

# Appendix A

## Local Laws Assessment

### 1. Institutional Framework: Roles and Responsibilities of Governmental and Nongovernmental Agencies

The Conesus Lake watershed is affected by regulations, plans, and programs at the federal, state, regional, county, and local level, as well as by collaborations involving nonprofit organizations and academic institutions. This chapter presents an overview of the broad institutional framework that guides decision making and activities in the watershed.

#### 1.1 Federal Agencies and Watershed-Related Resources

The federal government offers a range of programs associated with the conservation and protection of water and natural resources. These programs offer a wealth of information on water quality, habitat inventories, soil information, and much more. Federal agencies can also provide both technical and financial assistance. In addition to the federal resources listed below, the online System for Award Management ([www.sam.gov](http://www.sam.gov)) gives access to a database of all federal programs available to state and local governments; domestic public, quasi-public, private profit, and nonprofit organizations; and institutions, specialized groups, and individuals. You can search this database to find grant and funding opportunities meeting the requirements for your project.

##### 1.1.1 U.S. Environmental Protection Agency (USEPA)

**Website:** [www.epa.gov](http://www.epa.gov)

**Description:** The USEPA protects environmental quality through a variety of air, water, pollution, and toxins and chemicals management programs, primarily through its Office of Water. USEPA provides information on water quality programs and assistance with planning and managing watersheds, water quality, wetlands ([water.epa.gov/](http://water.epa.gov/)), groundwater and surface water supplies, and wastewater treatment (<https://www.epa.gov/ground-water-and-drinking-water>). The agency's watershed-related responsibilities include defining and ensuring compliance with basic water programs; developing national standards and tools; funding; and conducting national assessments of status and progress.

**Relevant programs:**

- Clean Water Act Section 319 Nonpoint Source Management Program
- Environmental Monitoring and Assessment Program (EMAP)

- Great Lakes National Program Office
- Great Lakes Restoration Initiative (GLRI) Forest Restoration (with USFS)
- GLRI Cooperative Weed Management (with USFS)
- Lake Ontario Lakewide Management Plan Acid Rain Program
- Office of Standards (supports Clean Water Act and Safe Drinking Water Act)
- Office of Research and Development

### 1.1.2 U.S. Fish and Wildlife Service (USFWS)

**Website:** [www.fws.gov](http://www.fws.gov)

**Description:** The USFWS administers most of the nation’s fish and wildlife management programs, including terrestrial and freshwater endangered species protection and migratory bird management. USFWS manages public lands and outdoor recreation ([www.recreation.gov](http://www.recreation.gov)) as part of the National Wildlife Refuge system.

**Relevant funding programs:**

- Partners for Fish and Wildlife
- National Fish Passage Program
- Wildlife and Sport Fish Restoration Programs
- North American Wetlands Conservation Act (NAWCA) grants
- Great Lakes Restoration Initiative grants

### 1.1.3 U.S. Geological Survey (USGS)

**Website:** [water.usgs.gov](http://water.usgs.gov)

**Description:** The USGS can provide watershed-related information on stream flow, water quality, water quantity, maps, and application software. The agency has real-time data, surface water data, and groundwater information. USGS also provides historic topographic maps that can be helpful in delineating watersheds. The USGS New York office ([www.usgs.gov/centers/new-york-water-science-center](http://www.usgs.gov/centers/new-york-water-science-center)), in partnership with collaborating agencies, has conducted assessments of streams in several of New York’s physiographic regions to develop regional stream curves, which illustrate the relationship between watershed size, stream form, and discharge. These relationships are useful in guiding stream restoration activities. USGS publications, including site-specific investigations and circulars, are useful in building an understanding of watershed processes.

**Relevant programs:**

- Groundwater quality research and monitoring
- Resource mapping and GIS
- Streamflow monitoring

- Surface water quality research and monitoring

#### 1.1.4 U.S. Army Corps of Engineers (USACE)

**Website:** [www.usace.army.mil](http://www.usace.army.mil)

**Description:** The USACE's Civil Works programs focus on water resource development activities including flood risk management, navigation, recreation, and infrastructure and environmental stewardship. USACE sets the guidelines for maintaining water levels in Conesus Lake.

#### **Relevant laws, programs:**

- Section 10 of the Rivers & Harbors Act of 1899 (33 U.S.C. 403)
- Section 404 of the Clean Water Act (33 U.S.C. 1344)
- Flood Risk Management Program

#### 1.1.5 U.S. Department of Agriculture: Natural Resources Conservation Service (NRCS), Forest Service

**Website:** [www.usda.gov](http://www.usda.gov); [www.nrcs.usda.gov](http://www.nrcs.usda.gov); [www.fs.fed.us](http://www.fs.fed.us)

**Description:** The U.S. Department of Agriculture can provide assistance with rural development and help communities with natural resource concerns, such as erosion control, watershed protection, and forestry. The USDA's Natural Resources Conservation Service has responsibilities for addressing nonpoint sources of pollution. Its county-based Soil and Water Conservation Districts provide conservation planning and technical assistance to landowners and managers to benefit the soil, water, and related natural resources for productive lands and healthy ecosystems.

#### **Relevant programs:**

- Agricultural Conservation Easement Program (ACEP)
- Agricultural Environmental Management (AEM) Plans
- Conservation Technical Assistance (CTA)
- Conservation Reserve Program (CRP)
- Environmental Quality Incentives Program (EQIP)
- National Conservation Practice Standards
- Conservation Stewardship Program (CSP)
- Conservation Innovation Grants
- Wildlife Habitat Incentive Program (WHIP)

## **1.2 State Agencies and Watershed-Related Resources**

Many New York State agencies provide an array of technical and financial assistance that can support the watershed planning process.

### 1.2.1 NYS Department of State (NYSDOS)

**Website:** [www.dos.ny.gov](http://www.dos.ny.gov)

**Description:** The NYSDOS ([www.dos.ny.gov](http://www.dos.ny.gov)) increases resilience and sustainable growth of communities by advancing progressive land use solutions, community-based development, and building standards and codes. NYSDOS also provides technical and financial assistance to help communities integrate watershed planning with efforts to expand public access, reinvigorate urban waterfronts, restore habitats, protect scenic resources, preserve historic resources, manage water uses, improve water quality, protect against flooding and erosion, plan for storm resiliency, and strengthen local economies. NYSDOS Local Waterfront Revitalization Program provides financial assistance to eligible waterfront communities on a competitive basis, through Title 11 of the Environmental Protection Fund-Local Waterfront Revitalization Program, as well as guidance and training for the revitalization of communities, protecting and improving the environment, and strengthening local economies.

The NYSDOS provides training and technical assistance to local governments and community organizations throughout the state, helping local officials solve problems involving basic powers and duties, public works, municipal organization, planning, land use and regulatory controls, and community development (<https://dos.ny.gov/training-assistance>). It also provides training assistance to municipalities related to zoning procedures, identifying opportunities for cost savings and other practical legal and technical advice.

#### **Relevant programs:**

- Local Waterfront Revitalization Program (LWRP): funds planning and implementation projects to create more sustainable, accessible, and resilient waterfront communities as well as providing technical assistance for those communities
- Local Government Efficiency Program (LGE): works with municipal leaders on support and to reduce the cost of operations and modernize the delivery of local services.
- Brownfield Area Opportunity Program (BAO): applies a neighborhood-wide approach for planning in the assessment and redevelopment of known/suspected brownfields and other vacant/abandoned properties.
- Smart Growth Community Planning and Zoning Program (SGCP): assists communities in preparing land use plans and zoning regulations that integrate smart growth principles
- Local Planning
- Ocean and Great Lakes Program
- State Coastal Management Program
- Water Resource Planning

## 1.2.2 NYS Department of Environmental Conservation (NYSDEC)

**Website:** [www.dec.ny.gov](http://www.dec.ny.gov)

**Description:** The NYSDEC's Division of Water uses a watershed management approach to guide many of its programs. Water quality protection is central to the mission of NYSDEC, which regulates wastewater and thermal discharges and has responsibilities for monitoring waterbodies, controlling surface runoff, managing water availability, preventing flood damage and beach erosion, and promoting stewardship and education. A variety of funds are available for municipal wastewater treatment improvement, pollution prevention, and agricultural and nonagricultural nonpoint source abatement and control. Support is available to acquire open space that protects water resources, and to acquire public parklands and protect farmland.

### **Relevant laws, programs:**

- Priority Waterbodies List (PWL)
- List of Impaired Waters, NYS Section 303(d)
- Rotating Intensive Basin Surveys (RIBS)
- Citizens Statewide Lake Assessment Program (CSLAP)
- Climate Smart Communities (CSC) Grants: Provides 50/50 matching grants to municipalities for eligible climate mitigation and adaptation projects.
- Community Forest Conservation Grant Program: Funds municipal land acquisition to establish community forests.
- Invasive Species Grant Program: Assist with planning and research projects that target both aquatic and terrestrial invasive species.
- Trees for Tribs and Buffer in a Bag: Works to restore streamside plant communities on public and private lands. Landowners and public entities such as schools, municipalities, and conservation organizations can qualify for free trees and shrubs.
- NYS Conservation Partnership Program
- Non-Agricultural Nonpoint Source Planning and MS4 Mapping (NPG): funds planning reports for nonpoint source water quality improvement projects and mapping of Municipal Separate Storm Sewer Systems
- Water Quality Improvement Project Program (WQIP): funds projects that reduce runoff, improve water quality, and restore habitat; these include Wastewater Treatment Improvement, Land Acquisition for Source Water Protection, and Aquatic Connectivity Restoration projects
- Water Quality Management Planning Programs: Clean Water Act, Section 604(b) Funding to NYSDEC, NY Sea Grant
- NY Great Lakes Basin Small Grants
- Drinking Water Source Protection Program (DWSP2)

- New York Natural Heritage Program: A partnership between the NYSDEC and the State University of New York College of Environmental Science and Forestry. The program is committed to the conservation of rare animals, rare plants and natural ecosystems/communities. The program utilizes field inventories, scientific analysis, expert interpretation, and comprehensive databases on New York’s flora and fauna to inform compatible management activities to have significant and lasting effects on the preservation of New York’s biodiversity.
- Nonpoint Source Management Program, NYS Section 319
- Protection of Waters Program (implements Article 15 of Environmental Conservation Law): Geared toward the preservation and protection of water resources that are necessary for drinking and bathing; agricultural, commercial and industrial uses; and fish and wildlife habitat. The Program establishes and enforces regulations that are compatible with protection of water resources, protection of public health, and consistent with economic and social development. While regulations and permit requirements differ for each, there are 5 main categories under which a permit may be necessary: (1) Disturbance of the bed or banks of a protected stream or other watercourse; (2) Construction, reconstructions or repair of dams and other impoundment structures; (3) Construction, reconstruction or expansion of docking and mooring facilities; (4) Excavation or placement of fill in navigable water and their adjacent and contiguous wetlands; (5) Water Quality Certification of place fill or undertaking activities resulting in a discharge to water of the United States.
- Phase II Program: This program requires permits for stormwater discharges from Municipal Separate Storm Sewer Systems (MS4s) in urbanized areas and for construction activities disturbing one or more acres. Related resources available from NYSDEC include a [“Stormwater Design Manual”](#) and [“Stormwater Model Local Law.”](#)
- Environmental Conservation Laws:
  - State Environmental Quality Review Act (Article 8): SEQR requires investigation into alternative actions and the mitigation of harmful effects of proposed development. Potential nonpoint source pollution can be remediated through revised design or other measures.
  - Water Resources Law: Water withdrawals; permit (§ 15-0501)
  - State Pollution Discharge Elimination System (SPDES) (Article 17). This water pollution control law is modeled after the National Pollution Discharge Elimination System approved by the Environmental Protection Agency for the control of wastewater and stormwater discharges in accordance with the Clean Water Act. Through SPDES, NYSDEC reviews permit applications to develop the limits for types and quantities of pollutants in the effluent. The permit also includes the schedules and conditions under which discharges are allowed. Owners or operators of facilities must treat wastewater in order to meet the limits listed in their SPDES permit.

- Prohibition against pollution (§ 17-0501)
  - Prohibition against certain acts without permit (§ 17-0505)
  - Concentrated Animal Feeding Operations (CAFOs) Permitting (§ 17-0105) 6: The NYSDEC created and enforces regulations regarding CAFOs, which apply to dairy farms and other farms where animals are stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period. CAFOs are categorized as either “large” or “medium” based on the numbers of animals confined. The federal Clean Water Act (33 USC 1251) is the overarching authority governing discharges to waterways, and each state adopts its own related laws regarding permits required for operations that might discharge to waterways within that state.
  - Stormwater permitting (§ 17-0808)
  - Discharge of sewage into waters (§§ 17-1701, 1704, 1710,)
  - Nutrient runoff, phosphorus fertilizer (§§ 17-2101-2105)
- Freshwater Wetlands Act (Article 24): Preserves, protects and conserves freshwater wetlands and their benefits, consistent with the general welfare and beneficial economic, social and agricultural development of the state. Protected under the Freshwater Wetlands Act are wetlands 12.4 acres or larger (or greater than 7.4 acres after December 31, 2027) and wetlands of unusual local importance, regardless of size. Around every wetland is a “Wetland Adjacent Area” of 100 feet that is also regulated to provide protection for the wetland. A permit is required to conduct any regulated activity in a protected wetland or its adjacent area; however, certain activities are exempt from regulation. The permit standards in the regulations require that impacts to wetlands be avoided and minimized. Compensatory mitigation often is required for significant impacts to wetlands. This may include creating or restoring wetlands to replace the benefits lost by the proposed project.

### 1.2.3 NYS Department of Health (NYSDOH)

**Website:** [www.health.state.ny.us](http://www.health.state.ny.us)

**Description:** The NYSDOH provides information and technical assistance related to financing mechanisms, preventing drinking water contamination, and additional public health related water protection programs including publications outlining the regulatory framework. NYSDOH’s Bureau of Public Water Supply Protection is responsible for ensuring that source water assessments are completed for all of New York’s public water systems. These assessments are available to the public. New York’s Final Source Water Assessment Program (SWAP) Plan and a list of contacts by county can be viewed at the link below. At the time of this CLWMP Update, the Bureau is encouraging systems to update to a relatively new program, the Drinking Water Source Protection Program (DWSP2). See link below. The DWSP2 is an initiative that is locally led and state-supported by NYSDOH and

NYSDEC which provides free technical assistance to municipalities to develop and implement drinking water source protection plans. GFLRPC is one of the technical assistance providers for Livingston County communities and can assist municipalities with DWSP2 program inquiries, applications, and program requirements.

SWAP: [www.health.ny.gov/environmental/water/drinking/swap.htm](http://www.health.ny.gov/environmental/water/drinking/swap.htm)

DWSP2: [www.dec.ny.gov/environmental-protection/water/water-quality/dwsp2](http://www.dec.ny.gov/environmental-protection/water/water-quality/dwsp2)

**Relevant programs:**

- Contaminant monitoring and fish advisories
- Drinking Water Source Protection Program (DWSP2)
- Drinking Water Protection Program: testing, permitting, wellhead protection
- Septic System Standards
- Bathing Beach rules and regulations (10 NYCRR 6-2)
- Watershed rules and regulations

1.2.4 NYS Department of Agriculture and Markets (NYSAGM)

**Website:** <https://agriculture.ny.gov/>

**Description:** The Department of Agriculture and Markets administers funding programs including the Agricultural and Farmland Protection Implementation Grant, the Farmland Protection Planning Grant, and Land Trust Grant programs. The Soil and Water Conservation Committee of New York’s Department of Agriculture and Markets develops and oversees implementation of Soil and Water Conservation District programs and AEM programs, which provide technical assistance, including comprehensive nutrient management planning, streamside conservation, and community conservation. Financial assistance is also provided through the New York State Agricultural Nonpoint Source Abatement and Control Program (ANSACP). The NYS Conservation Reserve Enhancement Program (NYS CREP) also aims to reduce pollution in streams by helping agricultural landowners to voluntarily plant trees, shrubs, and grasses on streambanks to trap sediment, pesticides, and fertilizers in runoff. In addition, New York’s Agricultural Districts law states that the Agriculture and Markets Commissioner can intervene when local governments enact laws that unreasonably restrict farm operations in Agricultural Districts; this places limits on the municipalities to regulate land uses in Agricultural Districts.

**Relevant laws, programs:**

- Agricultural Nonpoint Source Abatement and Control Program (ANSACP): Financial assistance program for projects led by SWCDs that involve planning, designing, and implementing priority BMPs.

- Agricultural Environmental Management (AEM) Program: SWCDs engage local partners such as Cooperative Extension, NRCS, AEM Certified Planners to assist farmers in farm planning to reduce runoff and erosion.
- Climate Resiliency Farming (CRF) Program: Assistance to reduce the impact of agriculture on climate change and increase climate resiliency of NYS farms.
- Community Resiliency Training Program: Provides community/municipality training to increase resiliency to flooding and Harmful Algal Bloom (HAB) outbreaks in high-risk waterbodies.
- County Agricultural and Farmland Protection Planning Grants: Financial assistance for the development and implementation of County Agricultural and Farmland Protection Plans.
- Source Water Buffer Program: Funding to support, expand or enhance water quality protection through the purchase of conservation easements on agriculture lands that preserve or establish buffers for surface or ground waters.

### 1.2.5 NYS Environmental Facilities Corporation (NYSEFC)

**Website:** [www.nysefc.org](http://www.nysefc.org)

**Description:** The NYSEFC's mission is to promote environmental quality by providing low-cost capital and expert technical assistance to municipalities, businesses, and State agencies for environmental projects in New York State. Its purpose is to help public and private entities comply with federal and State environmental requirements. NYSEFC's primary activities are the State Revolving Funds (SRF), the Industrial Finance Program (IFP), and Technical Advisory Services (TAS).

**Relevant program:**

- NYSEFC Green Innovation Grant Program funds projects that will implement green practices such as green stormwater infrastructure, energy efficiency, water efficiency, environmental innovation
- Green Resiliency Grant Program
- Septic System Replacement Fund
- Water Infrastructure Improvement and Intermunicipal Grants
- Drinking Water State Revolving Fund
- Clean Water Infrastructure Act (CWIA) Grants
- Clean Vessel Assistance Program

### 1.2.6 NYS Department of Transportation (NYSDOT)

**Website:** [www.nysdot.gov](http://www.nysdot.gov)

**Description:** The NYSDOT provides design and guidance documents, standard specifications, and procedural manuals (Highway Design Manual, Environmental Procedures Manual, Maintenance Guidelines, etc.) that can be incorporated into local laws and highway department operating

procedures. The NYSDOT also funds and implements environmental benefit projects that improve water quality, restore wetlands, promote eco-tourism, protect fish and wildlife, and enhance transportation corridors through its Environmental Initiative. Various other programs through the department provide substantial environmental benefits, including GreenLITES, roadside vegetation management, Transportation Alternatives Program, and others.

## 1.3 Regional Agencies and Initiatives

### 1.3.1 Finger Lakes Lake Ontario Watershed Protection Alliance (FOLLOWPA)

**Website:** [www.followpa.org](http://www.followpa.org)

**Description:** FOLLOWPA is a coalition of all 25 counties in New York's Lake Ontario drainage basin that fosters coordinated watershed management programs across the basin based on local needs. Livingston County receives funding for water quality projects from FOLLOWPA which is provided through the New York State Environmental Protection Fund (EPF), through the support of a committed delegation of State Legislators representing the 25-county region.

**Relevant programs:**

- Aquatic Vegetation Control Program
- Septic System Inspection Program
- Invasive Species Education, Surveying, Harvesting and Control
- Sampling and Monitoring of Water Quality
- Erosion and Sediment Control

### 1.3.2 Livingston County Planning Board (LCPB)

**Website:** [www.livingstoncountyny.gov/105/County-Planning-Board](http://www.livingstoncountyny.gov/105/County-Planning-Board)

**Description:** The LCPB serves as an advisory board, created under General Municipal Law (GML), that has a primary responsibility to review zoning and land use referrals from local municipalities. Reviews ensure that proposed developments or policy changes consider regional, county-wide or inter-municipal impacts before municipalities take final action. The LCPB supports the protection of Conesus Lake's watershed and water quality while reviewing proposals for watershed impacts and promoting consistency with the CLWMP.

### 1.3.3 Partnership for Regional Invasive Species Management (PRISM)

**Website:** <https://fingerlakesinvasives.org/>

**Description:** New York State's eight PRISMs were formed in response to a recommendation of the 2005 NYS Invasive Species Task Force, with a goal of preventing or minimizing harm caused by invasive species on the environment, economy and the health and well-being of citizens. PRISM

functions include coordinating partner efforts, recruiting and training citizen volunteers, identifying and delivering education and outreach, establishing early detection monitoring networks, and implementing direct eradication and control efforts. The Finger Lakes PRISM (FL-PRISM) covers 17 counties in central NYS, including Livingston County. The FL-PRISM supports the CLWC with the Macrophyte Survey program on Conesus Lake and invasive species management projects in the watershed.

**Relevant programs:**

- Macrophyte Survey Program
- Trail Survey Program

## 1.4 Academic institutions

### 1.4.1 State University of New York at Brockport (SUNY Brockport)

**University Website:** [www.brockport.edu](http://www.brockport.edu)

**Relevant SUNY Reports/Research:** <https://www.livingstoncountyny.gov/780/Reports-Publications-Educational-Resourc>

**Description:** SUNY Brockport, a public liberal arts college and part of the SUNY system, is located in the Village of Brockport in Monroe County. SUNY Brockport, together with fellow partner SUNY Geneseo, has been a long-term contributor to research and monitoring efforts on Conesus Lake to ensure lake water quality, with a focus on nutrient loading, agricultural best management practices, and food web analysis. Partnerships with SUNY Brockport, SUNY Geneseo, USDA, NYSDEC, CLA, and FLOWPA have been effective in establishing an ecosystem-based management approach for Conesus Lake and the watershed that helps guide the CLWC in setting management strategies and priorities. For close to 40 years, SUNY Brockport's Department of Environmental Science and Ecology Limnology Laboratory has been instrumental in providing critical data that supports the CLWMP implementation and a robust water quality monitoring and research program. SUNY Brockport provides a special concentration on Conesus Lake tributary monitoring.

**Relevant programs:**

- Water Quality Monitoring Programs

### 1.4.2 State University of New York at Geneseo (SUNY Geneseo)

**University Website:** [www.geneseo.edu](http://www.geneseo.edu)

**Relevant SUNY Reports/Research:** <https://www.livingstoncountyny.gov/780/Reports-Publications-Educational-Resourc>

**Description:** SUNY Geneseo, a public liberal arts college and part of the SUNY system, is located in the Village of Geneseo in Livingston County, which sources its drinking water from Conesus Lake. SUNY Geneseo, together with fellow partner SUNY Brockport, has been a long-term contributor to research and monitoring efforts on Conesus Lake to ensure lake water quality, with a focus on nutrient loading, agricultural best management practices, and food web analysis. Partnerships with SUNY Geneseo, SUNY Brockport, USDA, NYSDEC, CLA, and FLOWPA have been effective in establishing an ecosystem-based management approach for Conesus Lake and the watershed that helps guide the CLWC in setting management strategies and priorities. For decades, SUNY Geneseo's Biology Department has played a critical role in the implementation of the CLWMP and an extensive water quality monitoring and research program on Conesus Lake. SUNY Geneseo provides a special concentration on near-shore and in-lake studies, and the spatial analysis of the different basins within the Lake.

**Relevant programs:**

- Water Quality Monitoring Programs

1.4.3 Cornell Cooperative Extension of Livingston County (CCE-Livingston)

**Website:** [www.ccelivingstoncounty.org/](http://www.ccelivingstoncounty.org/)

**Description:** CCE-Livingston is a part of the larger CCE network operated by Cornell University that extends Cornell's land-grant programs to every county in the state. CCE-Livingston delivers researched-based information, education, and tools, and fosters community collaborations to help people improve their lives, communities, and natural environments. Locally, CCE-Livingston has a number of partner activities that promote the protection of Conesus Lake and water quality through public education and awareness and best management practices for landowners and agricultural partners. CCE-Livingston participated in the CLWMP Update process and regularly contributes to the Watershed Education Center programming.

## 1.5 Nonprofit Organizations

1.5.1 New York State Federation of Lake Associations. (NYSFOLA)

**Website:** [www.nysfola.org/](http://www.nysfola.org/)

**Description:** NYSFOLA is a non-profit coalition of lake associations from across NYS, individuals, and corporate members dedicated to the protection and restoration of New York lakes. NYSFOLA promotes the development of local and regional partnerships and collaborations to address lake needs and opportunities. Priorities include supporting lake associations, education and outreach, monitoring and reporting, and advocacy and public policy. NYSFOLA provides support to the NYSDEC Citizens Statewide Lake Assessment Program (CSLAP); Conesus Lake is a participant in this program.

### 1.5.2 Finger Lakes Institute (FLI)

**Website:** [www.hws.edu/centers/finger-lakes-institute](http://www.hws.edu/centers/finger-lakes-institute)

**Description:** FLI is an academic and research center at Hobart and William Smith Colleges, located in Geneva, NY and situated on the shores of Seneca Lake. FLI is dedicated to the protection of the water resources of the Finger Lakes, promotion of environmental research and education on these Lakes, and advancing collaborative actions through partnerships. Their actions focus on research, community engagement, and education. FLI is the host for the Macrophyte Survey Program run by FL-PRISM, which is implemented on Conesus Lake.

### 1.5.3 Conesus Lake Association (CLA)

**Website:** [www.conesuslake.org](http://www.conesuslake.org)

**Description:** The Conesus Lake Association is a non-profit organization that works to promote the health, safety and welfare of the residents and users of Conesus Lake. The CLA is a strong environmental stewardship organization and effective partner in the protection of Conesus Lake, and with a large membership of over 1,000 people, the CLA serves as a collective voice for the needs and challenges that face Conesus Lake and the watershed. With a wide breadth of service, their engagement ranges from partnering on water quality projects; to education and stewardship outreach; and to advocacy with local, county, state government and agencies on lake protection issues. The CLA plays an active role in the support of the CLWMP implementation.

- Citizens Statewide Lake Assessment Program (CSLAP)
- Conesus Lake HABs Monitoring Program
- Conesus Lake State Boat Launch Watercraft Steward Program
- Conesus Lake Stewardship Initiative
- PRISM Macrophyte Survey Program
- Watershed Education Center Program

## **1.6 County-Level Agencies and Initiatives**

### 1.6.1 Conesus Lake Watershed Council (CLWC)

**Website:** [www.livingstoncountyny.gov/112/Watershed-Council](http://www.livingstoncountyny.gov/112/Watershed-Council)

**Description:** The CLWC is an intermunicipal organization formed in 2003 to guide the implementation of the recommendations of the CLWMP. Members of the CLWC include municipalities with lands within the watershed, municipalities that are public water purveyors using Conesus Lake as a public water source, and watershed partners engaged in efforts to protect the Lake and the watershed. The CLWC provides an important forum for stakeholder collaboration and public education on progress and emerging issues. Livingston County has two active programs focused on Conesus Lake and its watershed to assist in the implementation of the CLWMP - the Watershed Management Program (supported by the LCPD) and Watershed Inspection Program

(supported by the LCDOH). The CLWC oversees these two programs, approves annual workplans, and sets priorities. In 2025, the CLWC worked with multiple watershed partners to complete the CLWMP Update.

### **Relevant Programs**

- Conesus Lake Watershed Management Program
- Conesus Lake Watershed Inspection Program

### 1.6.2 Livingston County Department of Health (LCDOH)

**Website:** [www.livingstoncountyny.gov/176/Environmental-Health](http://www.livingstoncountyny.gov/176/Environmental-Health)

**Description:** The Center for Environmental Health, a division of Livingston County Department of Health, provides effective education and inspection programs to help reduce public exposure to environmental hazards, as well as envisioning an informed community living in a safe environment.

### **Relevant Programs**

- Conesus Lake Watershed Inspection Program
- Sewage Disposal and Septic System Program
- Water Supply Protection
- Public Bathing Beach Inspection Program

### 1.6.3 Livingston County Planning Department (LCPD)

**Website:** <https://www.livingstoncountyny.gov/210/Planning-Department>

**Description:** The LCPD promotes the sound and orderly physical growth of Livingston County and its constituent municipalities. LCPD provides technical planning support to the County Administrator and County Board of Supervisors, while carrying out projects and programs designed to improve the County's built and natural environment, physical infrastructure, and the economy. LCPD offers a range of professional services to local municipalities, and other public and private entities in the areas of land use planning, grants, community development, GIS mapping, research and data analysis, and infrastructure development. The LCPD also plays a central role in implementing the CLWMP, and providing primary support to the CLWC and the CLWC Technical Committee.

### 1.6.4 Soil and Water Conservation Districts

**Website:** <https://agriculture.ny.gov/location/livingston-county-swcd-office>

**Description:** Soil and Water Conservation District (SWCD) activities are guided by the State's Soil and Water Conservation Committee, which works closely with the NYSAGM. Programs are listed below.

### **Relevant programs:**

- Agricultural Environmental Management (AEM): AEM is a voluntary, incentive-based program run by county Soil and Water Conservation Districts. The primary goal of AEM is to protect

and enhance the environment while maintaining the viability of agriculture in New York State. The program provides one-on-one assistance to farmers to help them make cost-effective and science-based decisions to help meet business objectives while protecting and conserving natural resources. Farmers work with local AEM resource professionals to develop comprehensive farm plans using a tiered process:

- Tier 1: Inventory current activities, future plans and potential environmental concerns
- Tier 2: Document current land stewardship; assess and prioritize areas of concern.
- Tier 3: Develop conservation plans addressing concerns and opportunities tailored to farm goals.
- Tier 4: Implement plans utilizing available financial, educational and technical assistance.
- Tier 5: Evaluate to ensure the protection of the environment and farm viability

By participating in AEM, farmers can document their environmental stewardship. If a potential environmental concern is identified through the AEM assessment process, farmers can then take steps to plan for and then implement an appropriate course of action through the AEM approach. The AEM assessment, planning and implementation process helps to target limited local, state and federal technical and financial resources to farms with the greatest potential for impacting the environment.

- Stormwater Education: This program offers training on erosion control practices and stormwater pollution prevention to contractors, developers, engineers, highway departments, municipal boards, and code enforcement officers.

## 1.7 Local Government

While laws and policies at the federal, state, regional, and county levels can influence watershed health, municipal governments play an especially important role in watershed planning in New York State, which has a tradition of “home rule” that gives primary control over land use to cities, towns, and villages.

The Conesus Lake watershed includes all or part of seven municipalities in Livingston County:

- Town of Conesus
- Town of Geneseo
- Town of Groveland
- Town of Livonia
- Town of Sparta
- Town of Springwater
- Village of Livonia

The relevant plans, regulations, and programs for each municipality are listed in the next section of this document.

## 2. Local Law Review

This document is a review of land use regulations related to water resource protection for municipalities in the Conesus Lake watershed. Table A-1 below summarizes the land use regulations that are in place and that were reviewed. The recommendations provided below are intended to create consistency across all watershed development activity. Consistent regulations and standards will set clear expectations for residents and developers, help ensure consistent development patterns, and increase the use of best management practices to control point and nonpoint source pollution and protect water resources.

**Table A-1 Inventory of Municipal Land Use Regulations**

Local Planning Document	Town of Conesus	Town of Geneseo	Town of Groveland	Town of Livonia	Town of Sparta	Town of Springwater	Village of Livonia
Comprehensive Plan	2005	2009	No	2005 <sup>b</sup>	<b>2010</b>	<b>2017</b>	2005 <sup>b</sup>
Zoning Regulations (last major update)	<b>2015</b>	<b>2016</b>	1966 - 2009	2010	<b>2020</b>	No	2010
Site Plan Review	Yes	Yes	Yes	Yes	Yes	No	Yes
Subdivision Regulations	Yes	Yes	Yes	Yes	<b>Yes</b>	Yes	Yes
Flood Damage Prevention	2001	2001	Yes	2001	Yes	No	1995
Steep Slope Overlay	Yes	Yes	No	Yes	Yes	No	Yes
Dock and Moorings Law	<b>2021</b>	<b>2021</b>	<b>2018</b>	<b>2010</b>	N/A	N/A	N/A
Sediment and Erosion Control Law	2002 <sup>a</sup>	2006 <sup>a</sup>	2007 <sup>a</sup>	2010 <sup>c</sup>	No	No	2010 <sup>c</sup>
Livingston County Agricultural and Farmland Protection Plan (2006) <sup>b,d</sup>	✓	✓	✓	✓	✓	✓	✓
Agricultural and Farmland Protection Plan	No	<b>2016</b>	2010	No	<b>2018</b>	No	No

Notes:

a. Adopted Model Law

b. Currently being updated

c. Language is incorporated into existing zoning regulation

d. [Agricultural & Farmland Protection Plan | Livingston County, NY - Official Website](#)

**Bold** indicates updates since 2012.

## 2.1 Assessment of Local Land Use Plan, Regulations, and Programs

Municipal assessment forms were completed by Town and Village staff to assist in understanding the law, regulation, or practice that implements best management practices that reduce point and nonpoint source pollutions, protects habitat, and protects water quality (Attachment 2).

### 2.1.1 Zoning

#### *Overlays*

The lakefront towns, including the Town of Conesus, Town of Livonia, Town of Geneseo, and Town of Groveland, each have zoning specific to the lakeshore (Table A-2). The Towns do not currently have overlay districts specific to incorporating additional protections for the lakeshore or water resources. However, the Town of Livonia Zoning Law includes additional provisions to protect natural resources in their Land Conservation regulations. The Town of Livonia provides supplemental maps and guides to determine what special conditions, if any, should be imposed before allowing development to proceed in environmentally sensitive areas. The Town of Livonia Building and Zoning Office should be contacted for site plan review requirements that may apply for development occurring in forests/woodlands, wetlands, along steep slopes, in a floodplain, in a major scenic overlook, along a stream corridor, and in the Conesus and Hemlock Lake watersheds.

All municipalities in the watershed, regardless of the proximity to the lakeshore, could consider adopting a watershed overlay to enhance protections of water resources. For example, the watershed overlay may include a 100-foot buffer around the Lake and the adjoining streams and require that all development comply with the municipality's erosion and sediment control regulations.

#### *Shoreline Setback and Impervious Surface Cover Requirements*

Four municipalities in the watershed directly border the Lake, including the Town of Conesus, Town of Livonia, Town of Geneseo, and Town of Groveland. Due to the nature of the development along the lakefront, the rear setback from the water is minimal. For example, Conesus requires a 10-foot setback and Groveland requires a 5-foot setback in each of the Lake Shore Districts (Table A-2). While there is limited space in single parcels along the Lake, Towns could consider increasing shoreline setbacks in the case of redevelopment. Further, Towns could consider requiring all redevelopment (including single family homes) along the lakeshore to comply with the standards set in the updated Model Erosion and Sediment Control Law, and any incorporated green infrastructure requirements. All watershed municipalities should consider updating their existing erosion and sediment control regulations when the Model Erosion & Sediment Control Law is updated.

The maximum lot coverage in residential districts in each Town varies between 10%-50% (Table A-2). Impervious surface cover, especially in lots adjacent to the Lake and its adjacent streams, negatively impacts water quality. To mitigate negative impacts, municipalities could consider reducing

maximum lot coverage by 5-10% in all residential districts. Furthermore, Towns should review area variance practices and consider reducing the number of area variances granted. While the number of area variances per municipality may seem inconsequential, the cumulative increase in impervious surface across the watershed can negatively impact water quality.

**Table A-2. Zoning Regulations for Residential Districts**

<b>Municipality</b>	<b>Zoning District</b>	<b>Minimum Lot Size</b>	<b>Maximum Lot Coverage</b>	<b>Shoreline Setback</b>
Town of Conesus	Lakeshore <sup>1</sup>	5,000 square feet	35%	10 feet
	Upland Lake	2 acres	35%	N/A
Town of Geneseo	Lakeshore Residential <sup>1</sup>	10,000–30,000 square feet for single-family; 1 acre for Specially Permitted Uses	35%–40%	15 feet
	Lakefront Neighborhood Commercial <sup>1</sup>	30,000	35%–60%	40 feet
	Rural Residential	1-3 acres; 15 acres for golf courses, camps, and farm wineries	25%-25%	N/A
	Low Density Residential	30,000 square feet – 3 acres; 15 acres for farm wineries	10%-35%	N/A
	Highway Residential	1-5 acres; 15 acres for farm wineries	30%-35%	N/A
Town of Groveland	Lake Shore Residential <sup>1</sup>	6,000 square feet	35%	5 feet
	Lake Residential	20,000 square feet	35%	N/A
	Agricultural/Residential	10,000 square feet	35%-50%	N/A
Town of Livonia	Neighborhood Residential <sup>1</sup>	15,000–20,000 square feet, depending on water and sewer availability	25%	30 feet
	Waterfront Development	Determined by Planning Board	40% <sup>2</sup>	-
Village of Livonia	Neighborhood Residential	15,000–20,000 square feet, depending on water and sewer availability	25%	30 feet

Municipality	Zoning District	Minimum Lot Size	Maximum Lot Coverage	Shoreline Setback
Town of Sparta	Agricultural/Residential	60,000 square feet	-	N/A

Note:

1. Lakeshore District: Land directly adjacent to the lake
2. Also has a 30% open space requirement

Zoning regulations contained above are current as of 2025. Refer to Town/Village zoning regulations for greater specificity and further details.

**2.1.2 Erosion and Sediment Control Law**

Three of the municipalities in the Conesus Lake watershed have adopted the Model Erosion and Sediment Control Law created by the LCPD. The law requires an erosion control permit for activity disturbing over 500 square feet of soil and an erosion control plan for activity disturbing over 10,000 square feet of soil. Obtaining an erosion control permit may require a pre-construction meeting with the Code Enforcement Officer and the Conesus Lake Watershed Inspector. Receiving approval for an erosion control plan requires review by the municipality’s planning board so long as the plan meets the performance standards as outlined by the law. The Model Law and corresponding municipal laws could be amended to include stricter requirements for inclusion of green infrastructure measures to further reduce stormwater runoff and improve water quality. Specific recommendations are included in the Green Infrastructure Analysis section below and in Attachment 1.

**2.1.3 Dock and Moorings Law**

The four lakeshore Towns have dock and moorings laws to regulate the use of the shoreline. The Towns of Conesus, Geneseo, and Livonia have similar restrictions in that the regulations allow for one boat for a single lakeshore parcel that is less than 15 lineal feet, 2 boats for a single lakeshore parcel that is 15 to less than 20 lineal feet, and one additional boat for each additional 20 lineal feet of shoreline. One dock is allowed for lineal feet of lakeshore up to 50 feet and one additional dock is allowed for each additional 50 feet of lakeshore. The Town of Groveland Dock and Moorings Law is less restrictive in that it allows for one dock or boat house for each 50 feet of shoreline and two docks or boat houses for each 75 feet of shoreline. Further, it allows for up to four boatslips per dock. The Town of Groveland could consider revising the Dock and Moorings Law to match the Towns of Conesus, Groveland, and Livonia to limit erosion caused by development and wave action and better support shoreline resiliency.

**2.2 Green Infrastructure Gap Analysis & Recommendations**

Each municipality’s zoning regulation was reviewed for green infrastructure or low-impact development provisions. The Model Erosion and Sediment Control Law developed by Livingston County has been adopted by three municipalities in the watershed. This law was also reviewed for

green infrastructure and low-impact development provisions, as well as consistency with each municipality's zoning regulations. Through the review process, it was determined that, generally, municipalities in the watershed do not require green infrastructure or low-impact development measures. For example, landscaping regulations are included in the Towns of Geneseo, Conesus, and Livonia zoning regulations, as well as the Village of Livonia's zoning regulations. These regulations require landscaped buffers, islands, and streetscapes. However, there are limited references to specific measures that treat and reduce stormwater runoff. The Town of Geneseo references stormwater facilities and detention ponds as acceptable substitutes for landscaping but only includes engineered systems as examples.

Each municipality's zoning regulations have some variability in the definitions for lot coverage and impervious surface. These are two key definitions that control how much stormwater infiltrates the ground. Furthermore, none of the zoning regulations include a reference to or definition of green infrastructure. The County Model Erosion and Sediment Control Law lacks a definition for impervious surface, which should be included to align with the zoning regulations. Consistency in the definitions within each municipality's land use regulations and across zoning regulations could facilitate more regular development and consideration for green infrastructure practices, or at the least, less development of impervious surfaces.

The primary purpose of implementing green infrastructure measures is to reduce and treat stormwater runoff through natural measures. The New York State Department of Environmental Conservation (NYSDEC) continuously updates best management practices and educational materials for implementing green infrastructure measures in the Stormwater Management Design Manual<sup>1</sup>. Rather than using local resources to update or create new manuals on stormwater management, municipalities can reference the NYSDEC Stormwater Management Design Manual in each Zoning law/ordinance and the Model Erosion and Sediment Control Law to foster consistency and efficiency throughout the watershed.

Parking lots create a significant amount of impervious surface cover and are typically exposed to pollutants that communities want to prevent from entering nearby waterways. There is an opportunity to amend the parking requirements in each municipality's zoning regulation to require low-impact development and green infrastructure, so long as the measures are feasible based on engineering and site conditions. Examples may include impervious surface reduction, vegetated swales, rain gardens, bioretention facilities, permeable pavers, porous pavements, infiltration facilities, or dry swales. The NYSDEC Stormwater Management Design Manual provides guidance for implementing the most appropriate measure based on site conditions, such as depth to the water table, the available area needed for implementation, and the preferred maximum slope of the area.

To further support implementing green infrastructure and low-impact development best management practices, the County Model Erosion and Sediment Control Law, which has been

adopted by three of the municipalities in the watershed, could be amended to require stricter stormwater management provisions. The law requires an erosion control permit for activity disturbing over 500 square feet of soil and an erosion control plan for activity disturbing over 10,000 square feet of soil. Obtaining an erosion control permit requires a meeting with the Code Enforcement Officer and the Conesus Lake Watershed Inspector. Receiving approval for an erosion control plan requires review by the municipality's planning board so long as the plan meets the performance standards as outlined by the law.

The County Model Erosion and Sediment Control Law could be amended to include provisions for green infrastructure. For example, §79-11 Performance Standards could include requirements for incorporating low-impact development and green infrastructure measures as outlined in the NYSDEC Stormwater Management Design Manual. Referencing the NYSDEC Stormwater Management Design Manual as an appendix in the County Model Erosion and Sediment Control Law will help direct residents and developers to the document, which provides up-to-date educational material and guidance. Other recommended amendments to this law are included in Attachment 1.

## **2.3 Green Infrastructure Emerging Tools & Technologies**

Climate change adaptation and contemporary green infrastructure development involve technological, financial, political, and social support to plan and implement various approaches to landscape protection, flow volume control, and water quality treatment. In addition to incorporating green infrastructure requirements into municipal codes, municipalities must identify the most suitable green infrastructure and stormwater abatement technologies for their needs and determine how to finance them.<sup>ii</sup>

The NYSDEC Stormwater Management Design Manual is regularly updated with site- and neighborhood-specific best management practices to reflect the latest innovations. Advancements in mapping and analysis technologies that have progressed in the last few years will help municipalities and individuals accurately and efficiently plan for incorporating green infrastructure. The EPA and NOAA have developed technologies, toolkits, and models to assist communities in incorporating green infrastructure practices and water management<sup>iii</sup>. The EPA provides downloadable software models that can be used to calculate stormwater flow, analyze soil conditions, and estimate green infrastructure costs in different climate scenarios. The Green Infrastructure Flexible Model is a computer program that can evaluate the performance of green infrastructure practices based on conceptual models. NOAA's Mid-Atlantic Regional Integrated Sciences and Assessments team has published two open-source tools, the Stormwater Management Model (SWMM) and Rhodium (a Python library), to search for and identify green infrastructure vulnerabilities efficiently. These tools help stormwater professionals, community planners, and local decision-makers understand and weigh their green infrastructure options.

Solutions to a lack of municipal resources most commonly include general funds, green bonds, and stormwater fees; these efforts are often tied to community goals, plans, and programs. Minneapolis, MN adopted a stormwater fee structure that bills property owners based on the amount of impervious surface to combat degraded water quality in its communities.<sup>iv</sup> Municipalities can also offer credits, rebates, or discounts for BMPs to incentivize residents and developers to finance green infrastructure. People in communities that provide green infrastructure incentives are more likely to support the maintenance and development of green infrastructure, which results in widespread infrastructure equipped to handle stormwater flows.

## 2.4 County- and Town-Specific Recommendations

### 2.4.1 Livingston County

#### **Documents Reviewed:**

- Model Erosion and Sediment Control Law (2002)

#### **Recommendations for Future Action:**

##### Model Erosion and Sediment Control Law

- Incorporate amendments to the Model Law as indicated in Attachment 1 and encourage all municipalities to adopt the updated Model Law.

### 2.4.2 Town of Conesus

#### **Documents Reviewed:**

- Comprehensive Plan (2005)
- Zoning Law (2015)
- Subdivision Regulations (1974)
- Flood Damage Prevention Law (2001)
- Dock and Moorings Law (2021)
- Erosion and Sediment Control Law (2002)

#### **Recommendations for Future Action:**

##### Zoning Law (2015)

- Amend Article I, §155-3, Definitions with the following:
  - Revise Lot Coverage Definition - The percentage of the lot area covered by IMPERVIOUS SURFACE.
    - Note: When a word is written in all capital letters, it links to another definition in the code. In this case, IMPERVIOUS SURFACE links to the definition – The horizontal area of ground covered by a surface through which water cannot infiltrate, such as buildings, decks, patios, concrete, or asphalt driveways.

- Add Green Infrastructure Definition – Stormwater management features that use plants, soil, or other natural materials to remove pollutants and allow stormwater to absorb back into the ground.
- Amend §155-23, G, Factors for Consideration to include incorporation of low-impact development and green infrastructure measures
- Amend §155-36, Off Street Parking to require low-impact development and green infrastructure measures as identified in the NYSDEC Stormwater Management Design Manual<sup>v</sup>
- Adopt a watershed overlay district and require all development to comply with the Erosion and Sediment Control Law
- Reduce maximum lot coverage by 5-10% for zoning districts in the watershed.

#### Comprehensive Plan (2005)

- Update the Comprehensive Plan to include goals and strategies that guide land use decisions and enhance the protection of water resources

#### Model Erosion and Sediment Control Law

- Adopt the updated Model Law as amended by Livingston County

### 2.4.3 Town of Geneseo

#### **Documents Reviewed:**

- Comprehensive Plan (2009)
- Zoning Law (2016)
- Subdivision Regulations (1977)
- Flood Damage Prevention Law (2001)
- Dock and Moorings Law (2021)
- Erosion and Sediment Control Law (2006)
- Agricultural and Farmland Protection Plan (2016)

#### **Recommendations for Future Action:**

#### Zoning Law (2016)

- Amend Part 6 Terminology, §106-60.2, Definitions with the following
  - Revise Lot Coverage Definition - The percentage of the lot area covered by IMPERVIOUS SURFACE
    - Note: When a word is written in all capital letters, it links to another definition in the code. In this case, IMPERVIOUS SURFACE links to the definition – The horizontal area of ground covered by a surface through which water cannot infiltrate, such as buildings, decks, patios, concrete, or asphalt driveways.
  - Add Green Infrastructure Definition - Stormwater management features that use plants, soil, or other natural materials to remove pollutants and allow stormwater to absorb back into the ground.

- Amend Article 41, Off-Street Parking and Loading Regulations to require low-impact development and green infrastructure measures as identified in the NYSDEC Stormwater Management Design Manual v
- Amend Article 42, Landscaping, Screening, and Buffer Regulations, F, Stormwater Facilities to reference the NYS Stormwater Management Design Manual. Indicate that low-impact development or green infrastructure measures shall be considered as contributing landscaping elements to meet the requirements.
- Adopt a watershed overlay district and require all development to comply with the Erosion and Sediment Control Law
- Reduce maximum lot coverage by 5 to 10% for zoning districts in the watershed.

#### Comprehensive Plan (2009)

- Update the Comprehensive Plan to include goals and strategies that guide land use decisions and enhance the protection of water resources

#### Model Erosion and Sediment Control Law

- Adopt the updated Model Law as amended by Livingston County

### 2.4.4 Town of Groveland

#### **Documents Reviewed:**

- Zoning Ordinance (2009)
- Subdivision Regulations (1988)
- Flood Damage Prevention Law (2000)
- Dock and Moorings Law (2018)
- Erosion and Sediment Control Law (2007)
- Agricultural and Farmland Protection Plan (2010)

#### **Recommendations for Future Action:**

#### Zoning Ordinance (2009)

- Amend Article I, Section 2, Definitions with the following:
  - Add Lot Coverage Definition - The percentage of the lot area covered by IMPERVIOUS SURFACE
    - Note: When a word is written in all capital letters, it links to another definition in the code. In this case, IMPERVIOUS SURFACE links to the definition – The horizontal area of ground covered by a surface through which water cannot infiltrate, such as buildings, decks, patios, concrete, or asphalt driveways.
  - Add Impervious Surface Definition - The horizontal area of ground covered by a surface through which water cannot infiltrate, such as buildings, asphalt driveways or parking areas.

- Add Green Infrastructure Definition - Stormwater management features that use plants, soil, or other natural materials to remove pollutants and allow stormwater to absorb back into the ground.
- Amend the off-street parking sub-section within each district's regulations to require low-impact development and green infrastructure measures as identified in the NYSDEC Stormwater Management Design Manual<sup>v</sup>
- Adopt a watershed overlay district and require all development to comply with the Erosion and Sediment Control Law
- Reduce maximum lot coverage by 5-10% for zoning districts in the watershed.

#### Comprehensive Plan

- Create a Comprehensive Plan to include goals and strategies that guide land use decisions and enhance the protection of water resource

#### Model Erosion and Sediment Control Law

- Adopt the updated Model Law as amended by Livingston County

#### Dock and Moorings Law (2018)

- Consider revising the Dock and Moorings Law to match the Towns of Conesus, Groveland, and Livonia regulations that limit the number of boats as follows: one boat for a single lakeshore parcel that is less than 15 lineal feet, 2 boats for a single lakeshore parcel that is 15 to less than 20 lineal feet, and one additional boat for each additional 20 lineal feet of shoreline.

### 2.4.5 Town of Livonia

#### **Documents Reviewed:**

- Comprehensive Plan (2005)
- Zoning Law (2010)
- Subdivision Regulations (2020)
- Flood Damage Prevention Law (2001)
- Dock and Moorings Law (2007)

#### **Recommendations for Future Action:**

#### Zoning Law (2010)

- Amend Article I, §150-5, Definitions with the following:
  - Revise Lot Coverage Definition - The percentage of the lot area covered by IMPERVIOUS SURFACE
    - Note: When a word is written in all capital letters, it links to another definition in the code. In this case, IMPERVIOUS SURFACE links to the definition – The horizontal area of ground covered by a surface through which water cannot infiltrate, such as buildings, decks, patios, concrete, or asphalt driveways.

- Add Green Infrastructure Definition - Stormwater management features that use plants, soil, or other natural materials to remove pollutants and allow stormwater to absorb back into the ground.
- Amend Article X Off-street Parking, §150-88, Design Standards to require low-impact development and green infrastructure measures as identified in the NYSDEC Stormwater Management Design Manual<sup>v</sup>
- Reduce maximum lot coverage by 5-10% for zoning districts in the watershed.

#### Comprehensive Plan (2005)

- Update the Comprehensive Plan to include goals and strategies that guide land use decisions and enhance the protection of water resources

#### Model Erosion and Sediment Control Law

- Adopt the updated Model Law as amended by Livingston County

### 2.4.6 Village of Livonia

#### **Documents Reviewed:**

- Comprehensive Plan (2005)
- Zoning Law (2010)
- Subdivision Regulations (1998)
- Flood Damage Prevention Law (1995)

#### **Recommendations for Future Action:**

#### Zoning Law (2010)

- Amend Article I, §155-5, Definitions with the following:
  - Revise Lot Coverage Definition - The percentage of the lot area covered by IMPERVIOUS SURFACE
    - Note: When a word is written in all capital letters, it links to another definition in the code. In this case, IMPERVIOUS SURFACE links to the definition – The horizontal area of ground covered by a surface through which water cannot infiltrate, such as buildings, decks, patios, concrete, or asphalt driveways.
  - Add Green Infrastructure Definition - Stormwater management features that use plants, soil, or other natural materials to remove pollutants and allow stormwater to absorb back into the ground.
- Amend Article X Off-street Parking, §150-88, Design Standards to require low-impact development and green infrastructure measures as identified in the NYSDEC Stormwater Management Design Manual<sup>v</sup>
- Adopt a watershed overlay district and require all development to comply with the Erosion and Sediment Control Law
- Reduce maximum lot coverage by 5-10% for zoning districts in the watershed.

### Comprehensive Plan (2005)

- Update the Comprehensive Plan to include goals and strategies that guide land use decisions and enhance the protection of water resources

### Model Erosion and Sediment Control Law

- Adopt the updated Model Law as amended by Livingston County

### 2.4.7 Town of Springwater

#### **Documents Reviewed:**

- Comprehensive Plan (2017)

#### **Recommendations for Future Action:**

### Zoning Law

- Consider the adoption of a Zoning Law that includes provisions for low-impact development and green infrastructure in parking requirements

### Model Erosion and Sediment Control Law

- Consider adopting the updated Model Law as amended by Livingston County

### 2.4.8 Town of Sparta

#### **Documents Reviewed:**

- Comprehensive Plan (2010)
- Zoning Law (2020)
- Erosion and Sediment Control Law (2020)
- Agricultural and Farmland Protection Law (2018)

#### **Recommendations for Future Action:**

### Zoning Law (2020)

- Amend Section 1001, Definitions with the following:
  - Add Lot Coverage Definition - The percentage of the lot area covered by IMPERVIOUS SURFACE
    - Note: When a word is written in all capital letters, it links to another definition in the code. In this case, IMPERVIOUS SURFACE links to the definition – The horizontal area of ground covered by a surface through which water cannot infiltrate, such as buildings, decks, patios, concrete, or asphalt driveways.
  - Add Impervious Surface Definition - The horizontal area of ground covered by a surface through which water cannot infiltrate, such as buildings, asphalt driveways or parking areas.

- Add Green Infrastructure Definition - Stormwater management features that use plants, soil, or other natural materials to remove pollutants and allow stormwater to absorb back into the ground.
- Amend Section 702, Parking to require low-impact development and green infrastructure measures as identified in the NYSDEC Stormwater Management Design Manual<sup>v</sup>
- Adopt a watershed overlay district and require all development to comply with the Erosion and Sediment Control Law
- Reduce maximum lot coverage by 5-10% for zoning districts in the watershed.

#### Comprehensive Plan (2010)

- Update the Comprehensive Plan to include goals and strategies that guide land use decisions and enhance the protection of water resources

#### Model Erosion and Sediment Control Law

- Adopt the updated Model Law as amended by Livingston County

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<sup>i</sup> New York State Department of State, Stormwater Management Design Manual, 2023. Available at: [https://extapps.dec.ny.gov/fs/projects/24-25DraftCGPDesignManual/Manual.SW.CGP.2024-07-31.Design\\_Manual\\_Issued\\_2024-07-31.pdf](https://extapps.dec.ny.gov/fs/projects/24-25DraftCGPDesignManual/Manual.SW.CGP.2024-07-31.Design_Manual_Issued_2024-07-31.pdf)

<sup>ii</sup> Joshua J. Cousins & Dustin T. Hill. (2021). Green infrastructure, stormwater, and the financialization of municipal environmental governance, *Journal of Environmental Policy & Planning*, DOI: 10.1080/1523908X.2021.1893164

<sup>iii</sup> EPA Green Infrastructure Modeling Toolkit, Available at: <https://www.epa.gov/water-research/green-infrastructure-modeling-toolkit> and NOAA Stormwater Management Model and Rhodium, Available at: <https://cpo.noaa.gov/MARISA-PIs-Jordan-Fischbach-Debra-Knopman-and-Klaus-Keller-co-authored-a-publication-for-their-new-green-infrastructure-planning-open-source-tool/>

<sup>iv</sup> Regional Plan Association (RPA). (2012). 9 Ways to Make Green Infrastructure Work for Towns and Cities. <https://s3.us-east-1.amazonaws.com/rpa-org/pdfs/RPA-9-Ways-to-Make-Green-Infrastructure-Work.pdf>

<sup>v</sup> Example language for consideration in revising parking requirements: Designs for all new parking lots of more than 10 spaces shall follow a low-impact development (LID) approach with respect to stormwater management. Through the application of green infrastructure techniques, parking lot designs shall incorporate stormwater management systems that treat and reduce the water quality and runoff reduction volumes to the maximum extent practicable. The required water quality and minimum runoff reduction volumes shall be calculated in accordance with the methodology provided in the latest version of the New York State Department of Environmental Conservation (NYSDEC) Stormwater Management Design Manual which shall serve as the basis of design for all stormwater calculations and proposed best management practices (BMP) designs.

Any LID technique identified in the NYSDEC Stormwater Management Design Manual may be utilized in the stormwater management designs. Acceptable LID techniques may include impervious surface reduction, vegetated swales, rain gardens, bioretention facilities, permeable pavers, porous pavements, infiltration facilities or dry swales. Cisterns and gray water systems that recycle and reuse stormwater runoff may also be utilized in the design. Creative solutions that provide equivalent treatment and/or runoff reduction may be utilized if acceptable to the Planning Board.

Source: *City of Watertown, NY, Zoning Ordinance, Chapter 310 Zoning, 2023.*