but are not being proposed at this time. This would include, but not be limited to subletting or leasing aspects of the project site to another business entity, or by conducting special events which would have the potential of drawing large numbers of people, increasing vehicles or vessel traffic and parking needs.

This listing must address the plans for, or prohibition of, marina or boating activities such as: pressure washing of boats and motors, parking or winter storage of boats and trailers, maintenance activities, repairs to boats, motors and trailers, disposal or transfer and disposal of treated or untreated solid or liquid wastes from boats. In addition, describe any plans to conduct or prohibit outdoor organized activities which would attract large numbers of people, create excessive noise or generate considerable traffic to the site.

Describe the size, types and water depths required by the boats to be docked at the marina facility. Describe the utilities which will be provided to the marina patrons at the individual boat slips. Describe and document how the proposed boat slips will have adequate water depth required for safe, seasonal navigation into and from the marina. This navigational depth must include adequate clearance of all vessels so as to minimize water quality impacts from propeller wash.
Describe dock storage plans. If left in place during the winter months, a deicing plan should be provided. This plan would need to include appropriate safety notification to individuals using the Bay when ice cover exists.

Describe the number of staff which will be employed for the operation of all aspects of the project.

3. MAINTENANCE, APPLICATION AND STORAGE OF CHEMICALS

Provide details of typical maintenance, application and storage of chemicals, petrochemicals, pesticides, herbicides and other substances which could cause environmental harm.

4. DREDGING

Although dredging is not proposed in this project, a narrative of past maintenance dredging to accommodate the existing marina should be addressed as well as the anticipated measures to be undertaken to minimize or mitigate the need for future dredging to maintain the viability of the project. This could include setting speed limits for boats within the fairways and channel to open water, setting protocol for boating activity during low water levels.

5. OPENSPACE AND PUBLIC ACCESS

Describe what open space, services and and/or facilities are currently available and are proposed to be available to the general public with and without fees. Identify those open spaces, services and facilities which will be available to the patrons of the marina. Describe and discuss the impact to the general public with the loss of open water for recreational activities as a result of the project.

6. PROJECT SCHEDULE

Describe, in detail, the various components and phases of the proposed project and their relationship and dependence on each other for the success of the project. Include a schedule for the construction and operational phases of the project.

F. REQUIRED PERMITS AND APPROVALS

Include federal, state, and local government approvals, consistency with the New York State Coastal Zone Management Policies. Attention must be given to how the project meets permit issuance standards, performance standards and relevant guidelines for the various approvals.

1. Include any agency that might be providing grants or funding.

2. Include the agencies listed below in Table 1 below:
IV. ENVIRONMENTAL SETTING

This section must describe the existing environment and potentially affected adjacent areas using both qualitative and quantitative means.

A. NATURAL RESOURCES

1. Geology, Topography and Soils. Identify any unique or sensitive physical features on the project site and adjacent to it.

2. Water Resources and Wetland Resources. Describe the surface water, groundwater and wetland resources on the site and in the general area of the project. Include state classifications or designations placed on these resources as part of New York State Environmental Law to reflect the best use, relative importance within the ecosystem or based on the function or value of the resource. Also include any special designation to these areas established as part of the local, regional, or statewide planning efforts conducted by the Monroe County.

Table 1: Potential Required Approvals

<table>
<thead>
<tr>
<th>Approval/Permit/Review</th>
<th>Agency</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Town of Penfield</strong></td>
<td></td>
</tr>
<tr>
<td>Special Permit</td>
<td>Town Board</td>
</tr>
<tr>
<td>Site Plan Approval</td>
<td></td>
</tr>
<tr>
<td>Re-subdivision Approval</td>
<td></td>
</tr>
<tr>
<td>Local Waterfront Revitalization Program</td>
<td></td>
</tr>
<tr>
<td>Irondequoit Bay Harbor Management Plan</td>
<td></td>
</tr>
<tr>
<td>MS4 Permit</td>
<td></td>
</tr>
<tr>
<td><strong>Town of Irondequoit</strong></td>
<td></td>
</tr>
<tr>
<td>IBCC Review</td>
<td>Town Staff</td>
</tr>
<tr>
<td><strong>Town of Webster</strong></td>
<td></td>
</tr>
<tr>
<td>IBCC Review</td>
<td>Town Staff</td>
</tr>
<tr>
<td><strong>Monroe County</strong></td>
<td></td>
</tr>
<tr>
<td>Section 239-l, m and n Referrals</td>
<td>Department of Planning</td>
</tr>
<tr>
<td>Water Main &amp; Sanitary Sewer Extension</td>
<td>Department of Public Health</td>
</tr>
<tr>
<td>Approval of Sanitary Sewer Plans</td>
<td>Department of Environmental Services, Pure Waters Division</td>
</tr>
<tr>
<td>Water Supply and Backflow</td>
<td>Water Authority</td>
</tr>
<tr>
<td><strong>New York State</strong></td>
<td></td>
</tr>
<tr>
<td>Article 34 Coastal Erosion Permit</td>
<td>Department of Environmental Conservation</td>
</tr>
<tr>
<td>Article 24 Wetland Permit</td>
<td></td>
</tr>
<tr>
<td>SPDES General Permit for Storm Water Discharges</td>
<td></td>
</tr>
<tr>
<td>401 Water Quality Certification</td>
<td></td>
</tr>
<tr>
<td>Article 11 Incidental Taking Permit</td>
<td></td>
</tr>
<tr>
<td>Coastal Management Program Consistency</td>
<td>Department of State</td>
</tr>
<tr>
<td>Concurrence</td>
<td></td>
</tr>
<tr>
<td>Highway Work Permit</td>
<td>Department of Transportation</td>
</tr>
<tr>
<td>Use of Underwater Lands</td>
<td>Office of General Services</td>
</tr>
<tr>
<td><strong>Federal Agencies</strong></td>
<td></td>
</tr>
<tr>
<td>Section 10 – Rivers and Harbor Act</td>
<td>U.S. Army Corps of Engineers</td>
</tr>
<tr>
<td>BGEPA Act Compliance</td>
<td>U.S. Fish and Wildlife</td>
</tr>
</tbody>
</table>
3. Terrestrial and Aquatic Ecology. Describe the water surface environs on the site and in the general project area.

Describe the terrestrial vegetation and the aquatic vegetation (type, site, dominance, rare, endangered) at the site and in general area of the project.

Describe and characterize the birds and mammals which use the site or are in close proximity to the site, and water environs for feeding, nesting, roosting, or resting throughout the year.

Describe and characterize throughout the spring and summer months, the aquatic organisms (type, site, dominance, rare, endangered) found in the near shore area at the project site. This must include fish, macro-invertebrates, reptiles and amphibians. If no data for this area exists, then sampling collection for this area will be required. Consider seasonal use patterns and the relative importance of these habitats to individual species, the project area and its environs and population level.

B. WATER DEPTHS AND BENTHIC DEPTHS. Provide accurate, dated bathymetry of the area where the boat slips are proposed and the navigational fairways to deeper water and channels. This must include IGLD-85 as the reference datum for bottom elevations.

C. WATER AND SURFACE NAVIGABILITY. Provide a detailed evaluation of the existing water surface use patterns in the near-shore area of the proposed project. Include types and sizes of boats, sailing vessels, and personal watercraft using the water in the project area and adjacent cove. Identify and describe general patterns of boat traffic flow around the project site.

D. AESTHETIC RESOURCES. Describe scenic views known to be important to the area. Photographs of the site and its environs will be incorporated into this section.

E. TRANSPORTATION. Describe the existing transportation network, capacity, volume, traffic safety, access management, speed limits and on-site traffic movements during peak conditions of all on-site uses and how they interact with one and other.

F. EMERGENCY SERVICES. Discuss the availability of police, fire and ambulance services and their ability to service the project site considering the operational layout.

G. PUBLIC HEALTH – A history of spills or events leading to adverse impacts as reported the NYSDEC should be identified and addressed. Describe and discuss any Emergency Response Plans or Disaster Plans to address potential impacts associated with gasoline spills and other materials that could be discharged to the waters of the Bay.

V. POTENTIAL SIGNIFICANT ENVIRONMENTAL IMPACTS AND MITIGATION. This section will identify and describe short-term, long-term, cumulative and other associated environmental impacts and issues as identified herein. With the description of the environmental setting as a basis for comparison, the description of the impacts will include both a quantitative and qualitative assessment of the potential for the impact to occur, and the magnitude and importance of the impact. The time frame in which the impact is anticipated will also be identified. Identify adverse impacts from all aspects of the project, temporary or permanent in nature. If beneficial impacts are identified, describe them in a similar manner. This section will also identify all proposed mitigation to reduce or eliminate the potential adverse impacts.

A. NATURAL RESOURCES

1. Geology, Topography and Soils.

   a. This section should contain a thorough description of the soil types found on the site, specifically relating to those areas of proposed on-land site
improvements, either temporary or permanent. It should describe drainage patterns across the site, potential for erosion of soils and shoreline erosion, including the surrounding area within reasonable proximity of boat travel lanes. This includes discussion of potential impacts to the identified Coastal Erosion Hazard Area in proximity to the site. It should discuss all mitigation measures proposed, both temporary and permanent, identify a schedule of maintenance activities required for proper operation of all mitigation measures and any proposed agreements to ensure this maintenance. The discussion should also include design techniques, Best Management Practices and compliance with local and State requirements.


In 2002, a biological study was conducted by James M. Haynes of SUNY Brockport. The following protocol, offered by James M. Haynes is appropriate for this scope:

a. Fish. Boat electro-fishing will be conducted for one day in May 2014 (spawning season) to compare fish diversity (number of species) and abundance among a) beneath existing docks, b) the area of the cove where the dock expansion will occur (deeper open water), and c) along the undeveloped and developed shorelines in the cove. Through the capture of fish, the biological health and potential benefits of the Cove for aquatic species will be determined.

b. Amphibians. Using the methods of Chabot and Helferty (1997) calling surveys for one-half day during each of two periods: 15-30 April and 15-30 May will be conducted.

c. Wetland birds. Using the methods of Chabot and Helferty (1997) listening and visual surveys for one-half day during each of two periods: 15-30 April and 15-30 May will be conducted.

d. Aquatic Plants (Macrophytes). While conducting electro-fishing the study area will be examined for the presence of aquatic plants.

e. Turbidity. While conducting electro-fishing the distance light travels vertically in water in Southpoint Cove (an indicator of turbidity and the ability of rooted aquatic plants to grow from the bottom) using a Secchi disk will be measured.

3. Terrestrial Studies

Terrestrial plants (trees, shrubs, forbs, grasses) were surveyed by Haynes et al. (2002) in the uplands along most of eastern Irondequoit Bay, including those surrounding Southpoint Cove. No New York State-protected plants of special concern were observed closer than 1.25 miles to Southpoint Marina. After literature review in 2002 and given much better habitat elsewhere near the Bay’s shoreline, few non-invasive terrestrial vertebrates (e.g., dogs, cats, opossums, rats, starlings) are likely to occur in the Southpoint Cove area. Normally, surveying for terrestrial plants and vertebrates as part of a biological study for the dock expansion would make little sense, however for completeness and the purpose of environmental review the following terrestrial studies will be conducted:

a. Plants. Conduct a 1-d walking survey of the slopes and flats surrounding Southpoint Cove in May 2014 searching for New York State-protected plants of special concern known to be in distant areas on the eastern slopes of Irondequoit Bay. The study will be confined from the shoreline to 100 feet up the slope east of Southpoint Marina.
b. Mammals. One dawn and one dusk visual survey in Southpoint Cove in May 2014.

c. Birds. One dawn listening survey on the slopes above Southpoint Cove in May 2014.

The results of the aquatic and terrestrial studies outlined above will be compared to results from the 2002 study and the findings will be reported.

In addition, the New York State Department of Environmental Conservation, in its letter of October 11, 2013, identified other potentially significant adverse impacts to the existence of a bald eagle and nest in close proximity to the proposed project. The DEIS should contain a discussion of the existence of the bald eagle nest, the applicants efforts to identify potential impacts and steps taken to reduce or eliminate these impacts. A discussion should also be included on the need of a taking permit pursuant to 6 NYCRR 182.

Once the studies and discussions have been completed, potential impacts of the project should be identified and a thorough, detailed discussion of proposed mitigation should be provided.

B. WATER RESOURCES AND WETLAND RESOURCES

As identified in its letter, dated October 11, 2013, the NYSDEC believes "the marina component of the revised project would encompass a total of approximately 4.0 acres of coverage for private commercial use within Freshwater RE-1, a class I wetland. Such use is identified in 6 NYCRR 663.4 as an 'incompatible' activity, and it would result in adverse impacts to the wetland functions and benefits of Freshwater Wetland RE-1, including those related to aquatic resources, fish and wildlife habitat, open space and recreational uses."

As such, this section should discuss all potential adverse impacts to the wetlands and water resources and include detailed discussion of potential mitigation measures to reduce or eliminate those impacts. The discussion should include potential for conflict of uses among boaters, fishermen, water skiers, kayaks & canoes. This section should include a discussion of the permit standards for an Article 24 wetland permit, how the application complies with these standards and identify any potential conflicts with the standards.

This section should also discuss the potential incompatibility with 6 NYCRR 663.4 and consistency with the Town of Penfield Local Waterfront Revitalization Program (LWRP).

C. NAVIGATION AND SAFETY

This section should provide a discussion of the existing navigation patterns in and through the area, proposed changes to those patterns and any mitigation proposed for the safe and efficient movement of boats from the marina to the open waters of Irondequoit Bay.

This section should discuss the past history for dredging travel channels and areas around the docks, including how the spoil material was treated and disposed of. Frequency of anticipated dredging should also be outlined, along with a discussion of how this would or could occur and what impacts may be anticipated, including proposed mitigation measures to reduce or eliminate those impacts.

This section should also outline a plan for emergency response for incidents on land or within the marina. This should include identification of potential response agencies, available equipment and approximate response times for
reasonably anticipated incidents, such as medical emergencies, on-board fires, etc.

D. LAND USE AND ZONING

This section should discuss compliance with local, state and federal laws and regulations, specifically the existing Local Waterfront Revitalization Plan; the Irondequoit Bay Harbor Management Plan and the Penfield Zoning Ordinance. Areas of potential conflict should be outlined, providing discussions of need vs. compatibility.

E. TRANSPORTATION

This section should discuss the potential impacts to traffic flows and highway capacity. Include seasonal aspects as well as short-term and long-term impacts. Also address on-site traffic management to address conflicts during optimum conditions such as on holiday weekends. This should include any anticipated impacts anticipated with the point of access being used as a secondary means of ingress/egress for residents for the Southpoint Cove Apartment complex.

The following intersections should be studied:
- Empire Blvd. at Plank Road
- Empire Blvd. at proposed entrance to Southpoint Cove Apartments
- Empire Blvd. at existing entrance to Bazil’s Restaurant
- Empire Blvd. at Winton Road

Peak hours should be determined for these intersections and a discussion of anticipated peak hours/days for the marina use.

Identify all proposed mitigation measures proposed, both on-site and off-site to address potential impacts.

VI. ALTERNATIVES. This section will describe a range of reasonable alternatives considering the objectives or goals of the project sponsor. Each of the alternatives must be explored and analyzed in sufficient detail to allow involved agencies and the public to weigh the project's benefits and impacts with those of the alternatives.

A. Alternative Site Plans. Include alternatives which reduce the size and location of the dockage and other layouts which would reduce identified impacts.
B. Alternative Phasing or Timing
C. No Action (No Build) Alternatives

VII. UNAVOIDABLE ADVERSE ENVIRONMENTAL IMPACTS. This section will identify and briefly describe the adverse environmental impacts that may occur regardless of efforts to minimize or mitigate those impacts. The impacts can be in the immediate future or over a long-term period. They will be identified in the following areas:

A. Natural Resources
B. Human Resources
C. Transportation and Man Made Infrastructure

IX. GROWTH INDUCING IMPACTS. This section will identify and describe the potential of the project to cause, or increase further development within the area in a manner to affect such factors as population, employment, the need for additional support facilities, services and infrastructure. The implications of both positive and negative, of these demands will be described in the following categories:

A. Population
B. Economic development
C. Recreation
X. IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES. This section will identify the extent to which the project will cause a loss of environmental resources, both in the immediate future and in the long-term. The following resources will be addressed:

A. Land and water resources
B. Financial resources

XI. TABLES

XII. REFERENCES

XIII. APPENDICES