



Chapter 208. Zoning  
Article II. Definitions; Word Usage  
§208-8. Definitions.

Canal Right of Way -- The limits of all lands and waters forming a part of the canal system that is owned by New York State.

## 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, or one-half the structural height of the embankment beyond the toe of the downstream embankment slope, whichever is greater.
  - (2) Principal Buildings (Nonresidential) – Minimum 100 feet from the canal right-of way, or one-half the structural height of the embankment beyond the toe of the downstream embankment slope, whichever is greater.
  - (3) Accessory Buildings – Minimum 20 feet from the canal right-of way, or one-half the structural height of the embankment beyond the toe of the downstream embankment slope, whichever is greater.
  - (4) Parking Areas, Driveways, and Public Streets – Minimum 100 feet from the waterside top of bank of the canal.
  - (5) Stormwater Management Areas – A buffer between embankment toe of slope and stormwater management areas to be determined by NYS Canal Corporation.

## §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(I) or undertaken by a state entity having jurisdiction over or custody of property in the ECCO District.
- B. Internal Referral.
- (1) The Planning Board shall refer all site plan review applications to the Historic Architecture Commission for a Certificate of Appropriateness in accordance with § 208-52.7.
  - (2) 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. Recreation and Parks Advisory Board
    - c. The Planning Board may also refer applications to other boards, committees, departments, or officials for review, comment, and advisement when deemed necessary.
  - (3) The review and consideration of referrals may be conducted at any regularly scheduled or special meeting of the receiving body.
  - (4) 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 consideration.
- 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.

Trees
•Red Maple (Acer Rubrum)
•River Birch (Betula Nigra)
•Thornless Honeylocust (Gleditsia Triacanthos 'Inermis')
•White Oak (Quercus Alba)
•Eastern White Pine (Pinus Strobu)
Ornamental Trees
•Eastern Redbud (Cercis Canadensis)

•Flowering Dogwood (Cornus Florida)
Shrubs
•Gray Dogwood (Cornus Racemosa)
•Red Dogwood (Cornus Sericea)
•Witch Hazel (Hamamelis Virginiana)
•Staghorn Sumac (Rhus Typhina ‘Tiger Eyes’)

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 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). A work permit issued by the Canal Corporation will be required for removal of vegetation within the Canal Corporation jurisdiction.

- (1) All activities on Barge Canal Lands shall adhere to the NYS Canal Corporation EEIP and NYSCC regulations.
- (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 greenspaces, 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. A permit application must be submitted and approved by the NYSCC prior to the construction or installation of boating facilities and other infrastructure on Canals property.

(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 for 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.