

# Memo

**To:** Jim Brasley, Chairman, Planning Board; Ken Rainis, Chairman, Conservation Board, Al Chesonis, Chairman, Recreation & Parks Advisory Board; Ann Parks, Chair, Historical Architecture Commission; Jerry Leone, Chair, Sustainability Advisory Board

**From:** Janelle Reed, Town Clerk

**CC:** Ciaran Hanna, Joe LaFay, Lori Stid

**Date:** 11/9/2023

**Re:** Creation of the Erie Canal Conservation Overlay District

---

At the November 8, 2023 Town Board meeting the Town Board held a Public Hearing on the creation of the Erie Canal Conservation Overlay District (ECCO).

The Town proposes to create the Erie Canal Conservation Overlay District to provide for the maintenance and safeguarding of the canal as a critical resource for the Town's future and sustainability. The overall intent is to implement the vision, goals, and recommendations of the Comprehensive Plan and other local plans and studies focused on the protection of the natural and cultural resources, including mature trees and vegetation, historic landmarks, recreational opportunities, public access points, trails, and scenic views along the Erie Canal.

The Town Board is now referring the application to the Conservation Board, Planning Board, the Historical Architecture Committee, the Sustainability Board and the Recreation and Parks Advisory Board for review and recommendations.

Thank you,

Janelle



## PUBLIC WORKS

### TOWN OF PERINTON

100 COBB'S LANE ■ FAIRPORT, NEW YORK 14450-8617  
(585) 223-5115 ■ Fax: (585) 223-0448 ■ [www.perinton.org](http://www.perinton.org)

---

## MEMORANDUM

---

To: Jason Kennedy, P.E., Commissioner of Public Works

From: Michael S. Doser, MPA, AICP

Date: Sept., 19, 2023

**Re: Order for Hearing request on Erie Canal Conservation Overlay District**

I am requesting an Order for Hearing on the following proposed code modification.

The Town, in conjunction with Colliers Engineering and Design (formerly Bergmann), developed a set of standards to ensure the Erie Canal corridor remains a treasured amenity for Town of Perinton residents and visitors. The Comprehensive Plan update (2021) supported this initiative.

The Town proposes to create the Erie Canal Conservation Overlay District to provide for the maintenance and safeguarding of the canal as a critical resource for the Town's future and sustainability. The overall intent is to implement the vision, goals, and recommendations of the Comprehensive Plan and other local plans and studies focused on the protection of the natural and cultural resources, including mature trees and vegetation, historic landmarks, recreational opportunities, public access points, trails, and scenic views along the Erie Canal.

Specifically, the Town aims to: preserve natural, scenic, and historic values along the Erie Canal; preserve woodlands, wetlands, and other green space; provide public access to, and recreational use of, the canal, public lands and public resources for boaters, pedestrians, bicyclists, and other canal users; use vegetation and green infrastructure to help reduce the velocity and volume of stormwater runoff entering the Erie Canal; and regulate uses and structures along the Erie Canal to avoid increased erosion and sedimentation and improve water quality; encourage land uses that take advantage of the Town's location on the canal to provide amenities for residents and visitors in a manner that complements, not competes with or detracts from, the canal's aesthetic, environmental, economic, and cultural value.

Thank you for your consideration.

# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>							
Town of Perinton, Department of Planning, 100 Cobb's Lane, Fairport, NY 14450							
Name of Action or Project: Erie Canal Conservation Overlay District							
Project Location (describe, and attach a location map): Town of Perinton, NY							
Brief Description of Proposed Action:  The Town proposes to create the Erie Canal Conservation Overlay District to provide for the maintenance and safeguarding of the canal as a critical resource for the Town's future and sustainability. The overall intent is to implement the vision, goals, and recommendations of the Comprehensive Plan and other local plans and studies focused on the protection of the natural and cultural resources, including mature trees and vegetation, historic landmarks, recreational opportunities, public access points, trails, and scenic views along the Erie Canal.							
Name of Applicant or Sponsor:  Michael S. Doser, MPA, AICP		Telephone: (585) 223-0770  E-Mail: mdoser@perinton.org					
Address: 100 Cobb's Lane							
City/PO: Fairport		State: NY	Zip Code: 14450				
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">NO</td> <td style="text-align: center;">YES</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </table>	NO	YES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
NO	YES						
<input type="checkbox"/>	<input checked="" type="checkbox"/>						
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">NO</td> <td style="text-align: center;">YES</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input type="checkbox"/>	<input type="checkbox"/>						
3. a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres							
4. Check all land uses that occur on, are adjoining or near the proposed action: <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland							

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input type="checkbox"/>	<input type="checkbox"/>
_____		
_____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
_____		
_____		
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
_____		
_____		
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
_____		
_____		
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor/name: <u>Michael S. Doser, MPA, AICP</u> Date: <u>9/15/23</u>		
Signature: _____ Title: <u>Director of Planning</u>		



Project:

Date:

## *Short Environmental Assessment Form*

### *Part 2 - Impact Assessment*

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Project:

Date:

### ***Short Environmental Assessment Form***

#### ***Part 3 Determination of Significance***

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

The proposed code addition is administrative in nature, and will not result in a significant adverse environmental impact. All significant physical projects will be subject to site plan approval from the Planning Board, at which time, the specifics of environmental impacts for each project will be evaluated through the SEQR process.

- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- ☒ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Town of Perinton Town Board

Name of Lead Agency

Ciaran T. Hanna

Print or Type Name of Responsible Officer in Lead Agency

Signature of Responsible Officer in Lead Agency

Date

Town Supervisor

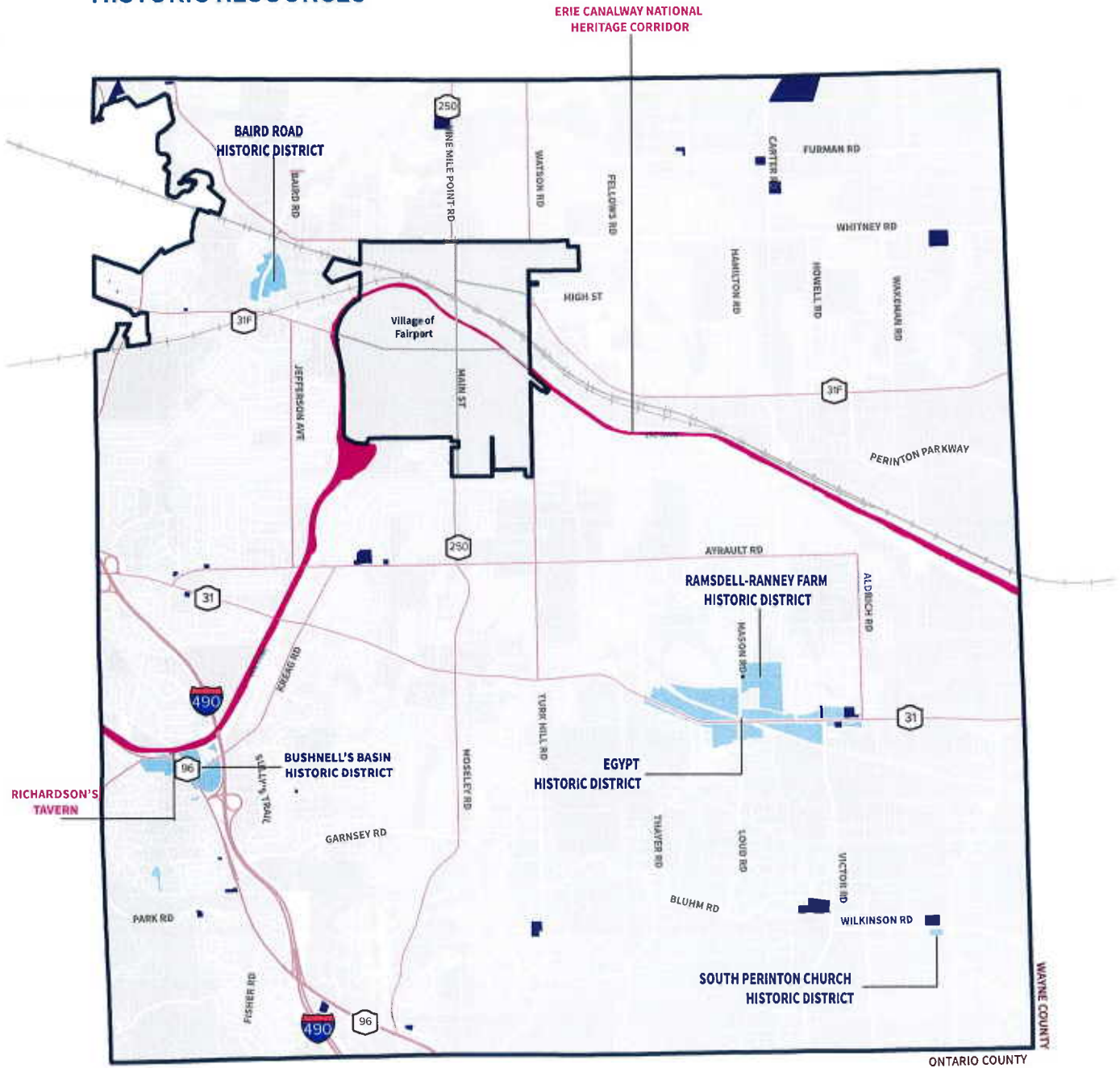
Title of Responsible Officer

Michael S. Doser, MPA, AICP

Signature of Preparer (if different from Responsible Officer)

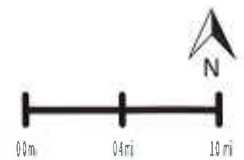
**PRINT FORM**

## HISTORIC RESOURCES



### LEGEND

- Erie Canalway National Heritage Corridor
- Perinton Designated Historic Landmark
- Perinton Designated Historic District







## **TOWN OF PERINTON**

100 COBB'S LANE ■ FAIRPORT, NEW YORK 14450-8617  
(585) 223-5115 ■ Fax: (585) 223-0448 ■ [www.perinton.org](http://www.perinton.org)

### **PUBLIC WORKS**

---

## **NARRATIVE DESCRIPTION**

---

The Town proposes to create the Erie Canal Conservation Overlay District to provide for the maintenance and safeguarding of the canal as a critical resource for the Town's future and sustainability. The overall intent is to implement the vision, goals, and recommendations of the Comprehensive Plan and other local plans and studies focused on the protection of the natural and cultural resources, including mature trees and vegetation, historic landmarks, recreational opportunities, public access points, trails, and scenic views along the Erie Canal. Specifically, the Town aims to: preserve natural, scenic, and historic values along the Erie Canal; preserve woodlands, wetlands, and other green space; provide public access to, and recreational use of, the canal, public lands and public resources for boaters, pedestrians, bicyclists, and other canal users; use vegetation and green infrastructure to help reduce the velocity and volume of stormwater runoff entering the Erie Canal; and regulate uses and structures along the Erie Canal to avoid increased erosion and sedimentation and improve water quality; encourage land uses that take advantage of the Town's location on the canal to provide amenities for residents and visitors in a manner that complements, not competes with or detracts from, the canal's aesthetic, environmental, economic, and cultural value.

# TOWN OF PERINTON

## DRAFT

ERIE CANAL CONSERVATION  
OVERLAY (ECCO) DISTRICT



## ARTICLE IX.1 ERIE CANAL CONSERVATION OVERLAY (ECCO) DISTRICT

### § 208-52.1 PURPOSE & INTENT

- A.** The purpose of the Erie Canal Conservation Overlay (ECCO) District is to provide for the maintenance and safeguarding of the canal as a critical resource for the Town's future and sustainability. The Erie Canal was a key contributor to the Town's establishment as a transportation and industrial hub in the 1800s. Today, this feature has transformed into a cultural resource of the Town, supporting a wide range of recreational activities and tourism opportunities, contributing to the integrity of the community's character and its viewshed along the Erie Canal.
- B.** The legislative intent of the ECCO District is to implement the vision, goals, and recommendations of the Town of Perinton Comprehensive Plan and other local plans and studies focused on the protection of the natural and cultural resources, including mature trees and vegetation, historic landmarks, recreational opportunities, public access points, trails, and scenic views along the Erie Canal.
- C.** To accomplish this, the ECCO District includes specific development regulations to support the following objectives:
  - (1) Preserve the natural, scenic, and historic value along the Erie Canal.
  - (2) Preserve woodlands, wetlands, and other green space adjacent to the Erie Canal.
  - (3) Provide public access to, and recreational use of, the canal, public lands and public resources for boaters, pedestrians, bicyclists, and other canal users.
  - (4) Use vegetation and green infrastructure to help reduce the volume of stormwater runoff entering the Erie Canal.
  - (5) Regulate uses and structures along the Erie Canal to avoid increased erosion and sedimentation and improve water quality.
  - (6) Encourage land uses that take advantage of the Town's location on the canal to provide amenities for residents and visitors in a manner that complements, not competes with or detracts from, the canal's aesthetic, environmental, economic, and cultural value.

§ 208-52.2 APPLICABILITY

- A. District Boundaries.** The ECCO District shall include the entire length of the Erie Canal in the Town of Perinton and all lands on each side that are 200 feet from the waterside top of bank of the Canal.
- B. Uses Subject to Regulation.** The requirements of this Article shall apply to all residential, nonresidential, and mixed use developments within the ECCO District area, unless otherwise noted herein.
- C. Conflict with Other Regulations.** Where the provisions of this Article may conflict with other local, state, and federal laws, rules, and regulations, the most restrictive shall apply.

§ 208-52.3 USE, DIMENSIONAL, & BULK REQUIREMENTS

- A. Permitted Uses.** Permitted, specially permitted, and accessory uses within the ECCO District shall be those set forth in the underlying zoning district.
- B. Dimensional and Bulk Requirements.** The dimensional and bulk requirements of the ECCO District shall be those set forth in the underlying zoning district. The following setback requirements from the canal shall also apply:
  - (1) Principal Buildings (Residential) – Minimum 50 feet from the canal right-of way.
  - (2) Principal Buildings (Nonresidential) – Minimum 100 feet from the canal right-of way.
  - (3) Accessory Buildings – Minimum 20 feet from the canal right-of way.
  - (4) Parking Areas, Driveways, and Public Streets – Minimum 100 feet from the waterside top of bank of the canal.

§ 208-52.4 REVIEW PROCESS & CRITERIA

- A. Site Plan Review Required.** No use may be established, permit issued, or construction, development, or site improvement activity may commence in the ECCO District without first obtaining site plan review and approval in accordance with Article X (Site Plan Approval and Special Permits), unless otherwise exempted by §208-53 A(1).
- B. Internal Referral.**
  - (1) The Planning Board may refer all site plan review applications to the following applicable review bodies for comment and advisement, at its discretion:
    - a. Conservation Board
    - b. Historic Architecture Commission
    - c. Recreation and Parks Advisory Board



- (2) The review and consideration of referrals may be conducted at any regularly scheduled or special meeting of the receiving body.
- (3) The findings and recommendations of the receiving body shall be based on the requirements and review criteria of this Article and all other applicable sections of the Town of Perinton Code. A written summary of said findings shall be provided to the Planning Board for their consideration within 45 days of referral.
- (4) The Planning Board may also refer applications to other boards, committees, departments, or officials for review, comment, and advisement when deemed necessary.

**C. Professional Referral.**

- (1) The Planning Board may seek the opinion of any engineering, architectural, historical, planning, technical, environmental, legal consultant or attorney, or other expert or professional to aid in the review of an application when such expertise is deemed necessary for an adequate and informed review.
- (2) The applicant shall reimburse the Town for any costs incurred as part of such professional review in accordance with Town procurement policies.

**D. Other Applicable Reviews.** Uses and development activities in the ECCO District may also be subject to additional review and approval procedures, including but not limited to:

- (1) Special Permits (§208-53)
- (2) Limited Development District (Article VIII)
- (3) Floodplain Development Permits (Chapter 138. Flood Damage Prevention)
- (4) Certificates of Appropriateness (Chapter 149. Historic Preservation)
- (5) Subdivision of Land (Chapter 182)
- (6) Environmental Review (Chapter 117)
- (7) Erosion and Sediment Control (Chapter 119)

**§ 208-52.5 VEGETATION**

**A. Appropriateness of Species.**

- (1) All plant material, including grasses, shall be compatible with the soil conditions on-site and regional climate in accordance with those appropriate for the Town of Perinton's Plant Hardiness Zone (Zone 6a) as defined by the United States Department of Agriculture, including any amendments thereto.
- (2) Native species shall be utilized to the greatest extent possible. However, under no circumstance shall any site include plant material that is considered by the NYS



Department of Environmental Conservation to be an invasive species per NYS Law 6 CRR-NY V C 575, including any amendments thereto.

- B. Suggested Species.** The following table is a list of suggested species by plant type. However, this list shall not preclude the use of other appropriate plant material in accordance with Subsection A above.

<b>Trees</b>
<ul style="list-style-type: none"> <li>• Red Maple (Acer Rubrum)</li> <li>• River Birch (Betula Nigra)</li> <li>• Thornless Honeylocust (Gleditsia Triacanthos 'Inermis')</li> <li>• White Oak (Quercus Alba)</li> <li>• Eastern White Pine (Pinus Strobu)</li> </ul>
<b>Ornamental Trees</b>
<ul style="list-style-type: none"> <li>• Eastern Redbud (Cercis Canadensis)</li> <li>• Flowering Dogwood (Cornus Florida)</li> </ul>
<b>Shrubs</b>
<ul style="list-style-type: none"> <li>• Gray Dogwood (Cornus Racemosa)</li> <li>• Red Dogwood (Cornus Sericea)</li> <li>• Witch Hazel (Hamamelis Virginiana)</li> <li>• Staghorn Sumac (Rhus Typhina 'Tiger Eyes')</li> </ul>

**C. Removal of Vegetation.**

- (1) Except for actions listed in subsection C(2), no property owner or developer shall be permitted to remove the following:
  - a. Existing vegetation within 50 feet of the high-water mark of the canal.
  - b. More than 33% of trees on-site having a caliper of six inches or greater, measured four feet above grade,
- (2) The following actions shall be exempt from this section:
  - a. The removal of vegetation from a single-family lot, unless such removal is a part of grading activities that impact 5,000 square feet or more of area.
  - b. The removal of trees for sale in the ordinary course of business from horticultural properties, such as farms, nurseries, or orchards.
  - c. The removal of vegetation in accordance with local, state, and federal policies for the ordinary maintenance and keeping of public and utility rights-of-way.

- D. Tree Inventory.** All site plan review applications for property in the ECCO District shall include a tree inventory identifying the size, species, and location of all existing trees having

a caliper of six inches or greater at four feet above natural grade. Such inventory shall denote each tree to be saved or removed.

**E. Tree Replacement Plan.** All site plan review applications shall also include a tree replacement plan in accordance with the following:

- (1) Every living and healthy tree identified in the tree inventory which is designated to be removed shall be replaced with one or more new trees. Such replacement trees shall be of an appropriate species with a minimum caliper of three inches, measured four feet above grade.
- (2) The total caliper of replacement trees, measured at six inches above grade, shall equal or exceed the caliper of the removed trees, measured four feet above grade.
- (3) Replacement trees shall be in addition to the tree planting requirements otherwise set forth in the Town of Perinton Code.
- (4) All replacement trees shall have deer protection to prevent bark damage without the use of chemicals. Said deer protection shall remain in place at least 18 months from post-construction.

**F. NYS Canal Corporation Earthen Embankment Integrity Program (EEIP).**

- (1) All activities within the Erie Canal embankment should consult the NYS Canal Corporation EEIP for further guidance on vegetation planting and removal.
- (2) Where removal of vegetation is proposed as part of a NYS Canal Corporation or NYS Power Authority project, it is expected that the Town of Perinton will be informed and consulted in accordance with the EEIP. As part of this process the Town of Perinton will hold at least one public meeting to inform the community of the project and allow for public comment.

## **§ 208-52.6 DESIGN & DEVELOPMENT STANDARDS**

**A. Pedestrian and Bicyclist Accommodations.**

- (1) Bicycle Parking.
  - a. Bicycle parking shall be required of all development at a rate of at least 10% of vehicle parking requirements.
  - b. This requirement shall not apply to properties where there are publicly provided or shared bicycle parking facilities within 500 feet of the use.
- (2) Pedestrian Connectivity.
  - a. Development shall have a clearly identified pedestrian pathway from the parking spaces to building entrances and uses on site.
  - b. Pedestrian connections to the public sidewalk shall also be required, where abutting an existing off-site sidewalk network.

- c. Pedestrian paths shall be distinguished from the parking area by a change in grade, change in pavement material, or protective barrier.
- (3) Wayfinding. Wayfinding signage shall be provided, helping to direct users of pedestrian and bicyclist paths to connections and other destinations in the area.

**B. Open Space.**

- (1) Minimum areas of open space and greenspace shall be provided at the rate required by the underlying zoning district or 30%, whichever is greater. Open space and green space areas need not be contiguous but shall be of a useable size and area deemed appropriate by the reviewing body.
- (2) Open spaces, green spaces, public preserves, parklands, vegetative buffers, and other such natural areas shall be retained and established as required by this Chapter.
- (3) Stormwater management facilities and green infrastructure, such as detention ponds or bioswales, shall not be considered open space for the purposes of this Chapter unless they are designed to be a multi-functional, productive, working landscape that serves local environmental, aesthetic, and/or recreational benefits.
- (4) Passive Recreation Space.
  - a. Open space and greenspace areas may be used for passive recreation activities, such as walking trails, picnic areas, gardens, preserves, or similar uses, provided the lands are preserved in their natural state to the greatest extent practicable.
  - b. Buffer areas may be used for passive recreation activities and may contain bicycle or pedestrian pathways, provided such activities do not compromise the primary buffering function of such areas.
- (5) Additional Designation of Open Space. The Planning Board, as part of site plan review, may require the reservation or creation of open space more than the minimum requirements herein, provided such designation is determined to be:
  - a. Consistent with the Town's adopted plans and studies with respect to environmental conservation and improving public use of and access to green spaces, recreational areas, parks, trails, and the Erie Canal;
  - b. Necessary for the protection and preservation of natural resources, local habitats, wildlife, native species, woodlots, wetlands, steep slopes, and/or shoreline stabilization; and
  - c. A significant benefit to the health, safety, and general welfare of the public, relative to the burden placed upon the property owner and/or developer in preserving, maintaining, and/or programming such areas.

§ 208-52.7 HISTORIC & CULTURAL RESOURCES

- A. Purpose.** The purpose of this section is to apply specific review and approval criteria to the ECCO District area that serve to protect and enhance the Town's existing historic and cultural resources.
- B. Applicability.** These criteria shall apply to all buildings, structures, and lots located within and immediate adjacent to properties listed on the State and National Registers of Historic Places and those otherwise recognized and designated by the Historic Architectural Commission in accordance with Chapter 149. This includes, but is not limited to the:
  - (1) Erie Canalway National Heritage Corridor
  - (2) Bushnell's Basin Historic District
- C. Review Criteria.** In determining the appropriateness of ECCO District applications, findings shall be made based on the application's achievement of the following objectives:
  - (1) Conservation of distinctive historic buildings, landmarks, and districts.
  - (2) Compatibility with the architectural character of existing historic structures, reflecting similar form, massing, scale, and architectural detailing.

§ 208-52.8 COMMUNITY BENEFITS

**A. Canalfront Use and Access.**

- (1) Docks, boat mooring slips, boat launching structures and boat storage structures may be permitted.
- (2) Not more than one boat mooring slip shall be permitted per dwelling unit.
- (3) Development shall not prohibit, interfere with, hinder or discourage the public use of the Erie Canal Trail.
- (4) Development shall provide opportunities for trail linkages between the Erie Canal Trail and existing or proposed pedestrian walkways.

- B. Public Restrooms.** Developments with facilities intended for use by the general public shall include public restrooms maintained by the property owner.

- C. Recreational Facilities.** All development shall provide recreational facilities for the use and enjoyment of residents and/or visitors. ADA accessible pedestrian connectivity shall be provided between all recreational facilities and adjacent buildings and uses. Permissible recreational facilities include the following. Alternate facilities may be permitted with Planning Board approval.

- (1) Kayak or Boat Launches
- (2) Scenic Overlooks

- (3) Natural Wildlife Preserves
- (4) Passive or Active Park Lands
- (5) Trails

**D. Public Gathering Places.** All developments intended to use by the general public shall include a public gather space in accordance with the following:

- (1) All public gathering spaces shall be designed to safely provide pedestrians with ingress and egress, shall be adequately lit, and shall be ADA compliant. Adequate seating and trash receptacles shall be provided.
- (2) Such gathering space shall be conveniently located and accessible from all adjacent buildings.
- (3) The gathering space shall not be used for parking, loading, or vehicular access, except emergency and maintenance vehicular access.





# Erie Canal Conservation Corridor Overlay (ECCO)

Fall 2023

Michael S. Doser, MPA, AICP  
Director of Planning

# ECCO & Comprehensive Plan



- Goal and Actions from 2021 Comprehensive Plan
  - Ensure future development on environmentally sensitive lands, active agriculture lands, and locations with limited available utilities is context sensitive.
    - Evaluate the creation of an Erie Canal Development Overlay District with tailored design standards to allow for appropriate multi-lot, multi-family development and nonresidential uses along the Canal.
    - Develop standards and criteria to establish a Erie Canal Scenic and Cultural Overlay District to help protect the viewshed along the canal.

# ECCO Purpose & Intent



- Purpose
  - ...To provide for the maintenance and safeguarding of the canal as a critical resource for the Town's future and sustainability.
- Legislative intent
  - ...To implement the vision, goals, and recommendations of the Comprehensive Plan and other local plans and studies focused on the protection of the natural and cultural resources, including mature trees and vegetation, historic landmarks, recreational opportunities, public access points, trails, and scenic views along the Erie Canal.

# ECCO Objectives



- Preserve natural, scenic, and historic values along the Erie Canal.
- Preserve woodlands, wetlands, and other green space.
- Provide public access to, and recreational use of, the canal, public lands and public resources for boaters, pedestrians, bicyclists, and other canal users.
- Use vegetation and green infrastructure to help reduce the velocity and volume of stormwater runoff entering the Erie Canal.

## ECCO Objectives (cont'd)



- Regulate uses and structures along the Erie Canal to avoid increased erosion and sedimentation and improve water quality.
- Encourage land uses that take advantage of the Town's location on the canal to provide amenities for residents and visitors in a manner that complements, not competes with or detracts from, the canal's aesthetic, environmental, economic, and cultural value.

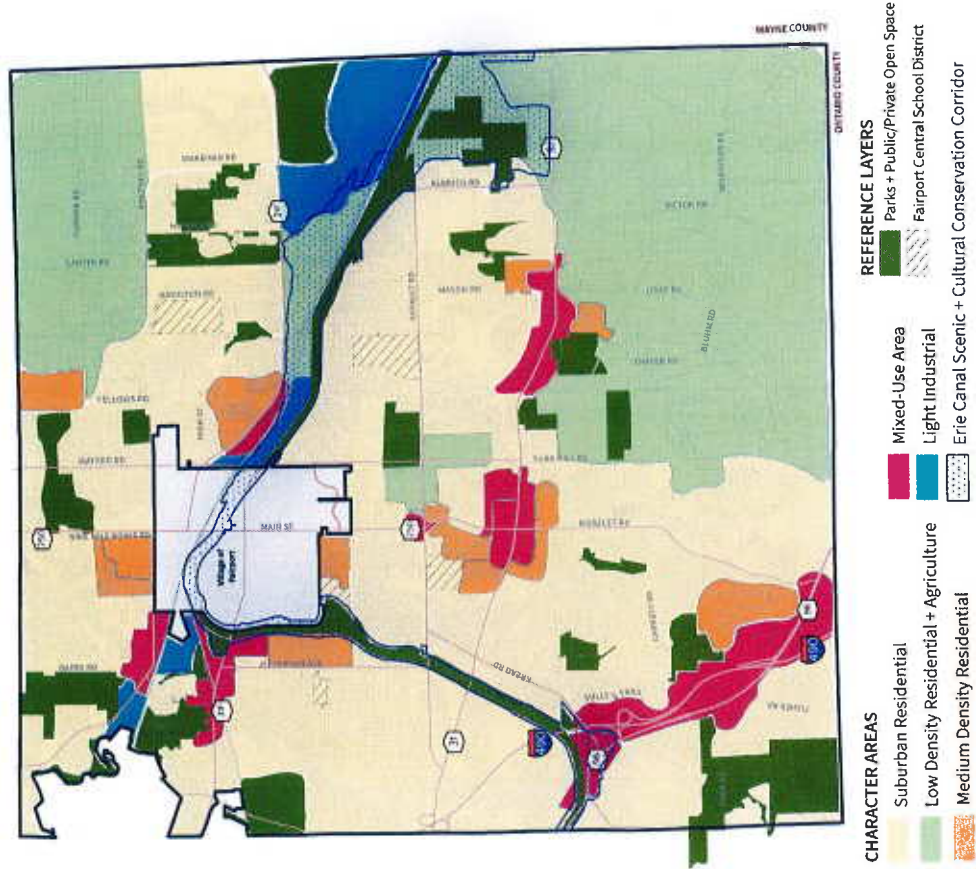


# ECCO Overlay Specifics



- ...Entire length of Canal and all lands on each side that are 200 feet from the waterside top of bank of the Canal.
- Permitted Uses
  - Those set forth in the underlying zoning district.
- Dimensional & Bulk Requirements from canal right-of-way (unless noted)
  - Principal Buildings (Residential) – Minimum 50 feet
  - Principal Buildings (Nonresidential) – Minimum 100 feet
  - Accessory Buildings – Minimum 20 feet
  - Parking Areas, Driveways, and Public Streets – Minimum 100 feet from the top of bank of the canal

# FUTURE LAND USE PLAN



# ECCO Overlay Specifics (cont'd)



- Site Plan Approval required unless exempt in 208-53A(1)
  - One- or two-family dwelling/properties in approved subdivisions outside of Residential Sensitive
  - Most agricultural structures
- Planning Board may refer application to:
  - Historic Architecture Commission
    - Projects located adjacent to Erie Canalway are subject to Chapter 149 of Town Code "Historic Preservation"
  - Conservation Board
  - Recreation & Parks Advisory Board

## ECCO Overlay Specifics (cont'd)



- § 208-52.4C(4): “The Planning Board may also refer applications to other boards, committees, departments, or officials for review, comment, and advisement when deemed necessary.”

# ECCO Vegetation



- Appropriateness of Species.

- All plant material shall be compatible with the soil conditions on-site and regional climate in accordance with those appropriate for Perinton's Plant Hardiness Zone (Zone 6a) as defined by the United States Department of Agriculture, including any amendments thereto.

- Removal of Vegetation

- No property owner shall be permitted to remove existing vegetation within 50 feet of canal high-water mark or more than 33 percent of trees with minimum six-inch caliper.



## ECCO Vegetation (cont'd)



- Exemptions
  - Single-family lots exempt unless impacting area 5,000 sf or more.
  - Horticultural properties such as farms, nurseries, orchards.
  - Ordinary maintenance and keeping of public and utility rights-of-way.
- Tree Inventory is required for all site plan applications
- Tree Replacement Plan is required for all site plan applications

## ECCO Vegetation (cont'd)



- NYS Canal Corporation Earthen Embankment Integrity Program (EEIP)
  - Where removal of vegetation is proposed as part of a NYS Canal Corporation or NYS Power Authority project, it is expected that Perinton will be informed and consulted in accordance with the EEIP. As part of this process, Perinton will hold at least one public hearing to inform the community of the project and allow for public comment.

# ECCO Additional Considerations



- Pedestrian & Bicyclist Accommodations
  - Bicycle Parking
  - Pedestrian Connectivity
  - Wayfinding
- Open Space Requirements
  - Underlying zoning or 30 percent, whichever is greater
  - Passive Recreation Space
  - Additional designation of open space
- Historic & Cultural Resources
  - HAC criteria for buildings, structures and lots (Chapter 149)

# ECCO Community Benefits



- Canalfront Use
  - Docks
  - Development shall not impact public use of Erie Canal Trail
  - Opportunities for trail linkage with existing or proposed pedestrian walkways
- Public restrooms by property owner if property is intended for public
- Recreational facilities for residents/visitors
  - Kayak/boat launches
  - Scenic overlooks
  - Natural wildlife preserves
  - Passive/active park lands
  - Trails

## ECCO Community Benefits (cont'd)

- Public Gathering Places
  - ADA compliant
  - Conveniently located from all adjacent buildings





